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Note: An index of FAPM Letters was provided with the document release. The index has an apparent error having two different entries for FAPM 950-1: Fund Raising Within FAA which is provided, and Savings Bond Program which appears to be in error as there is another FAPM letter (FAPM Letter 1062) of that title provided. Additionally FAPM Letter 352-1, Reemployment, Restoration and Return Rights was provided but is not mentioned in the index. It appears at the end of this file.

Source of document: CDC/ATSDR  
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U.S. Department  
of Transportation

**Federal Aviation  
Administration**

**SEP 08 2017**

Assistant Administrator for  
Human Resource Management

800 Independence Avenue, S.W.  
Washington, D.C. 20591

Re: Freedom of Information Act (FOIA) Request 2017-007620

This letter is in response to your February 13, 2017 FOIA request seeking an electric/digital copy of the FAA's FAPM Letters (Federal Aviation Personnel Manual Letters).

A search was performed on July 11, 2017 by the Office of Human Resource Management, Policy and Compliance Division and enclosed are 203 pages of records responsive to your request.

If you owe fees for the processing of this request, an invoice containing the amount due and payment instructions will be enclosed.

You have the right to seek assistance from the FAA FOIA Public Liaison via phone (202-267-7799) or email (7-AWA-ARC-FOIA@faa.gov) noting FOIA Public Liaison in the Subject.

Sincerely,

Annie B. Andrews  
Assistant Administrator  
for Human Resource Management

Enclosures

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# FAPM Letter 230-1 Military Reserve Program



This establishes procedures and assigns responsibilities for identifying key Federal Aviation Administration (FAA) employees who are members of the Military Reserve. The objective is to eliminate FAA/military dual dependence on key employees during a time of national emergency.

This issuance incorporates revised screening criteria prescribed in Department of Defense (DOD) Directive 1200.7, Screening the Ready Reserve, and Federal Preparedness Circular 11, Federal Employees Who are Military Reservists or Retired Military Personnel Subject to Recall. Annual screening for mobilization availability will include members of the Ready Reserve, the standby Reserve, the Retired Reserve, and persons retired from regular military service. Authority to recall these members to active military duty and circumstances under which they can be recalled vary by each category of reservist and retiree.

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#### APPENDIX 1. FAA KEY POSITIONS

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1. **DEFINITION.** The following definitions shall be used in determining which positions and employees are key to emergency operations:

- a. **Key position.** A full-time position which (1) is necessary to the mobilization or emergency functions of the FAA, (2) is essential to the continuity of operations or to the leadership of the agency, and (3) is in a skill or discipline that has a current shortage of qualified Employees and requires a minimum of 90 days' specialized training or experience on the job. Appendix 1, FAA Key Positions, lists the key positions.
- b. **Key Employee.** An Employee who occupies a key position for which no qualified and immediate replacement exists or whose duties cannot be reassigned to other Employees and whose immediate recall to active duty during an Emergency would seriously impair the effective functioning and continuity of the agency.
- c. **Military Reservist.** An FAA Employee who is liable for active duty as a member of a reserve component of the Armed Forces, which includes:

- (1) The Air National Guard
- (2) The Air Force Reserve

- (3) The Army National Guard
- (4) The Army Reserve
- (5) The Naval Reserve
- (6) The Marine Corps Reserve
- (7) The Coast Guard Reserve

## 2. FORMS AND REPORTS.

a. **Form 3300-34, Military** status Report, is stocked in FAA Depot and the DOT Warehouse, M-442.3, and is available through normal supply channels. The NSN is 0052-00-503-1002, and the unit of issue is a sheet.

b. **FAA Form 3300-35, Reserve Status Request**, is stocked in FAA Depot and the DOT Warehouse M-442.3, and is available through normal supply channels. The NSN is 0052-00-848-3001, and the unit of issue is a sheet.

c. **FAA Form 3300-27, Certificate** of Availability, is stocked in FAA Depot and the DOT Warehouse, M-442.3, and is available through normal supply channels. The NSN is 0052-00-807-8002, and the unit of issue is a sheet.

d. **Military Status Report (RIS: PT 3300-3).**

(1) The DOD, through the Federal Emergency Management Agency (FEMN), requires that all members of the Military Reserve notify their human resource management divisions of their current reserve obligations. It is especially important that all military reservists and military retirees in key FAA positions identify themselves so that either exceptions to key Employee status can be considered or their military centers will be given the opportunity to make screening determinations (see paragraphs 8b and 8d).

(2) Each member of the Military Reserve shall complete a military status report and send it to his or her human resource management division no later than September 30 of each year. This form is available through the human resource management division.

e. **Reserve Status Request (RIS: PT 3300-5).**

(1) The DOD, through the FEMA, requires that all members of the Military Reserve occupying key positions be identified and, if not excepted, either moved from their key positions or reported to their military centers for a screening determination (see paragraph 8c).

(2) Managers of the human resource management divisions or their designated representatives are authorized to sign the reserve status requests.

f. **Certificate of Availability (RIS: PT 3300-4).**

(1) The military centers periodically require all Federal employees who participate in the Military Reserve to submit statements certifying that they are immediately available for active service during an Emergency. Availability statements will not be granted to FAA Employees who are key Employees and who occupy the key positions listed in Appendix 1, FAA Key Positions, except for those employees who have been granted exceptions under the provision of paragraph 9, 10, or 11 of this document (see paragraph 7).

(2) Heads of offices, services, regions, and centers are authorized to approve certificates of availability. This authority may be redelegated to the managers of the human resource management divisions. Certificates requested by personnel assigned to the Europe, Africa, and Middle East office will be forwarded to the manager, Human Resource Management Division, AHR-100.

3. **POLICY.** It is FAA policy to encourage membership in the military Reserve Program, because the reserve forces are essential to the strength of our Nation and the well-being of our communities. In pursuit of this policy, FAA must also assure compliance with Executive Order 11161, which places the operational elements of FAA under the direct operational control of the DOD in the event of war. It also requires the continuity of FAA operations in support of the DOD and essential national defense requirements during any period of national emergency, short of war. In accordance with DOD Directive 1200.7, FAA must identify all key positions. Because Employees occupying key positions must remain at their posts in time of war or national emergency, it is vitally important that dual dependence on the same people not exist. Therefore, employees who are occupying key positions and are also members of the Military Reserve shall have their mobilization availability made on a case-by-case basis consistent with the policy and criteria of this directive.

#### 4. RESPONSIBILITIES.

- a. Heads of offices, **services**, regions, and centers are responsible for determining which positions under their supervision (other than those listed in appendix 1) are key in order to avoid conflicting assignments with the Military Reserve and for approving or disapproving recommendations for exceptions to key Employee status.
- b. **The office of Personnel and Technical Training** is responsible for conducting the annual screening of all FAA reservists. A notice shall be issued requiring every reservist to complete FAA Form 3300-34, Military Status Report (RIS: PT 3300-3), and forward it to his/her human resource management division. This will be followed by the edited DOD name listing identifying all FAA reservists in key positions. Copies of the edited listing will be sent to the human resource management divisions to assist the divisions in screening reservists in their Employing jurisdictions. To assist in this determination, the appropriate payroll office shall be requested to furnish a listing of all employees who took military leave in the year immediately preceding the annual reserve screening.
- c. **Human resource management divisions** are responsible for assuring that reservists who are hired, transferred, promoted, or reassigned into key positions are reported to their military centers for screening determinations. Unless an exception has been granted under the provisions of paragraphs 9, 10, or 11 of this document, an FAA Form 3300-35, Reserve Status Request (RIS: PT 3300-5), shall be prepared and mailed to the appropriate military center listed in Appendix 2, List of Military Centers to which Reserve Status Requests Should be Forwarded.
- d. **FAA employees** are responsible for notifying their human resource management divisions of their reserve obligations. Whenever there is a change in a reserve status, a military status report shall be completed. This is Particularly important for any Employee entering or leaving ready Reserve status. Each Employee shares with the agency the responsibility for keeping his/her military center informed of his./her status at all times.

5. **EXCEPTIONS TO KEY EMPLOYEE STATUS.** Some reservists may be excepted from key Employee status if their duties could be reassigned to other employees and their immediate recall to active military duty during an emergency would not seriously impair the effective functioning and continuity of the agency. FAA Form 3300-27, Certificate of Availability (RIS: pr 3300-4), will be issued for each excepted reservist by the human resource management division.

- a. Facility managers may recommend air traffic control specialists in all centers, levels IV and v towers, and level III stations for exception from key Employee status and may participate in the Military Reserve if the number of reservists does not exceed 20 percent of the full-performance work force at each of these facilities.
- b. Managers of all other air traffic facilities and managers of other field sectors and offices may recommend that their reservists in key positions be excepted from key employee status if their absences for reserve training or emergency mobilization will not jeopardize the missions of the facilities.
- c. Computer specialists in centers and all air traffic assistants may be recommended for exception from key employee status and may participate in the Military Reserve if the number of reservists does not exceed 20 percent for each occupation in each of the facilities.
- d. Airspace system inspection pilots, electronics technicians, and aircraft mechanics may be recommended for exception from key employee status and may participate in the Military Reserve if the number of reservists does not exceed 20 percent of the full-performance work force in each of the field sectors and offices.
- e. All other reservists occupying key positions not listed in paragraphs 9a through 9d and identified in appendix 1 may be recommended for exception from key Employee status if they are not directly involved in the day-today operation and/or maintenance of the National Airspace System.

6. **REQUEST FOR REVIEW FOR KEY STATUS.** A reservist who has not been granted an exception to key Employee status under paragraph 9 may initiate a request for review of his/her designation as a key employee or the designation of his/her position as key. The request may be submitted when, in the opinion of the Employee, the duties of the position would not be critical to the agency in time of Emergency or the skills of the incumbent would not be critical to the effective performance of essential direct military support functions for FAA in time of war or other Emergency. In no case should a request be submitted when the primary purpose is to satisfy the personal convenience or the financial benefit of the individual Employee.

- a. The request for review shall be submitted in writing, identifying the employee's organization, location, title, series, and grade. It shall state specifically why the particular position should be viewed differently from others in the same category and why the incumbent's skills and knowledge would not be essential in time of emergency. Washington requests will be

forwarded through channels to office or service heads. Field requests will be forwarded through channels to regional or center directors.

b. Heads of offices, services, regions, and centers shall either approve or disapprove the requests and return them to the appellants giving the reason(s) for the actions taken. Copies of the requests and the decisions rendered shall be forwarded to the office of Personnel and Technical Training, attention: APT-200.

**7. REQUEST FOR RECONSIDERATION.** Any Employee who believes that his/her request for review has not been treated equitably may request reconsideration of the decision. Such a request shall be presented in writing, containing specific reasons why the appellant believes the earlier disapproval should be reversed. All requests shall be forwarded through appropriate agency channels to the Director of Personnel and Technical Training, APT-1, for final decision. Reviewing officials at each organizational level may add pertinent comments or recommendations. Such requests for reconsideration are not subject to the provisions of the grievance procedures or the resatisfactory condition report System.

**8. AUTHORITY TO CHANGE THIS DOCUMENT.** The Director of Personnel and Technical Training is authorized to issue changes to the appendices of this document.

/s/

**T. Allen McArtor**

**Administrator**

**Initiated By: APT-200**

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## **APPENDIX 1. FAA KEY POSITIONS**

Paragraph 5 defines the key positions in FAA.

1. Associate and Deputy Associate Administrators.
2. Office and service heads and their deputies; regional and center directors and their deputies.
3. Airway facilities sector managers and assistant sector managers.
4. Airspace system Inspection Pilots, GS-2181 (GS-13 and above).
5. Air Traffic Control Specialists, GS-2152 (GS-9 and above) .
6. Maintenance Mechanics, WG-4749 (only those involved primarily in the maintenance, repair, and installation of visual navigational aids and emergency power support for electronic navigational aids).
7. Utility Systems Repairer-Operators, WG-4742 (only those involved primarily in the operation, troubleshooting, and maintenance of repair utility systems in air route traffic control centers and the repair of utility systems at facilities requiring 24-hour maintenance watch coverage)
8. Computer Specialists, GS-334 (only those involved in the operation of the air route traffic control center automation systems).
9. Electronics Technicians, GS-856 (GS-9 and above).
10. Air Traffic Assistants (Flight Data Processors), GS-2154-7.
11. Engineering Technicians, GS-802 (GS-9 and above) (only those technicians involved in the maintenance, repair, and installation of visual navigational aids, Emergency power support for airway facilities, and power conditioning systems requiring 24-hour maintenance watch coverage).
12. Aircraft Mechanics, WG-8852 (WG-11 and above).
13. Positions determined by heads of offices, services, regions, and centers to be extremely essential to FAA operations in an emergency. These determinations will be made in writing with copies furnished to the incumbents concerned, the h resource management divisions, and the Director of Personnel and Technical Training, APT-1.
14. Emergency readiness assignments to specific cadres necessary to assure the continuity of executive direction at FAA national, regional, and center levels.
15. Assignments to the Transportation Unit, National Defense Executive reserve of the Department of Transportation.

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## **APPENDIX 2. LIST OF RESERVE PERSONNEL CENTERS TO WHICH RESERVE SCREENING DETERMINATION AND REMOVAL REQUESTS SHALL BE FORWARDED**

### **Army Reserve**

Army Reserve Personnel Command  
1 Reserve Way  
ATTN: ARPC-PSP-T  
St. Louis, MO 63132



**Naval Reserve**

Commander  
Navay Military Personnel Command (Pers 91)  
5720 Integrity Drive  
Millington, TN 38055-9100

**Marine Corps Reserve**

Commanding General  
Marine Corps Reserve Support Cpmman  
ATTN: IRR Division  
1503 Andrews Road  
Kansas City, MO 64147-1207

**Air Force Reserve**

Commander  
Air Reserve Personnel Center/DPAF  
6760 E. Irvington Place #2600  
Denver, Co 80280-2600

**Army and Air Natinal Guard**

Submit requests to the Adjutant General of the appropriate State, Commonwealth, or Territory (including the District of Columbia).

**Coast Guard Reserve**

Commander (CGPC-RPM)  
U.S. Coast Guard Personnel Command  
2100 Second Street, S.W.  
Washington, DC 20593

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This document implements Public Law 92-297 which is designed to improve the conditions of employment for air traffic controllers by offering retirement benefits, job training and special appeal procedures for those who are involuntarily removed from air traffic control work; and to establish maximum age limitations for recruitment under 5 U.S.C. 2109i 3307, and 3384.

DOT, FAA and employee organizations over the past decade have consistently advocated legislative authority for early retirement and other benefits tailored especially to meet the needs of aviation safety and the controller work force. This legislation was necessary because air traffic control is a unique occupation which requires very high physical and mental standards. Furthermore, this work experience is not readily transferable to other occupational fields. In response to these needs, Public Law 92-297, H.R. 8083, was enacted on May 16, 1972. (See Appendix 1 for a copy of P.L. 92-297). This document takes precedence over Document 3300.16, Utilization of Medically Non-Qualified Personnel, for those employees who are eligible for training under the law. It also supersedes the review mechanism contained in Document 9430.3 for medically disqualified controllers with 5 or more years of career controller service.

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1. **POLICY.** It is the policy of FAA to recruit and develop the best possible controller work force. To attain this objective every effort will be made to enable controllers to improve and maintain their professional skills. Where it is necessary for a controller to leave the active control environment for physical or mental health or for other non-disciplinary reasons which affect the maintenance of high safety standards in the control of air traffic, he will be assured fair treatment through the appeals procedures established by this document and to the extent of his eligibility will be assisted in developing his capability to enter a second career.

2. **P.L. 92-297 RECAP.** P.L. 92-297 provides the following basic authority:

- a. To prescribe regulations and determine application of the term "air traffic controller" as used in the Act. (5 U.S.C. 2109).
- b. To designate, determine and fix the maximum limit of age within which an original appointment to a position as an air traffic controller may be made. Such determination must have the concurrence of the Civil Service Commission. (5 U.S.C. 3307).
- c. To separate a controller who is eligible for immediate retirement when such separation is necessary in the interest of aviation safety, the efficient control of air traffic, or the preservation of the physical or mental health of the controller. (5 U.S.C. 3382).
- d. To provide a career controller who has at least five years of creditable service with not more than the full-time equivalent of two years of training if he is removed from his controller position for loss of technical proficiency, medical disqualification or for preservation of his physical and/or mental health. (5 U.S.C. 3881 (a)). To pay or reimburse a career controller for all or part of the necessary expenses of authorized training (5 U.S.C. 3381(d)).
- e. To issue regulations to carry out the provisions of subchapter VII of Chapter 33 ( 5 U.S.C. 3384).
- f. To separate an air traffic controller from the service on the last day of the month in which he becomes 56 years of age. (5 U.S.C. 8335). This authority does not apply to employees who were originally appointed to an air traffic control position prior to May 16, 1972.
- g. To provide that an employee who is voluntarily or involuntarily separated from the service, except for removal for cause on charges of misconduct or delinquency, after completing 25 years as an air traffic controller or after becoming 50 years of age and completing 20 years of service as an air traffic controller is entitled to a retirement annuity. (5 U.S.C. 8336 (e)).

### **3. COVERAGE.**

- a. This document applies to and affords coverage for: full-time permanent employees of DOT with five or more years of career controller service who meet all of the following requirements; or the immediate supervisor of a nonsupervisory employee who meets all of the following requirements:
  - (1) Officially assigned to an air traffic control facility;
  - (2) Actively engaged in the separation and control of live air traffic;
  - (3) Occupies a position which requires him to meet on a continuing basis the physical qualification standards established by the Civil Service Commission for an air traffic controller.
- b. This coverage includes and is limited to full professional level controllers and their immediate supervisors; those assigned as flow controllers; and employees receiving developmental training at or above the established entry levels as defined by the classification standards and the Civil Service examination announcement at time of entrance on duty. Also included are controllers assigned to a combined Flight Service Station/Tower where the tower duties are performed on a regular, recurring basis. Where a second level or higher supervisor is required to serve as a career controller or as the immediate supervisor of a career controller performing the full range of first level supervisor duties on a regular, recurring basis for a substantial portion (e.g., 50% or more) of his time, and these duties are included in the official position description, he is covered under P.L. 92-297.
- c. This coverage does not include employees temporarily assigned to control of live air traffic primarily for the purpose of maintaining proficiency in document to aid in the performance of their other regularly assigned duties or primarily for research, development, or evaluation purposes. Also not included are employees receiving predevelopmental training at grades below the normal entrance lever, supervisors of flow controllers, and second level and higher level supervisors except as provided in item b above.
- d. Decisions regarding application of coverage provisions in this paragraph will be made by the regional/center directors. This authority may be redelegated to the manpower division chief. The regional/center director, or his designee, may refer questions regarding interpretations of coverage provisions to the Director of Personnel and Training.

### **4. DEFINITIONS.**

- a. **Second Career Program.** The Air Traffic Controller Career Program established by P.L. 92-297.
- b. **Career Controller.** An employee who is an air traffic controller, assigned to a position involved in the control and separation of live air traffic as defined in P.L. 92-297.
- c. **Career Controller Position.** A position established for or encumbered by a career air traffic controller.
- d. **Air Traffic Control Facility.** A facility in FAA in which the functions and control of live-air traffic are performed as in an en route or terminal facility in the National Airspace System. The facility functions performed must be operational in nature and not performed primarily for research, development, or evaluation purposes.
- e. **Live Air Traffic.** Actual aircraft under IFR, VFR, or ground control. The term does not include an occasional aircraft which may be fed into a simulated air traffic pattern for purposes of research, development, or evaluation.
- f. **Developmental Training.** The training phase directly related to the process of acquiring the skills and knowledges necessary to apply appropriate separation standards. This normally starts at the GS-5 and GS-7 entry levels or above and continues until the full performance level is reached.
- g. **Predevelopmental Training.** The training course which is related to general orientation and to the general concepts of aviation. This normally occurs at the GS-4 level, or below, and is designed to equip an individual for entry into the field of air traffic control rather than directly acquiring air traffic control skills.
- h. **Original Appointment.** A competitive or noncompetitive personnel action (except a detail) which makes the first assignment of an employee to a career controller position in FAA or a predecessor agency.
- i. **Creditable Service.** The total length of an employee's combined service in a position which meets the requirements listed in paragraph 5. and the time spent in developmental training as defined in paragraph f. above. An aggregate total of five years of creditable service is required in-document to be eligible for certain benefits under the law. It is not required that this service be continuous without any breaks in document to be creditable. Service is credited based upon the position to which an employee is officially assigned and occupies by SF-50 action. Therefore, the time a career controller spends on detail to a non-covered position is counted as creditable service. However, the time spent by a career controller who is temporarily promoted (i.e., officially assigned) to a non-covered position is not counted as creditable service under this document. Likewise, time spent by an employee in the second career training pool is not counted as creditable service. In document to facilitate identification of this service in the future, all SF-50's prepared subsequent to the date of issuance of this document on employees officially assigned to GS-2152 series center 6r tower positions should contain the statement, "This is (is not) a covered position under P.L. 92-297."
- j. **Basic Rate of Pay.** The rate of pay fixed by statute for the position held by an individual, before any deductions and exclusive of additional pay of any kind, such as overtime pay, night differential, extra pay for work on holidays, or allowances and differentials. However, where second career training is actually being pursued in areas subject to COLA, post differential, etc., these allowances will be added to the employee's basic rate of pay.
- k. **Training Agreement.** An individual training plan for second career training, agreed to by the employee and the agency, which:

- (1) Identifies the training objective;
- (2) Specifies the length, kind, and location of training; and
- (3) Outlines the conditions of entitlement.

## 5. AGE LIMITATIONS.

### a. Maximum Entry Age.

- (1) DOT Document 3330.2, dated February 28, 1973, established a maximum entry age of 30 years for original appointment into a career controller position. This precludes, without exception, the initial appointment or reassignment of persons who have reached their 31st birthday to such a position. However, this provision does not prohibit the appointment or reassignment of a person age 31 or older to a career controller position who previously-held-such a position.

(2) Individuals employed in a public or private enterprise taken over by FAA who have reached their 31st birthday and who have not previously been employed in a position covered by this document are precluded by the maximum entry age from conversion into a career controller position. However, the agency may, in its discretion, retain, these individuals, if otherwise eligible, by means of a conversion to any position at the location taken over consisting of those elements of their former position which do not involve the actual control of live air traffic. If so retained, the employee may be subsequently reassigned to any position in the GS-2152 series not covered by this document, such as Flight Service Station Specialist.

**b. Maximum Retention Age.**

(1) P.L. 92-297 set a maximum age of 56 for retention in a career controller position. Under this provision, separation shall take place on the last day of the month in which a career controller becomes 56 years of age. However, the law also provides for exemptions to this provision, up to age 61, for controllers having exceptional skills and experience.

(2) The maximum retention age provisions do not apply to controllers who had received their original appointment to a career controller position prior to May 16, 1972. In view of this, and the maximum entry age of 30 applicable to these positions, it is not anticipated that these provisions will come into play for several years. Nevertheless, those employees receiving original appointments to a career controller position on, or after, May 16, 1972 must be notified in writing that they will be subject to the maximum retention age provision. A copy of this notification should be kept as permanent material in the employee's Official Personnel Folder.

**6. EXERCISING REEMPLOYMENT RIGHTS.**

a. An overseas FAA employee, former employee, or FAA Academy employee who is exercising reemployment rights shall be returned in accordance with one of the following regulations:

(1) Administrative Reemployment Rights (See agency Document 3330.6A.

(2) Statutory Return Rights.

(3) Regulatory Return Rights (e.g. reemployment rights based on assignments with the Department of State or based on the transfer of FAA employees to international organizations).

b. Each of the above provisions requires, as a minimum, that a former employee be restored to the position he left, or one of like grade, seniority, status or pay. Therefore, a fully qualified controller (medically and operationally) who is in or has left a career controller position, and is exercising return rights under any of the above regulations, shall be appointed as a career controller unless an alternate assignment is arranged by mutual agreement of the employee and the parent organization. If, after reassignment, the employee fails to meet the medical or proficiency requirements, he will be removed from the career controller position under the provisions of this document. Additionally, an overseas employee with 3R rights shall be allowed to exercise those rights to a position in the Second Career Training Pool of his parent region should he become medically or operationally disqualified in a covered position overseas.

c. Certain employees engaged in foreign assistance activities may be entitled to both statutory and administrative return rights and therefore may exercise return rights under the provisions of either regulation, whichever is to their best advantage. Such employees should be counseled by their parent organization as to their rights and benefits in each case.

d. A fully qualified controller who is reassigned or temporarily promoted to a rotational Evaluation Proficiency Development Specialist position shall be returned to a career controller position upon completion of a one year rotational EPDS assignment. Therefore, if he becomes medically disqualified within one year (52 calendar weeks) from the date of the personnel action assigning him to the EPDS position, he will be reassigned to the career controller position and removed under the provisions of this document. Should the employee elect to remain in the EPDS position for a period exceeding one year, his return to a covered position shall be contingent upon first meeting all of the requirements of the position. The period of time spent in an EPDS position is not creditable service for purposes of determining eligibility for benefits under P.L. 92-297.

e. An FAA Academy employee who has left a covered position is entitled to return to such a position upon exercising reemployment rights as specified in the reemployment agreement. These reemployment rights are renewable at the end of each tour, and this entitlement to return to a covered position may be continued, dependent upon the circumstances. For example, an individual who was in a non-supervisory covered position and who exercises return rights after having

been promoted during the academy tour may have to choose between a lower graded covered position or a non-covered position at the grade to which promoted. An employee who exercises reemployment rights to a covered position and who fails to meet the medical or proficiency requirements will be removed from his position under the provisions of this document.

## **7. REMOVAL DETERMINATIONS.**

### **a. Basic Determinations**

(1) **Removal from a Career Controller Position.** A career controller with five or more years of creditable service is covered by' the law if he is removed from a career controller position because the Administrator (by delegation) determines that the separation is necessary for the reason that:

- (a) The employee is medically disqualified for duties as a controller;
- (b) The employee is unable to maintain technical proficiency as a controller; or
- (c) Such removal is necessary for the preservation of the physical or mental health of the employee.

(2) **Involuntary Separation for Retirement.** The law further provides that a career controller who is eligible for immediate retirement may be separated involuntarily from the service if the Administrator (by delegation) determines that the separation is necessary in the interest of:

- (a) Aviation safety;
- (b) The efficient control of air traffic; or
- (c) The preservation of the physical or mental health of the employee.

(3) **Medical Determination.** A medical determination is one on which the basis for removal is directly related to the physical or mental health of the employee or a medical disqualification from further duties as a career controller. To be covered under the provisions of P.L. 92-297 it must be determined that the medical condition (including medical history) will permanently disqualify the employee as a career controller prior to initiating removal action under this document.

- (a) The Regional Flight Surgeon is the key management official in determining whether or not an individual is medically disqualified to perform the duties of a controller. The medical opinions of private physicians will be given careful consideration by FAA medical officials; however, the responsibility for medical decisions for continued ATC duty or for removal from duty resides with FAA.
- (b) When FAA medical opinion is that the controller's health status poses no hazard to flying safety, medical clearance will be granted for continued ATC duty.
- (c) In the event that a medically-cleared controller refuses to return to duty, no removal action based upon medical factors will be initiated. Similarly, no removal actions (medical) will be initiated when a controller refuses to cooperate in obtaining medical data required to reach a valid decision. In the latter case, medical clearance is simply withheld.

(4) **Operational Determination.** An operational determination is one in which the basis for removal is directly related to aviation safety, the efficient control of air traffic, or the employee's inability to maintain technical proficiency.

b. **Delegation of Authority.** The authority to make medical determinations (pursuant to paragraph 9a.(3)) and operational determinations (9a.(4)) is delegated to regional directors. This authority may be redelegated.

c. **Employee Entitlements.** An employee is entitled to all of the following in all instances where it is proposed to remove him from his career controller position under the provisions of P.L. 92-297. Also, if the employee is eligible to participate in the Alcoholism and Drug Abuse Program, efforts must be made for rehabilitation prior to formal disqualification and removal under this document. Once the initial determination is made by the regional director or his designee to remove the employee, the procedures vary depending upon whether the employee does or does not request reconsideration, and whether he is eligible for optional retirement under 5 U.S.C. 8336. The various procedures are depicted in chart form in Appendix 9 and are summarized in paragraph d below. These

procedures supersede the notice and justification procedures in paragraph 26 of document 3430.3A, Evaluating and Improving Employee Performance, for employees being removed under provisions of this program.

During the period between the informal conference and the final notice of determination, the employee must be retained in a duty status provided he is willing and able to work. Further, if the employee requests training, his duty status must be allowed to continue until he is assigned to the training pool. If the employee is willing and able to work, even though he is disqualified for active control duties, he should be assigned other duties not directly involved in the control of live air traffic. He should also be advised of the placement consideration service available in his regional personnel management division.

#### **(1) Preliminary Procedures.**

(a) Prior to making the initial determination to remove an employee from his career controller position, the regional director or his designee will initiate a review of the circumstances to assure that he has all the pertinent information on which to base his decision. He will then hold an informal conference with the employee for purposes of counseling on the proposal to remove him from his career controller position. The conference should be conducted by the same person who has been delegated the authority to issue the notice of determination.

Each party may have a personal representative at the conference and during all subsequent phases of the case (the employee must name a specific person as his personal representative; it is not sufficient to merely name an organization without designating a specific person within that organization). At that time, a copy of the file which has been compiled will be made available to the employee for review and copying. (If the file contains medical information, the possession of which in the judgment of the Regional Flight Surgeon is inappropriate for release to the employee, such information will be made available upon request to a licensed physician designated by the employee).

(b) The employee will have ten calendar days from date of receipt (or ten calendar days from the date his designated physician receives the medical files, where applicable) in which to review the file and submit in writing all the evidence then available to him which he desires to present in his behalf. He may also make oral comments if he so chooses. The regional director or his designee will receive all evidence and comments furnished in this regard. A formal hearing will not be held.

(c) A case file will be established containing all evidence presented by the parties, written summaries of all conferences, and a summary of the employee's oral comments (if furnished by him). A determination as authorized by the Act or the decision not to render such a determination will be based on this case file.

#### **(2) Notice to Employee.**

(a) An employee who is to be removed from his career controller position is entitled to a written notice of determination. The notice must be signed by the regional director or his designee who must be an official in the direct line of supervision.

(b) The notice must state each reason, specifically and in detail, relied upon for the determination. The reasons must be stated with sufficient clarity to enable the employee to prepare a specific, detailed request for reconsideration; and to permit him to obtain and submit with his request such corroborative evidence as may be available to him (e.g., it is not sufficient to merely cite withdrawal of the controller's medical certificate as the basis for his removal). The notice must also advise the employee of his right to have a personal representative.

(c) Information concerning his right to request reconsideration and his entitlement to training for a second career and/or eligibility for retirement as well as his right to undergo vocational counseling and testing and be considered for placement within other areas of FAA must be included in the notice to the employee. The notice should also include, where applicable, information regarding the employee's right to file for Office of Workmen's Compensation Programs (OWCP) benefits.

(d) If the employee is eligible for immediate retirement under 5 U.S.C. 8336, the notice shall state a date for separation in case the employee does not request reconsideration or training.

#### **(3) Time to reply.**

(a) The employee must be allowed at least fifteen (15) days after receipt of the initial notice of determination in which to submit his request for reconsideration. The time limit may be extended for a reasonable period when the

employee shows justifiable reasons for additional time in which to prepare his request.

(b) Regardless of whether the employee requests reconsideration, he must state within 15 days after receipt of the initial notice of determination if he wishes to receive training under the provisions of paragraph 10.

(c) If the employee does not reply within the 15 days allowed, or within an extended time, if granted, the regional director or his designee shall issue a notice of final determination in accordance with procedures in paragraph 9d.

(4) **Request for Reconsideration.** In his request for reconsideration, the employee must give reasons why the determination should be reconsidered. The reply must be in writing and must be addressed to the Administrator through the regional director who will attach the case file and all related documentation and forward it to the Administrator.

(5) **Notification of Action on Request for Reconsideration.** Within fifteen (15) days after receipt of request for reconsideration, the Administrator or his designee will notify the employee, in writing, of his decision to either (a) rescind the determination in which case the employee will be returned to his career controller position or, (b) convene a Board of Review and advise the employee to designate a person within ten (10) days to serve on the Board. The 10-day limit may be extended when the employee shows justifiable need for additional time in which to designate his Board member. The employee must name a specific person as his designee (see paragraph 9c(l)(a)). If the employee does not designate a Board member within the specified time, or within an extended time, if granted, his request for reconsideration will be considered abandoned and withdrawn by his failure to prosecute it, and the determination will stand as made and becomes final.

(6) **Board of Review.**

(a) Establishing a Board of Review. If the decision is to convene a Board of review, the Board Secretariat will initiate action to ascertain the designees who will represent the parties involved and make necessary arrangements appropriate to the functioning of the Board. The Board will consist of:

1 A person designated by the employee.

2 A representative of the agency designated by the Administrator. In case of medical determination, the Board member designated by the Administrator will be a physician.

3 A representative of the Civil Service Commission, designated by the Chairman of the Commission, who shall serve as Chairman of the Board.

(b) **Convening the Board.** A Board is convened upon the designation of its three members.

(c) **Function of the Board.** The Board will review evidence supporting and inconsistent with the determination and may uphold or rescind the determination. Further provisions governing the proceedings of the Board are found in Appendix 10.

(d) **Review Officer.** The Board may appoint a Review Officer who will function in a manner determined by the Board and will make pertinent evidence available to its members.

(e) **Decision by the Board.** Within thirty (30) days after being convened, the Board shall issue its findings and decision and furnish copies thereof to the Administrator and the employee. The Administrator will direct such action as may be necessary to carry out the Board's decision.

1 If the Board rescinds the determination, the employee will be returned to duty as a career controller.

2 If the Board upholds the determination, the employee will be removed from his career controller position.

(f) Board of Review Secretariat. The administrative services and resources in support of the Board of Review operations will be provided by Washington headquarters of FAA. Procedures for the Secretariat operation are provided in Appendix 10.

d. **Procedures after determination has become final.**

(1) **Medical Determination (ineligible for optional retirement)**



(a) If the employee does not request reconsideration or training within the 15 days allowed or within an extended time, if granted, the regional director or his designee shall issue a notice of final determination to remove the employee from his career controller position and inform him of his right to apply for disability retirement.

If he declines, the agency shall initiate the application for retirement. The supporting data will be that used in making the original decision to remove the employee from his career controller position.

(b) If reconsideration is requested and the agency determination is upheld, the provisions in subparagraph (a) above apply to filing for disability retirement, and the employee may enter training if requested in accordance with paragraph c. (3)(b) above. The CSC will make a determination of retirement eligibility but separation, if applicable, will be held in abeyance during the training. The employee must be reassigned to a training pool position within 60 days from receipt of the Board's decision unless the regional director or his designee determines that additional time is needed. If the employee has not requested training, disability retirement is processed in the usual manner.

(c) An employee electing training (whether or not he requests reconsideration) should apply for disability retirement as soon as possible following receipt of a final notice of determination in the manner described in subparagraph (b) immediately above. In addition, he must be notified that the determination to remove him from his career controller position is final and that, upon completion of his training entitlement, a decision will be made to reassign, transfer or separate him from the Federal service. The employee will be notified of this decision at least 60 days prior, to completion of training.

Determination on entitlement to benefits under the CSC Disability Retirement provisions or under the office of Workmen's Compensation Programs (OWCP) will be made by the CSC or the Department of Labor (DOL), respectively, upon application. If the employee is separated on the basis of a CSC approved disability retirement, the Regional Flight surgeon shall recertify to the CSC that the employee is permanently disqualified for air traffic control duties.

(d) Initially, adverse action regulations do not apply. If an agency-initiated retirement is approved by CSC, the employee may appeal to the Appeals Review Board in the usual manner. However, if the CSC does not approve either employee or an agency-initiated disability retirement application, the employee will be separated in accordance with procedures outlined in agency directives on adverse actions, appeals and grievances.

## **(2) Operational Determination (ineligible for optional retirement)**

(a) If an employee does not request-reconsideration or training within the 15 days allowed, or within an extended time, if granted, the regional director or his designee must take action to remove him in accordance with the provisions in agency directives on adverse actions.

(b) If the employee requests reconsideration and the agency is upheld, the employee is removed under adverse action procedures, as above, or reassigned to a P.L. 92-297 training pool, if he has requested training in accordance with paragraph c.(3)(b) above. The employee must be reassigned to the training pool position within 60 days from the date of receipt of the Board of Review's decision. Additional time may be provided prior to assignment to the pool when needed as determined by the regional director.

(c) An employee who requests training must be notified if he fails to request reconsideration or after the Board's decision that determination to remove him from his career controller position is final and that, upon completion of his training entitlement, a decision will be made to reassign, transfer, or separate him from the Federal service.

(d) At least 60 days prior to the completion of training authorized by P.L. 92-297, consideration will be given as to whether to reassign, transfer, or separate the employee. Before final action is taken to separate a career controller, the manpower division chief or his designee shall review in each individual case all correspondence, notices, review processes and determinations to assure that agency directives relating to adverse actions and the provisions of this document have been followed. If any procedural defect is found, action will be initiated to assure that all procedures have been properly followed before final separation.

(e) If the action to be taken is adverse, a notice of proposed action will be issued to the employee by the Training Branch Chief in accordance with agency directives on adverse actions. The notice will cite the disqualification determination and completion of training under P.L. 92-297 as a basis for the proposed action to be effective immediately after training is completed. After consideration of the employee's answer to the proposed action, a notice of final decision in accordance with agency directives on adverse actions will be issued to the employee.

## **(3) Medical or Operational Determination (eligible for optional retirement).**

(a) If the employee does not request reconsideration or training within the 15 days allowed, or within an extended time, if granted, the regional director or his designee shall issue a notice of final determination restating the reasons for the removal and citing the effective date of separation originally proposed. The employee should be given every assistance in filing for retirement. Adverse action procedures do not apply.

(b) If the employee requests reconsideration and the agency is upheld, the employee shall be separated under the same procedures as subparagraph (a) immediately above or reassigned within 60 days of receipt of the Board's decision to a P.L. 92-297 training pool, if he has requested training in accordance with paragraph c.(3)(b) above.

(c) An employee who requests training (whether or not he requests reconsideration) must be notified that the determination to remove him from his career controller position is final and that, upon completion of his training entitlement, he may be separated for retirement. Adverse action procedures do not apply.

#### **e. Effective Date of Separations.**

(1) A controller who is eligible for optional retirement and who does not choose training or request reconsideration shall not be separated, without his consent until the last day of the second month following the day he received the notice of determination. For example, if the controller received the notice of determination on August 14, he may not be separated without his consent earlier than October 31.

(2) A controller who is eligible for optional retirement and who does not choose training but who does request reconsideration shall not be separated earlier than the date indicated in subparagraph (1) above or the last day of the month in which the final determination by the Board of Review is issued, whichever is later.

(3) A controller who is eligible for optional retirement and who chooses training shall not be separated, without his consent, until the last day of the month following the completion of his training. For example, if the controller completes training on May 25, he may not be separated, without his consent, earlier than June 30. At least 60 days prior to completion of training, a letter will be sent to the employee reminding him that he will be separated no earlier than the end of the last day of the month following the month in which his training entitlement is completed, without his consent, as was stated in the letter of final determination provided him prior to his assignment to training. The employee will be given appropriate assistance in filing an application for retirement.

(4) An employee who is not eligible for optional retirement and who is being separated due to an operational determination will be separated on the effective date indicated by provisions of agency directives on adverse actions. A notice of proposed adverse action to reassign, transfer, or separate him from the Federal service in accordance with agency directives will be given at least 60 days prior to completion of training.

(5) An employee who is eligible for disability retirement is entitled to use his accrued sick leave prior to separation. Therefore, if the employee elects training, he will be separated for disability retirement either upon completion of training or, if he chooses, upon expiration of sick leave following training.

### **8. TRAINING.**

#### **a. General.**

(1) Legislative history indicates clearly that the type and duration of training is within the authority of the agency to establish. Training should be carried out in a manner to benefit the employee and the program itself.

(2) If a career controller is involuntarily separated from a career controller position under provisions of paragraph 9 above, the employee is entitled to not more than the full-time equivalent of two years of training leading to a second career. During this period of training the employee shall be:

(a) Retained in his last assigned grade and rate of basic pay (paragraph 6. j).

(b) Entitled to each increase in rate of basic pay provided under law; i.e., periodic step increases and public law pay increases; and

(c) Excluded from staffing limitations otherwise applicable.

#### **b. P.L.92-29 Training Pool.**

(1) A pool of positions shall be established in each regional office as necessary to provide a position of record for each employee who requests training under this document. (See Appendix 4 for sample position description.)

(2) In accordance with the provisions of paragraph 9 above, an eligible employee who requests training under this section shall be reassigned to the training pool within 60 days of receipt of the decision by the Board of Review, if reconsideration is requested, or within 60 days of the effective date of the notice of final determination unless additional time is needed as determined by the regional director or his designee. The employee shall be reassigned at his same grade and basic rate of pay. (See Appendix 3 for sample SF-50.)

(3) All personnel and positions assigned to the training pool will be under the supervision and control of the regional director. It is contemplated that normally the Personnel Management Division will be assigned administrative responsibility for the pool. This includes the responsibility for counseling, development of P.L. 92-297 training agreements, contractual agreements, assessing satisfactory progress, salary increases, time, attendance and leave administration, determination of acceptability of training programs, courses and institutions, issuance of enrollment authorizations, consideration for recycling career objectives, and placement or separation upon completion of training entitlement. Except for the basic entitlement and removal determinations and placement or separation actions upon completion of training, it is expected that these responsibilities will be assigned to the chief of the training branch or his counterpart.

(4) The employee's salary, training expenses, allowances, and reimbursements will be funded by the Office of Personnel and Training from centralized training program funds.

(a) All requirements necessary to carry out provisions of this document will be reported as a separate line item in budget submission requests.

(b) The Office of Personnel and Training shall establish reporting requirements as necessary.

c. **Training Entitlement.** A copy of the notice of determination (see paragraph 9) will be forwarded to the servicing personnel management division. A determination will be made immediately regarding the employee's eligibility and interest in the training program. A notice of eligibility for training will be issued to the employee with a request for a response as to whether or not he wants to receive training. (See Appendix 6 for Sample Notice of Eligibility.) The Chief of the Training Branch, or his designee, will provide counseling to the employee as to his rights and benefits under the provisions of this document.

d. **Employee Counseling.**

(1) Vocational counseling and testing to determine the employee's vocational interests, aspirations, and capabilities are prerequisites for development of a training agreement and must be documented in each employee's second career training file. Such counseling and testing must be conducted by professional counselors or by FAA personnel who have received approved training for such duties. In cases where counseling and testing are normally performed by FAA personnel, the TPMO may approve counseling and testing from an approved non-FAA source upon request by an employee who makes and supports his request in writing. The TPMO shall be the approving authority for such sources.

(a) Where counseling is to be performed by FAA personnel, such personnel should successfully complete approved counseling training within 120 days of being assigned counseling duties.

(b) The adequacy of counseling training will be determined by the Training Programs Division, Office of Personnel and Training, upon request by the regional Training Program Management Officer.

(2) Counseling services and counseling training may be contracted for from other Governmental or private agencies.

(3) At the recommendation of the Regional Flight Surgeon, an employee may be required to prove that he is medically capable of successfully completing training.

(4) Except when medically contraindicated, an information record of counseling and testing will be provided to the employee and his servicing personnel management division.

e. **Types of Training.** While there are no specific restrictions on the type of training that an employee may choose to receive, it should clearly lead toward a second career

(1) Training programs must be designed to provide a reasonable probability of employment in the chosen career field. Training will not be provided where success in finding employment in the chosen field is considered highly unlikely by the training program manager.

(2) For any type of training, the employee must meet all entrance requirements and must be accepted by the training institution or organization as a full-time or part-time student or trainee. Normally, it is anticipated that eligible employees will not request major changes in their training programs more than one time. However, additional requests for changes in training programs will be considered in unusual circumstances where it can be demonstrated that conditions beyond the control of the employee may require such changes.

(3) The training may be remedial, high school equivalency, technical, college, Government agency sponsored, or any type career training mutually acceptable to the employee and the agency. Enrollment will not be approved in any program which is solely a vocational or recreational in character except that enrollment in individual a vocational or recreational courses may be approved when they are part of an approved vocational or academic program; e.g. Physical Education courses where the credit earned contributes to a Bachelor Degree. Purely recreational programs may also be approved if the institution offering such programs establishes that at least one half of the students completing such programs over the preceding two-year period have subsequently been employed in the recreational field in which the training has been provided.

(4) A course offered by a school other than a job training establishment will be appropriate for enrollment of an eligible employee only if it has been in operation for two years or more immediately prior to the date of enrollment of such person. A course is considered to have been in operation for two years when it has been given continuously for 24 calendar months inclusive of reasonable vacation and holiday periods. Where courses are only offered on an ordinary school year basis (approximately nine months), two ordinary school years in the 24 calendar months will constitute a two-year period. Where short courses of less than an ordinary school year are offered on a regular cycle, two cycles of such operation will constitute a two-year period if each one of the two cycles occurs in a separate calendar year.

(5) The provisions of subparagraph (4) immediately above do not apply to:

- (a) Any course to be pursued in a public or other tax supported educational institution;
- (b) Any course which is similar in character to instruction previously offered by the school for more than two years;
- (c) Any course which has been offered by a school for a period of more than two years, notwithstanding that the school has moved to another location within the same locality; or
- (d) Any course which is offered by a tax-exempt school of college level and which is recognized for credit toward a standard degree.

(6) Courses of training offered by educational institutions and other formal training establishments may be pursued only if such courses are approved by the state approving agency (which shall be the same as is recognized by the Veterans Administration in accordance with 38 USC 1641) for the state where the institution or training establishment is located, and by the TPMO.

- (a) Where no state approving agency exists or cooperation cannot be obtained, the TPMO will act as the approving authority.
- (b) Where no approval has been granted by a state approving agency, the TPMO may act as the approving authority except that no course of training may be approved by a TPMO when a state approving agency has issued a formal disapproval for such course of training.
- (c) A TPMO may approve courses of training offered by educational institutions which have not been accredited by a nationally recognized accrediting agency or association only after considering and documenting in the employee's second career file the following:

- 1 Attempts and success rate of the training institution in locating employment for graduates;
- 2 Comparison of content, length, and cost of the selected curriculum with similar recognized courses;
- 3 Nature of the qualifications of instructors, directors, and administrators of the institution;

**4** Nature of records maintained by the institution (e.g. credit granted for an employee's previous education/training, class attendance, progress, grades, notifications, and certificates of completion);

**5** Policy regarding refund of the unused portion of tuition, fees, etc., in the event of withdrawal or discontinuance prior to completion of training.

(7) On-the-job training opportunities within FAA or with another Government agency will be reviewed with the employee by the program manager if the employee has indicated such interest. The following procedures should be followed in determining OJT opportunities within FAA.

- (a) Review the X-118 Qualification Standards Part IV, Index. These standards are maintained by the employment branch and Part IV provides a listing of jobs by title, grade range, and series.
- (b) Identify the appropriate job titles from the list for the occupations for which the employee has indicated interest and testing has indicated capability.
- (c) Determine the employee's geographic availability.
- (d) The PMIS manager should assist in determining, for each job title,. (1) the number of positions, if any, within FAA, (2) the number of current vacancies, and (3) the geographical location of these positions.
- (e) Obtain counsel from the employment branch as to the grade level for which the employee would qualify in each series with two years of experience and training.
- (f) Counsel the employee on the benefits and potential of an OJT program.
- (g) Review the qualification standards with the employee. These standards provide a description of the work, medical requirements, etc.
- (h) Where practical, arrange an appointment with division heads or facility chiefs who employ individuals in the identified occupations. Explain the program to them and solicit their support. Determine the type of formal training that would be appropriate in conjunction with OJT.
- (i) Make arrangements for the employee to be interviewed.
- (j) Where agreement is reached by the parties concerned, develop a training program that includes OJT and, where appropriate, formal training.
- (k) Assure to the greatest extent possible that there is a reasonable probability of employment in FAA at the completion of training.

(8) Some employees may be interested in OJT opportunities in occupations not utilized by FAA. In such instances, the program manager should explore opportunities with other Government agencies that employ for that occupation. The following procedures should be followed.

- (a) Review X-118 Qualification Standards Part IV, Index.
- (b) Identify the appropriate job titles from the list for the occupations for which the employee has indicated interest and testing has indicated capability. If the occupation is unique to a single agency, it is identified on the list by the notation "S/A (name of agency)" after the position title. Example: Alcohol, Tobacco and Firearms Series, S/A (Treasury-IRS).
- (c) Determine the employee's geographic availability.
- (d) Determine the availability of Government facilities for the agencies that employ individuals in the occupation(s) within the geographical area.
- (e) Contact the second career coordinator in APT-300 and advise him/her of the agency that has been identified. The representative from APT-300 will coordinate the program with the other agency involved at the Washington level.

(f) Make an appointment with the office manager of local personnel representative to explain the program and outline the benefits that their agency will derive from the program.

(g) Make arrangements for the second career eligible to be interviewed.

(h) Where agreement is reached by the parties concerned develop a training program that includes OJT and, where appropriate formal training.

(9) Non-government on-the-job training courses may be pursued only when such courses are approved by the state approving agency for the state where the training establishment (OJT employer) is located, and by the TPMO. The provisions of paragraph (6) (a) and (b), above, likewise apply to OJT training. A TPMO may approve an OJT training program which has not been approved by a state or national apprenticeship agency or appropriate trade union if the following criteria are met and documented in the employee's second career file.

(a) The training content of the course is adequate to qualify the employee for appointment to the job for which he is to be trained.

(b) The length of the training period is not longer than that customarily required by other training establishments to provide an employee with the required skills, and to arrange for the acquisition of job knowledge, technical information, and other facts which the employee will need to learn in document to become competent on-the-job for which he is being trained.

(c) Provision is made for related instruction for the individual employee who may need it.

(d) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on-the-job.

(e) Adequate records are kept to show the progress made by each employee toward his job objective.

(f) The employee is not already qualified by training and experiences for the job for which training is to prepare him.

(g) Any additional criteria the TPMO may deem appropriate.

(10) No employee may pursue any training program where any relative is responsible for evaluating or certifying his progress or is in a position to influence such evaluation or certification. The regional director at his sole discretion may waive this prohibition. "Relatives" are those members of an employee's family included by FPM Chapter 310-3, paragraph 1-2c.

#### **f. Cost of Training.**

(1) Training should not be prohibitive in cost. It is expected that all reasonable training costs that would be paid by other students in a like training program or which would otherwise be paid for an employee who is continuing in service will be paid by the agency in the case of a participant in this program. In cases where a trainee willfully violates the general terms and conditions of the training agreement (paragraph 10.i. below), the TPMO may require that all costs of training paid or reimbursed by FAA be repaid to FAA. Such monies shall be recovered in accordance with FAA Document 2700.3, Accounting Principles, Concepts and Procedures. Repayment will not be required in cases of violation of agreement made necessary by factors beyond the employee's control.

(a) The cost of PCS moves and/or per diem associated with training shall be considered a cost of training.

(b) The cost of PCS moves shall not be recovered if violation of the training agreement resulting in separation from the government service occurs more than one year after the completion of such PCS move in accordance with DOT Document 1500.6, Travel Manual.

(2) Where tools or equipment are to be provided trainees, the cost of same should likewise be reasonable. Any such tools or equipment remain the property of FAA and will be required to be returned to the agency in the event of premature termination or unsuccessful completion of training. In the event of successful completion of training, the program manager may, at his discretion, require the trainee to return tools and equipment or allow the trainee to retain them. The decision to require or not require return of tools and equipment provided to successful trainees shall be based upon a comparison of the value of the tools and equipment realized by sale or other disposition. In any case, the

method of providing needed tools and equipment is discretionary with the program manager and may include lease, rental, loan, or purchase.

(3) In those cases where a particular program is considered unusually expensive for that type of program, the agency will not pay more than the maximum cost of a similar program leading to the same objective at any of three comparable institutions.

**g. Relocation for Training.** The employee will normally be expected to pursue his training within commuting distance of his home station provided suitable programs are available.

(1) When training cannot be provided within an employee's commuting area he may be given a permanent change of station to a location within commuting distance of the place of training, or placed on TDY assignment and paid per diem, whichever is considered to be least costly to the Government. If an employee chooses to relocate when training is available locally, the costs of moving and any training costs above the available local training costs will be borne by the employee.

(2) In document for an employee to receive a PCS move or be placed in a TDY status the place of training must be more than fifty miles from his normal residence and more than ten miles farther from his normal residence than the one-way commuting distance from his residence to his last duty station as an active air traffic controller.

(3) Interregional transfers may be effected if mutually agreed to by the regions concerned. However, if no agreement can be reached, then each region will maintain responsibility for administering the training program of its own employee, regardless of location of the training. All removal actions must be completed prior to any interregional transfer except for Academy Instructors being returned in accordance with paragraph 8 of this document.

**h. Length of Training.** The employee is expected to actively pursue a course of training substantially on a full-time basis except to the extent that a particular type of training is not offered on a full-time basis. Therefore, if a part-time training program is approved the employee will receive part-time pay and leave accrual on a pro-rata basis.

(1) The equivalent of 24 months of full time training is the maximum authorized under the law. There is, however, no requirement that training be continuous., subject to the limitations in the paragraph above and paragraph (2) below.

(2) An individual's training under the law may not extend beyond three calendar years from the date he entered the training pool. An employee whose disability retirement application has been approved may, however., remain in the training pool after his training is completed for the purpose of using accrued sick leave until such leave is expended.

(3) The law does not guarantee two years of full-time training in any particular case. Therefore, when the training objective as defined in the training agreement is reached, or the authorized length of training is reached, the training entitlement is considered to have been fulfilled and the employee will be reassigned, transferred, or separated subject only to the sick leave provisions in paragraph (2) above.

**i. P.L. 92-297 Training Agreement.** After the training program is agreed to by the employee and the training program manager, a training agreement will be developed. It must be signed by the employee and the regional director or his designee prior to entry into training. The agreement must specify a training objective, length of training and the conditions of entitlement. The agreement must also contain a statement that the TPMO may require the repayment of training costs. It must also specify that withdrawal from training without FAA approval is considered a violation of the agreement (see Appendix 2). Withdrawal from training made necessary by factors beyond the control of the employee will be approved by FAA. The agreement should be concluded before the employee enters the training pool, i.e., within 60 days after the effective date of the final determination or receipt of the decision by the Board of Review, unless additional time is granted by the regional director or his designee.

**j. Completion of Training Entitlement.** The training entitlement is considered to have been completed when:

(1) An employee reaches his training objective, completes the, agreed upon period of training specified in the training agreement, or has been assigned to the training pool for three years, whichever occurs first.

(a) The law provides that, upon completion of training, the employee may be assigned to other duties in FAA, released for transfer to another Executive agency or another administrative element of the DOT, or involuntarily separated from the Federal service.

(b) Before deciding to separate an employee who has completed training, he should be counseled in the procedures to be followed should he desire consideration for placement within the agency. The employee may

waive such counseling. The employee may not be recertified for career controller duties.

(2) The employee terminates his program for personal reasons and waives any further training with the approval of the TPMO.

(3) The terms and conditions of the training agreement are violated for reasons not beyond the control of the employee. The provisions of paragraph 9 apply.

## **9. PAY AND ALLOWANCES DURING TRAINING.**

### **a. Basic Salary**

(1) While assigned to the training pool, employee's basic salary (paragraph 6j) will be paid in substantially the same manner and by the same means as in his last assignment as a career controller, regardless of any subsequent change in grades within his former facility. However, if the employee is enrolled in part-time training, he will be paid part-time salary on a pro-rata basis as specified in the training agreement.

(2) An employee entering into a training program for which remuneration is provided shall retain only his basic FAA salary. Any additional income earned by the employee in connection with or related to his training under this document shall be remitted to FAA for payment to the U. S. Treasury as general fund receipts.

(3) The employee will furnish time and attendance information, evidence of satisfactory progress, leave requests, and certificates of completion as may be required.

### **b. Training Expenses.**

(1) Expenses will be paid, or the employee will be reimbursed for all or part of the necessary costs such as books, tuition, registration fees, etc., as prescribed in the training agreement. These expenses are included in the employee's gross income and are wages for income tax withholding purposes.

(2) In those cases where training is not available locally, the employee shall be reimbursed for per diem and travel expenses necessary to the pursuance of his approved training objective or for movement of his family and household goods (excluding expenses involved with sale of residence and purchase of new residence) whichever is less. He will not be required to sign a Travel and Transportation Agreement to remain in the Federal service (Ref. DOT Document 1500.6, par. 322) in document to be reimbursed for a permanent change of station to receive this training.

(3) The employee will be required to furnish the necessary records and receipts in support of his claims for reimbursement.

### **c. Periodic Step Increases.**

(1) The employee will be eligible for periodic step increases in the grade to which assigned provided he continues to maintain an acceptable level of competence in meeting his training objective. The Chief, Personnel Management Division, or his designee, will make this determination on the basis of the employee's satisfactory progress in training.

(2) The waiting period of part-time training which is established on a regular scheduled basis is the same as for full-time training, i.e., 52, 104 or 156 weeks, whichever is appropriate for the step in grade. The waiting period must, however, be extended to cover any period of leave without pay in excess of that permitted by regulation for the employee's waiting period except that waiting periods are not to be extended for periods of leave without pay in which the employee is receiving OWCP compensation.

(3) Except for employees who are engaged in on-the-job training in DOT/FAA for whom normal procedures apply, a Performance Evaluation Record (PER), DOT Form 3430.1, must be completed for each employee assigned to the training pool as follows:

(a) Part II - may be omitted.

(b) Part III - sections A and B must be completed.

(c) Part IV - may be omitted.

(d) Part V - may be omitted.



(e) Part VI - must be completed.

(f) Part VII - A signed, dated statement (which can be stamped) such as the following should be entered: This employee is participating in second career training under 5 USC 3381. Because of the nature of the training and absence from normal FAA supervisory monitorship, Parts II and IV cannot be completed. The satisfactory rating is assigned in the absence of information indicating other than adequate progress in training.

d. **Public Law Pay Increases.** The basic pay by the employee will be automatically adjusted to include any salary increase authorized by law.

e. **Salary Retention.** The salary retention regulations apply if the employee is assigned to a lower grade within the Department of Transportation upon completion or termination of his training entitlement and he is otherwise eligible under the regulations.

f. **Severance Pay.** The employee is entitled to severance pay if he is involuntarily separated from the service upon completion or termination of his training entitlement provided he is not eligible for an immediate retirement annuity.

g. **Leave Accrual.** An employee assigned to the training pool will accrue leave on the same basis as any other full-time or part-time employee; i.e., if he is enrolled in part-time training, he will accrue annual and sick leave on a pro-rata basis unless his training agreement calls for the use of leave during non-training time in document to earn full-time pay.

h. **Granting Leave.** An employee pursuing training is either in a leave status (including LWOP) or in a training status. Employees in training must provide a bi-weekly signed certification of time and attendance to the regional program manager. Leave will be charged according to the provisions of this section.

(1) If the employee is enrolled as a full-time student in an educational institution:

(a) he will not be charged leave except for that time during which he certifies that he was not pursuing training as defined in his training agreement. Leave for such periods will be charged as sick leave-or annual leave and in amounts as certified by the employee;

(b) he may not take more than 3 consecutive days of annual leave during times when classes are in session without the prior approval of the TPMO or his designee;

(c) leave will not be charged during holiday vacation periods or other short-term suspensions of classes which are a regular part of the school term. Such periods shall count towards completion of training entitlement;

(d) periods of training inactivity such as summer, quarter, or semester breaks of eight or more days will be charged as leave beginning on the first day of such periods. Such periods shall not be charged against training entitlement. For example, if a quarter ended on the 20th of December and the next quarter did not begin until the 2nd of January, the employee would be charged leave for all work days except the official holidays; i.e., Christmas and New Years day. Conversely, in a system where students were excused from classes 20 December to 2 January and had to return to finish the remainder of a school term, no leave would be charged even though the period of time involved was in excess of seven days.

(2) If enrolled in on-the-job or apprenticeship type training, leave will be charged during any periods when an employee is absent from his assigned duties on a normal work day. Such employees must certify the amounts and types of leave to be charged.

(3) Employees enrolled in part-time programs will be charged leave in accordance with paragraphs (1) and (2) above except that these provisions are not intended to preclude the negotiation of agreements whereby an employee uses leave during non-training time in document to earn full-time pay.

(4) For employees removed on the basis of an operational disqualification, the type of leave to be charged will be determined as for other agency employees not in the second career program.

(5) If the employee was removed on the basis of medical determination, he will be charged leave as prescribed above but in the following sequence of priority:

(a) Sick leave, until exhausted:

(b) Annual leave, until exhausted: then

(c) Leave without pay.

If leave is to be approved, medically disqualified employees who would forfeit annual leave because of the maximum accumulation provisions contained in paragraph 15c of Absence and Leave Handbook 3600.4, will be allowed to either: 1) use the annual leave in lieu of sick leave; or, 2) have the forfeited annual leave restored to a separate leave account provided the annual leave was scheduled in advance.

(6) In document for excess annual leave to be restored, it MUST be scheduled in writing prior to the start of the third biweekly pay period before the end of the leave year. The annual leave may then be eligible for restoration to a separate leave account in accordance with the requirements of FPM Letter 630-22.

(7) For employees eligible for OWCP compensation, leave without pay may be used first.

i. **Granting Awards.** Employees engaged in second career training are eligible for awards based on suggestions, inventions, or special acts. Such employees are not eligible for awards based on job performance in the training program, e.g. quality step increases, special achievement awards, etc.

## 10. RETIREMENT.

a. An-employee who meets the service and age requirements for optional retirement under P.L. 92-297 has a vested right to such entitlement, which he may exercise at his option, regardless of subsequent job assignments within the Federal service. The annuity computed for employees retiring under the provisions of this document is based on the regular retirement formula with a guaranteed minimum equal to 50 percent. of the high-3 average salary. The annuity is not reduced even if the employee is under age 55 at the time of separation.

b. In document for the Civil Service Commission to determine whether the retirement claim of an employee is governed by P.L. 92-297, it is necessary that a certification of creditable service be made. This certification will be made by the chief of the servicing payroll branch and will be based on the determination of creditable service made by the respective manpower division chief in coordination with the air traffic division chief, as appropriate.

A completed FAA Form 3300-30, signed by the manpower division chief, or his designee, will be forwarded along with Standard Form 2801, Application for Retirement (and any other applicable material) to the chief of the payroll branch. Based on this information, the payroll chief will make the necessary certification on Standard Form 2806, Individual Retirement Record. Where the employee claims creditable experience which is not readily determined, due to inadequate records, position descriptions, etc., the employee should seek verification of his claimed experience from his former supervisor, if available; from old records at home or elsewhere; and furnish his own statement of the duties he performed, time performed, and circumstances surrounding the performance. All the pertinent information should then be sent along with the employee's application for retirement to the manpower division for determination. The Regional Flight Surgeon will also submit a recertification that the employee is permanently disqualified for career controller work.

## 11. REPORTS.

a. Each regional director (and center director, when appropriate), except AEU, shall submit a quarterly report entitled, ATCS Second Career Quarterly Activity Report, (RIS: **PT 3120-1**, to the Director, Office of Personnel and Training, APT-1.

b. Such reports shall be as of the close of business (COB) on the 26th of September, December, and March and as of the COB on June 30. Where these days fall on holidays or weekends the reports shall be as of the immediately preceding work day. The reports shall be submitted not later than 10 calendar days following the end of each quarter.

c. The report shall include information and be in a format as required by the Office of Personnel and Training.

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## APPENDIX 1

Public Law 92-297

92<sup>nd</sup> Congress, H.R. 8083

May 16, 1972

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## APPENDIX 2

### AIR TRAFFIC CONTROLLER'S SECOND CAREER TRAINING PROGRAM "TRAINING AGREEMENT"

The following provisions will apply to an eligible FAA employee pursuing training under P.L. 92-297.

#### I. Training Objective

Your training under this agreement is designed to meet the following target objective \_\_\_\_\_.

#### Counseling Toward Training Objective

As a result of your test scores and counseling thereafter, you acknowledge that test results indicate (success or possibility of failure) in the training objective.

#### II. Length of Training Allowed

You are authorized to complete training toward the training objective under the Act for a period of \_\_\_\_\_ months.

#### III. Conditions of Entitlement

##### A. Courses of Study

You are approved to pursue \_\_\_\_\_.

Course of Study at \_\_\_\_\_ for a total length of \_\_\_\_\_ months; to include \_\_\_\_\_ credit hours each semester/trimester or quarter. If part time, the part-time scheduled hours of training will be indicated hereon.

Or

You are authorized to participate in On-the-Job Training at \_\_\_\_\_ firm, address \_\_\_\_\_ as and \_\_\_\_\_ with scheduled hours of training as follows \_\_\_\_\_ hours weekly. If part time, the part-time scheduled hours of training will be indicated hereon.

Or

You are authorized to attend \_\_\_\_\_ vocational and/or trade school located at \_\_\_\_\_ for a period of \_\_\_\_\_ months to include \_\_\_\_\_ hours of training weekly in the \_\_\_\_\_ course. If part time, the part-time scheduled hours of training will be included hereon.

##### B. Requirements for a Full-Time Training Program

Full-time and part-time training programs shall be determined in conjunction with your training institution.

##### C. Requirements for Progress Reports and Status Changes

As an employee in training under the Act, you are required to remain in good standing with the training institution. Also you are required to submit all formal reports-of training progress from the institution in writing to your Manpower Division not more than 15 days after receipt.

Additionally, you shall inform your Manpower Division immediately of changes in time and attendance; and your status as a student. (e.g., withdrawal from a course of study).

##### D. Payment to Training Institution

As an eligible employee under the Act, you will present an FAA authorization for enrollment to the training institution, and return this authorization properly certified by the institution to include cost of tuition, fees, books, and supplies. The agency will only pay for supplies, books and equipment required for other students taking the same training. Your Manpower Division will arrange payment for tuition, fees, and other expenses to the selected training institution.

Or

You are authorized to pay for all tuition, fees, books and supplies prescribed in your training course. The agency will only pay for supplies, books, and equipment required for other students taking the same training. You are required to furnish all records and receipts of payment from the training institution and will present these receipts and completed SF 1164 to your Manpower Division for payment.

## E. Pay Status of Employee

You are assigned to the position of **(Title, Series, Grade, Position, Location)**. Your basic pay and allowances while assigned to this position are governed by FAA FAPM 3381. The receipt of one copy of this document is hereby acknowledged.

(The following additional provisions will also govern your pay and allowance entitlement while pursuing training under this agreement, e.g.;

1. Full-time part-time (training schedules)
2. Maintenance of T&A
3. Movement of household goods and travel or per diem as appropriate
4. Other special conditions.)

## F. Action Upon Completion of Training

As an agency employee in training under the Act, you are required to immediately notify your Personnel Management Division when you terminate or complete training, or withdraw from training. As appropriate, you shall be reassigned, transferred or involuntarily separated upon completion of termination of training.

## G. Change in Training Status

1. In document to avoid overpayment of either salary or benefits or both you are required to notify your Personnel Management Division in writing, or if necessary to avoid overpayment, by any other available means, of your desire to change this agreement because of any anticipated or actual change in your training status which would reduce or terminate your entitlement. The notice must be given as soon as practical after you become aware of the actual or anticipated status change and must contain the effective date and the reasons for the change. Any overpayment made, regardless of the reasons therefore, will be the subject of a collection action in accordance with FAA Document 2700.3, Accounting Principles, Concepts and Procedures.

2. Except as provided in this section, you may obtain an increase in your entitlement to salary or benefits to both only if you have prior FAA approval in writing from your Personnel Management Division of any change in your training status that would cause such an increase.

Payment to cover increased benefits resulting from a change in training status occurring prior to FAA approval of the change may only be authorized when you show that your failure to notify FAA of the change in a timely manner was unavoidable due to circumstances beyond your control. In no case will such payment be authorized if the change in status is not approved.

H. Failure to comply with the provisions of this agreement is grounds for termination of your training and recovery by FAA of costs related to your training paid or reimbursed by FAA in accordance with paragraph 10f. of FAPM 3381, ATC Second Career Program. Withdrawal from training without FAA approval shall be considered a violation of this agreement, however, FAA shall approve such withdrawal if you can show that it was made necessary for reasons beyond your control.

## I. Fulfillment of Training Responsibility

The agency's responsibility under this agreement shall be considered to have been fulfilled when the agreed upon training has been completed or terminated.

J. Authority for this Agreement is P. L. 92-297, dated May 16, 1972 and FAA Document 3410.11A which became an integral part of this Agreement.

Employee signature \_\_\_\_\_ Date \_\_\_\_\_  
TPMO signature \_\_\_\_\_ Date \_\_\_\_\_

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## APPENDIX 3

FOR USE IN ASSIGNING AN EMPLOYEE TO THE PL 92-297 TRAINING POOL

NOTIFICATION OF PERSONNEL ACTION  
(EMPLOYEE -- See General Information on Reverse)

FOR AGENCY USE

1. NAME (Last, First, Middle)	2. (For Agency Use)	3. Birth Date (Mo., Day, Year) 05-14-29	4. Social Security Number 505-14-5985
5. Veterans Preference <b>2</b> 1-NO 2-5 PT 3-10 PT DISAB. 4-10 PT COMP. 5-10 PT Other.	6. Tenure Group 1	7. Service Comp Date 03-28-58	
9. FEGLI <b>1</b> 1-Covered (Regular only - declined Optional 2-Ineligible 3-Waived 4-Covered (Reg. & Opt.)	10. Retirement <b>1</b> 1-CS 2-FICA 3-FS 4-None 5-Other	11. (For CSC USE)	
12. Code -- Nature of Action 721 -- Reassignment	13. Effective Date (Mo., Day, Year) 07-09-75	14. Civil Service or Other Legal Authority Reg. 335.102	
15. From: Position Title and Number Air Traffic Control Specialist (Center) NY-7341	16. Pay Plan and Occupation Code GS-2152	17. (a) Grade (b) Step or Level --or Rate 12 -- 04	18. Salary pa \$20,308
19. Name and Location of Employing Office Department of Transportation Federal Aviation Administration Eastern Region Air Traffic Division Operations Branch Jamaica, New York			
20. To: Position Title and Number Air Traffic Control Specialist (Center FA -	21. Pay Plan and Occupation Code GS-2152	22. (a) Grade (b) Step or Level -- or Rate 12--04	23. Salary pa \$20,308
24. Name and Location of Employing Office Manpower Division PL 92-297 Training Pool Jamaica, New York			
25. Duty Station (City, country State) Jamaica, New York	26. Location Code		
27. Appropriation	28. Position Occupied <b>1</b> 1-Competitive Service 2-Excepted Service	29. Apportioned Position From: _____ To: _____ 1-Proved 2-Waived State	

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30. Remarks:

- ☐ A. Subject to Completion of 1 -- Year Probationary (or Trail) Period Commencing \_\_\_\_\_
- ☐ B. Service Counting Toward Career (or permanent) Tenure From: \_\_\_\_\_
- ☐ C. During probation Employee permanently disqualified for active Air Traffic control duties by notice of final determination (or Board of Review decision) dated \_\_\_\_\_, in accordance with PL 92-297.

Reassignment is for purpose of receiving training per employee's request dated \_\_\_\_\_ as authorized under 5 U.S.C. 3381.

Employee will be retained in this position at his last assigned grade and rate of basic pay and by entitled to each increase in basic rate of pay provided by law for the duration of his training.

The period of assignment to this position may not exceed 3 years from beginning of training unless extended by appropriate authority. Length of training, tour of duty and conditions of employment are specified in the employee's training agreement dated \_\_\_\_\_.

Non-sensitive position

31. Date of Appointment Affidavit (Accessions only)

32. Office Maintaining Personnel Folder (If different from employing office) - Manpower Division

33. Code -- Employing Department of Agency

TD 03 -- Department of Transportation

34. Signature (Or other authentication) and Title

Chief, Manpower Division

35. Date - 06-25-75

5 PART 50-133 (See Page 2 of Appendix 3 for instructions on completing this form).

## **INSTRUCTIONS FOR FILLING IN STANDARD FORM 50 IN ASSIGNING AN EMPLOYEE TO THE PL 92-297 TRAINING POOL**

### **1. GENERAL INSTRUCTIONS.**

Complete all entries normally required on SF-50 for reassignment of a permanent employee. No subsequent SF-50 is required for supplemental pay changes resulting from changes in the employee's schedule of training. Such changes when authorized, may be processed on Standard Form 1126 which will serve as the notice of personnel action and will be filed in the Official Personnel Folder in lieu of SF-50.

### **2. INFORMATION TO BE SHOWN FOR SPECIFIC ITEMS.**

a. Personnel Action Code and Nature of Action. Show 721 Reassignment for all assignments of eligible ATC personnel to the training pool.

b. Additions to Nature of Action. When the employee will be receiving training on less than a full-time basis, the Nature of Action should read Reassignment Part Time.

c. Effective Date. Enter the actual date in six numerals (e.g., 07-09-75) on which the employee is to be reassigned to the training pool.

d. Authority Entry. Cite CSC Regulation 335.102 as the authority for reassignment.

e. Remark Entries. The entries under item 30, Remarks, are required for all reassignments under this Document.

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## **APPENDIX 4 POSITION DESCRIPTION**

Option Form 8 -- July 1959  
U.S. Civil Service Commission  
FPM Ch. 295

5008-104

1. **Check one:** \_\_\_\_\_ Dept'l \_\_\_\_\_ Field

2. **Official headquarters:** Various\*

3. **Reasons for Submission:** (a) If this position replaces another (i.e., change of duties in an existing position), identify such position by title, allocations (service, series, grade) and position number (b) Other (specify)

4. **Agency position number**

5. **C.S.C. certificates number**

7. **Date received from C.S.C**

8. **Classification Action**

Allocated by	Class Title of Position	Service	Series	Grade	Initials	Date
a. Civil Service Commission						
b. Department, agency, or establishment		GS	2152			
c. Bureau						
d. Field Office						
e. Recommended by initiating office						

9. **Organizational title of position** (if any)

10. **Name of employee** (If vacancy, specify V-1, 2, 3, or 4)

11. **Department, Agency, or establishment:** Department of Transportation

11a. **First Subdivision:** Federal Aviation Administration

11b. **Second Subdivision:** Regional Office

11c. **Third subdivision:** Manpower Division

11d. **Fourth subdivision:** PL-92-297 Controller Training Pool

12. **This is a complete and accurate description of the duties and responsibilities of my position**

\_\_\_\_\_  
Signature - Date

13. **This is a complete and accurate description of the duties and responsibilities of the position**

\_\_\_\_\_  
Signature - Date

14. **Certification by head of bureau, division, field office, or designated representative**

\_\_\_\_\_  
Signature - Date

Title: \_\_\_\_\_

15. **Certification by department, agency, or establishment**

\_\_\_\_\_  
Signature - Date

Title: Director of Personnel

16. **Description of duties and responsibilities**

I. **POSITION SUMMARY.**

The incumbent of this position has been determined to be permanently disqualified for performing active air traffic control duties and is entitled to receive training under 5 U.S.C. 3381. This position is established at the employee's last assigned grade as provided in 5 U.S.C. 3381 and will be used only as an interim position to which the incumbent is assigned during the training period.

The incumbent is assigned to either full or part-time training in accordance with 5 U.S.C. 3381. Location and scope of training are prescribed in a separate training agreement.

Organizationally, the training pools are located in the following locations: Atlanta, Boston, Chicago, Denver, Fort Worth, Kansas

City, Los Angeles, New York, Seattle, Anchorage and Honolulu. The employee's duty station will be at the location where the training is provided, unless otherwise provided for in the training agreement.  
If more space is required, use the other side and additional pages size 8x10 1/2.

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**APPENDIX 6**  
**DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION**  
**ADMINISTRATION WASHINGTON, DC 20591**

**DATE:**  
**IN REPLY REFER TO:**  
**SUBJECT: Notification of Eligibility for Training**

**FROM:**

**TO:**

Return: TPMO, Regional Office

Five U.S.C. 3381 (a) provides that a controller with five years service as a controller who is removed as a controller for any of the reasons set forth in the statute is entitled to training to assist in the transition to another career, and to retention in pay status during the training.

You have been notified that an action has been initiated to remove you as a controller for one or more of the statutory reasons. If the action becomes final you will be entitled to the statutory benefits, as set forth in FAA Document 3410.11A. To establish your eligibility you must notify us within 15 calendar days after receipt of this letter whether or not you are interested in receiving the training. Indicate your interest in training benefits

by checking the appropriate blocks below. Sign this document in the presence of an appropriate witness and return it to (your regional TPMO). Compliance with this request will in no way prejudice your case in the event you choose to request review of the agency's determination to remove you from your career controller position.

---

Chief, Regional Personnel Management Division

I am \_\_\_\_\_ am not \_\_\_\_\_ interested in receiving second career training.

---

Employee Signature (Date)

---

Witnessed by: (to be signed by your supervisor (Date)

Note: This notification must be dated the same date as the notice of determination indicated in paragraph 9.c.(2) of the document and the two letters should be forwarded together to the employee. As an alternative, the above information may be incorporated into the notice of determination if desired.

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**APPENDIX 7 (Please see the Hard Copy)**

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**APPENDIX 8**

**DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
**WASHINGTON, DC 20591**

**DATE:**

**IN REPLY REFER TO: (Division)**

**SUBJECT: Medical Disqualification**



FROM: Chief, Employment Branch,]

TO:

We are enclosing a letter from the Regional Flight Surgeon in which he advises that does not meet the medical standards required for assignment as an air traffic controller. Agency Document 3410.11A outlines in detail the procedures for the removal of air traffic controllers who do not meet the medical standards for such an assignment. The Regional Director's letter of (date), delegates the authority to make medical and operational removal determinations concerning current controllers to Chiefs of AT Centers and Terminals.

You may note in agency Document 3410.11A that prior to making a determination to remove a employee from his career controller position, the removal official must hold an informal conference with the employee. The employee will be counseled on the proposal to remove him from his position. Each party may have a personal representative at the conference and during all subsequent phases of the case. At that time, a copy of the file which has been compiled will be made available to the employee for review and copying. If the file contains medical information, the possession of which in the judgment of the Regional Flight Surgeon, or his designee, would be injurious o the health of the employee, such information will be made available at the employee's request, to a licensed physician designated by the employee. Notify the Regional Flight Surgeon when a medical file had been requested and have the employee complete enclosed FAA Form 2759 and forward to (name) immediately. The employee will be given ten (10) calendar days from the date his physician receives the file to submit to you in writing any evidence then available to him which he desires to present in his behalf and supplement this with oral comment if he so chooses. A written record will be prepared along with any comments or recommendations determined appropriate regarding the case. A formal hearing will not be held.

In the event the meeting generates additional information concerning the employee's medical history, contact the Regional Flight Surgeon. Once all information has been fully considered and if a determination is made to remove the employee, such notification should be made in letter form along the lines of the enclosed draft. This letter should be presented to the employee no earlier than twelve (12) days following receipt of the file at the informal conference.

Please feel free to contact this office for any additional assistance you may need on this case.

**MEMORANDUM TO FACILITY CHIEF:**

When you deliver this letter to the employee, please have him/her acknowledge receipt by handwritten signature and date on one copy and return to (Division).

**DEPARTMENT OF TRANSPORTATION  
Federal Aviation Administration**

**AUTHORIZATION FOR THE RELEASE OF MEDICAL INFORMATION  
TO THE FEDERAL AVIATION ADMINISTRATION**

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_ born on \_\_\_\_\_,  
(First) (Middle) (Last) (Month) (Day)

\_\_\_\_\_ at \_\_\_\_\_,  
(Year) (City) (State or Country)

presently residing at \_\_\_\_\_  
(Current residence address) (City) [N], \_\_\_\_\_  
\_\_\_\_\_ (State)

hereby authorized any physician or other person has attended, examined or treated me, or any clinic, hospital, institution, company, or Federal State or municipal agency, office or bureau which may have information concerning my medical history, to release to the Administrator of the Federal Aviation Administration, or his medical representative, any available information or records concerning my medical history in their knowledge or possession.

I have also been known by the following name (s) \_\_\_\_\_ (if none, state "None") A reproduction of this authorization shall be deemed as effective and valid as the original.

Signature

Date

---

## NOTICE OF DETERMINATION

Name of Employee

Position Title - Grade and Series Location

Dear \_\_\_\_\_:

This is notice of determination that you are to be removed from your career controller position under Public Law 92-297. The reason is (Insert detailed reason for removal. In the case of medical, excerpt from the Regional Flight Surgeon's diagnosis. In the case of removal for failure to meet proficiency, it will be necessary for you to provide the reason backed up with the specific instances. This should be closely coordinated with **AT Division** and **Manpower Division**.)

Information presented by you in our (**Preliminary**) conference was carefully considered prior to making this determination. You may request reconsideration of this determination by submitting any corroborative evidence as you may wish to show cause why the determination should not be made final.

The request for reconsideration must be submitted to me in writing addressed to the Administrator, through Mr. ( NAME ), Director, (Region), (Address). You will be allowed fifteen (15) calendar days after receipt of this notice in which to submit your reply. Consideration will be given to extending this period if you submit a request showing justifiable need for additional time in which to prepare your request.

If you request reconsideration, within fifteen (15) days after receipt of your request by the Administrator, you will be notified in writing of his decision to (a) rescind the determination, or (b) convene a Board of Review in which case you will be asked to designate a person to serve on the Board. You may also appoint a personal representative. Within thirty (30) days after being convened, the Board will furnish you a copy of its findings. Action will then be taken to carry out the Board's decision, which is final.

If you fail to request reconsideration within the allotted fifteen days, you will be issued a notice of a final determination regarding your removal from your career controller position. The various alternatives are explained in pages 12 through 15 of paragraph 9d of Document 3410.11A.

You are entitled to receive training leading to a second career as provided in Public Law 92-297. You are also entitled to vocational counseling to prepare you for training and/or to consideration for placement in another position in DOT or another agency. Regardless of whether you request reconsideration, you must state within fifteen (15) calendar days after receipt of this determination whether you wish to receive training. Please complete the enclosed letter, "Notification of Eligibility for Training and Other Benefits," in duplicate and return to me for transmittal to the Chief, Training Branch,

Should you request reconsideration, your request for training will be held in abeyance pending final determination of your disqualification.

If your removal is based on medical reasons, you also file for disability retirement. If the Civil Service Commission approves your application for disability retirement, you will be entitled to an annuity computed according to CSC regulations. (Add OWCP information if applicable).

If you have any questions concerning the procedures outlined above, please contact me.

(Signature Block)

Enclosure

cc: (PMS when applicable)

**DRAFT - No Reconsideration - Ineligible for Optional - Entering Training**

Name of Employee

Position Title, Grade, Series

Location

Dear \_\_\_\_\_:

In my letter of \_\_\_\_\_ you were informed of my determination to remove you from your career controller position. You were advised of your right to request reconsideration of this determination within fifteen (15) days of receipt of the letter. You have not requested reconsideration within the allowable time limits. Therefore, this is notice of my final determination to remove you from your career controller position under the provisions of Public Law 92-297 for the reasons specified in the notice of determination.

Since you have requested second career training, you will be reassigned to the second career training pool within sixty (60) days of the date of this letter. A member of the Regional Training Branch will contact you in the near future to develop a training agreement covering your second career training program. While assigned to the training pool, you will be under the administrative supervision by the Chief, Training Branch, who will function as your supervisor and will be responsible for all administrative matters including time and attendance records, request for leave, etc.

Since you may be entitled to disability retirement following training, if your removal is based on medical reasons, you should furnish me a completed SF-2801 within ten (10) days after receipt of this letter. This application will be referred to the Civil Service Commission for tentative approval pending completion of training.

At least 60 days prior to your completion of training, determination will be made to reassign **you to a position other than as a career controller**, transfer or separate you. If separation is necessary, your application for disability retirement, if applicable, will be forwarded to the Civil Service Commission for final processing.

We regret having to make this determination and wish you much success in the training program.

(Signature Block)

**DRAFT - Ineligible for Optional - No Reconsideration or Training**

Name of Employee  
Position Title, Grade, Series Location

Dear :

In my letter of \_\_\_\_\_ you were informed of my determination to remove you from your career controller position. You were advised of your right to request reconsideration of this determination within fifteen (15) days of receipt of the letter. You were also informed of your right to request second career training within the same time frame. You have not requested either reconsideration or training; therefore, this is notice of my final determination to remove you from your career controller position for the reasons specified in the notice of determination.

If your removal is based on medical reasons and you meet the necessary requirement of five years civilian-service, you are entitled to apply for disability retirement. In this event, you should furnish this office a completed SF-2801 within ten (10) days after receipt of this notice in document that your disability retirement application may be processed. Upon approval by the Civil Service Commission, you will be notified of the effective date of your disability retirement.

We regret having to make this determination and wish you much success in your future endeavors.

(Signature Block)

**DRAFT - No Reconsideration - Eligible for Optional - Entering Training**

Name of Employee  
Position Title, Grade, Series  
Location

Dear \_\_\_\_\_:

In my letter of \_\_\_\_\_ you were informed of my determination to remove you from your career controller position. You were advised of your right to request reconsideration of this determination within fifteen (15) days of receipt of the letter. You have not requested reconsideration within the allowable time limits. Therefore, this is notice of my final determination to remove you from your career controller position under the provisions of Public Law 92-297 for the reasons specified in the notice of determination.

Since you have requested second career training, you will be reassigned to the second career training pool within sixty (60) days of the date of this letter. A member of the Regional Training Branch will contact you in the near future to develop a training agreement covering your second career training program. While assigned to the training pool, you will be under the administrative supervision of the Chief, Training Branch, who will function as your supervisor and will be responsible for all administrative matters including time and attendance records, request for leave, etc.

Since you are eligible for optional retirement, you will be separated from the agency on the last day of the month following completion of training. For example, if training is completed on May 25, separation would not occur, without your consent, earlier than June 30. At least sixty (60) days prior to completion of training, you will be notified of the effective date of your separation. You will be given appropriate assistance in filing an application for retirement to coincide with the effective date of separation.

We regret having to make this determination and wish you much success in the training program.

(Signature Block)

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**APPENDIX 9** (Please see hard copy)

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## **APPENDIX 10.**

### **PROCEDURES FOR BOARD OF REVIEW**

#### **I. EMPLOYEE'S REQUEST FOR REVIEW.**

A. If an employee is dissatisfied with the determination that he is to be removed from controller duties under the provisions of P.L. 92-297, he can request reconsideration of this determination by FAA Administrator under the procedures-contained in this document and in this appendix.

B. The request for reconsideration should contain the reasons why the employee claims he should continue to perform controller duties and any supporting evidence he is then able to present. The request must be addressed to the Administrator and submitted to him in writing through the regional director, or his designee, not later than 15 calendar days following receipt by the employee of the written notice of determination to remove him from controller duties, or within a reasonable extension of this time as may be granted.

C. The regional director, or his designee, may grant the employee a reasonable extension of time within which to submit his request for reconsideration if the employee can show justifiable need for additional time in which to prepare his request.

D. Upon receipt of the request for reconsideration from the employee, the regional director, or his designee, will promptly forward it, together with the case file, to the Administrator.

#### **II. ACTION OF ADMINISTRATOR.**

A. Upon receipt of the request for reconsideration, the Administrator has 15 days in which to make a decision.

B. The Administrator must take one of the following actions:

1. Rescind the determination, in which case he will notify the employee of this decision with a copy to the employee's regional director, directing that the employee be returned to his career controller position, or

2. Take immediate action to convene a Board of Review to further consider the employee's request for reconsideration. In this case, he will forward the file to the Board of Review Secretariat.

C. The Administrator will notify the employee, in writing, of his decision. In the event the decision is to convene a Board of Review, the employee will be advised to designate a person within 10 days to serve on the Board.

#### **III. FUNCTIONS AND COMPOSITION OF THE BOARD OF REVIEW.**

A. The Board of Review will review evidence supporting and inconsistent with the determination to remove the employee from air traffic control duties and decide whether to approve or rescind the determination. The Board may, at its discretion, appoint a review officer to collect additional facts and information necessary to assure a full and impartial review and to submit a report thereon. If the Board determines that additional statements are necessary, it will arrange for personal interviews which will normally be conducted at the employee's worksite. The Board will consider the full written record before it, and will base its decision to approve or rescind the determination on that record.

B. The Board shall consist of three members - a person designated by the employee, a representative of the Department designated by the Administrator (from a roster approved by the Secretary), and a person designated by the Chairman of the Civil Service Commission, who will serve as Chairman of the Board. In case of a medical determination the Board member designated by the Administrator will be a physician. The Board members shall act as an impartial body judging the merits of each case objectively. Persons previously involved in the determination to remove the employee from control work may not serve as Board members. The Board member designated by the Administrator and the member designated by the employee (if a DOT employee) shall exercise independent judgment in the performance of their functions as Board members, without supervision or direction by any official of the Department. The member designated by the Administrator must be outside the direct chain of supervision over the employee's position. The employee-designated member must be a person who in no way is directly or indirectly supervised by the employee. A person who is in the direct chain of supervision over the employee's position may not serve as the employee-designated Board member, nor as the employee's personal representative. The employee's personal representative, if one is selected, may not serve in the dual capacity of Board member.

C. The Board is convened upon the designation of the three members.

D. Any questions arising in the course of the proceedings, including the final decision, will be decided by majority rule with each member having one vote.

E. Within 30 days of the date the Board is convened it will render its decision. Copies of the decision and the review officer's report (if a review officer is appointed) will be sent to the employee and the Administrator. The Administrator will direct such action as may be necessary to carry out the Board's decision.

#### **IV. FUNCTIONS OF THE REVIEW OFFICER.**

If appointed by the Board, the review officer will perform the functions deemed necessary by the Board and in the manner prescribed by the Board.

#### **V. QUALIFICATIONS OF REVIEW OFFICER.**

To serve as a review officer, an individual must:

A. Be designated as an arbitrator on a roster of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association; or

B. Have current or former employment as, or current eligibility on the CSC register for administrative law judges.

#### **VI. ROLE OF BOARD OF REVIEW SECRETARIAT.**

A. A Board of Review Secretariat under the Associate Administrator for Administration will serve the review system.

B. The Board Secretariat will provide the following support services in connection with employee requests for reconsideration.

1. Immediately upon notification by the Administrator that the Board of Review is to be convened, the Secretariat:

a. Initiates action with the Chairman of the Civil Service Commission to designate the CSC member who will serve as Chairman of the Board of Review;

b. Ascertains from the Administrator his designee from a roster approved by the Secretary of Transportation to serve as the Department of Transportation representative on the Review Board;

c. Ascertains from the controller the names of his designee to the Board of Review and his personal representative, if one is selected. (The designation must include a statement by the employee that the Board member has agreed to serve in that capacity);

d. Makes necessary arrangements and coordinates actions among the three Board members as appropriate to the proper functioning of the Board; and

e. Ascertains from the Board whether or not a review officer is desired.

2. Maintains roster of qualified review officers and management designees to serve as Board members.

3. When requested by the Chairman of the Board, recommends the names of one or more qualified review officers.

4. Prepares Board correspondence and maintains the official records of Board actions.

5. Provides general administrative support, including monitoring and administering necessary contractual arrangements with review officers.

## **VII. STATUS OF PARTICIPANTS IN THE REVIEW PROCESS.**

A. An FAA employee properly designated as a Board member will be considered to be in a duty status (if he would otherwise have been on duty and will receive travel and per diem allowances).

B. If a person other than an FAA employee is designated as a Board member, he will be issued invitational travel documents and receive per diem allowances.

## **APPENDIX 11**

(Please see Hard Copy)

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## Background

The Regulation and Certification (AVR) Performance Management Program is made up of the performance appraisal system which is designed to address a shared understanding of mission requirements, desirable work practices, and professional growth and an awards system to reward employees, teams, and **ad hoc** groups for noteworthy performance and accomplishments. The program is designed to offer AVR organizations the maximum flexibility to implement these systems in ways which meet their needs and at the same time insure that certain minimum requirements and system philosophy tenets are met. Each AVR office/service may issue implementing guidance as an appendix to this AVR document. All implementing guidance must be compliant with the **FAA Performance Planning and Recognition System (PPRS)**. Where this document or office/service implementing guidance is silent or has not been issued, the (PPRS) shall be used.

## AVR Performance Appraisal System

The AVR system covers all non-SES AVR employees. SES employees are covered by an FAA wide appraisal system. All AVR organizations will conduct their performance appraisal systems consistent with the following requirements.

**Appraisal Period.** The appraisal period for all AVR employees will be from October 1 to September 30 of each year.

**Minimum Appraisal Period.** The minimum appraisal period will be 90 calendar days.

**Interim Performance Reviews.** At least one interim performance review is required and additional reviews may be conducted as needed.

**Appraisal Due Dates and Extensions.** Every AVR employee's performance must be appraised at least annually. An employee must have been under the same outcomes and expectations for a minimum of 90 days before the rating is rendered. Normally, annual appraisals will be completed no later than December 29 of each year (90 days following September 30). If circumstances necessitate, an annual appraisal may be rendered up to 45 days before the end of the cycle (August 16). Examples of such circumstances are:

- an employee will be leaving an organization and going to another AVR organization before the end of the cycle.
- an employee will begin a 90 day (or longer) detail after August 16 and continue through the end of the appraisal cycle.
- an employee will be on extended leave or travel over the end of the appraisal year.

All appraisals must be completed no later than 90 calendar days after the end of the appraisal cycle. No extensions are authorized except in cases where an employee has worked under the same outcomes and expectations for fewer than 90 days and has no annual appraisal for the most recent appraisal period. Employees who have worked under the same outcomes and expectations for fewer than 90 calendar days will have their rating periods extended until the 90 day minimum is achieved and then the rating must be rendered immediately.

**Number of Rating Levels.** There are two performance rating levels in FAA, "Meets Expectations" and "Does Not Meet Expectations." Substantial documentation is required when performance is rated Does Not Meet Expectations (see below).

**Assignment of the Annual Rating.** In most AVR organizations, performance information will be gathered and the rating will be rendered by each employee's first level supervisor (the "rater," who will also be the validating official). However, each AVR Office/Service may permit its organizations to devise their own method for collecting performance information about and rating recommendations for their members. In all cases, the annual rating must be assigned and/or validated by each employee's first or second level supervisor.

There is no provision for next level review of ratings once validated except for organizations which are authorized by their Office/Service to adopt systems where validating officials are not involved in the assignment of ratings (teams, peers, etc. render the ratings). In these cases, disagreements between validating officials and the rater(s) will be referred to the next level. In such cases, the next level may overturn the rating but must document the reasons for doing so and provide this documentation to the validating official, the rater(s) and the employee being rated. See Appendix 1 for further definition of the roles of raters and validating officials.

In cases where an employee works in different positions, for different organizations, and or for different supervisors during an appraisal cycle, performance should be documented by the rater(s) in each case and provided to the rater(s) who will render the annual rating. It is desirable for the rater(s) in each case to discuss their findings with the employee before the employee leaves the assignment/position/supervisor but, in all cases, these findings must be discussed with the employee by the rater(s) who render the annual rating. All such findings will be used as sources of information on performance but no weighting formula or other mechanical system for taking the information into account in the construction of the annual rating may be used unless authorized under the provisions applying to alternative appraisal systems.

**Performance Expectations.** Every employee must be provided with written performance expectations, addressing specific critical Outcomes, within 30 days of the beginning of each appraisal period, accession to the organization, or a change of job functions. The validating official (usually the first or second level supervisor - see appendix 1) will maintain a copy of these in the Employee Performance File (EPF). The Performance Expectations must be specifically related to the mission of the employee's organization.

Performance Expectations for assessing the level of performance on each critical Outcome must be clear on how performance which meets expectations will be distinguished from performance which does not meet expectations. Performance which does not meet expectations, after sufficient opportunity to improve (see "Performance which does not Meet Expectations" below) on one or more critical Outcomes will be tantamount to a rating of "Performance Does Not Meet Expectations" for the position. Employees should be involved in the development of performance plans where appropriate but must in all cases be given an opportunity to discuss the specific requirements and interpretation of the plans with their raters. Additional guidance on



Outcomes and performance expectations may be attached as Office/Service Appendices. AVR organizations must include in their implementing instructions any requirements for specific outcomes/expectations imposed by AVR-1 or the Administrator, such as a diversity outcome or requirements for performance management expectations for supervisors.

**Annual Rating Required.** Every employee **must** receive an annual performance rating. In the event that circumstances result in an employee's anniversary date passing without an annual appraisal rating being assigned during the previous 365 calendar days, IPPS will automatically enter a "Meets Expectations" rating. This will permit within-grade increases to be processed but will not meet the regulatory requirement for annual appraisal of performance. In such cases, an appraisal must be completed as soon as possible thereafter.

If, before an employee's anniversary date occurs, the rater(s) determine that an employee is not meeting expectations, it is critical for the human resources organization to be notified immediately.

**Forms.** Each AVR office/service may design and adopt a rating form to suit its own needs. All such forms must, however, provide a place for the information required on the Optional AVR Performance Appraisal Form, attached to this document as **Appendix 2**.

**Development.** Developmental needs may be documented on the appraisal form, however, serious performance deficiencies must not be recorded in the same section, but must be documented separately and made an attachment to the appraisal form.

### **Performance which Does Not Meet Expectations.**

1. **Communication with the HRMD Required.** If the validating official (usually the first level supervisor) finds that an employee's performance does not meet expectations at any time, including at an interim performance review or at the end of an appraisal cycle, the human resource division (HRMD) must be notified before the rating is rendered and/or the employee is notified. Validating officials have a duty to work closely with the HRMD during the process of dealing with the situation. The HRMD will provide case-by-case guidance on when a "Does Not Meet Expectations" rating may/must be rendered and what documentation and employee notification is required.

2. **Performance Improvement Period.** In most cases, a reasonable improvement period must be established for the employee to demonstrate improved performance sufficient for a "Meets Expectations" rating to be assigned. The improvement period will commence upon the employee's receipt of written notification and the date by which sufficient improvement must be attained must be specified in the notification. The HRMD will provide guidance on within-grade increases and other implications.

3. **Assistance with Improving Performance.** Validating officials and raters must and peers, subordinates, and/or team members (when they are not raters) may participate in assisting the employee to improve. A written improvement plan is required and assistance efforts must be fully documented for the established improvement period. The validating official and/or raters will be responsible for discussing progress observations with the employee and documenting the observations. Validating officials will be responsible for maintaining this information in the EPF. If anyone other than raters and/or members of the employee's supervisory chain is involved in the performance improvement process, care must be taken to respect the employee's privacy rights.

4. **Action at the Conclusion of the Improvement Period.** If the employee's performance in the area(s) of serious deficiency has improved to the degree that a rating of "Meets Expectations" may be assigned, this must be done. A copy of the rating will be kept in the EPF, and a copy will be provided to the HRMD. If performance does not improve sufficiently within the established improvement period, the validating official will, in accordance with guidance provided by the HRMD, affirm the rating of "Does Not Meet Expectations" and the HRMD will provide guidance on and support for performance based action (reassignment, demotion, or removal). Both first and second-level supervisors must concur in the rating.

### **AVR Recognition and Awards System**

This system covers all AVR employees, including members of the SES. AVR believes that individual employees, standing teams, and **ad hoc** work groups should be recognized and/or rewarded for extraordinary contributions to the mission and for the examples of excellence they set for others. Specific work products that are of an unusually high quality, sustained performance at a high level, and unusual contributions to the operation and/or morale of the service should be recognized appropriately. Guidance on Departmental awards and awards and limitations specific to SES members is contained in the **FAA PPRS** document.

### Implementing Guidance.

Each AVR Office/Service may include in an appendix to this document, implementing guidance for that organization. Organizations may specify procedures for processing suggestions, award recommendations, etc. but must insure that adequate controls are in place for fiscal accountability for monetary awards. Each AVR office/service must have Incentive Awards Coordinators who will promote consistency in the application of awards criteria and organizational policy on awards, maintain data on awards granted, conduct analyses of the operation of the awards system, advise management on the operation of the system, and suggest improvements, as appropriate.

### Non-monetary Awards in AVR.

Non monetary recognition includes Departmental and FAA honorary awards (including Certificates of Achievement and Official Letters of Commendation) and honorary awards specified under AVR office/service implementing guidance for that organization. Each AVR office/service may issue guidance on the processing and approval requirements for these awards.

### Monetary Awards in AVR.

Recognition having significant monetary value may be conferred for both measurable and nonmeasurable benefits. The scales in the next section are intended to provide a common understanding of the appropriate level of reward for various types of contributions.

AVR monetary awards will be granted for mission-related accomplishments which further improvements in safety, organizational or operational efficiency, public understanding and support, quality of customer service, and/or morale of the workforce. AVR employees, as a part of their normal responsibilities, have a duty to contribute to these goals. However, when an employee's contribution goes substantially beyond normal expectations, monetary recognition is appropriate. Employees receiving such recognition should have demonstrated a strong commitment to the AVR safety mission and AVR values, which include striving for excellence, assumption of accountability, acceptance of responsibility, exercising good teamwork, excellence in customer service, and support for organizational goals.

### Guidelines for Granting Monetary Recognition (from PPRS)

#### Measurable Benefits Scale

Benefit	Amount
Up to \$10,000	10 percent of the benefits
\$10,001-\$100,000	\$1,000 for the first \$10,000 in benefits, plus 3 percent of benefits over \$10,000
\$100,001 or more	\$3,700 for the first \$100,000 in benefits plus 005 of benefits over \$100,000. Award amount should not exceed recipient's annual salary.

#### AVR NONMEASURABLE BENEFITS MONETARY AWARDS

Criteria for determining the value of a nonmeasurable benefits contribution worthy of recognition should include, but not be limited to:

- The extent of the contribution's impact on safety (general, significant, critical).
- The breadth/significance of the contribution's impact (a local office, a few GA aircraft/operations, major air carriers/manufacturers, the operation of FAA, etc.)
- The degree to which internal/external customer needs and interests were taken into account.
- The manner in which the contribution was made (in accord with AVR organizational values, i.e. good teamwork, optimum use of resources, etc.).
- The degree to which economic impact on customers was minimized consistent with safety.
- The extent to which the contribution supports/furtheres AVR goals and values.
- The degree to which the contribution goes beyond an employee's normal duty to the organization and the mission.

#### Nonmeasurable Benefits Scale

Value of Benefits	Application
-------------------	-------------

Limited:	Impacts a specific small work unit to as large as a Division or Directorate and/or limited safety-related systems.
Broad:	Impacts several regions, divisions, or directorates up to the entire FAA and/or significant safety-related systems.
General:	Impacts more than one modal administration, the entire Department, and/or major safety-related systems.

#### **Small/Moderate**

Limited	Broad	General
\$50 - \$325	\$326 - \$650	\$651 - \$1,300

Contributions that help to ease a backlog, promote safety, or complete a special project.

#### **Moderate/Substantial**

Limited	Broad	General
\$325 - \$650	\$651 - \$1,300	\$1,300 - \$3,150

Contributions that enable significant improvements in work processes, customer service, organizational effectiveness, and/or safety-related systems.

#### **Substantial/Extended**

Limited	Broad	General
\$1,000 - \$2,500	\$2,501 - \$5,500	\$5,501 - \$10,000

Contributions that enable far-reaching and profound improvements in work processes, customer service, productivity, organizational effectiveness, and/or safety-related systems, and/or has significant impact on the safety, economics, and competitiveness of the US aviation industry.

#### **TIME OFF**

Supervisors may grant time off without charge to leave for up to 40 hours as a form of recognition. This form of recognition may be appropriate for a wide range of contributions with grants of 4 hours (the minimum) for smaller contributions up to 40 hours (the maximum) for very significant contributions. Grants of this type of recognition must take into account the monetary value of the time granted, the subjective value to the employee, and the impact on coworkers and the organization of the employee's absence. In AVR, no single employee may receive more than 80 hours of such recognition in any leave year.

The salary value of time-off awards should be commensurate with the monetary equivalent award for the same level of contribution. Where it is in the organization's interest, employees to be granted monetary awards may be offered a choice of cash or the commensurate amount of time-off.

#### **Value of the Employee's Contribution**

Value of the Employee's Contribution	Hours to be Granted
Small/Moderate	4 - 16 Hours

Contributions that help to ease a backlog, promote safety, or complete a special project that benefited primarily the employee's local office or facility.

## Value of the Employee's Contribution

Value of the Employee's Contribution	Hours to be Granted
Moderate/Substantial	17 - 40 Hours

Contributions that helped an entire division, directorate, region, or other large geographic area.

### QUALITY STEP INCREASES (QSI)

Grants of this award should be very unusual and reserved for only the highest level of sustained performance. The value of these awards is very high since the increase will compound throughout the recipient's career. There should be good reason to believe that the level of performance justifying the award will continue during the employee's career and that the value of the employee's contribution to the Service will continue to be very great. A current rating of "Meets Expectations" is required. QSIs, however, may be granted at any time as long as the rating is current (less than 365 days old). If a QSI will result in changing an employee's waiting period (step 4 or step 7), consideration should be given to the timing of such awards so that the maximum benefit will accrue to the employee. No more than one QSI may be granted in any continuous 365 day period.

### Approving Officials.

These tables are guidelines only and individual cases may require deviation from the amounts shown. Actual award amounts are subject to budget limitations and approval by the appropriate officials.

**Cash.** Cash awards may be granted to individuals or groups in amounts from \$25 to \$10,000. By this document, AVR office and service directors are delegated the authority to approve awards up to \$5,000 and may redelegate lesser amounts as appropriate within their office/service. Office/service directors may request higher levels of delegation, up to \$10,000 apart from this document. Only officials having independent authority to expend an organization's funds may approve monetary awards.

No employee may receive a one-time or cumulative award amount in excess of \$10,000 in any 365 calendar day period without approval of the Office of Personnel Management. An SF-52 is not required for a cash award to be processed. A copy of the award justification, including the employee's SSN, Title, Series, Grade, and appropriation code to be charged, must be provided to the HR organization which will process the action.

**Time-Off.** Office/service directors are delegated authority to approve time-off awards of up to 40 hours per instance. This authority may be redelegated.

**Quality Step Increases.** Office/service directors are delegated the authority to approve QSIs. This authority may be redelegated no lower than division/directorate manager or his/her deputy.

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## Appendix 1

### Definition of Terms

#### Anniversary Date

The date of an employee's last personnel action which resulted in an increase in base pay (equivalent increase) except for the annual general increase (if any). Typically, this will be a step increase or promotion in grade.

#### Employee Performance File (EPF)

The EPF is the written record of an employee's performance as evidenced by appraisal documents, notifications that performance does not meet expectations, performance plans, awards, etc.. The EPF is an official record and is subject to privacy restrictions and secure storage requirements. Supervisory notes concerning performance are not official records and must not be kept in the EPF.

#### Expectations (Performance)

The written description of the distinction between performance which meets expectations and that which does not meet expectations in a specific Outcome. Similar to standards but may be more descriptive and less prescriptive than formerly.

#### Home Organization

The organization under a manager's jurisdiction or the immediate organization to which a nonsupervisory employee belongs

**Outcome (Critical)**

A mission-related area of an employee's work identified to focus attention on a critical aspect of the duties of a position. Formerly "Critical Element."

**Outcomes (Additional)**

Areas of job performance identified to focus attention on aspects of the duties of a position which may benefit from further development of an incumbent's knowledge or skills or which may be useful in identifying levels of performance deserving of recognition.

**Permitted**

This means that the subject/action/system is authorized but not required. If a subject/action/system is not specifically required or permitted (the use of the term "may" denotes "permitted"), it is not authorized.

**Rater(s)**

Rater(s) are authorized to gather performance information, discuss performance, and render the annual rating of an employee. Employees will normally be rated by their first or second-level supervisor, but may be rated by their peers, their subordinates, or their team members as agreed by the work unit of which they are a member and approved as determined by each AVR office/service.

**Validating Official**

A management official who must review the ratings and supporting documentation (if any) rendered by a rating official, group, or team who/which is authorized to do so. Validating officials are not authorized to overturn a rating but may refer a rating with which she/he disagrees to the next level official. Validating officials may be first or second-level supervisors of the employee being rated. An employee's validating official may also be the rater, in which case, no further validation is required.

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**Appendix 2****AVR Optional Appraisal Form**

Employee Name:

SSN:

Organization: Period Ending:

**Performance Plan Communicated:**

(Attach performance plan and supporting documents)

(Date of Discussion)

/S/

(Employee) (Supervisor of Designated Team Member)

**Mid-Appraisal Period Progress Review**

(Date of Discussion)

/S/

(Employee) (Supervisor of Designated Team Member)

**Final Rating**

(Comments may be written on the reverse of this form or attached)

(Date of Discussion)

**Meets Expectations** (No written documentation required)

/S/

(Employee) (Supervisor or Designated Team Member)

**Does Not Meet Expectations** (Written documentation attached)

/S/  
(Employee) (First-level Supervisor)

/S/  
(Second-level Supervisor)

**Training** (optional):

**Supervisory/Employee Comments** (can include significant achievements, accomplishments, etc.):

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## **Appendix 3**

### **Aircraft Certification Service Implementing Guidance**

#### **Section I. Outcomes and Performance Expectations.**

##### **General Guidance**

Since there are only two rating levels in FAA, Outcomes will not be weighted and no "formula" will be used to determine the annual rating (except if approved as a part of an alternative appraisal system). In order to be rated "Meets Expectations," performance must meet expectations in each critical Outcome. In addition, raters are prohibited from using formulas to assess the relative value of performance in the areas covered by each formal performance expectation in an Outcome but must consider overall performance under an Outcome using the expectations as guides to making the rating determination.

##### **Critical and Additional Outcomes**

Only elements (Outcomes) designated as "critical" may be used to render the annual performance rating (rating of record). Additional Outcomes may be used to determine eligibility for or to support awards and for developmental purposes. In AIR, only critical Outcomes will be attached to the rating form and used to determine the annual rating of "Meets Expectations" or "Does Not Meet Expectations." The use of additional Outcomes is encouraged where communication between raters and those being rated will be enhanced and expectations made clearer. When additional Outcomes are used, they should be kept in supervisors' notes and not in the Employee Performance Folder unless they become part of an award justification.

##### **Required Outcomes - Nonsupervisors**

Each nonsupervisory employee must have a critical Outcome addressing each of the three areas shown below. No additional critical Outcomes are authorized unless required by AIR-1 or above. Raters will normally work with those being rated to develop performance expectations addressing the factors discussed under each Outcome listed below.

**Individual Work Accomplishments** - This Outcome addresses the accomplishment of projects, programs, and other work assignments. The primary measures are quantity, quality, and timeliness. Other measures may relate to the appropriate expenditure of resources in managing/completing work assignments.

**Teamwork** - This Outcome addresses the quality of an employee's participation in the team process, whether the employee is a member of a formal team or not. The primary measures are balance of individual resources devoted to the success of the team versus individual success, active participation in team processes (listening, contributing ideas, critique, "straight talking," etc.), self-development of team skills, and support of team positions and products. Other measures may include commitment to the organization's mission, respect for other employees and their functions, demonstrating an ethic of inclusion, freedom from harassment of any kind, respect for diversity of educational and experience background, ethnicity, gender, sexual orientation, age, etc., willingness to provide honest constructive feedback (both positive and negative) in agreeing or disagreeing with team and/or management decisions, and a commitment to continuous improvement in internal processes and program operations.

**Customer Focus** - This Outcome addresses the degree to which an employee uses customer service as a critical consideration in routine and non-routine program, project, and other decisions. Primary measures are the degree of respect internal and external customers display toward the employee, the use of information on customer needs to assist in priority-setting, the exercise of courtesy and consideration in interaction with customers, and the willingness to expend effort to seek mutually satisfactory approaches to work, solutions to problems, and working relationships.

##### **\* Required Outcomes - Supervisors**

Each supervisory employee must have a critical Outcome addressing each of the three areas shown below. No additional critical Outcomes are authorized unless required by AIR-1 or above. At this writing, the Administrator has required an Outcome

covering workforce diversity which is included in this document as a fourth critical Outcome, but which may be superseded or eliminated at any time. The use of the "core" expectations shown below, without change, for each outcome is mandatory.

Raters will normally work with those being rated to develop additional performance expectations where appropriate or to add explanatory material to the core expectations. No changes may be made to the expectations for the "Work Force Diversity" Outcome (or other future mandated Outcomes, if any), however, explanatory material may be attached if needed for clarity.

**Supervisory/Managerial Responsibilities** - This Outcome addresses performance and resource management, leadership, and communications. The primary measures are timeliness, degree of control of resources, quality of planning, effectiveness/openness of communication, and degree of adherence to and support of the organization's goals, and standards of behavior. The core expectations are:

▷ **Performance Management**

1. Provides clear work standards and expectations to employees
2. Completes final appraisals on time
3. Provides performance counseling to employees and takes timely and appropriate disciplinary action as necessary.
4. Provides appropriate awards and recognition to deserving employees

▷ **Resource Management**

1. **Management of fiscal resources**

- a) Plans requirements based on realistic assumptions and considering the priorities of the organization and the Service.
- b) Expenditures according to the organization's spending plans and makes/requests adjustments in a timely manner.

2. **Management of staffing**

- a) Plans to meet future needs
- b) Fills positions according to good position management principles (proper classification, minimum grades required to accomplish the work, and considering career and developmental paths)

▷ **Leadership**

1. Models appropriate behavior
2. Supports the organization's vision and encourages employees to pursue excellence in their work.
3. Works constructively with employees and/or their representatives to resolve labor/employee relations issues and takes action as necessary.

**Mission Accomplishment** - This Outcome addresses the accomplishment of specific goals, including projects, programs, and processes, for which the supervisor's organization is responsible. The primary measures are quantity, quality, and timeliness. This Outcome also addresses customer service as measured by such factors as the degree of respect internal and external customers display toward the supervisor and his/her organization, the use of information on customer needs to assist in priority-setting, the exercise of courtesy in interaction with customers, the willingness to expend effort in seeking mutually satisfactory approaches to work, solutions to problems, and working relationships, and the active fostering of a customer service focus in his/her organization. The core expectations are:

▷ **Organizational Contract Requirements**

(To be negotiated with manager, including strategic and tactical plan items.)

▷ **Customer Service**

1. Exercises courtesy and a positive approach in dealing with customers.
2. Is responsive to customer needs within the constraints of resources, policy, and regulation.

3. Office work products provided to customers are of high quality.
4. Is willing to work with customers toward mutually satisfactory solutions.

▷ **Responsiveness to Organizational Demands, e.g., crises, pop-ups, special projects.**

1. Responds to organizational demands in a timely manner, managing resources to minimize the impact on normal office work.
2. Provides the highest quality products/participation consistent with the time, personnel, and monetary resources available.

**Teamwork** - This Outcome addresses the quality of a supervisor's role in the team process, whether the supervisor is a member of a formal team or not. It also addresses the degree to which a supervisor actively encourages formal and informal teamwork among subordinate employees. The primary measures are balance of individual resources devoted to the success of the team versus home organization/individual success, active participation in team processes (listening, contributing ideas, critique, "straight talking," etc.), self development of team skills, support of team positions and products, and the provision of time, training, and other resources to foster team processes within the home organization.

Another potential measure under this Outcome addresses the degree to which the supervisor "exports" effective team and other successful process to other organizations. The core expectations are:

- ▷ Participates in/supports management teams.
- ▷ Demonstrates commitment to organizational goals.
- ▷ Exhibits mature, professional relationship with team members (works toward mutually satisfactory solutions).
- ▷ Promotes/facilitates teamwork among subordinates

**Work Force Diversity** - This Outcome and its associated performance expectations is mandated by the Administrator. It addresses the degree to which supervisors understand and take action to support the agency's and the Service's diversity and equal employment opportunity policies and goals. The expectations are:

- ▷ Creates an environment that supports and encourages the contributions of all employees.

▷ Demonstrates by the performance of specific actions in carrying out his/her normal duties knowledge of basic diversity, equal employment opportunity, and affirmative action policies, principles, objectives, and responsibilities. The employee demonstrates good work relations with individuals of diverse backgrounds, shows understanding of the importance of fair treatment and equal opportunity, and actively supports the organization's diversity plan. Such performance may be reflected in the following manner.

Takes appropriate action to maintain a positive work environment for all employees, promoting full participation and inclusion in all Service activities and eliminating any environmental conditions where employees feel harassed or threatened.

Assigns work so that all employees have an opportunity for exposure to a variety of assignments to enhance their career growth.

Ensures that employees are apprised of and adhere to FAA diversity, equal employment opportunity, and affirmative action policies.

Insures that employees have current information about and have the opportunity to become aware of, knowledgeable about, and to be considered for promotional and developmental opportunities, including details and temporary promotions. Assigns developmental opportunities to employees so they receive development in accordance with particular needs and potential, fairly and equitably.

Monitors and coordinates office work assignments to value and consider diverse inputs and viewpoints in the decision making process.

Adheres to legal and FAA requirements for reasonable accommodation for handicapping conditions and religious practices of employees.

Communicates effectively with diverse groups of employees.



Takes appropriate action to prevent and eliminate discrimination and harassment of any kind, including sexual, in the workplace.

When recruiting, selecting, and promoting, includes and considers qualified individuals regardless of race, color, religion, creed, sex, national origin, age, disability, and sexual orientation.

Shows leadership and commitment to the Service's diversity goals by consistently and proactively soliciting input from diverse groups outside the immediate organization regarding processes which impact them.

Mentors and advises employees.

Affirmatively recruits, promotes, and trains underrepresented groups in his/her organization and seeks to identify and eliminate barriers to the advancement of individuals in these underrepresented groups. Underrepresented groups are: Black males and females, Hispanic males and females, Asian American/Pacific Islander males and females, American Indian/Alaskan Native males and females, white females, and people with disabilities.

## **Section II. Continuous Improvement.**

AIR is committed to continuous improvement in all aspects of its operations. One of the underpinnings of this commitment is the expectation that individual employees will work with their peers, subordinates, supervisors, team members, and customers to obtain, and use for professional growth, input on the quality of their own performance and their contribution to mission accomplishment. Therefore, as a part of the AIR system, employees and their raters will note on the appraisal document "Areas for Professional Growth Focus." At least one entry must be made in this section.

The performance area(s) identified may include those where performance is already at a Meets Expectations level but avenues for enhancing capability can be identified, those where there are minor performance deficiencies (so that opportunities for improvement may be identified), and those where there are unusual strengths (so that they might be shared). This requirement is not intended to be a "contract" between employees and their rater(s) but a way of facilitating and documenting discussions about how employees may enhance their skills, knowledge, and understanding of the organization's mission and norms and/or to share their expertise. Serious performance deficiencies must not be recorded in this section, but must be documented separately and made an attachment to the appraisal form and the attachment noted in the "Professional Growth" section.

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## **Section III. AIR Appraisal Forms (Single Rater) AIRCRAFT CERTIFICATION SERVICE PERFORMANCE RATING**

AIR Organization: Rating Period:

Employee Name: SSN:

☐ Meets Expectations ☐ Does Not Meet Expectations

(Notification Attached)

Rating Assigned By: Rating Validated By:

Name: Name:

Title: Title:

Organization: Organization:

Date: Date:

Employee Signature:

Date:

Interim Discussed Conducted

Dates: Initials:

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\_\_\_\_\_

\_\_\_\_\_

**Areas for Professional Growth Focus**

**Rater/Employee Comments** (can include significant achievements, accomplishments, etc.):

**Outcomes and Performance Expectations (Attached)**

(Must be signed and dated by the rater and the employee being rated.)

**(Team or Group)**

**AIRCRAFT CERTIFICATION SERVICE  
PERFORMANCE RATING**

AIR Organization: Rating Period:

Employee Name: SSN:

☐ Meets Expectations ☐ Does Not Meet Expectations

Notification Attached)

Rating Assigned By: Rating Validated By:

1. Name:

2. Title:

3. Organization:

4. Date:

5.

6. Employee Signature:

7. Date:

8. Interim Discussed Conducted

Dates: Initials:

9. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Areas for Professional Growth Focus**

**Raters/Employee Comments** (can include significant achievements, accomplishments, etc.):

**Outcomes and Performance Expectations (Attached)**

(Must be signed and dated by the raters and the employee being rated.)

**Section IV. Alternative Rating Systems**

**Alternative Appraisal Systems.** Consistent with the AIR philosophy of empowerment and the encouragement of team processes as a way of doing business, the Service will entertain requests by work units to be allowed to adopt alternative

appraisal processes. Such alternative systems must be described in writing, specifically citing the processes to be used and calling attention to those aspects of the system which depart from the norm. The request must be agreed to in writing by the members of the work unit (the names and titles of those concurring and those not concurring must be shown) and endorsed by the first-level supervisor (and higher level supervisors where the work unit making the request has more than one supervisor). In the directorates, such requests must be coordinated with the Technical and Administrative Support Staff. In the headquarters, requests must be coordinated with the Planning and Program Management Division. Approval of an ACMT member is required before implementation. All alternative systems must be compliant with FAA-wide Performance Planning and Recognition System (PPRS) and the AVR Performance Management Program.

1. Self-rating, where it is the sole or predominant source of performance information, with direct referral to raters/validating officials is not permitted. Self-rating is permitted if it is a part of a system where significant additional sources of performance information are used by raters/validating officials.

2. Some of the many possible alternative approaches/systems are shown below.

1 Employees' team members (which may include supervisors) conduct the appraisal process (including performance counseling and rendering a rating) and refer their findings to validating officials.

2 Validating officials formally poll supervisors' subordinates for rating recommendations and continuous improvement areas for those supervisors.

3 Validating officials or teams formally solicit performance input from internal and external customers and use these inputs for appraising themselves and/or their supervisors.

4 Ranking of work unit members by peers on the quality of individual performance is conducted and used by the rater(s) for the purpose of feedback and/or performance award determinations. Peers might also be asked for rating recommendations.

5 Peers (not formal team members) formally provide rating information/recommendations to rater(s) and/or validating officials.

6 Peers, team members, managers, and/or customers "vote" on ratings and a "mechanical" system is used to assign the rating which is then sent to the validating official.

## **Section V. AIR Awards System**

**Recognition Tools.** There are six formal recognition "tools" available to recognize/reward AIR employees. These are:

1 Honorary Awards (including items of nominal value)

2 Letters of Commendation

3 Desirable Work Assignments

4 Time-Off Awards

5 Cash

6 Quality Step Increases

Organizations may devise additional award types and systems for providing recognition but must coordinate these with the Technical and Administrative Support Staff in the directorates or the Planning and Program Management Division in the headquarters.

**Who May Grant Awards.** Only those who have authority to expend the organization's funds may authorize awards with monetary value. The recommendation of peers, subordinates, team members, or customers of those deserving of recognition will normally be acted on. This restriction should not inhibit any of the above from recognizing employees or groups directly in ways which require no expenditure of Government funds.

1. **Honorary Awards.** Honorary awards include Certificates of Accomplishment, special plaques and certificates, and FAA and DOT awards. In addition to plaques and certificates, items of nominal value such as paperweights, inscribed coffee cups, baseball caps, etc. may be given to those being recognized.

**2. Letters of Commendation.** Letters of Commendation may be issued to employees for noteworthy achievements or service. Letters of commendation are considered formal awards and are kept in the EPF. Letters of appreciation are not considered awards and are not filed in the EPF but may be kept with supervisory performance notes.

**3. Desirable Work Assignments.** Desirable work assignments will vary substantially with the situation. Different contributions will have different value to the Service and different employees will view work assignments at different levels of desirability. These awards can cover activities **such as** conducting tours of a facility, attending a professional society meeting where the Service will normally send representatives, serving on significant work groups, representing the Service at the Experimental Aircraft Association Convention (Oshkosh), or working a booth at the Paris Air Show. The AIR organization controlling/coordinating such events must concur in the use of such assignments for recognition purposes. Award recipients should be consulted in determining the most appropriate assignments. Training or work assignments which are not directly required by an employee's current position and which will clearly confer a competitive advantage for promotion to a higher graded position may not be used as a recognition tool since competition for such is required by OPM regulation. If questions on this issue should arise, the HR organization should be consulted.

**4. Time-Off Awards.** Supervisors may grant time off without charge to leave for up to 40 hours as a form of recognition. This form of recognition may be appropriate for a wide range of contributions with grants of 4 hours (the minimum) for smaller contributions up to 40 hours (the maximum) for very significant contributions. Each grant of more than 16 hours must be approved at the ACO, MIDO, or HQ branch manager level or above. Grants of this type of recognition must take into account the monetary value of the Personnel Compensation and Benefits (PC&B) represented by the time granted, the subjective value to the employee, and the impact on coworkers and the organization of the employee's absence. No single employee may receive more than 80 hours of such recognition in any leave year.

**5. Cash.** Cash awards may be granted to individuals in amounts from \$25 to \$10,000 by the following officials.

#### Cash Award Amounts

Amount	Official(s)
\$25 - \$250	First-level supervisors or above
\$251 - \$1,000	ACO, MIDO, and HQ branch managers above
\$1,001 - \$3,000	ACMT members and their deputies or above
\$3,001 - \$10,000	AIR-1 or AIR-2 (limited to \$5,000 unless further delegation is received from AVR-1)

The cumulative amount of multiple awards to any individual during any continuous 365 day period must be approved by the official identified as having authority to approve that level of award when the cumulative amount exceeds the next lower category. No employee may receive a one-time or cumulative award amount in excess of \$10,000 in any 365 calendar day period without approval of the Office of Personnel Management. An SF-52 is not required for a cash award to be processed. A copy of the award justification, including the employee's SSN, Title, Series, and Grade, should be provided to the HR organization which will process the action. For awards granted to employees outside of the granting organization, an appropriation code must also be provided.

**6. Quality Step Increases (QSI) (Not available to SES members).** Grants of this award should be very unusual and reserved for only the highest level of sustained performance. The value of these awards is very high since the increase will compound throughout the recipient's career. There should be good reason to believe that the level of performance justifying the award will continue during the employee's career and that the value of the employee's contribution to the Service will continue to be very great. Grants of QSIs must be approved by an ACMT member or his/her deputy. A current rating of "Meets Expectations" is required. QSIs, however, may be granted at any time as long as the rating is current (less than 365 days old). If a QSI will result in changing an employee's waiting period (step 4 or step 7), consideration should be given to the timing of such awards so that the maximum benefit will accrue to the employee. No more than one QSI may be granted in any continuous 365 day period.

**Who May Receive Awards.** Employees may receive any of these awards as individuals or as members of a group or team. In AIR, when team efforts merit monetary recognition, the amounts granted to individual members are subject to the same justification and approval requirements as for individuals acting alone. The dollar limits above apply to each individual and not to the team or group as a whole unless a single award is specifically granted to the team as a whole in which case the team

award may not exceed \$10,000. Also, if the total value of individual awards to the members of a group or team will exceed \$5,000 in a division or directorate organization, approval of the division/directorate manager or deputy is required. If the total will exceed \$10,000 in any AIR organization, approval of AIR-1 or AIR-2 is required. Team or group awards will be processed as awards to multiple individual employees, except a team or group award may be granted by a management official where the team or group is given the authority to determine the distribution of amounts for cash or time-off to be granted to its individual members within the specifications of the grant.

**Justification for Awards.** Written justification is required for all awards. For honorary awards, this may be as simple as the citation on a certificate or as a letter to the employee(s) recognizing her/his/their contribution. For awards with more than nominal monetary value, the justification should be more substantial. The contribution may be described for individual performance either alone or as a part of a team or group, or for the cumulative performance of a team or group with individual citations. Teams or groups may be permitted to participate in determining the form of award or amounts appropriate for their individual members. There is no requirement that every individual member of a team or group which is granted recognition receive the same form or amount of award. Awards may be granted for one-time achievements/contributions or for sustained superior performance over specified periods.

**Process for Granting Awards.** Form and Format. There is no special form or format required for awards approved within AIR. Each award must, however, be based on a written explanation of the contribution for which it is being granted and of the reasons for the selection of the type and amount (if any) to be granted. Organizations outside of AIR (e.g., DOT, FAA, AVR) will provide guidance on requirements for specific forms and formats.

**Awards Coordinators.** Each Division and Directorate will appoint an incentive awards coordinator. All awards granted within an organization will be routed through the coordinator for processing. Coordinators will advise managers and other recommending and approving officials/groups on the specific requirements for different types of awards, usual practices in AIR organizations, and alternatives for recognition where appropriate. Coordinators will also maintain records of both monetary and nonmonetary awards granted for program management purposes. Periodic reports will be required to division/directorate and AIR headquarters management. Coordinators will also insure that fiscal control officers have certified that funds are available for all monetary awards before any such award is processed.

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## Appendix 4

### Flight Standards Service (AFS) Implementing Guidance

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## Appendix 5

### Office of Aviation Medicine Implementing Guidance

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## Appendix 6

### Office of Rulemaking Implementing Guidance

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## Appendix 7

### Office of Accident Investigation Implementing Guidance

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## FAPM Letter 430-5 AAT Recognition Program



### **Purpose:**

This program contains specific procedures and requirements for recognizing employees in the Air Traffic Service. It is established under the policies and parameters of the Federal Aviation Administration (FAA) **Performance Planning and Recognition System (PPRS)**.

The goal of the Air Traffic Recognition Program is to recognize and reward employee creativity and productivity that improve the effectiveness and efficiency of operations and services. Using recognition as a management tool enables managers and supervisors to foster employee contributions to the Air Traffic mission that result in cost savings, improved efficiency, greater effectiveness, and/or enhanced customer service.

### **Coverage:**

These policies and procedures supplement the requirements of chapter 2 of PPRS and apply to all Air Traffic employees.

### **Recognition:**

Individual, group, or team accomplishments, normally recommended by an employee's immediate supervisor or manager, can be acknowledged by monetary or nonmonetary recognition. Monetary recognition includes lump-sum payments, executive bonuses, or quality step increases (QSI). Nonmonetary recognition includes time-off awards, honor recognition, letters of commendation, or nominal value commodities (items such as pins, cups, jackets, hats, etc.). Employees shall be recognized as soon as possible for specific actions or events; the timeframe for recognition shall not exceed 1 year from the occurrence. Recognition justification will be filed in the employee's performance file, and SF 50's, Notification of Personnel Action, which document monetary and time-off recognition will be filed in the employee's official personnel folder. Recognition awards are discretionary actions.

### **Responsibilities:**

The Director of Air Traffic, Air Traffic program directors, and regional Air Traffic Division (ATD) managers are responsible for providing personal leadership in their organizations for the program; for providing adequate budgetary and support resources for effective program training, administration, and promotion; and for reviewing program results regularly, including a quarterly review of time-off awards.

The Director of Air Traffic, Air Traffic program directors, and regional ATD managers shall appoint a recognition awards officer and provide for the appointment of a recognition awards coordinator for each major organization under his/her jurisdiction.

The recognition awards officers are responsible for providing guidance concerning the program; promoting recognition awards; recommending policies and procedures consistent with the program objectives and policies; providing training for recognition awards coordinators and supervisors to acquaint them with their program responsibilities; ensuring the program is administered equitably and efficiently; monitoring the program for adherence to policies; and reviewing nominations and recommendations for FAA and Department of Transportation (DOT) awards, and determining whether these comply with award criteria.

The recognition awards coordinators are responsible for assuring recommendations for awards are consistent with established criteria and are in compliance with regulations prior to award processing and for maintaining program records.

All managers and supervisors are responsible for the implementation of the program in their organizations and for actively supporting and participating in the program by using recognition awards as an integral element of supervision and management; assuring that all employees are recommended promptly for recognition when an action in connection with or related to their official employment meets the established criteria of the program; encouraging employees to develop methods for improving the productivity, efficiency, economy, and effectiveness of Government operations and customer service; evaluating suggestions promptly, thoroughly, and objectively; and publicizing within the organization the name of each award recipient, type of award, and the reason for the award.

Employees shall be in receipt of the SF 50 prior to using a time-off award. Requests for using time-off award hours shall be made by submitting an SF 71, Application for Leave, or other appropriate documentation.

**Basis for recognition:**

Organizations may base recognition on criteria such as the following:

- ◆ Adoption or implementation of a suggestion or invention.
  - ◆ Significant contribution to the efficiency, economy, or improvement of Government operations.
  - ◆ Exceptional service to the public, superior accomplishment, or special act or project on or off the job.
  - ◆ Recurring exemplary service, e.g., performance throughout the year that consistently exceeds expectations and contributes to FAA goals and objectives.
  - ◆ Exceptional customer service.
  - ◆ Contributions which promote and support accomplishment of the organization's missions, goals, and/or values.
- Contributions made despite unusual difficulties.
  - Creative or innovative methods used to make work processes or results more effective and efficient.

**Recognition Categories:****Monetary Recognition**

**Lump Sum Monetary Recognition:** Monetary recognition paid in addition to regular pay is subject to the withholding of taxes and is not an increase to base pay. The criteria for this are described above under "Basis for Recognition."

**FAA Executive System Bonus:** Recognizes significant accomplishments of members of FAA Executive Service.

**Quality Step Increase (QSI):** Permanent increase in an employee's rate of basic pay of approximately 3 percent. The purpose of a QSI is to provide appropriate incentives and recognition for excellence in performance by granting a faster than normal step increase. Documentation shall cite examples of demonstrated sustained performance of high quality significantly above the meets expectations description. A QSI shall be effective as soon as practical once it is approved. An employee is eligible for a QSI if his or her performance rating is at the meets expectation level. An employee may be nominated for and receive a QSI at any time during the year.

**Operational Excellence Award:** Recognition granted to an employee or group of employees for achievements such as maintaining an operational error/deviation free area/facility environment or outstanding services of an operational nature which are normally nonrecurring; e.g., emergency situations, consequential traffic activity, or anomalous facility conditions requiring extraordinary effort to accomplish the facility mission. Recognition may be monetary, time-off, or other form of honorary recognition. Recognition granted under this category is generally a nonmeasurable benefit of limited application.

**Annual National and Regional Outstanding Flight Assist Award:** Recognizes employees whose actions contribute significantly to the safety of aviation. This award is designed to honor those employees who contribute to selected flight assists during a given calendar year. Air traffic control specialists, in all options (en route, terminal, and flight service), are called upon from time-to-time to provide assistance to aircraft pilots in trouble. Many of these flight assists show great resourcefulness on the part of the specialists. Air Traffic recognizes the incentive benefit in publicity for selected employees who were primarily responsible for outstanding flight assists.

Each employee selected to receive the National Outstanding Flight Assist Award will be presented a lump sum monetary recognition award for a special act. The amount of the cash award will be determined using the nonmeasurable benefits awards schedule. The cash award will be funded by FAA headquarters and approved by the Director of Air Traffic. Each employee nominated by a region for this national award, but not selected will be presented a lump sum monetary award by the region. The award will be funded by the region in which the air traffic controller is currently employed. The award must be 50 percent of the national award or \$700, whichever is greater. The award shall be approved by the regional Air Traffic Division manager. Normally, one award will be given in each option; however, on occasions where more than one employee is designated as primarily responsible, each individual will receive the full value of the cash award.

An employee is limited to one monetary award for a single contribution. Therefore, it is recommended that regional or facility awards not be made until it is determined that the occurrence does not warrant a national award.

**Air Traffic Facility of the Year Award:** Recognizes the highest degree of efficiency and dedication of facility personnel in executing their daily responsibilities of expeditious air traffic movement, preservation of life and property and public service.

The National Air Traffic Facility of the Year Award will be presented annually to the automated flight service station (AFSS), flight service station (FSS), air route traffic control center (ARTCC), airport traffic control tower (ATCT) level I through III (VFR, nonradar, limited radar, radar), and ATCT level IV and V (radar, limited radar). Note: The ATCT radar selection(s) must fall into one of the following categories: (1) limited radar facility; (2) radar facility where controllers work both the cab and radar room; (3) terminal radar approach control (TRACON) facility; and (4) limited radar facility and TRACON facility colocated at the same airport. A regional Air Traffic facility of the year award may be presented to those facilities nominated but not selected for the national award. A special national award may be presented annually to an AFSS, FSS, ARTCC, or ATCT which has made a significant contribution or accomplishment to the air traffic control system. A customer service award may be presented annually to a facility which can demonstrate a substantial, monetary savings to the customer.

Facility of the year awards will be made on the basis of overall facility efficiency. Each of the following critical elements should be evaluated in the nominating narrative: operational efficiency, communications, employee development, external relations, resource management, human relations, professionalism, employee morale, and other significant factors.

Note: Appendix 1. Award Criteria Guide is a list of subelements to be used as a criteria guide when evaluating facility efficiency. This list is not intended to be all inclusive as there may be other elements which merit consideration.

All facilities shall be considered equally within each category for awards regardless of level or any other condition/circumstances beyond their control. Special national awards will be made based on specific accomplishments/contributions which significantly improve or support public service and/or facility mission. Customer service awards will be based on the implementation of innovative programs that result in substantial monetary benefits to the customer in terms of savings, e.g., time, fuel, service, etc.

**Presidential Monetary Award:** Monetary award for truly exceptional contributions related to official employment such as suggestions, inventions, or other personal efforts which contribute to the efficiency, economy, or other improvement of Government operations; or achievement of a significant reduction in paperwork. Nominations shall be submitted through appropriate channels through the Administrator to the Secretary.

### **Nonmonetary Recognition**

**Time-off Recognition:** Excused absence granted to an employee without charge to leave or loss of pay. A time-off recognition award may not be converted to a monetary payment.

**FAA Award for Superior Achievement:** The highest FAA award for achievement, which the Administrator must approve. The award consists of a bronze medal, lapel rosette, and plaque.

**FAA Distinguished Career Service Award:** Granted to a retiring employee who has exhibited truly exemplary performance and has made significant, widely recognized contributions to FAA and the Federal service during an entire career. Associate/assistant administrators, service directors, program directors, and regional division managers may approve this award on behalf of the Administrator. Employees retiring with at least 20 years of Federal service are eligible, provided they have previously received at least two of the following: monetary award, any DOT or FAA honorary recognition, or FAA nominee for any governmental or external recognition. The award consists of an engraved plaque.

**Certificate of Achievement:** Granted to an employee or group of employees for significant acts, services, or achievements that materially aid or beneficially affect the successful accomplishment of the agency's mission. Associate/assistant administrators, service directors, program directors, and regional division managers can approve this award.

**Official Letters of Commendation:** Written and normally presented by immediate supervisors for high quality performance of official duties such as extra effort, consistent devotion to duty, or above average contribution on a project or public relations assignment. Supervisors may also award these letters to recognize special contributions by employees in other organizations.

**Determining the amount of awards:** The amount of the award shall be based on the value of the benefits received, which may be measurable, nonmeasurable, or a combination of both.

**Measurable benefits:** Every contribution shall be studied to determine whether it will result in savings of time, personnel, materials, or equipment. If so, the estimated savings for 1 full year of operation are calculated less the cost involved in implementing the contribution. The amount of the award is normally based on a reasonable estimate of these net measurable benefits for the first full year of operations. The award amount shall not exceed the recipient's annual salary. The estimated net



measurable benefit total is applied to the following awards schedule to determine the recommended cash award. The following table contains suggested amounts only. All monetary awards are subject to budget limitations and approval by the appropriate officials.

#### Measurable Benefits Award Schedule

Benefit	Amount
Up to \$10,000	10 percent of the benefit
\$10,001 - \$100,000	\$1,000 for the first \$10,000 in benefits plus 3 percent of benefits over \$10,000
\$100,001 or more	\$3,700 for the first \$100,000 in benefits, plus .005 percent of the benefits over \$100,000

**Nonmeasurable Benefits:** These contributions are benefits which cannot be measured directly in dollar savings, but which provide better quality service to the public or assist the agency in accomplishing its mission in a more effective manner. The amount of the award is determined by the scope of the program affected and its impact on that program. To estimate the acceptable cash award or nonmonetary award, use the definitional levels for the "Value of Benefit" and "Extent of Application" criteria provided in the following Table.

#### Nonmeasurable Benefits Award Schedule

Value	Limited: Impacts a specific area of aviation or technology, or crew/team/committee, one or more facility(s), a region, or a division.	Broad: Impacts more than a particular area of aviation or technology and/or more than one region.	General: Impacts aviation and/or technology significantly, concerns Air Traffic nationwide, or is of momentous importance to FAA.
Small	\$50-\$325 4-8 hours	\$326-\$650 8-16 hours	\$651-\$1,300 16-32 hours
Moderate	\$326-\$650 8-16 hours	\$651-\$1,300 16-24 hours	\$1,301-\$3,150 24-40 hours
Substantial	\$1,000-\$2,500 16-24 hours	\$2,501-\$5,500 24-40 hours	\$5,501-\$10,000 40 hours

#### Approval Authority:

Monetary and nonmonetary recognition awards are normally initiated by the employee's supervisor or manager. Only one award may be given to an employee for a single contribution. However, several separate contributions by the same individual may be grouped as the basis for a nonmonetary recognition award (excluding time-off awards) even though a monetary or other nonmonetary award was given at the time each contribution was originally made. All time-off awards, including group time-off awards, with the exception of a supervisor granting up to 8 hours of time off to an employee, shall be reviewed and approved at a higher level than that of the recommending official. Facilitywide time-off awards require the regional ATD manager's approval.

Delegation of approval authority to grant monetary and time-off recognition, per award, is defined in the following table

#### Approval Authority

Authority	Amount	Duration	Group
First Level Supervisors	Up to \$325 * Up to \$500 *	Up to 8 hours	Individual Group
Facility Managers	Up to \$1,000 Up to \$2,500	Up to 32 hours Up to 32 hours per individual in group	Individual Group

Division Managers	Up to \$4,999 Up to \$10,000	Up to 40 hours Up to 40 hours per individual in group	Individual Group
Program Directors	Up to \$4,999 Up to \$10,000	Up to 40 hours Up to 40 hours per individual in group	Individual Group
Service Directors	Up to \$4,999 Up to \$10,000	Up to 40 hours Up to 40 hours per individual in group	Individual Group

\* Shall be coordinated with facility manager.

**Processing:**

When circumstances warrant, and if applicable, more than one employee may be recognized utilizing the same justification/documentation (e.g., a group award).

All recognition awards shall be recommended and justified in writing. The written documentation shall:

1. State the name and position(s) of the employee(s).
2. Describe how the employee met the required criteria.
3. State the type of award, including the amount recommended for a monetary award or hours recommended for a time-off award.
4. Provide any additional information specified below.

**Lump Sum Monetary Award Processing:**

All monetary awards are subject to budget limitations. The recommending official shall coordinate with the approving official prior to preparation of the award justification to assure funds availability. An employee can be recommended for a lump sum monetary award by an immediate supervisor or an approving official.

1. The recommending official will prepare a brief but explicitly written justification, usually not exceeding one page, describing how the employee or group of employees met one or more of the recognition criteria and the amount of the monetary award. The recommending official shall then submit the justification to the recognition awards coordinator.
2. The recognition awards coordinator shall review the justification to ensure that all technical and administrative award requirements are met. The recognition awards coordinator shall forward the recommendation to the approving official.
3. Upon approval of the recommendation, the justification shall be forwarded to the recognition awards officer for review and action to generate an SF 50. **NOTE:** If the recognition awards coordinator and approving official are not located in the same facility, the coordination with the recognition awards coordinator may be verbal.

**Quality Step Increase (QSI) Processing:**

1. An employee's immediate supervisor is the recommending official for a QSI. He/she shall prepare written justification which supports that the employee's performance is so high it compels recognition beyond other types of recognition and clearly justifies the increased cost to the agency, for the present year and in future years, of an increase to base pay. The supervisor shall review the employee's most recent rating of record to ensure that the rating at a minimum meets expectations.
2. The supervisor shall submit the justification to the recognition awards coordinator.
3. The recognition awards coordinator shall review the justification to ensure that all the necessary criteria have been met. A QSI shall not be granted to an employee who has received a QSI within the preceding 52 weeks, or is in step 10 of his/her pay range.
4. The recognition awards coordinator shall forward the recommendation to the facility manager who shall forward the justification to the ATD Manager or program director, as appropriate, who shall be the approving official.
5. Once approved, the justification shall be forwarded to the recognition awards officer for review and the initiation of action to generate an SF 50. **NOTE:** If the recommending official (supervisor) and recognition awards coordinator are not located in the same facility, the coordination with the recognition awards coordinator may be verbal.

**Processing of Annual National and Regional Outstanding Flight Assist Award:**

The selection of an outstanding flight assist will be judged on the basis of operational efficiency. Such factors to consider are method used, expediency of assist, circumstances surrounding the flight assist, the analytical decision and timely action, the

all-out effort demonstrated, and any other special factors that are appropriate. Only those nominations designated with an asterisk as the primary air traffic control specialist(s) on a flight assist report submitted during the year will be considered.

1. Each region may submit three nominations (one per option; en route, terminal, and flight service) for the National Outstanding Flight Assist Award. Each nomination should include a narrative statement of the flight assist, a copy of FAA Form 7230-6, Flight Assist Report, and any other documentation relative to the occurrence. All nominations for the preceding year must be received by the Program Director for Air Traffic Resource Management (ATX-1) by February 15 each year.
2. A headquarters review board (RB) shall be established annually to consider the regional nominations for the national award. The RB shall consist of headquarters representatives from all three options and an ATX representative, the nonvoting chairperson. The RB will select the outstanding flight assist for each option and determine the amount of the cash award. The chairperson will submit the RB's recommendations to the Director of Air Traffic, AAT-1, through ATX-1, for approval no later than March 31. The RB reserves the right to withhold selection for a particular option if the nominations are determined to fall below desired criteria.
3. Approved awards shall be submitted by each region to its appropriate incentive awards coordinator for processing according to established procedures.
4. Presentation of regional awards will normally be made by the regional ATD managers. Presentation of the national awards will normally be made by the Administrator and AAT-1. Travel expenses to the regional award presentation will be funded by the appropriate region. Travel expenses related to the national award presentation will be funded by FAA headquarters. The Office of Public Affairs and the appropriate regions will be kept informed of planned activities to ensure appropriate coverage.

#### **Recognition and Awards Program for Air Traffic Facilities Processing:**

1. Justification for the national facility of the year shall be prepared by the facility as a brief narrative individually addressing the critical elements mentioned previously. This should be expressed in quantitative and qualitative terms. The total package should be no more than five typed pages. It is not necessary to tab packages or submit photographs or other identifying media.
2. Justification for a special national award shall detail specific accomplishments and or contributions considered worthy of special recognition. Justification for the customer service award shall detail substantial quantitative benefits to the customer. Narratives shall be submitted to regional Air Traffic Divisions in accordance with regional guidance. Regional nominations in each category are encouraged; however, only one nomination per category will be accepted. Negative responses should be submitted in writing. Nominations shall be submitted to the Director of Air Traffic, AAT-1, by the regional ATD manager or designated representative, no later than March 1 of each year.
3. **Selection Procedure:** AAT-1 will establish a review panel under the direction of ATX-1, to evaluate nominations and recommend selections. AAT-1 will select and announce national winners no later than April 1.

As soon as possible following the announcement of award recipients, appropriately inscribed plaques will be presented to the national winners. A certificate will be presented to all personnel who worked at the selected facilities during the award period. Regional programs should include suitable plaques and appropriate presentation of the awards. Awards are not to be used as a substitute for employee performance awards.

#### **Processing of Nominal Value Item Purchases:**

Items of nominal value such as cups, pins, trophies, etc., may be used to recognize individuals or groups. Facility managers/headquarters division managers shall be the recommending official.

1. The recommending official will prepare a brief but explicitly written justification, usually not exceeding one page, describing how the employee or group of employees met one or more of the recognition criteria, and the item(s) to be purchased, the cost, and the vendor (logistics must be consulted to determine availability of items from a General Services Administration vendor). He/she shall then forward the justification to the recognition awards coordinator for review.
2. The justification shall be forwarded to the recognition awards officer for review and then forwarded to the ATD manager or program director, as appropriate, who shall be the approving official.
3. The recognition awards officer will advise the recommending official when the justification for the small purchase (under \$2,500) has been approved and will assist him/her, if necessary, in obtaining the items in accordance with regional/headquarters policy.

#### **Time-Off Recognition Processing:**

Time-off recognition awards may be granted from a minimum of 4 hours to a maximum of 40 hours per award (part-time employees may not exceed the average weekly hours worked per week per award; for example, if an employee works 32 hours per week, the per award maximum shall be 32 hours). The total amount of time off as a recognition award that an

employee may be granted during any leave year is 80 hours (the maximum for part-time employees is two times the average workweek; for example, if an employee works 32 hours a week, he/she may receive 64 hours in a leave year). Time-off awards may be carried over from 1 leave year to another, provided it is taken within 1 year after it is granted, and shall be granted and used in whole hour increments. An employee can be recommended for a time-off award by an immediate supervisor or an approving official.

1. The recommending official will prepare a brief but explicitly written justification, usually not exceeding one page, describing how the employee or group of employees met one or more of the recognition criteria; the number of time-off hours being awarded; and whether the employee(s) previously received a time-off award during the same leave year and, if so, how many hours were granted. The recommending official shall then submit the justification to the recognition awards coordinator.

**NOTE:** Notification of the award, to the employee, shall follow completion of steps 2 and 3 below.

2. The recognition awards coordinator shall review the justification to ensure that all technical and administrative award requirements are met. The recognition awards coordinator shall forward the recommendation to the approving official.
3. Upon approval of the recommendation, the justification shall be forwarded to the recognition awards officer for review and action to generate an SF 50.

**NOTE:** If the recognition awards coordinator and approving official are not located in the same facility, the coordination with the recognition awards coordinator may be verbal.

4. Employees shall be in receipt of the SF 50 prior to using a time-off award. Requests for time-off award use shall be made by submitting an SF 71 or other appropriate documentation.
5. Managers shall establish and maintain a time-off award tracking system. The system shall include, at a minimum, the following information for each time-off award given:

Name

Time-off balance (total)

Effective date

Hours earned

Hours used

Hours remaining

Expiration date

6. **NOTE:** This information shall be forwarded to the receiving facility/organization upon an employee's transfer.

## APPENDIX 1. AWARD CRITERIA GUIDE

1. OPERATIONAL	6. HUMAN RELATIONS
user services flight assists operational errors evaluations	interpersonal relationships quality of work life employee perceptions EEO/affirmative action employee participation groups labor management relations
2. COMMUNICATIONS	7. PROFESSIONALISM
Internal external variety effective two-way exchange well informed employees	Accountability pride employee/facility appearance leadership excellence positive attitude employee/facility reputation

<b>3. EMPLOYEE DEVELOPMENT</b>	<b>8. EMPLOYEE MORALE</b>
agency training self-development promotion/details work groups	Recognition one FAA participation Esprit de Corps supervisory relationships integrity
<b>4. EXTERNAL RELATIONS</b>	<b>9. OTHER SIGNIFICANT FACTORS</b>
User pilot programs community Airway Facilities Aviation Standards	Suggestions public recognition public emergency extraordinary mission/program airport/building construction/renovation
<b>5. RESOURCE MANAGEMENT</b>	
Scheduling leave equipment/supplies overtime personnel safety/security	

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- Appendix 2.4. Extent Of Employee Participation
- Appendix 2.5. Related Standards

The Office of Management and Budget (OMB) in the OMB Circular A-64, Position Management Systems and Employment Ceilings, dated June 28, 1965, as amended, by transmittal memorandum dated July 30, 1980, stresses the importance of prudent management of positions in each Federal department and agency as a means of assuring efficient and economical use of personnel resources. The OMB Circular A-64 directed each department and agency to develop and maintain a system suited to its individual needs. This document describes a system which, as a complete entity, serves the Federal Aviation Administration's (FAA) particular needs and is in consonance with the criteria in the OMB Circular A-64 and Office of the Secretary guidance.

This revision:

- a. Establishes the Director of Personnel and Technical Training, APT-1, as the focal point for an effective program of position management.
- b. Lists the objectives of an efficient and effective position management program.
- c. Lists the many responsibilities of the elements of the position management cycle. In addition, this revision emphasizes a systematic approach to the structuring of positions, functions, and organizations in a manner that optimizes efficiency, productivity, and organizational effectiveness.
- d. Shows that position management involves many phases that must interconnect during the entire process, beginning with initial planning, coordination of proposed concepts, the implementation of approved actions, and continues through evaluation. As illustrated in Appendix 1, Position Management Cycle, these phases include strategic planning, organizational analysis, human resource management analysis, budget analysis, and evaluation.
- e. Focuses on effective position management which begins during the preliminary planning phases of proposed organizational alignments and continues through the evaluation process. Position management is applicable to new or revised position actions. Appendix 2, Position Management Checklist, outlines items that should be considered, at a minimum, during the planning process and documented to the appropriate approval authorities in the position management cycle.
- f. Assigns responsibility to the directors of the offices, services, regions, and centers for development of the mechanism and processes to implement an effective and efficient position management program.

## 1. Definitions

- a. Position management is the process of organizing work and distributing it among positions in a manner which will provide for effective and economical mission accomplishment.
- b. The position management program is a systematic approach to the structuring of positions, functions, and organizations in a manner that optimizes organizational effectiveness, productivity, and efficiency.

## 2. Policy.

The FAA will develop, implement, and administer a program of effective position management that optimizes economy, productivity, and organizational effectiveness with regard to the human element of the agency. Managers and supervisors must ensure that their programs are organized with this policy in mind.

## 3. Objectives

- a. To provide maximum efficiency and effectiveness of financial, materiel, and human resources and to assure equitable workload distribution (See Appendix 1, Position Management Cycle).
- b. To promote, attract, develop, motivate, and retain a competent work force.
- c. To streamline organizations by eliminating excessive layering, duplication of work effort, unnecessary positions, improper design of jobs, and other wasteful practices.
- d. To promote better communications and coordination between management officials and staff advisors involved in organizational management, financial management, and program planning.
- e. To verify the necessity for positions through cyclic position reviews.

## 4. Responsibilities

- a. The Office of Personnel and Technical Training (APT-1) is the focal point for position management in the agency and shall provide guidance for its effective application. The office also has staff responsibility for positions classification and prepares a monthly status report reflecting full-time equivalent (FTE) utilization and staffing allocations. This office has responsibility for identifying requirements and evaluating the technical content of position management training for supervisors and managers. In addition, this office serves as principal liaison on the matters above with the Office of Personnel Management.
- b. Directors of offices, services, regions, and centers are responsible for position management activities in their organizations. To fulfill these responsibilities, each within his or her own jurisdiction shall assign specific responsibility for the coordination, integration, and direction of position management activities within the framework of FAA policy and procedures and shall assure compliance with such policy and procedures. At a minimum, each shall:
  - (1) Establish procedures to ensure that all appropriate position management reviews are carried out.
  - (2) Assure that existing organizations and staffing arrangements meet the principles of effective position management. See FAA course number 05572 "The Position Classified Process."
  - (3) Assure that managers and supervisors are familiar with effective and efficient position management requirements and how they should carry them out.
  - (4) Assure integrated review and documentation by appropriate staff elements of proposed position management improvements.
  - (5) Give consideration to the human impact of proposed position management actions and develop personnel and position actions plans which promote good position management.
  - (6) Evaluate the effectiveness of his or her program at least annually to ensure the application of good position management principles and the identification of work assignments that should be eliminated or restructured.
  - (7) Evaluate position management effectiveness for all managerial and supervisory personnel in the performance appraisal process.

c. Supervisors and managers have primary accountability/responsibility for effective position management in their respective organizations by virtue of their delegated authority to determine:

- (1) The work to be accomplished.
- (2) The organization of work and the design of positions.
- (3) The skills requirement for employees to perform their work satisfactorily.
- (4) The organization of positions into homogeneous working groups.
- (5) The organization of these groups into rational organizational structures.
- (6) The support of Equal Employment Opportunity (EEO) goals and objectives in all position management actions.

d. Each supervisor is required to exercise vacancy control by verifying the need for filling each vacancy by ascertaining that the work is essential and cannot be absorbed by existing personnel. If a position is retained, the supervisor shall review the assigned duties to determine if modification would permit improved performance and if the position can be filled at a lower level.

e. Second-level supervisors shall evaluate the position management improvement actions proposed by their subordinates to assure that they are consistent with agency and local policies and standards.

f. The Office of Personnel and Technical Training and the human resource management divisions have staff responsibility relative to the use and development of human resources as they elate to organization, position classification, recruitment, placement, labor and employee relations, and training.

g. The Office of Management Systems and its counterparts in the regions and centers have staff responsibility for organizational analysis, functional analysis, work simplification and measurement, staffing validation, methods review, staffing standards, productivity improvement, and tasks/procedures analysis.

h. The Office of Budget and its counterparts in the regions and center have staff responsibility for employment controls, position authorizations, average grade controls, and funding.

i. All managers and supervisors and human resource management, management systems, and budget organizations shall coordinate efforts in strategic planning and evaluation of position management.

j. The Office of Civil Rights and its counterparts in the regions and centers shall be included in the coordination process to ensure support of EEO goals and objectives in all position management actions.

5. Position Management Process. Position management requires managers and human resource, budget, and management systems elements to analyze and evaluate functions, organizations, and positions in a manner that optimizes organizational effectiveness, productivity, and efficiency.

a. The position management process involves may phases that must interconnect during the process beginning with initial planning, the coordination of proposed concepts, the implementation of approved actions, and continuing through evaluation. As illustrated in Appendix 1, Position Management Cycle, these phases include strategic planning, organizational analysis, human resource management analysis, and budgetary analysis and evaluation. All elements of this cycle must be investigated thoroughly by involved managers and supervisors with assistance from human resources management, management systems, budget, and other special staff expertise. This full integrated position management approach will assure the identification and implementation of effective and economic alternatives for organization and position structure.

b. Supervisors and managers are the core of a systematic approach to an effective position management program. This approach begins with the structuring of positions, functions, and organizations in a manner that optimizes organizational effectiveness, productivity, and efficiency. It involves an analysis of the organizational structure to assure effective and efficient functional placement and structuring, appropriate span of control, and effective use of administrative and assistant positions for accomplishment of the organization's mission and functions. It also involved position design that most effectively concentrated employee skills, knowledges, and qualification. Finally, it includes a budgetary evaluation to assure maximum use of appropriate funding and employment controls. The outcome of this approach is to achieve a proper balance between economy, skills utilization, attraction and retention of competent personnel, employee



motivation and development, career progression, and organizational stability. Appendix 2, Position Management Checklist, outlines items that, at a minimum, should be considered during the planning process and documented to the appropriate approval authorities in the position management cycle.

/s/Donald D. Engen  
Administrator

Initiated By: APT-400

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## **Appendix 1. Position Management Cycle**

(Please see hard copy)

## **Appendix 2. Position Management Checklist**

This appendix contains items that should be considered, at a minimum, during the Position Management Process discussed in paragraph 10.

1. Organization Analysis. This is an Office of Management Systems (AMS) function and is delegated to AMS counterparts in the regions and center. It includes, but is not limited to, the following considerations:

- a. An assessment of the delegation of functional responsibilities and authorities which should reflect a clear distinction between organizational elements in concise functional statements.
- b. An assessment of the organizational alignment to ascertain if it reflects a proper balance between horizontal and vertical structuring and the substructuring of each organizational echelon on a common basis (e.g., function, products, or geographical but not normally on a mixed basis). Does the subdivision of an organizational element reflect two or more units, each which contains three or more direct positions in addition to the supervisor?
- c. An assessment of the supervisor to employee ration (span of control) which should give consideration to the size of the work force, the nature of the work (e.g., routine and repetitive), and the limited degree of supervisory review required. A supervisory to employee ratio of 1:3 is minimum. However, the minimum ration 1:3 does not include a clerical or administrative support position, and the ration refers to authorized positions. Therefore, vacant positions should be considered as filled in the ration unless unfilled over a long period of time or the organization does not plan to fill them. A 1:7 ration is average. A ration above 1:20 may be excessive. Provide a comparison of changes (before and after).
- d. Clear certification of the need for assistant and/or administrative positions and the appropriateness of their organizational placement.
- e. An assessment of the ratio of direct and indirect employees which should provide an economical balance between operational and support activities. Provide a comparison of changes (before and after).

2. Human Resource Management Analysis. This is a function of the Office of Personnel and Technical Training and its counterparts in the regions and centers. It includes the following considerations:

- a. An assessment of position duties, responsibilities, and classification determination; position skill types; career progression patterns; and proposed reduction-in-force, merit promotion action).
- b. An assessment of employee qualification requirements including changes to the knowledges, skills, or abilities and need for orientation and training (on-the-job or formal).
- c. An assessment of the work environment in relation to the management of human resources.

3. Budgetary Analysis. This is a function of the Office of Budget and its counterparts in the regions and centers. It concludes the following considerations:

- a. An assessment of employment controls and position authorizations, validation of approval ceiling, and verification of budget control numbers.

b. An assessment of funding requirements and availability of FTE allowances and validation of proposed appropriateness and limitations.

c. An assessment of average grade changes, cost effects of the requested transaction (before/after), and comparison to ceilings, if any exists.

4. Extent of Employee Participation. Documentation of how employee views were solicited, whether employee groups participated, reason for inclusion or exclusion of employee views, methods of feedback taken or planned, and impact on employee acceptance or nonacceptance should be included in this package.

NOTE: There may be occasions when employee participation is not appropriate or must be limited because of sensitive, time-critical, and/or security matters. The reasons for such determinations must be fully documented.

5. Related Standards. Staff expertise shall be utilized to assure adherence to the following standards and requirements:

a. Human resource planning which involves the strategies and plans related to the acquisition, development, utilization, and transitioning of agency human resources concurrent with all plans for systems changes (AHP).

b. Staffing standards as outlined in Order 1380.34A, FAA Staffing Standards Program (AMS).

c. Budget authorizations as contained in Order 2510.2A, Program Activities and Staffing Authorizations (ABU).

d. Criteria for establishing organizations and organizational approval processing as contained in Order 1100.1A, FAA Organization - Policies and Standards (AMS).

e. Executive development (AOE).

f. Positions classification as contained in Order 3510.8A, Position Classification (APT).

g. Review of personal service contracts as contained in Order PT P 3300.7, Employment Handbook (APT).

h. Review of personnel concerns and management efficiency studies as contained in Order 2510.12B, Performance of Commercial Activities - OMB Circular A-76 (AMS).

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# FAPM Letter 534-1 Senior Executive Services (SES) Pay



This was effective January 13, 1991.

Executive Order 12736, Adjustments of Certain Rates of Pay and Allowances, authorized an increase in SES pay levels, effective January 13, 1991. This increase created the largest and most meaningful difference between the lowest and highest SES pay levels since creation of the SES.

The pay flexibilities in the SES were put there to recognize that an executive's personal qualifications and performance are critical to the success or failure of key programs and that executives should be paid accordingly. Elements such as performance, expertise brought to the position, qualifications required, and scarcity of qualified personnel, as well as the duties and responsibilities of the executive's position and its organizational location, may be factors in pay setting decisions.

The Administrator's Management Team reviewed the pay level of all SES positions in the agency and recommended appropriate pay levels for each position. The pay setting principles and guidelines contained in this issuance are the result of that review.

This issuance applies to all SES members.

**1. SES Pay Setting Principles and Guidelines.** SES pay levels are based on a variety of factors including the political environment in which the position operates, the work force size, number of subordinate elements, labor management relations activities, fiscal resources, accountability, program visibility, delegations of authority, and external impact (economic and other).

**a. SES Pay Setting Principles.**

- (1) Deputies shall be at least one pay level lower than their principals.
- (2) Deputies without SES direct reports shall be two pay levels lower than their principals.
- (3) Office and service directors will normally be two pay levels lower than their associate administrators.
- (4) SES division managers will normally be two pay levels lower than their office and service directors.

**b. Washington Headquarters Guidelines.**

- (1) Executive directors are the highest level representative in their organization and shall be paid at the ES-6 level.
- (2) Associate administrators and assistant administrators shall be paid at the ES-5 level. Exceptions are the Assistant Administrators for Aviation Safety, Civil Rights, Public Affairs, and Government and Industry Affairs who shall be paid at the ES-4 level.

**c. Regional and Center Guidelines.**

- (1) Regional administrators and center directors are the highest level representatives in their region and center and shall be paid at the ES-5 level. Exceptions are the New England, Central, and Alaskan Regional Administrators who shall be paid at the ES-4 level.
- (2) Regional SES division managers shall be paid at the ES-3 level. Exceptions are the New England, Central, and Alaskan Region SES Division Managers who shall be paid at the ES-2 level. All aircraft certification division managers shall be paid at the ES-3 level.

**2. Pay Level Range of Positions.** Using the criteria in paragraph 6, SES positions will normally be at six levels.

- a. ES-6 Executive Directors.
- b. ES-5/4 Assistant Administrators, Associate Administrators, Regional Administrators, Center Directors
- c. ES-4/3 Deputy Assistant Administrators, Deputy Associate Administrators, Deputy Center Directors

d. ES-4/2 Service Directors, Office Directors, Program Managers, Program Directors

e. ES-3/1 Deputy Regional Administrators, Deputy Service Directors, Deputy Office Directors, Staff Officers, Division Managers

### 3. Initial Appointment to the SES.

a. Individuals selected from General Schedule positions shall be appointed at the ES-1 level, as long as that provides the minimum 6 percent pay increase from their present pay level. These individuals will then be eligible for pay increases annually based on their performance as long as this is consistent with established pay levels for the position occupied.

b. Individuals selected from the private sector shall be placed in an F-S rate which takes into account the level of the position, and the candidate's qualifications and current compensation. Considerable pay level flexibility is possible based on the importance FAA places on hiring a particular individual.

4. **Exceptions.** Exceptions to the pay levels established by this document will be considered based on the specific responsibilities assigned to the position. The Administrator shall approve all exceptions. The appropriate executive director, assistant administrator, or associate administrator shall prepare an exception request for review by the Executive Committee for SES Selection and Succession. the Executive Committee will forward its recommendation to the Administrator through FAA Executive Board.

/s/James B. Busey  
Administrator

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# FAPM Letter 536 Grade and Pay Retention Under the Civil Service Reform Act



July 7, 1983

**Important:** This document only **applies to employees in pay plan FG (formerly GS) and FW (formerly WG)**. For more details on coverage, see [paragraph 3](#)

For employees covered by Core Compensation (pay plan FV) - see:

- [COMP-2.13, Pay Retention in the Core Compensation Plan](#)
- [COMP-2.21C, Grandfathered Employees in the Core Compensation Plan](#)

For employees covered by the Air Traffic pay plans - see:

- Air Traffic Specialized Pay Plan (ATSPP) Manual
- Air Traffic Pay Plan Changes effective July 29, 2001 (covers MSS employees)

This document revises the agency's basic regulations and procedures necessary to implement the grade and Pay Retention provisions of the civil Service Reform Act (CSRA) of 1978. The Office of Personnel Management (OPM) has issued its final regulations on Grade and pay Retention under the CSRA, necessitating the revision of this document. This document supplements the OPM regulations.

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#### 1. Definition

a **Grade retention** means, in general, (keeping one's adjustment) for a maximum of 2 years from the date an employee becomes entitled to grade retention.

b. **Pay retention** means, in general, keeping one's pay (increased by one-half of the annual comparability pay adjustment) for an indefinite period of time from the date an employee becomes entitled to pay retention.

#### 2. Implementation Procedures

a. **Personnel Management Division.** The servicing Personnel Management Divisions administer the grade and pay retention provisions of the CSRA with respect to effecting personnel actions and making salary determinations for employees

under their jurisdictions. Actions and determinations must be consistent with title 5 of the United States Code (U.S.C.) and OPM regulations. The personnel office shall give to each employee eligible for grade or pay retention a copy of the Notification of Personnel Action (SF-50), documenting his/her entitlement to grade or pay retention, and a letter explaining the personnel action and the nature of his/her grade or pay retention entitlement.

b. **Accounting Office** the servicing accounting offices administer the Grade and Pay Retention provisions of the CSRA with respect to effecting payments to employees for whom they provide accounting services.

c. **Employees.** employees who think they may be eligible for retroactive benefits because they were downgraded between January 1, 1977, and January 14, 1979, must file claims (OPM Form 13b7) with their servicing Personnel Management Divisions (see paragraph 10).

3. Coverage. General Schedule, Wage, and Merit Pay employees, including employees who move from noncovered pay schedules and from outside the agency, are covered by the grade and pay retention provisions of the CSRA. Temporary employees, term employees, and others with an appointment having a definite time limitation, as well as those employees who are reduced in grade as a result of the termination of a temporary promotion, are not covered by these provisions. Acceptance of a temporary or term appointment after a reduction in force (RIF) does not disqualify an otherwise eligible employee for grade or pay retention so long as the appointment prior to the RIF was on other than a temporary or term basis.

4. Exclusion. grade and pay retention shall Not apply to an employee who:

a. Moves from a position which is not in an agency as defined in 5 U.S.C. 5102.

b. Is identified under 5 U.S.C. 2105(c), except prevailing rate employees included under 5 U.S.C. 5361.

c. Is reduced in grade or pay for personal cause or at the employee's request.

d. Does not satisfactorily complete the probationary period prescribed by 5 U.S.C. 3321(a) (2) and as a result is removed from a supervisory or managerial position.

5. Grade Retention.

a. **Entitlement by Law.** There are two conditions under which employees are entitled by law to grade retention.

(1) Placement in a lower-graded position as a result of RIF procedures, if the employee has served for a total of 52 consecutive weeks or more in one or more covered positions (see paragraph 6) at a grade or grades higher than that of the new position.

(2) Downward reclassification of an employee's position, provided the employee's position has been classified at the higher grade for a continuous period of at least 1 year immediately before such reduction in grade; the employee need not have occupied the position for any minimum period of time.

b. **Extension by Agency.** The agency will extend grade retention to any eligible employee who:

(1) Is placed in a lower-graded position as a result of the employee declining to transfer with his or function, if the transfer of function is to a location outside the employee's (commuting area).

(2) Is or might be placed in a lower-graded position as the result of a reorganization announced by management in writing (before the reorganization actually takes place; an employee could be offered a lower-graded position and extended grade retention in anticipation of the reorganization).

(3) Is offered placed in a lower-graded position in anticipation of a reclassification decision announced by management in writing. (In other words, before the reclassification actually takes place, an employee could be offered a lower-graded position and extended grade retention in anticipation of the reclassification.)

NOTE: Under paragraph 8b, an eligible employee is one who) has served for a total of 52 consecutive weeks or more in one or more positions at a grade or grades higher than that of the new position.

c. **Duration of Grade Retention.** Employees receive grade retention for a 2-year period beginning on the date of their placement in the lower-graded positions unless the 2-year period is terminated by one of the circumstances listed in paragraph 8f.

#### **d. Pay Administration during Grade Retention Period.**

(1) Step Entitlement. In general, the step in the retained grade to which an employee is entitled upon commencing a period of grade retention is the step in that grade which he or she held immediately prior to the reduction in grade. Exceptions to this general rule are described in Federal Personnel Manual (FPM) Supplement 990-2, Book 536, S4-3b, and include change in the applicable rate schedule, movement from a position not under a covered pay schedule or from a merit pay position, movement to a merit pay position, or when one grade retention period follows another grade retention period.

(2) Rate of basic Pay Entitlement. The rate of basic pay to which an employee is entitled upon commencing a period of grade retention is the scheduled rate of ten employee's step in the retained grade. The scheduled rate is the rate of pay fixed by law or administrative action exclusive of additional pay of any kind, such as night differential or environmental differential in the case of a prevailing rate employee.

(3) Change in Rate of Basic Pay. Any change in the employee's rate of basic pay during the grade retention period, such as within-grade increases, quality increases, and general pay increases, will be based on ten employee's retained grade and step. Further information regarding changes in rates of basic pay of employees, including merit pay employees, during ten grade retention period can be found in FPM Supplement 990-2, Book 536, S4-3b(2).

(4) Applicability of Retained Grade. When an employee is entitled to grade retention, the retained grade is treated as his or her grade for pay administration, retirement, life insurance, and eligibility for training and promotion. It is not used, however, for purposes of applying reduction-in-force procedures, determining whether an employee is covered by the merit pay system, or determining an employee's "exempt/nonexempt" status under the Fair Labor Standards Act.

(5) Application of Grade Retention to Merit Pay Positions. When an employee in the merit pay system is placed in a nonmerit pay position with entitlement to grade retention, he or she is removed from the merit pay system. For example, a GM-14 employee who is placed in a GS-13 position and is entitled to grade retention retains ten grade of GS-14 and is no longer covered under the merit pay system. Conversely, a GS-14 (nonmerit pay) employee who is placed in a GM-13 (merit pay) position and is entitled to grade retention is covered under the merit pay system as a GM-14 employee.

(6) Determination of Applicable Rate Schedule. While an employee is entitled to grade retention, the rate schedule used to establish the employee's rate of basic pay is that schedule which applies to all of the following.

(a) The geographic area in which the employee is actually assigned.

(b) The occupational series of the position which the employee is occupying.

(c) The retained grade. See FPM Supplement 990-2, Book 536, SI-5, for illustrative examples.

#### **e. Further Reductions in Grade.**

(1) If during the 2-year period of grade retention an employee's position is further reduced in grade under circumstances also entitling the employee to grade retention, the employee continues to retain his or her initial retained grade for the remainder of the initial 2-year grade retention period. At the end of the initial 2-year grade retention period, the employee shall be entitled to retain ten grade of the position to which the first reduction in grade was made until 2 years have passed from the date of the further reduction in grade.

**Example:** An employee who is reduced in grade from a GS-9 to GS-7 on 2/11/79 is entitled to a 2-year period of grade retention ending on 2/10/81. If the employee is further reduced in grade to a GS-6 on 4/8/79, he/she would be entitled to continue to retain the GS-9 through 2/10/81, the original expiration date of the grade retention period. The employee's entitlement to a 2-year period of grade retention for the second reduction in grade began on 4/8/79 and ran concurrently with the previous demotion through 2/10/81. For the remainder of that second 2-year period (i.e., from 2/11/81 through 4/7/81), the employee is entitled to retain the GS-7.

(2) During the period after the first 2-year period resulting from the original reduction in grade has expired but before the 2-year period from the date of the further reduction in grade has expired, the employee is entitled to be paid as if the further reduction has not occurred. The employee's rate of basic pay is to be fixed in accordance with paragraph 9g, either at a rate of the rate range for the grade to which the employee was previously reduced or at a retained rate of basic pay, computed as if the further reduction had not occurred. A merit pay employee continues to receive his or

her current rate if that rate is within the rate range of the retained grade. If that rate is above the maximum rate of the retained grade, ten employee is entitled to pay retention under 5 U.S.C. 5363. At the end of the 2-year period from the date of the further reduction, the employee's rate of basic pay is again to be fixed in accordance with paragraph 9g, at either a rate of ten rate range for the grade to which the employee was further reduced or at a retained rate of basic pay, computed on the basis of the grade to which the employee was reduced by the further reduction in grade.

**f. Termination of grade Retention.** An employee's entitlement to grade retention is terminated if the employee:

- (1) declines a reasonable offer of a position that is equal to, or higher than, his/her retained grade at the time of the offer (see Appendix 2, Priority Placement Plan, paragraph 8).
- (2) Voluntarily chooses to terminate grade retention benefits (see L:) paragraph 15).
- (3) Is placed in a position the grade of which is equal to or higher than his/her retained grade.
- (4) Is demoted for personal cause or at his/her own request.
- (5) Has a break in service of one workday or more.
- (6) Fails to enroll in a program providing priority consideration for placement or fails to comply with reasonable written requirements established to assure full consideration under such a program. Within the agency, employees are automatically enrolled by their servicing Personnel Management Divisions (see appendix 2, paragraph 4).

**g. Annual Pay Comparability Adjustment.** The annual pay comparability adjustment for an employee on grade retention is 100 percent of the pay adjustment for ten employee's step in the retained grade. GS-13 example, an employee is in a GS-12 position and was previously in a GS-13 position at the third step of the grade. The annual pay adjustment is 5.5 percent. The employee is entitled to the full 5.5 percent increase to the old GS-13, step 3, salary. The annual pay comparability adjustment for a merit pay employee on grade retention is one-half of the percentage of the pay adjustment for nonmerit pay employees. For example, a GM-14 employee who is placed in a GM-13 position with grade retention as a GM-14 will receive one-half the percentage of the annual pay adjustment for a GS-14 grade, plus any merit increase to which the employee may be entitled. This rule also applies when a GS-14 employee is placed in a G4-13 position with grade retention, since the employee is then covered under the merit pay system as a GM-14.

**h. Pay Setting Upon Demotion of Employees on Grade Retention.** A demotion as a result of an employee on grade retention declining a "reasonable offer of a position" is to be considered an INVOLUNTARY duration for pay-setting purposes. A duration as a result of an employee on grade retention voluntarily choosing to terminate grade retention benefits is also to be considered an INVOLUNTARY demotion.

**i. Pay Setting Upon Promotion of an Employee on Grade Retention to a Grade Higher than that Retained.** A promotion to a higher-graded position than the one on which grade retention is based is to be treated as a normal promotion with a minimum increase of two within-grades in the retained grade. In the case of a merit pay employee, the rules governing promotion under the merit pay system are to be applied.

NOTE: When an employee is placed in a position for which the grade is equivalent to the employee's retained grade, this is not a promotion; it is a position change, and the employee is NOT entitled to a two within-grade minimum increase. Normally, the employee is entitled to the same grade and step as before the position change.

## 6. Pay Retention

**a. Entitlement by law.** The following employees are entitled by law to pay retention.

- (1) Any employee who ceases to be entitled to grade retention by reason of the expiration of the 2-year period of coverage.
- (2) Any employee who is in a covered position (see paragraph 6) and who is subject to a reduction or termination of a special rate of pay.
- (3) Any employee who is in a covered position (see paragraph b) and who OPM determines is eligible.

**b. Circumstances Covered by OPM Extension of Pay Retention.** OPM has determined that pay retention shall be extended to any employee whose rate of basic pay would otherwise be reduced as a result of:



- (1) RIF or reclassification when the employee does not meet the eligibility requirements for grade retention.
- (2) Reassignment of the employee to a position in a lower wage area.
- (3) Placement of the employee in a position in a different pay schedule; e.g., FC to GS, or GS to WG, or WG to GS (but not GM to GS, or GS to G4, since these schedules are considered the same).
- (4) Placement of the employee in a formal employee development program generally utilized Government-wide: Upward Mobility, Apprenticeship, and Career Intern Programs.
- (5) Reduction or elimination of scheduled rates, except those reflecting a decrease in the level of prevailing rates as determined by a wage survey.
- (6) Placement of the employee into a nonspecial rate position from a special rate position or into a lower special rate position from a higher special rate position.

**c. Circumstances Covered by Department of Transportation Extension of Pay Retention.** the Department is authorized to extend pay retention to any employee whose rate of basic pay would otherwise be reduced as a result of a management action. Accordingly, the Department has determined that pay retention shall be extended to any eligible employee whose rate of basic pay would otherwise be reduced as a result of the conversion of the employee from a Schedule C position to a position in the competitive service when the two following conditions exist:

- (1) The appointment to the Schedule C position was not time-limited.
- (2) The removal of the employee from the Schedule C position is the result of a management action taken for the benefit of the agency and not at the request of the employee.

**d. Circumstances Covered by Agency Extension of Pay Retention.** The agency is authorized to extend pay retention to any employee whose rate of basic pay would otherwise be reduced as a result of a management action to further the agency's mission, in accordance with the general intent of the grade and Pay Retention provisions of the CSRA. Accordingly, the agency has determined that pay retention shall be extended to any eligible employee:

- (1) reduced in grade in lieu of RIF procedures (circumstances surrounding these demotions must be carefully and completely documented by the servicing Personnel Management Division).
- (2) Reduced in grade by virtue of demotion under competitive procedures for developmental purposes under an established career progression plan which specifies that such a reduction in grade will carry entitlement to pay retention. As a minimum, the plan must:
  - (a) Outline procedures for filling the positions.
  - (b) Describe specific experience and other requirements for progression to more responsible positions.
  - (c) Provide guidelines for assisting employees to reach short-and long-range career goal
  - (d) identity candidates most qualified.
  - (e) Allow for progression by providing developmental opportunities in accordance with competitive procedures.
- (3) Reduced in grade under qualifying agency-initiated special placement programs which involve the solicitation of applications from employees willing to move to lower-graded positions; e.g., the Air Traffic Internal Placement and Competitive Career Progression Plan, and certain OPM special training agreements.

Note: The determination as to which agency-initiated special placement programs and OPM social training agreements qualify for pay retention will be made by the Director of Personnel and Training.

- (4) Reduced in grade in order to participate in a formal agency-initiated predevelopmental program (GS-4 electronics technician positions and (B-5 air traffic control specialist positions).
- (5) Whose rate of basic pay would otherwise be reduced as a result of the employee's declination of an offer to transfer with his or her function under circumstances not qualifying the employee for grade retention.

(6) Whose rate of basic pay would otherwise be reduced as a result of the placement of the employee in a position which the agency has determined is hard to fill.

(7) Whose rate of basic pay would otherwise be reduced because the employee no longer meets a specific condition or requirement of employment (including medical standards) established by the agency or OPM.

(8) Whose rate of basic pay would otherwise be reduced as the result of a reorganization announced by management in writing under circumstances not qualifying the employee for grade retention.

e. **Duration of Pay Retention.** An employee receives pay retention for an indefinite period beginning on the date of his/her entitlement to pay retention unless the entitlement to pay retention is terminated by one of the circumstances listed in paragraph 9f. There is no entitlement to retroactive pay retention (see paragraph 10).

f. **Termination of Pay Retention.** An employee's entitlement to pay retention is terminated if the employee:

(1) Voluntarily decides to terminate grade retention benefits (see paragraph 15).

(2) Becomes entitled to a rate of basic pay which is equal to or higher than the employee's retained pay rate.

(3) Declines a reasonable offer of a position (see appendix 2, paragraph 8) for which the rate of basic pay is equal to or higher than the employee's retained pay rate.

(4) Is demoted for personal cause or at the employee's request.

(5) Has a break in service of one workday or more.

g. **Determination of Rate of basic Pay.** When an employee becomes eligible for pay retention, the pay retained is the employee's rate of basic pay (i.e., scheduled rate, which excludes additional pay of any kind, such as night differential in the case of a prevailing rate employee). The employee's servicing Personnel Management Division shall compare the employee's rate of basic pay immediately before such eligibility within the range of rates of basic pay for the grade of the position to be occupied by the employee UPON such eligibility and take the action prescribed as follows:

(1) If the employee's rate of basic pay immediately before eligibility for pay retention is less than the minimum rate of the grade of the position to be occupied, the employee shall be placed in the minimum rate and pay retention shall not apply.

(2) If the employee's rate of basic pay later before the eligibility for pay retention is equal to one of the rates of the grade of the position to be occupied, the employee shall be placed in that rate and pay retention shall not apply.

(3) If the employee's rate of basic pay immediately before eligibility for pay retention falls between two consecutive rates of the grade or the position to be occupied, the employee shall be placed in the higher of the two rates and pay retention shall not apply.

(4) If the employee's rate of basic pay immediately before eligibility for pay retention exceeds the maximum rate of the grade of the position to be occupied, the employee is entitled to retain either his or her current rate of basic pay or 150 percent of the maximum rate for the employee's grade after reduction, whichever is less. At such time as the maximum rate of the grade of the position occupied equals or exceeds the employee's retained rate of basic pay, the employee shall be placed in that maximum rate and pay retention shall cease to apply.

(5) In the case of a merit pay employee, the employee is entitled to the same rate of basic pay as that held prior to his or her eligibility for pay retention. If that rate falls within the rate range of the new grade, pay retention is terminated. If it does not fall within the rate range, the employee continues to receive that rate under pay retention.

h. **Annual Pay Comparability Adjustment.**

(1) The annual pay comparability adjustment for an employee on pay retention is 50 percent of the pay adjustment for the top step of the grade to which the employee has been reduced. The method for computing a 50 percent comparability increase is illustrated as follows:

In October 1981, a 4.8 percent increase was granted. An employee on pay retention in grade GS-12 is entitled to 50 percent of the GS-12, step 10, increase.

\$36,723, New rate of pay for GS-12/10

**-35,033**, Old rate of pay for GS-12/10

\$ 1,690 = 100% comparability increase x **50%**

\$ 845 = retained pay increase

New retained pay = old retained pay + \$845.

(2) An employee under the merit pay system who is receiving pay retention is entitled to the comparability increase. he or she, however, has NEITHER entitlement to a comparability increase NOR entitlement to a merit pay increase under the merit pay system.

The method for computing a 50 percent comparability increase for a merit pay employee on pay retention is illustrated as follows.

10-28-79--A C14-201-14 employee under the merit, pay system at a rate of \$38,000 is placed in a GM-201-13 position under the merit pay system and is entitled to pay retention. He or she will retain the rate of \$38,000.

10-12-80--As the result of a comparability increase, the maximum rate of the employee's grade (GM-13) is increased from \$35,505 to \$37,632, a total of \$2,127. Fifty percent of \$2,127 is \$1,064. The employee, under pay retention, is entitled to \$38,000 plus \$1,064, or \$39,064. Since that rate is still greater than the GM-13 maximum rate of \$37,632, the employee continues under pay retention at the rate of \$39,064.

(3) If an employee has changed grades while entitled to pay retention, he or she is entitled to 50 percent of the increase in the maximum rate of the employee's grade at the time of the increase. (See FPM Supplement 990-2, Book 536, 34-4b, Example 51.)

(4) If the employee is entitled to grade retention at the same time he or she is entitled to pay retention, an increase must be based on the increase to the maximum rate of the retained grade, since that is considered to be the employee's grade for pay administration purposes. (See FPM Supplement 990-2, Book 536, s4-4b, Example 52.)

(5) If, as a result of one of these increases, the maximum rate of the employee's grade exceeds the employee's retained rate, the Employee is entitled to that maximum rate and pay retention terminates. (See FPM Supplement 990-2, book 536, S4-4b, Example 53.)

#### **i Maximum Allowable Retained Rate.**

(1) The maximum allowable rate an employee may retain is 150 percent of the maximum rate of basic pay of the grade of the position occupied by the employee; i.e., the lower-graded position to which the employee has been reduced or his or her basic rate of pay, whichever is less. For example, an employee in grade GS-12, step 5, with a salary of \$32,013, is reduced to grade GS-7, step 10, with pay retention. The maximum allowable salary rate in this case is 150 percent of the GS-7, step 10, rate, or \$31,052.

(2) when an employee who is already entitled to pay retention is placed in another position under circumstances which would normally entitle him/her to pay retention, the employee's prior entitlement continues unaffected. Therefore, the employee's retained rate may not be reduced by virtue of the subsequent action by applying the 150 percent limit. (See FPM Supplement 990-2, book 536, S4-4b, Example 55.)

**j. Within grade, Special Rate, and Quality Increases.** No within-grade increases, special rate increases, or quality increases may be granted during the period of pay retention.

#### **k. Pay Setting Upon Promotion of an employee on Pay Retention.**

(1) When a General Schedule employee on pay retention is promoted, the employee is entitled to either of the following:

(a) An increase equivalent to a rate in the higher grade which is at least two within-grade increases above the rate the employee would be receiving if retained pay provisions were not applicable in his or case (i.e., the 10th step rate of the employee's position immediately before promotion).

(b) The employee's existing rate, whichever is higher.

(2) When a Wage employee on pay retention is promoted, the employee is entitled to one of the following:

(a) An increase equivalent to the lowest scheduled rate of the grade to which promoted which exceeds the rate the employee would be receiving if retained pay provisions were not applicable in his or her case (normally, the rate for the 5th step of the employee's position immediately before promotion). By at least 4 percent of the representative rate of the grade from which promoted.

(b) The maximum, scheduled rate of the grade to which promoted, if there is no rate of pay in the grade to which promoted that meets the requirement in (a).

(c) The employee's existing scheduled rate of pay, if that rate is higher.

## 7. RETROACTIVE PROVISIONS.

a. **Eligibility.** employees eligible for retroactive grade retention are those who meet any of the conditions listed in paragraph 8a. Also eligible are annuitants and survivors of deceased employees who met any of the conditions listed in paragraph 8a.

b. **Pay Retention During Retroactive Period.** Pay retention is NOT provided during the retroactive period.

c. **Duration of Retroactive Period.** The period for retroactive grade retention extends from January 1, 1977, to January 14, 1979.

d. **Duration of Grade Retention During Retroactive Period.** The period of retroactive entitlement for an eligible individual begins with the first reduction in grade that occurred on or after January 1, 1977, and ceases, normally, on January 13, 1979.

e. **Extension of Grade Retention after Retroactive Period.** Employees who are eligible for retroactive grade retention benefits are also eligible for a 2-year period of grade retention beginning on January 14, 1979, unless their entitlement to grade retention was terminated prior to January 14, 1979.

f. **Termination of Grade Retention.** The same circumstances for terminating an employee's entitlement to grade retention (see paragraph 8f) also apply in the case of retroactive grade retention, except for the criterion of declining a reasonable offer of a position and the criterion of becoming entitled to a position the grade of which is equal to or higher than the employee's retained grade.

g. **Deductions.** Certain deductions must be made from the retroactive payment, including Federal, state, and local income taxes, as well as Civil Service Retirement and Life Insurance deductions. No deductions shall be made from the retroactive payment to cover union dues or health benefits.

h. **Employee Claims.** Employees who think they can be eligible for retroactive grade retention benefits must file a claim (OPM Form 1367) with their servicing Personnel Management Divisions not later than 6 years from the effective date of the Civil Service Reform Act, January 14, 1979. Since the 6-year statute of limitations on claims against the United States applies, employees should also file a claim with the General Accounting Office.

## 8. APPEAL PROCEDURES.

a. **Declination of a Reasonable Offer.** If an employee loses any grade and/or pay retention benefits because he or she declines a reasonable offer of a position (see paragraphs 8t(l), 9f(3), and appendix 2, paragraph 8), and the employee is not a member of an exclusively recognized bargaining unit, the employee may appeal that loss directly to OPM.

(1) Employee Action.

(a) The employee shall file such appeal in writing with OPM not later than 20 calendar days after notification of the loss of grade or pay retention benefits.

(b) An employee appeal shall include all of the following:

1 The employee's name, mailing address, and office telephone number

2 The employing department or agency and the location of the official headquarters.

**3** The exact organizational component of the employee's, current position within the agency (e.g., sector, division branch, section, unit, etc.).

**4** The reasons supporting the employee's belief that the offered position was not a "reasonable offer."

**5** The name, address, and business telephone number of the employee's representative in the appeal, if the employee has designated a representative.

(c) employee appeals should be filed directly with the regional office of OPM having geographic jurisdiction over the employee's current position. Employees in overseas positions in the Western-Pacific Region should direct appeals to the Western Region, OPM. For other overseas positions and positions located in the Washington, DC, Metropolitan Area, the appeal should be filed with the Chief, Classification Appeals Office, Agency Relations group, Office of Personnel Management, Washington, DC 20415.

(2) OPM Action. OPM may conduct any investigation or hearing it determines necessary to ascertain the facts of the appeal, shall make its decision on the appeal in writing, and shall furnish a copy of the decision to the employee and to the agency. (See FPM Supplement 990-2, Book 536, S6-3, for further information.)

(3) Agency Action. If a decision by OPM on an appeal requires corrective action by an agency, including the retroactive or prospective restoration of grade or pay retention benefits, the agency shall take such corrective action. (See FPM Supplement 990-2, Book 536, S6-2, for further information. )

(4) Exclusive Bargaining Unit Employee.

(a) Loss of grade or pay retention benefits based on the declination of a reasonable offer by an employee in an exclusively recognized bargaining unit may be reviewed under negotiated grievance and arbitration procedures in accordance with chapter 71 of title 5, U.S.C., and the terms of any applicable collective bargaining agreement.

(b) An employee in an exclusively recognized bargaining unit may not appeal a termination of grade or pay retention benefits to OPM if the grievance procedure of the agreement by which he or she is covered provides for such review.

(5) Cancellation of the Appeal.

(a) An employee appeal under this section shall be canceled, and the employee and agency so notified, in writing:

1 On receipt of the employee's written request.

2 On the employee's failure to pursue the matter, as when the employee does not furnish requested information.

(b) At its discretion, the OPM may reopen a canceled appeal on a showing that circumstances beyond the control of the employee prevented the prosecution of the appeal.

**b. Classification and RIF Appeals.** Employees maintain all appeal rights provided by classification and RIF regulations.

**c. Entitlement to Grade and/or Pay Retention.** The decision which is the basis of an individual's entitlement to grade and/or pay retention benefits is NEITHER appealable under any appeal procedures other than those referred to in paragraph IIb NOR grievable under any negotiated grievance procedure.

**d. Loss of Grade and/or Pay Retention.** The decision which is the basis of an individual's loss of grade and/or pay retention benefits (other than the decision that an employee declined a reasonable offer of a position) is NEITHER appealable under any appeals procedures NOR grievable under any negotiated grievance procedure.

## 9. Adverse Action Coverage

a. An action placing an employee in a lower-graded position and resulting in the employee being eligible for grade retention is NOT considered an adverse action.

b. A demotion action resulting from the expiration of the 2-year period of grade retention is NOT considered an adverse action.

c. A demotion action resulting in an employee only being eligible for pay retention (not for grade retention) may be considered an adverse action depending upon the circumstances. (See FAPM 752 (formerly Order 3770.2B), Adverse Actions, Appeals and Grievances, for more specific instructions.)

#### 10. Movement Between Covered Pay Schedules

a. **General.** When an employee is moved, with or without his or her position, from a covered pay schedule (e.g., prevailing rate schedule) to a different covered pay schedule (e.g., General Schedule) under circumstances which would entitle the employee to grade retention, it is necessary to determine if the Employee's new position is in a lower grade in order to determine whether a reduction in grade has occurred and, accordingly, whether grade retention is warranted.

b. **Determination of Representative Rate.** To determine whether a reduction in grade has occurred, the representative rate of the employee's position before and after the movement must be determined. The representative rate of a position is:

(1) In the case of a position under the General Schedule, the fourth rate of the grade; for a special rate position, it is the fourth rate of the special rate schedule; or, in the case of GS-18, the single rate for the grade.

(2) In the case of a position under the merit pay system, the representative rate of the corresponding grade of the General Schedule.

(3) In the case of a position under a regular prevailing rate schedule (including Wage Grade, Wage Leader, and Wage Supervisor), the second rate of the grade; or, in the case of a position with a single rate, the actual single rate of that position.

(4) In the case of a position under a special rate schedule other than a General Schedule special rate schedule, the rate designated as representative of the position by the agency responsible for establishing and adjusting the special schedule.

c. **Determination of Reduction in Grade.** If the representative rate of the employee's position after the movement is lower than the representative rate of the employee's position before the movement, then the representative has been to a lower grade, and the employee is entitled to grade retention if otherwise eligible (see paragraph 8).

d. **Grade Retained.** When an employee moves from the General Schedule to a prevailing rate position, or vice versa, or when an employee's position moves from the General Schedule to a prevailing rate schedule, or vice versa, the employee, if entitled to grade retention, retains the grade of that pay system from which he or she was moved.

#### 11. Movement from a Noncovered to a Covered Pay Schedule

An employee who is in a position not under a covered pay schedule immediately prior to the action which gives entitlement to grade retention shall retain either of the following:

a. The lowest grade of the covered pay schedule in which placed which has a representative rate equal to or higher than the representative rate of the grade held immediately prior to that placement.

b. The highest grade of the covered pay schedule in which placed, if there is no grade in the covered pay schedule with a representative rate equal to or higher than the representative rate held immediately prior to that placement.

#### 12. Voluntary Termination of Grade Retention

a. **Notification of Termination.** An employee may voluntarily terminate his or her entitlement to grade retention by so notifying his or her servicing Personnel Management Division in writing.

b. **Effective Date of Termination.** Termination of grade retention will be effective at the end of the last day of the pay period in which the employee elects to waive grade retention benefits.

c. **Restoration of Grade Retention Benefits.** Once entitlement to grade retention has been voluntarily terminated, it CANNOT be restored.

NOTE: If an employee voluntarily terminates his or her entitlement to grade retention, the employee also thereby terminates his or her entitlement to pay retention.

### 13. Classification and Placement Planes

a. **Requirements.** OPM requires that all agencies in the Executive Branch having employees covered by the grade and Pay Retention provision of the Civil Service Reform Act develop classification and placement plans. These plans must be in writing and must commit the agency to all of the following:

- (1) Correct position management problems and identify and correct classification errors.
- (2) Carry out specific planned efforts to place employees entitled to grade and pay retention under provisions of the CSRA.
- (3) Pursue placement efforts that do not adversely affect the agency's affirmative action goals.

b. **Classification Plan.** The agency's Classification Action Plan is contained in appendix 1.

c. **Placement Plan.** The agency's Priority Placement Plan is contained in appendix 2.

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Donald B. Rock

Director of Personnel and Training

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### Appendix 1. Classification Action Plane

1. Purpose. The purpose of this plan is to assure that FAA positions are properly described and classified, that corrective action is taken where misclassified positions are identified, that unnecessary positions are abolished, and that conflicting assignments of duties and responsibilities are corrected.

#### 2. Responsible Offices

- a. Employing jurisdictions shall assure the correct classification of existing positions which become vacant.
- b. Employing jurisdictions shall assure the correct classification of newly established positions.
- c. Employing jurisdictions and the Office of Personnel and Training shall assure the correct classification of positions established as a result of agency reorganization.
- d. The Office of Personnel and Training shall initiate and/or conduct special classification reviews of selected categories of positions where it determines improper classifications may exist.
- e. Supervisors shall review, at least annually, all positions under their control to assure that these positions are properly described, that conflicting assignments of duties and responsibilities are corrected, and that unnecessary positions are abolished.
- f. Employing jurisdictions shall conduct cyclic classification surveys in accordance with the Cyclic Classification Survey Program.

#### 3. Methodology

a. There are two major methods for implementing the classify action plan:

- (1) The Annual Supervisory Position Review Program.
- (2) The Cyclic Classification Survey Program is higher.

b. Annual Supervisory Position Review Program. At least annually, and more often if circumstances dictate, each supervisor shall review all positions under his/her direct control in terms of the following:

(1) requirements. All the following must be met:

- (a) Position review aid certification must be at the lowest practicable organizational level. Normally, this will be the first-line supervisor.
- (b) All positions, both filled and vacant, must be reviewed. Each position must be examined to determine whether or not the position description is accurate or if changes have taken place making amendment or redescription necessary.
- (c) Changed positions must be referred to the personnel office to determine if the changes will affect the position title, series, or grade.
- (d) The supervisor must review positions in sufficient depth to enable him/her to certify that each subordinate position is necessary, properly described, and functioning as described, or that corrective action has been requested.

(2) Procedures. Procedures to accomplish the review will be developed by the appropriate personal office.

c. Cyclic surveys are performed by personnel management specialists and are designed to provide an in-depth review of all positions in the agency by site audit or other direct means. As the name implies, cyclic surveys are planned and scheduled in advance; however, unscheduled surveys of the same type may be conducted from time to time to meet management needs derived from reorganizations or other causes. Approximate personnel offices shall develop procedures for the conduct of surveys which will take into consideration the following responsibilities:

(1) Supervisors Are Responsible For:

- (a) Providing information requested by the personnel specialists for use in conducting the survey.
- (b) Preparing a new position description prior to the survey in any instances where significant differences exist between the duties of any employee and those described in his/her position description.
- (c) Informing employees when the survey is to be conducted.
- (d) Arranging work so that employees may be interviewed during the survey.
- (e) Promptly initiating the personnel actions necessary to implement survey findings.

(2) Personnel Specialists Are Responsible For:

- (a) Arranging survey schedules in such a manner that disruption of the organization's normal operation is held to a minimum.
- (b) Obtaining the necessary clearances from management officials.
- (c) Discussing survey findings with management.
- (d) Furnishing advice and assistance to management in resolving problems identified as a result of the survey.
- (e) Completing the survey in a timely manner.
- (f) Furnishing management with a written report of the survey findings.
- (g) Detecting and reporting to management:
  - 1 Evidence of overlapping of functions within and among organizations.
  - 2 Excessive dilution of duties and responsibilities among positions.
  - 3 Excessive organizational layering and splintering.
- (h) Resolving or referring technical problems in other personnel management fields.



(3) Employees Are Responsible For:

- (a) Responding candidly to personnel specialists questions regarding their duties and responsibilities.
- (b) Furnishing examples illustrating work performed, upon request.

(4) Survey Schedules. All positions shall be surveyed on a cycle of at least once every 3 years. Survey schedules shall be prepared far enough in advance to permit their timely coordination with the organizations to be surveyed, and copies should be furnished to the management officials concerned. Changes in survey schedules shall be promptly called to the attention of officials of the organizations affected.

(5) Survey Report Requirements. Upon completion of the survey, the personnel office will prepare a written survey report for presentation to the head of the organization having jurisdiction over the surveyed unit. Additional copies may be furnished to other organizations having an interest in the survey conclusions, such as Budget, Management Systems, etc. No particular format is prescribed for survey reports, but each personnel jurisdiction should adopt uniform formats for similar types of reports. As a minimum, survey reports shall contain the following information:

- (a) Organization charts, or their equivalent, showing how the organization was structured by positions and staffing at the time the survey was conducted.
- (b) Identification of positions reviewed and methods by which the review was accomplished (e.g., site audit, supervisory audit, etc.).
- (c) Actions required to modify or revise position descriptions and potential changes in series, pay categories, grades or titles of positions. Where no action is required, this will be stated.
- (d) If adverse actions may be necessary, evaluation statements for each position affected.
- (e) If organizational changes are proposed, organization charts, or their equivalent, showing the proposed new structure and staffing.

(6) Implementation of Survey Findings. One copy of the draft survey report will be presented to the operating official who will be responsible for implementing the findings of the survey. Personnel offices shall develop their own procedures for resolving differences of opinion and implementing the survey findings. Generally, these procedures should include means of documenting agreement between operating officials and the personnel office and should provide for initiating the necessary personnel actions by SF-52 originating in the operating organizations. A copy of the final survey report shall be sent to the Personnel Programs Division, APT-200.

(7) Appeal of Case Decisions. Individual employees may appeal survey report case decisions through the established classification appeal procedures.

4. EFFECTIVE DATE OF CORRECTIVE ACTION. The effective date corrective action (e.g., classification of new or amended position descriptions and/or personnel actions) in the various situations described below should be as follows:

- a. Normal Situations. Within 4 pay periods following the decision that corrective action is necessary.
- b. OPM Certifications. By the date specified in the certificate (normally within 4 pay periods following receipt of the certificate).
- c. Determinations by Washington Office Evaluation Teams. Within 4 pay periods following receipt of the team's final report, if the region or center does not offer rebuttal on the case. If the region rebuts the case and is not successful, action must be taken within 4 pay periods following the Washington reply to the rebuttal.
- d. Washington-Directed Classification Reviews. Within 4 pay periods after receiving word from Washington that the position(s) will not support the current classification.
- e. Facility Level Changes. Within 4 pay periods following receipt of Washington approval.
- f. Application of New Position Classification Standards. As directed by the Washington office.

g. Classification Appeal Decisions. Within 4 pay periods following receipt of the decision from the Washington office in appeals to the agency. In cases of appeals to the OPM, by the date specified in the decision (normally within 4 pay periods following receipt). Further appeals do not stop actions on agency or OPM decisions.

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## Appendix 2. Priority Placement Plan for Employees Entitled to Grade or Pay Retention Under Title VIII, CSRA

1. Purpose. This appendix furnishes guidance for ensuring to the maximum extent possible that employees entitled to grade or pay retention under title VIII of the CSRA are placed as quickly as possible into positions which are equivalent to their retained grade or pay or are given the opportunity to obtain the necessary qualifications to minimize downgrading.

2. Eligibility. The following employees are eligible for benefits of this Priority Placement Plan.

a. All employees identified as entitled to GRADE retention in the basic order.

b. The following employees entitled by law to PAY retention:

(1) Any employee who ceases to be entitled to grade retention by reason of the expiration of the 2-year period of coverage.

(2) Any employee who is in a covered position (see paragraph 6 of this document) and who is subject to a reduction or termination of a special rate of pay.

(3) Any employee who is in a covered position (see paragraph 6 of this document) and who OPM determines is eligible.

c. Any employee identified as entitled by OPM extension to PAY retention as a result of:

(1) RIF or reclassification when the employee does not meet the eligibility requirements for grade retention.

(2) Reassignment of the employee to a position in a lower wage area.

(3) Placement of the employee in a position in a different pay schedule.

(4) Reduction or elimination of scheduled rates, except those reflecting a decrease in the level of prevailing rates as determined by a wage survey.

(5) Placement of the employee into a nonspecial rate position from a special rate position or into a lower special rate position from a higher special rate position.

d. The following employees entitled by agency extension to PAY retention:

(1) Any employee who is reduced in grade in lieu of RIF procedures.

(2) Any employee whose rate of basic pay would otherwise be reduced because the employee no longer meets a specific condition or requirement of employment (including medical standards) established by the agency or OPM.

(3) Any employee whose rate of basic pay would otherwise be reduced as the result of a reorganization announced by management in writing under circumstances not qualifying the employee for grade retention.

3. Entitlement. Employees identified in paragraph 2 are entitled to one of the following for a period of 2 years beginning on the date of their entitlement under paragraph 2.

a. Priority placement in positions which are equal to their retained grade or pay.

b. The opportunity to obtain the necessary qualifications for their selection to positions which would minimize the need for the grade or pay retention provisions; i.e., avoid downgrade actions or, in the event that downgrade actions are unavoidable, allow the employees to be placed in positions which are equal to their retained grade or pay (see paragraph 9).

4. Procedures.

- a. Each personnel office shall establish and maintain a list of employees eligible for priority placement. An employee's name shall be entered on this list as soon as it is determined that he or she is entitled to such placement.
- b. Employees on this list shall be considered for suitable vacancies in advance of efforts to fill the vacancy by any other means (except placement priorities based on statutory requirements). A suitable vacancy is one for which the employee meets X-118 qualification standards )or could acquire the necessary skills within a reasonable time. The vacancy must be in the employee's area of consideration (see paragraph 5 of this appendix).
- c. The employee should ordinarily be selected when referred under this procedure unless there are persuasive reasons for not doing so (see paragraph 6 of this appendix).
- d. If an exception to selection is approved, the employee will remain on the priority placement list for duration of the 2-years eligibility period (see paragraph 3 of this appendix)

5. Area of Consideration. The are of consideration for all employees shall the commuting area.

6. Exceptions. Exceptions to selecting qualified employees under these procedures will be permitted only when the selecting official documents persuasive reasons. A persuasive reason is defined as one which would cause undue interruption of a work program. Undue interruptions of a work program could occur within the gaining or losing organization. For example, a gaining organization's ability to carry out its various work programs could be adversely affected by placement of an individual who, while meeting basic qualification requirements, lacks importance specialized experience or has not had the quality of experience requisite to the immediate performance of some critical aspect of a work program. Conversely, a losing organization's ability to carry out one of its work programs could be adversely affected by the requirement to place one of its employees out of that organization, leaving a critical work program understaffed or understaffed. Such exceptions shall not be granted without the approval of regional/center directors or their designees or office/service heads or their designees.

7. Evaluation of Placement Opportunities. Concurrent with entering employees' names on the priority placement list, employing jurisdictions should evaluate employees' opportunities for placement (see paragraphs 4 and 9 of this appendix). In this evaluation, consideration should be given to available vacancies which would prevent demotion or allow early grade restoration. This evaluation should consider placement where:

- a. The employee could quality through developmental assignments or training. If so, process in accordance with paragraph 9 of this appendix.
- b. The employee could qualify within a reasonable period of time without undue disruption of the organization mission. Where this condition is met, the employing jurisdiction shall request a waiver of qualifications from OPM.

8. Declination of a Reasonable Offer of a Position

a. Under 5 U.S.C. 5362(d)(3) and 5 U.S.C. 5363(c)(2), grade and pay retention, respectively, cease to apply to an employee who declines a reasonable offer of a position the grade or pay for which is equal to or higher than the employee's retained grade or pay for the purpose of applying these provisions, a "reasonable offer of a position" must meet all of the following conditions:

- (1) The offer must be in writing and must include an official position description of the offered position.
- (2) The offer must inform the employee that entitlement to grade or pay retention will be terminated it the offer is declined and that the employee may appeal the reasonableness of the offer.
- (3) The offered position must be of tenure equal to or greater than that of the position creating the grade or pay retention entitlement.
- (4) The offered position must be in an agency, as defined in 5 U.S.C. 5102, although not necessarily in the same agency in which the employee is serving at the time of the offer.
- (5) The offered position must 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.
- (6) The offered position must be in the same commuting area as the employee's position immediately before the offer.

b. The offer and acceptance of a position the grade of which is between the employee's present and retained grade does not terminate his/her entitlement to priority placement eligibility.

9. Determining Opportunities for Trainign to Obtain Qualifications for Other Positions

a. When it is determined that an eligible employee can qualify for another position at his/her retained grade or pay through developmental assignments and training, a complete development plan will be written which must meet all the following conditions.

(1) Specify a target position (a target position is one which must be the same grade as the employee's retained grade or same pay as the employee's retained pay).

(2) specify developmental assignments arid training required to assure the employee will meet qualification requirements for this target position at his/her retained grade or pay.

(3) Be capable of being completed within the 2-year period of priority placement eligibility.

(4) Be agreed to by the employee and the gaining office having the target position.

(5) Identify pass/fail criteria and actions to be taken if a criterion is not met.

(6) Be approved by the gaining personnel office.

b. When a development plan has been approved by the personnel office, the employee will be reassigned to the target position at the appropriate grade or pay level.

c. Eligible employees entering developmental training assignments as specified above shall NOT continue to be eligible for the priority placement provisions of this plan.

d. Eligible employees are NOT required to enter into or accept training/developmental assignments, and their decisions not to do so will not terminate entitlement to continued priority placement for positions which would restore their previous grade or pay during their periods of entitlement.

e. Participation in a developmental training assignment under the provisions of this paragraph shall not restrict an eligible employee from taking advantage of other promotion opportunities to have his/her grade or pay restored.

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# FAPM Letter 7114 Recording the Use of Official Time by Labor Org. & Other Employee Representatives. For Representational Functions



## 1. Definitions. As defined by FPM Letter 711-161.

a. **Representational functions** means those authorized activities undertaken by employees on behalf of other employees pursuant to a right to representation under statute, regulation, executive order, or the terms of a collective bargaining agreement. It includes activities undertaken by special individual collective designation (such as the designation of a representative in a grievance action or an EEO complaint) as well as those activities authorized by a general , collective designation (such as the designation of a labor organization recognized as exclusive representative under Chapter 71 of Title 5 of the U.S.C.). Activities such as the fact-finding duties of an EEO Counselor or Grievance Examiner are not representational functions and should not be included in this reporting system.

b. **Official time** means all time granted an employee by the agency to perform representational functions, as defined above, when the employee would otherwise be in a duty status.

2. Forms and Reports. The FAA Form-n 3710-12, Employee Representational Function Report (RIS: LR-3710-4) will be stocked by FAA Depot. The stock number is SN: 0052-00-883-1001. The unit of issue is sheet. Washington headquarters may obtain forms from the Department of Transportation Warehouse, M-443.1. A sample FAA Form 3710-12, Employee Representational Function Record (RIS: 3710-4), along with instructions for its preparation, are attached as Appendix 1.

3. Reporting Procedures. The reporting form shall be maintained by the supervisor of the employee authorized official time for representational functions. Every appropriate supervisor will advise the Region/Center Labor Relations Branches every six-month period (reporting twice yearly for the periods October through March and April through September) on the amount of official time used by employee representatives during their representational activities. The Region/Center Labor Relations Branches will forward a summary of this information to the Policies and Standards Division, ALR-200, to arrive not later than the tenth calendar day of the month following the end of the reporting period (i.e., October through March reporting period is due April 10; April through September reporting period is due October 10).

/s/

E. V. Curran  
Director of Labor Relations  
Initiated By: ALR-100

## Appendix I — Instructions for Completing Employee Representational Function Record FAA Form 3710-12 (RIS: LR 1710-4)

Instructions for reporting the use of official time used by labor organization and other employee representatives for representational functions.

### Reference Table

Item	Instructions
A. Name of employee	Enter the name of the employee who is being granted official time for representational duties.
B. Location of Employee	Enter the location of the work station where the employee was assigned when granted the official time for representational duties.
C. Name/Title of Supervisor	Enter the name and title of the management official who authorized the official time for representational duties.
D. Record for Six-Month Period	Enter ending date of six-month reporting period.

E. Date Official Time was Used for Representational Duties	Enter the date(s) when representational duties were performed.
F. Amount of Time (Hours)	Enter the number of hours granted.
G. Actual TDY Costs	Enter, if appropriate, the actual TDY costs for the official time used for representational duties.
H. Category of Official Time	Enter appropriate designation from the categories listed under paragraph 1.
1. Nature of Representational Duties Performed	Enter the type of representational duties performed (i.e., basic negotiations, representative in a grievance hearing, etc.).

There is ample space on the form (or on the back of the form) for any additional information that may be deemed necessary for any particular case involving the granting of official time for representational duties.

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July 13, 1979

This document establishes policy and provides guidance concerning employee services in FAA. It is issued primarily for the benefit of management officials who supervise FAA work at remote sites or at locations outside the continental United States. It is NOT intended that programs be deliberately initiated just to cover all of the services mentioned. However, it sets forth conditions under which management officials throughout FAA may respond when employees at their own initiative seek FAA assistance to enhance their social, welfare, and recreational (SW&R) pursuits.

Field managers occasionally request guidance concerning the kind and amount of assistance they can give individuals and groups of employees in response to inquiries about improved employee services. In addition, managers at remote locations have expressed a need for guidance and information concerning the kinds of services the agency can and should provide, and how to program and obtain funds for these services.

Occasionally employee SW&R groups have ventured into a business to provide employee services without adequate experience and knowledge to succeed. Guidance is needed in this area to reduce the chance of embarrassment to the employees and the agency.

FAA managers should in response to demonstrated needs and requests regarding employee services consider the following:

- (1) Is the service reasonably available in the local community?
- (2) Can employees through their own efforts provide the service?
- (3) Should the manager try to provide the service through use of FAA resources?

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## Chapter 1. Program Administration

### 1. Preface.

a. Many services have evolved within the general society which benefit physical and mental health, improve individual ability and productivity, provide creative outlets, and generally improve living standards. Some of these services such as those related to food, transportation, medicine, etc. are of such importance that without them employees may be hampered in their abilities to give a full day's work. The FAA should get involved in personal services for employees only to enhance the accomplishment of the work of the agency and only in response to generally demonstrated desire of employees.

b. Employees should be encouraged that as good citizens and members of their community they should participate in social, welfare, and recreational activities away from the work situation. Even in overseas and isolated locations employees should be encouraged to work out their own solutions to matters covered in this handbook.

2. POLICY. It is the policy of FAA to encourage employees to take full advantage of their citizenship in the local community by participating, insofar as they personally choose to do so, in the activities of the community. In some communities and particularly in remote locations, social, welfare, and recreational (SW&R) activities may be limited or non-existent. Within the limits of available resources and funds, FAA should provide SW&R activities when such services are not available in the local community and when such services cannot be reasonably provided by the employees themselves.

FAA management officials should provide reasonable assistance and encouragement to employees when, through their own initiative, they desire to organize groups for the purpose of meeting their SW&R needs.

3. PROHIBITED DISCRIMINATING PRACTICES. Services provided by FAA in remote locations or by employees through their SW&R groups shall be available to all employees regardless of race, sex, creed, or national origin. If employees experience discrimination in the local community, FAA officials should follow the agency's Equal Employment Opportunity Program.

4. USE OF COMMUNITY SERVICES. Care should be taken that employee services not be in competition with those available in the local community through various civic, social, and private organizations and businesses. If it becomes necessary to provide a service not available in the community, FAA may solicit bids for a contract. (See Order 4444.1.) In the event of no public interest in a concession contract, an employee SW&R group may be considered if they show a capability of developing and operating the service desired.

5. EMPLOYEE ORGANIZATIONS SUBJECT TO THE EMC PROGRAM, Order 3710.8, dated 7/13/65, may be formally or exclusively recognized by the agency. Since members of these organizations are benefited by employee services, they should be informed and/or consulted about plans to establish new or alter existing services.

6. PLEDGE PLANS are unique in their organization and operation and therefore require special attention. The policy and direction of this handbook does not include pledge plans. For agency policy and guidance, see Order OA 3710.6, dated 5/15/64.

### 7. VENDING STANDS AND MACHINES.

a. If a vending stand and/or automatic vending machines are to be installed, preference must be given to blind persons licensed under the provisions of the Randolph-Sheppard Act for the operation of the stand and assignment of profits



from the machines. (See Order IM 4444.1.)

b. In some cases where vending machines may be scattered or located in buildings remote from the main vending stand, it is not unusual for the blind organization to agree to share the profits of these machines with the SW&R groups.

## 8. DETERMINING NEED OF SERVICES.

a. Employee morale, production, leave turnover rates, and other employment characteristics may reflect a need for improved or additional services. However, the primary considerations are the personal requests and desires of the employees acting alone or in groups.

b. To determine the service needed, officials should be responsive to employee suggestions, recommendations from employee groups, and, if necessary, solicit information by questionnaire. The FAA expects adequate services and accommodations to be available to all employees within the bounds of good management practices.

## 9. RESPONSIBILITIES AND AUTHORITIES.

a. **Regional Directors, Directors of Aeronautical Center and NAFEC, and Manager of Headquarters Operations**, in keeping with our basic philosophy that the primary relationship between FAA and its employees inheres in the work situation, should provide management assistance where needed (see paragraph 29) and establish a method of reviewing the employee SW&R groups (see paragraph 22). Some of the more common types of services, welfare, and recreational needs for which employees express general interest are reflected in Appendix 1, which is furnished as guidance to management in responding to requests for such service.

b. **Personnel and Training Officers**, in their role as advisers to line managers, should serve as the initial point of contact for SW&R groups, and be responsible for focusing management attention on essential services in remote areas (see Chapter 3) where they are not otherwise available.

10. USE OF OFFICIAL TIME. The services and activities of employee SW&R groups are of interest to FAA. The successful operation of these services and activities depends on the efforts of interested employees elected as officers, and appointed to committees. Therefore, the FAA assumes a lenient posture concerning time spent in meetings of officers and committees so long as: (1) employees do not devote substantial periods of official time for such purposes; (2) the business of the agency is not interfered with; and (3) their attendance is authorized by their supervisors. It must be understood that official time spent in meetings does not apply to meetings of general membership, but to short meetings of officers and small committees which cannot reasonably be expected to be held outside of duty hours.

## 11. CONCESSIONS.

a. FAA concessions (including those contracted to SW&R groups) are all subject to the guidance and instructions in Order IM 4444.1, which includes annual auditing, periodic reports to the users, etc.

b. Management of employees of concessionaires is the responsibility of the SW&R group or contractor providing the service. However, consistent with paragraph 9b, Personnel and Training Officers should provide guidance and assistance. Employees of SW&R groups or contractor-owned services are not covered by FEGLI, FEGHB, Federal Retirement and BEC injury compensation. Agreements with concessionaires must require insured-on-duty protection of income and life of employees in keeping with state and local laws.

## 12-20. RESERVED.

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## Chapter 2. EMPLOYEE SOCIAL, WELFARE, AND RECREATIONAL GROUPS

21. GENERAL. Groups of employees, joined together for social, welfare, recreational, or other similar activities, are important segments of the informal structure of large organizations such as FAA. They foster a sense of belonging and esprit de corps not always possible in the formality of the functional structuring of the working organization. They also provide needed and desired services for themselves, creating a sense of personal accomplishment not always possible with FAA provided services. Through their services and activities, these groups contribute substantially to a favorable work environment which promotes the morale and efficiency of employees. This chapter prescribes guidelines and procedures governing the desired relationship between FAA management and social, welfare, and recreational groups.

## 22. REVIEW PROCEDURES.

a. Employee SW&R organizations are readily identified with FAA and, therefore, must maintain certain standards as follows:

- (1) Be organized primarily for the benefit and service of employees.
- (2) Make membership available to all employees in the area serviced (see paragraph 25 for more details).
- (3) Permit majority membership control through periodic, democratic election of officers.
- (4) Uphold and maintain compliance with laws, regulations, and instructions of local, state, and Federal authorities.
- (5) The constitution and bylaws should be reviewed by appropriate regional or center director, or Manager, Headquarters Operations, or persons designated by them as responsible. To be acceptable, the constitution and bylaws must at least:
  - (a) Prohibit discriminating practices in membership or services provided by the group.
  - (b) Provide for adequate bonding of officers and members who handle funds.
  - (c) Prescribe periodic reporting of financial condition to members.
  - (d) Provide for periodic evaluation of activities and audit of expenditures to insure safe and authorized handling of funds (preferably by an uninterested party).

b. More detailed procedures may be prescribed by regional and center directors and the Manager of Headquarters Operations.

23. PRIVILEGES. SW&R groups who follow the procedures and meet the standards of paragraph 22 may use:

- a. The letters FAA, or the name of the agency in connection with the name of the group so long as it is clearly understood that the group's activities are not represented as official acts of FAA.
- b. Reasonable amounts of official time consistent with paragraph 10.
- c. Official space and equipment for meetings as long as it does not interfere with the official business of FAA.
- d. Bulletin board space for posting of approved material.
- e. The FAA system to distribute information to members.
- f. Such other privileges as may be reasonably allowed by appropriate authority.

24. LIMITATIONS. SW&R groups who enjoy the privileges of paragraph 23 should not expect to:

- a. Represent employees in employee-management cooperation matters as prescribed in Order 3710.8.
- b. Use Federal funds for services or activities of the group.
- c. Initiate or become involved in activities which are, or could be, construed by the general public as a conflict of interest with FAA, or otherwise a source of criticism or embarrassment to the agency. For further guidance, see FAA Handbook on Conduct and Discipline, PT P 3750.IA.

25. MEMBERSHIP.

- a. The FAA will not regulate the membership of SW&R groups so long as no discrimination is practiced.
- b. SW&R groups need not be comprised entirely of FAA employees. It may be desirable to include families of regular members as associate members or even as full members, especially in remote areas.
- c. It is also conceivable that others such as people who have an interest in the special activities or sub-groups may be allowed membership.

d. It is reasonable to expect that co-occupants of a building or compound will be included especially if they are in the position of contributing to the income of the group through the use of income producing services and activities.

## 26. INCOME.

- a. Income may be derived from several sources such as dues from members, commissions from contracted services, profits from club-operated services, and charges for social and recreational events.
- b. Dues may be the major source of income to some groups and therefore necessary. However, if there is sufficient other income to support the activities and services of a group, it may not be necessary to levy dues upon members. This method would allow automatic membership in the SW&R group to all employees who are eligible.

## 27. SUB-GROUPS.

- a. Specialized clubs and groups may exist within the framework of a parent SW&R group. It is through the immediate interest and active participation of these sub-groups (e.g., baseball club, Glee Club, flying club, etc.) that the different services and activities are initiated and executed. It is suggested that the income of the large group should normally be allotted, based on requests from sub-groups, as nearly as possible in accordance with the numbers of members benefiting from the activity (see paragraph 29).
- b. The services and activities provided by these sub-groups will result from local needs and desires. Chapter 3 and Appendix 1 of this handbook suggest several possible services and activities.
- c. The organization, constitution, and bylaws of sub-groups shall be subject to the requirements, privileges, and limitations prescribed in paragraphs 22, 23, and 24.

28. OUTSIDE GROUPS. Civic, school, social, and other such community organizations will have FAA employees as a part of their membership. When it is reasonable, such privileges as are outlined in paragraph 23c, d, e, and f may be allowed these groups so long as an FAA employee is responsible for the proper use and care of the allowed space and equipment.

## 29. GUIDANCE AND ASSISTANCE.

- a. Experience has shown that some of the activities of well meaning SW&R groups of employees require great caution on the part of the elected officers, and expert advice in several fields of knowledge. A group can be formed and operated successfully and with great benefits to its members if it is careful to remain within the framework of existing laws and policies of Federal, state, and local governments.
- b. Technical and administrative guidance such as financial management, procurement, contracting, and legal will reduce the chance of excessive indebtedness, unrealistic contracts and/or law suits which may damage the group's and FAA's standing in the community. Listed below are several situations which could be hazardous to ill advised SW&R groups:
  - (1) Use of Government facilities which require unexpected reimbursement from the group's treasury. For example, the installation of vending machines in Government-owned or leased buildings may require rental payments for floor space, and reimbursement for electricity, water, and other utilities.
  - (2) Occupation, rehabilitation, repair, maintenance or modification of existing buildings, rooms, or equipment which may be otherwise unused or surplus to the needs of the Government. This type of activity, which often seems advantageous to the Government from the local group's standpoint, has been subject to greatest criticism when Government materials, manpower, or supplies are utilized. Unexpected reimbursement for all expenses incurred has on occasion been required from the treasury of the well meaning SW&R group.
  - (3) Operation of restaurant or bar facilities in club houses located on or in Government property. Interpretation of laws pertaining to the sale or consumption of alcoholic beverages, prepared foods, etc., should be made in each instance by the Regional Counsel. State and local laws will usually apply, also, and the SW&R group should obtain written approval from all responsible parties **before** undertaking such activities to assure compliance. Additional considerations are set forth in Appendix 1.
  - (4) More than one SW&R group at the same location may find themselves competing for income. Most groups of sufficient size to develop interest in several SW&R activities will find that they need a fairly stable income to support and maintain the desired services for all to use. In most cases, this can be assured by a single parent organization with recognized subgroups as indicated in paragraph 27.

(5) Lack of coordination with the agency. It is recommended that Personnel and Training officers (paragraph 9b) be recognized as official coordination points for SW&R groups. Liaison conducted through a single office in this manner assures the best possible guidance and problem resolution.

c. Safety of employees and their dependents is a primary concern of the FAA. Disabling or fatal injuries cause pain and expense for employees, as well as the agency, whether they occur on or off the job. When planning outings and other activities SW&R groups are encouraged to call upon the services of the Safety Officer to help reduce the chances of hazards.

30. RESERVED.

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### Chapter 3. REMOTE AREAS

31. INCREASED ATTENTION TO SERVICES. When FAA facilities are isolated or at localities lacking community services, increased attention should be given to essential employee services. Some facilities are so remote and geographically isolated that FAA must provide the community services and the means for social activities for employees and their dependents.

32. ENCOURAGEMENT TO SW&R GROUPS. Those services and activities provided by the initiative and active participation of the users are usually appreciated more than those provided for them. Even in remote areas when a needed service is identified, management should encourage the formation of and/or the action of SW&R groups having the capability of providing the needed services.

33. SERVICES AND ACCOMMODATIONS PROVIDED BY FEDERAL FUNDS.

a. Plans for new buildings or rehabilitation of old buildings for training or other operational needs should take into consideration the recreational and social needs of employees and dependents. The arrangement of rest room facilities, space for a projection room, provisions for a raised stage area, and electrical supply and outlets may be arranged to accommodate recreational and social activities even though the primary justification is operational. (See Order PT 3330.6, dated February 7, 1964, Personnel Planning for Activation or Transfer of Activities.) If the accommodations for recreational and social activities add costs, such costs must be clearly identified and separately justified.

b. In remote areas where the employees are not able to provide their own services and accommodations, FAA may program for funds and develop needed services. When it is determined that a building is required or that repairs and modifications to existing facilities or equipment are needed, management should include these needs as a line item in the annual budget request. The justification for proposing to spend Federal funds for the primary services (see Appendix 1) may be developed around cost benefits due to increased efficiency through improved employee health, welfare and other basic employee needs. If the expenditure is for recreation or social needs, there must be realistic evidence of impaired ability to recruit and keep needed personnel, adverse effects on morale and inefficiency directly related to lack of recreation and social activities for employees and their dependents.

c. Enabling legislation gives FAA continuing statutory authority to "provide... motion picture equipment and film for recreation and training;... for employees and their dependents stationed at remote localities; ... However, request for funds to provide for recreational purposes must be identified and justified as shown in subparagraph b.

34-40 RESERVED

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### APPENDIX 1. SUGGESTED SERVICES

1. GENERAL. It is not intended that special programs be generated to develop the services described in this appendix. These are suggested services with pertinent information included for the user of the handbook in the event it becomes evident that one or more of the services listed are required.

2. FOOD SERVICES.

a. Eating accommodations should be available to provide economical and convenient services to employees and to promote effective management of personnel and man-hours concerning lunch periods, break periods, and shift work. In some cases it may be desirable to upgrade existing snack bars or small accommodations to larger restaurants or cafeterias to properly serve the employees. In facilities and offices where a significant number of employees bring lunches, it may be desirable to provide a lunch room. In most areas the SW&R resources may be encouraged to provide furniture for a lunch room including a refrigerator. Surplus Government property may also be used (see paragraph 29).

Consistent with paragraph 4, and where circumstances warrant, such eating accommodations as needed may be established by government contact.

b. In isolated locations arrangements should be made for the convenient purchase of groceries and other products normally purchased in the grocery store. If there is a military post near, an agreement may be negotiated to allow FAA employees access to the post accommodations. If there are no military accommodations available, FAA population may be sufficient to support an agency commissary (see Chapter 3).

### 3. MEDICAL AND HEALTH SERVICES.

a. Medical and health services are primarily the responsibilities of FAA Flight Surgeon. The five basic programs are first aid treatment on the job, periodic and fitness for duty examinations in stressful occupations, specialist consultation where indicated by specific symptoms, preventive medicine (including immunizations and diagnostic procedures for selected diseases), and regular surveillance of conditions of work from the point of view of employee safety and well being. Managers and supervisors should give full cooperation and assistance to the implementation and operation of all of the medical programs and the services the programs provide.

b. Where there are FAA clinics, employees should be encouraged to use them when necessary. Where field offices without clinics are near other Federal, state, or municipal installations having suitable medical accommodations, arrangements may be made to make these accommodations available to FAA employees. In isolated facilities, arrangements can be made for emergency transportation of patients, or medical personnel and supplies.

c. The FAA preventive medicine program is available to all employees at no cost. Managers and supervisors should make sure that employees at isolated locations or at duty stations not convenient to annual immunization or X-ray services are in some way given the opportunity to participate,

d. In remote locations where no medical, dental, and optical services are available to employees and dependents, FAA officials may make arrangements to transport physicians and portable equipment to these locations on a periodic basis. In such cases, the transportation may be by available FAA conveyance or by public transportation at FAA expense. However, the cost of services rendered and medication administered by the physician must be borne by those receiving the services.

e. The FAA employment policy prescribes a positive program of hiring of handicapped employees. Special adjustments are sometimes necessary for these employees. Managers and supervisors should be responsive to special needs, such as ramps for wheel chairs, special equipment at work places, modifications in rest rooms and other such services and accommodations as are reasonable.

f. The FAA recognizes the need for blood donations as a service to all employees and dependents. All personnel are encouraged to participate and cooperate within their individual capabilities. Managers and supervisors should support and publicize blood donor programs (see AM 9000.5, FAA Blood Donor Program). In accordance with the handbook on absence and leave, employees are allowed, not to exceed four hours, absences from duty without charge to their sick or annual leave to donate blood.

### 4. TRANSPORTATION. Satisfactory transportation to and from work, including adequate parking facilities, is important to employee morale and efficient work schedules.

a. Public transportation may be inadequate to some offices and facilities located away from metropolitan areas. If necessary to maintain adequate schedules, local companies may be contacted in an effort to provide or at least augment transportation.

b. Car pools and group riding clubs should be encouraged and promoted by giving the use of bulletin boards, space in publications, car pool locators and priority parking privileges. It may be necessary to stagger the work shifts to spread the incoming and outgoing traffic load over a longer period of time.

c. Parking space provided by the agency may be very limited at some offices and facilities. SW&R groups may be encouraged to obtain space by lease or contract and provide parking at a reasonable cost to employees. This is a possible source of income for SW&R groups.

### 5. HOUSING.

a. Securing proper and adequate housing is essential to the well-being of new employees. Where necessary and appropriate, FAA will assist employees in obtaining housing which meets normal standards of health and sanitation, and which is within reasonable commuting distances of work.

b. In some of the more remote areas, especially in Alaska, the Canal Zone, and the South Pacific, FAA has, due to the lack of available private housing, provided a number of rental quarters for employees. The FAA will maintain and operate these quarters at the highest level of health and standards of comfort which are economically feasible (see Housing Management Handbook 4930.2).

6. RECREATION. No attempt is made to describe all the different methods of recreation. However, this paragraph discusses representative groups of like activities, outlines examples and lists references for guidance. When possible, recreational services should be available to dependents as well as employees.

a. **Sports Program.** Sports and athletic programs are useful from a health standpoint and promote a sense of identification with the organization. The most successful sports have been those of a team nature such as bowling, basketball, softball, and golf. Not only the players, but other employees derive some satisfaction from intramural team competition. In remote areas and consistent with Chapter 3, basic equipment and space may be supplied by FAA. Supplies, trophies, and prizes should not be purchased by Federal funds, but furnished by dues, collections, or other such means from participants and employees. In some cases, other agencies or the local community may already have sport programs. Full cooperation should be encouraged and arrangements made where possible to assure that existing accommodations (such as bowling alleys, golf courses, etc.) are available to FAA employees.

b. **Group Recreational Activities.** Such club type activities as photography, rod and gun, radio, gardening, and flying can be very useful in promoting esprit de corps, and providing recreational outlets for groups of employees. Other agencies may provide material, instructions, and guidance such as Department of Interior in the case of rod and gun club, and Department of Agriculture for gardeners. These groups should be primarily self-supporting and provide their own supplies and equipment or rely on a parent SW&R group as shown in paragraph 29b(4).

c. **Social Events.** Dances, parties, picnics and other such social events may be encouraged. Space may be provided as available and when it does not interfere with official activities or production. Care should be exercised to schedule such activities to provide as universal an appeal as possible. Such events should be self-supporting or supported by an employee SW&R fund.

d. **Group Vacations and Excursions.** Group trips, vacations, and excursions can be arranged at considerable savings to individuals. Employee SW&R groups may enter into agreements with travel agents for group rates provided a certain number of individuals desire to take the trip. Care should be taken not to enter into a contract which could result in a loss of money for individuals or private funds should the trip not materialize. In some cases, cooperation with other agencies or community groups will result in even better rates and accommodations.

## 7. INFORMATION AND EDUCATION.

### a. Membership News.

(1) In addition to the official FAA news media, it is not unusual for employee clubs and other groups to prepare and distribute a newspaper of their own. The type of personal news usually included in such papers is enjoyed by the members and may as such have a value to the agency in the form of improved employee morale. The FAA will not normally become involved in publishing club or membership newspapers except as stated in (2) below.

(2) In remote areas, where employees are scattered and separated, employees may be unable to develop their own means of news distribution. The heads of activities at remote sites may wish to arrange for the printing and distribution of an employee newsletter if such a publication would be of value to FAA. The information may be prepared by employees and collected at a central point. If FAA has printing equipment available, it may be desirable to print and distribute through agency channels. Another alternative may be to make arrangements with a printing firm or private news publishing media to print and distribute such news. Either method, due to the cost factor, requires an item in the budget estimates, and subsequent approval of this item in the fiscal program.

b. **Library.** The FAA maintains libraries at the Washington headquarters and regional offices, AC, and NAFEC. The services of these libraries are available to all employees. The library catalogues, information concerning the book loan and purchase services, and the services of the Film Library should be kept in a place accessible to employees, and periodic notices distributed encouraging their use (see directives in 1750 series).

c. **Education.** Employees are encouraged to continue their formal education (see directives in 3000 series).

(1) SW&R groups may wish to organize classes of instructions in various subjects to be conducted after hours. Employee Development Officers may be consulted to arrange for space and teaching aids and to help arrange for qualified instructors.

(2) Current catalogues and brochures from local colleges and universities should be made available to employees. Information concerning special evening courses which may be of interest to employees may be distributed.

(3) Courses of learning in practically any field of study are available in correspondence studies. College and university correspondence listings and procedures should be made available to employees. The FAA Academy develops current home study courses in fields from management to flight inspections. Employees eligible for and needing such courses should have access to FAA catalogue and be encouraged to enroll.

8. **WELFARE SERVICES.** From time to time an unforeseen personal catastrophe, beyond the control of the employee, may occur. In such a crisis, employee groups can sometimes assist by providing such items as food, clothing and friendly advice. It is also appropriate for employee groups to establish a system for sending expressions of sympathy to an employee or his family in case of death or illness in the immediate family.

#### 9. **FINANCIAL SERVICES.**

a. **Private Funds.** Certain charges, -activities, and services of employee groups and clubs will result in a fund. This fund is under the control of the officers of the SW&R group. However, as previously stated in paragraph 29, FAA management should be ready to give or assist in securing sound financial advice and recommend acceptable practices of good management. These funds should be used for the benefit of the greatest number of employees possible.

##### b. **Credit Unions.**

(1) A credit union may be organized under a Federal charter or under a charter issued by the state in which the activity is located. Federal-chartered unions are under the supervision of the Bureau of Federal Credit Unions, U.S. Department of Health, Education, and Welfare. Information concerning the organization and operation of such unions may be obtained from the regional offices, or the central office of the Bureau in Washington, D.C. Information concerning the state-chartered unions must be obtained from the appropriate state agency.

(2) The ability of a credit union to attain a sound financial status and provide funds for borrowing members is dependent on its success in attracting savings from all members. Usually, the larger the membership, the better the possibilities of attaining a dividend paying basis. Employees are adversely affected if their credit union gets into financial difficulties due to mismanagement or a lack of management. Therefore, FAA has a definite responsibility to provide management assistance and advice to the credit union upon request.

(3) The services of a credit union should be extended to employees in remote areas. When necessary, arrangements should be made to allow FAA employees the use of credit union services by mail, or the credit union of other agencies.

c. **Banking Services.** In large offices and facilities it may be desirable to establish banking services. If a need for a bank is established, arrangements may be made for installation of a branch of a local bank. If there is a need for banking services in remote locations, management may contact the nearest banking facility for mail service. Local offices of the Treasury Department may be contacted for professional advice and assistance.

d. **Income Tax Service.** Current Income Tax forms should be conveniently available for all employees. In locations where there are local Internal Revenue Service offices, arrangements may be made for individual or group interviews with tax advisors.

e. **Utility and Service Bill Payments.** Utility and service businesses are usually open when the majority of Federal employees are on duty, and closed during their off duty hours. This creates a bill paying problem for many employees. It may be desirable to arrange for the convenient payment of bills either in or very near the office.

#### 10. **MISCELLANEOUS SERVICES.**

a. **Competitive Contests.** Contests which involve lively competition among groups of individuals have much the same effect as sports. Contests which tend to improve agency efficiency and morale such as safety slogan, writing, typing, art, and beauty contests may be administered through employee groups, or in the absence of adequate group resources, by appropriate officials. For instance, the safety officer may instigate a safety slogan contest, or the training officer may hold a writing or written communications contest. Cash awards or prizes may be furnished from SW&R group funds. Certificates and written commendations for such contests should be furnished by the agency.

b. **Notary Public Services.** When it is required that an FAA employee serve as a Notary Public in connection with his official duties, Notary Public service may be made available to employees of the installation. This is especially so in remote areas. Such services may also be provided through the credit union, through the SW&R group activities, in the local bank (if any) or other local business.

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## APPENDIX 2

DEPARTMENT OF TRANSPORTATION  
DOT ORDER 3960.1, CHANGE 1, dated 7/2/75

SUBJECT: EMPLOYEE SOCIAL, RECREATION AND WELFARE ASSOCIATIONS IN THE DEPARTMENT OF TRANSPORTATION

This document establishes basic policies governing the organization and operation of employee social, recreation and/or welfare associations and clubs within the Department of Transportation (DOT) and the relationships between the Department and such associations.

The Department recognizes that the voluntary cooperative activities of its employees to meet their mutual needs and interests, to serve their common welfare, and to make their relationships and employment more satisfying can contribute substantially to a more favorable work environment, and in turn promote the efficiency of the service. Accordingly, the Department encourages voluntary cooperative activities by its employees.

The Department will ensure that these employee associations are organized and operated in the best interest of their members and in such a manner which safeguards the Department's name and its reputation as a responsible employer.

### 1. DEFINITIONS.

a. **Employee Association** (s) means a formally organized group whose primary purpose is to serve the social, recreational and/or welfare needs of, or provide personal services to civilian employees of the Department of Transportation. Excluded from coverage are:

(1) Activities operated principally for the benefit of military personnel, such as enlisted men's or officer's clubs;

(2) Organizations chartered by professional societies, self-improvement groups, veteran groups, supervisory associations, ethnic, minority or women's associations;

(3) Labor Unions as defined in Executive Order 11491; and

(4) Credit Unions chartered by the National Credit Union Administration (such organizations will be covered by a separate directive).

b. **Department** means the Department of Transportation.

c. **Management Official**(s) means the Assistant Secretary for Administration, Office of the Secretary (OST) and the Heads of Operating Administrations, or their designees.

d. **Commuting area** for the purpose of this document means employment locations within 25 miles of each other.

### 2. RESPONSIBILITIES.

a. **The Assistant Secretary for Administration** is responsible for overview of the program. In addition, he shall ensure compliance with this document for all employee associations serving employees of more than one operating administration and all employee associations in the Washington Headquarters.



b. **Heads of Operating Administrations** shall ensure compliance with these policies on the part of employee associations located at field offices within their respective organizations. They are also responsible for approving new associations at field locations. Prior to granting an approval, the management official shall assure that there is no existing employee association in any DOT element in the same commuting area. In addition, within 90 days of the date of this document and by August 1 annually thereafter they shall furnish a report to the Secretary (Attention: Director of Personnel, and Training, Attention: TAD-16) will include:

- (1) The name of each authorized employee association in field offices, including the name and telephone number of the senior officer;
- (2) A certification that each authorized employee association meets the criteria set forth in this document;
- (3) A certification that the financial condition of each authorized employee association has been reviewed and is satisfactory; and
- (4) A statement of any problem areas encountered and recommended solutions.

c. **The OST Director of Personnel and Training shall:**

- (1) Review the operation of authorized employee associations to determine consistency with the spirit and intent of this document; and
- (2) Review annual reports and prepare an annual summary report to the Secretary by November 1.

d. **Management Officials** shall conduct their relations with employee associations covered by this document in a spirit of constructive interest in their affairs and with a view to facilitating the attainment of worthwhile employee services and cooperative activities. However, inasmuch as Departmental activities must take precedence over employee association activities, managers shall not authorize the use of facilities and services to the extent that this would interfere with the official business of the Department.

e. **Employee Associations** must maintain a close, cooperative relationship with the Departmental elements concerned, and furnish as requested, full information on aspects of its organization, membership activities and finances to assure that the requirements set forth in paragraph 7 of this document are met on a continuing basis. As a minimum:

- (1) Employee associations in field offices identified with one of the operating administrations shall provide the information which management officials request to fulfill the reporting requirements listed in paragraph 4b of this document.
- (2) Each employee association in Washington and those associations identified with the Department in the field shall furnish within 90 days of the date of this document, and by August 1, annually a report to the Assistant Secretary for Administration to include:
  - (a) A copy of the employee association charter, bylaws or an equivalent document;
  - (b) A list of the current board of directors, officers, executive committee, and/or supervisory committee, including the name and telephone number of the senior officer;
  - (c) A copy of their latest financial statement; and
  - (d) A statement of any problem areas encountered and recommended solutions.

3. **PROGRAM OBJECTIVES.** The key objective of the document is to provide better service to employees at lower overall cost and to preclude unnecessary proliferation of clubs in a commuting area.

4. **PROCEDURES.** The following shall govern the organization-and operation of employee social, recreation and welfare associations and their relations with the Department:

a. **Authorization.**

- (1) **Existing Employee Associations.** Employee associations must meet the criteria set forth in paragraphs 7 and 8 of this document. Management officials shall determine whether the associations are in conformance with

the criteria within 90 days of the date of this document and report their findings In accordance with the provisions of paragraph 4b.

(2) **New Employee Associations.** To be granted the privileges authorized by this document, all new employee associations must be approved in writing by an appropriate management official and must use the name or initials of the Department or a DOT element in connection with their activities. Approval will not normally be granted if there is an existing association which has been approved for the same commuting area. Inasmuch as all associations must be open to all DOT employees, the employees seeking approval may apply for membership in the existing association.

(a) To permit an assessment of existing employee associations, requests for approval by new associations will not be accepted for a period of 90 days following the date of this document. At that time, requests for approval may be submitted in writing to an appropriate management official by an officer of the employee association which seeks Departmental approval. Requests must include:

1. The proposed name of the new employee association;
2. A copy of the employee association charter, by laws or equivalent document;
3. A list of the current board of directors, officers, executive committee, and/or supervisory committee, including the telephone number of the senior elected official; and
4. A copy of their latest financial statement.

(b) Employee associations which do not seek Departmental approval, or are not granted approval, may not be granted the privileges authorized by this document and may not use the Department's name or initials, nor those of a DOT element in connection with their activities.

**b. Membership and Participation.**

(1) Membership in DOT employee associations shall be open to all employees of the Department without regard to race, color, creed, sex, national origin, age, marital status, political affiliation, or membership in a labor organization.

(2) All activities sponsored by DOT employee associations must be open to participation by all its members. Accordingly, no employee association formally approved by DOT may sponsor an activity or event which may limit participation by imposed law or custom of the community or country, with the exception of actual participation in contact sports.

**c. Authorized Activities.** Employee associations may, within the limits of applicable Federal, State, and local laws, engage in activities which minister to the social, recreational and welfare needs of their members unless they reflect adversely on DOT.

**7. REQUIREMENTS.** Employee associations seeking Departmental approval must meet the following conditions:

a. Be formally organized for one or more specific purposes primarily related to the benefit or service to employees, of or employment in, the Department of Transportation such as:

- (1) Social, entertainment and recreational affairs;
- (2) Athletics, sports, games and hobbies;
- (3) The arts, cultural and educational pursuits;
- (4) Retail trade to the extent of providing minor items of necessity to employees not otherwise conveniently available;
- (5) A system for entering into agreements for group vacations and excursions, group insurance units, and other group activities resulting in financial savings to members; and
- (6) Welfare services to meet unforeseen personal catastrophes, special events, or to meet community welfare needs.

- b. Have a constitution and bylaws (or equivalent), copies of which must be readily available to its members for review.
- c. Be democratically organized and operated. All employees in the area for which it is established must be eligible for membership at their option, assessed dues on an equal basis with other members, and free to participate in all activities regardless of race, color, creed, national origin, sex, age, marital status, political affiliation, or membership in a labor organization.

#### 8. GENERAL LIMITATIONS.

- a. The activities of any DOT authorized employee association shall not be represented, directly or indirectly, as being official functions of the Department or any official thereof.
- b. DOT appropriated funds may not be used for services or activities of employee associations except as indicated in paragraph 9 below.

9. PRIVILEGES. Any employee association which meets the requirements of paragraph 7 and adheres to the general limitations of paragraph 8 of this document may, at the discretion of the appropriate management official, be granted privileges as set forth below. Any or all privileges that are granted may be withdrawn at any time whenever such action is deemed to be in the best interest of the Department. Employee associations authorized under this document may be granted the following:

- a. Use of the name or initials of the Department or a DOT element in the club or organization's name, provided it is made clear that it is an association for DOT employees, and not an official organization of the Department or its elements.
- b. Use of available space at DOT facilities subject to safety and security regulations and provided such meetings or activities will not interfere with the normal operations or functions of the DOT mission. Space that may be available includes:
  - (1) Conference rooms, unoccupied offices, cafeterias and similar Government owned or leased space;
  - (2) Reasonable amounts of space for exclusive occupancy by an employee group when management officials conclude that setting aside the space will not hamper program operations; and
  - (3) Space for income-producing equipment or concessions subject to the provisions of the Randolph-Sheppard Act (20 U.S.C 107-107f) at a nominal charge of \$1.00 per month for each machine in lieu of rent.
- c. Use of designated bulletin boards provided that the literature posted thereon is approved by appropriate management officials.
- d. Use of DOT's mail distribution facilities provided it does not interfere with the conduct of official business and only when:
  - (1) Prior approval has been obtained from appropriate management officials; and
  - (2) The materials or literature being distributed will contribute to the efficiency of the service to meet the reasonable needs of employees.
- e. Use of official employee newsletters, on a space-available basis, for conveying information to meet reasonable needs of employees, such as:
  - (1) Educational announcements or development activities sponsored by employee groups;
  - (2) Recreational announcements of sports, games and hobbies available to employees;
  - (3) Announcements of artistic or cultural activities; and
  - (4) Special interest group announcements promoting equal opportunity, announcing meetings of professional societies, or entertainment, and social affairs.
- f. Use of official time by officers and/or members of the governing bodies of DOT authorized employee groups provided:
  - (1) Employees do not devote substantial periods of official time for such purposes;

(2) The official business of the Department is not interfered with; and

(3) Their attendance is authorized by their supervisors.

g. Authorization to distribute promotional materials and literature on Federal premises during non-working time in non-working areas subject to the safety and security regulations of DOT.

h. Limited use of the official DOT Insignia as provided by DOT 1000.3A., Official Seal and Insignia of the Department of Transportation, of 8-30-68.

i. Use of any other privileges as may be reasonably allowed by appropriate management officials.

FOR THE SECRETARY OF TRANSPORTATION:

/s/

William S. Heffelfinger  
Assistant Secretary for Administration

OPI: Office of Personnel and Training  
DISTRIBUTION: All Secretarial Offices  
All Operating Administrations  
Page Last Modified: 06/11/10 10:18 ET

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- 3. Forms and Reports
- 4. Policy
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- 6. Relationship to Other Employee Programs

### Appendix 1. References

### Appendix 2. Sample OPM Form 1210, Federal Counseling Programs Annual Report

1. **AUTHORITY.** Federal agencies have, the authority to establish health services for the promotion and maintenance of the physical and mental fitness of employees in the Federal Government. The EAP falls under this authority. (See Appendix 1, References.) The establishing of a human resource management (HRM) organization in the FAA recognizes that employees are our most valuable resource. An integral part of an HRM organization is an employee assistance program. An EAP is designed to promote the physical and mental fitness of employees through counseling and referral for assisting those employees whose personal problems may serve as barriers to satisfactory job performance.

a. **The intentionally broad title of employee assistance program** achieves two major purposes:

- (1) it conveys that the program focuses on assisting employees, regardless of the type of problem, and
- (2) it avoids the stigma that may be attached to a more narrowly defined program, specifically identified as for alcohol or drug-related problems.

b. **The EAP's are comprehensive programs** which provide a method of implementing and broadening the focus of the more limited alcoholism and drug abuse programs. Typically, EAP's deal with a wider range of employee personal problems and provide three advantages which are not characteristic of the limited alcohol and drug abuse approach. These advantages are: early identification and intervention, a wider range of treatment, and a stimulus of self-referrals.

c. **The EAP is designed also to serve as a resource** for managers and supervisors in those cases which do not respond to normal supervisory intervention. The program is structured to link employees with assistance to correct problems which may serve as barriers to satisfactory job performance.

## 2. DEFINITIONS.

a. **Alcoholism.** A chronic disease characterized by repeated excessive intake of alcohol which interferes with the individual's health, interpersonal relations, or economic functioning, ultimately leading to significant life problems. If untreated, alcoholism is progressive and fatal.

b. **Alcohol Abuse.** A treatable problem which may be periodic, yet impacts on job performance.

c. **Drug Abuse.** A treatable problem in which the employee's work performance or conduct may be impaired as a direct result of use of illegal or improper use of legal drugs.

d. **Emotional/Behavioral Problems.** Personal problems which may impair job performance. Such problems may include financial or marital difficulties, psychiatric or physical illnesses, drug and/or alcohol abuse, death of a family member, etc., and those stemming from personal problems of ANOTHER person, such as a supervisor, co-worker, or a spouse.

e. **Regional and Center Program Managers.** Those persons designated within FAA to coordinate the local operations of the EAP and to provide supervisors and employees with information about the program.

f. **Rehabilitation.** Treatment by which an employee is restored to a condition of health or useful and constructive activity. Rehabilitation may consist of inpatient treatment only, outpatient treatment only, or a combination of both, any of which may be considered a part of the overall rehabilitation process which includes as a follow-on an aftercare program.

g. **Contract Services.** Services provided on a contract basis by community resources to fulfill the basic functions of case evaluation and treatment referral. Services may be secured from organizations which provide limited alcoholism and drug abuse services or other services as part of a comprehensive program approach. An option under this comprehensive program approach is total services by one EAP provider. Services must meet the basic requirements of this document.

3. **FORMS AND REPORTS.** An annual report (RIS: PN 3700.2) will be prepared by each EAP manager and submitted to the National EAP Manager not later than November 1 each year for the preceding fiscal year. Information will be submitted on Office of Personnel Management (OPM) Form 1210 and will be completed in strict accordance with instructions provided annually by the Employee Relations Division, ALR-200. The OPM Form 1210 will be provided to the EAP managers by ALR-200. (See Appendix 2, Sample OPM Form 1210, Federal Employee Counseling Programs Annual Report.)

4. **POLICY.** It is FAA policy to:

a. **Provide support and facilitate** access to prevention, treatment, and rehabilitation assistance for its employees who may have alcohol, drug abuse, and/or emotional-behavioral problems through the EAP. Where feasible, these EAP services will also be available to family members of employees.

b. **Prevent or reduce the incidence and seriousness** of public safety hazards created by the impact of employee personal problems on job performance.

c. **Provide management an alternative** between disciplinary action and inaction when employee personal problems impact job performance.

d. **Refer individuals to the EAP** when such assistance may be indicated or there is evidence in job performance.

e. **Ensure that employment or promotion opportunities** are not jeopardized by a request for counseling or referral assistance.

f. **Encourage employees who suspect they may have** an alcohol, drug abuse, or emotional-behavioral problem to pursue-information and counseling on a voluntary basis through direct contact with the EAP manager or EAP service provider. Appropriate publicity will be disseminated regarding EAP manager (name, location, telephone number) to permit direct contact.

g. **Grant sick leave, annual leave, leave-without-pay,** or assign other duties at the agency's discretion during the course of treatment or rehabilitation for alcoholism, drug abuse, or emotional-behavioral problems as in any other illness or health problem. While an employee's medical certificate is suspended, assign nonsafety-related duties during the course of nonresidential treatment or rehabilitation programs unless the employee requests an appropriate type of leave. Grant sick leave, annual leave, or leave without pay for residential programs.

h. **Maintain the confidentiality of counseling records** of employees with alcoholism, drug abuse, or emotional-behavioral problems, in accordance with existing regulations. Such counseling records will not become a part of an employee's Official Personnel Folder.

i. **Ensure that failure on the part of an employee** to accept program assistance or otherwise improve job performance will result in appropriate disciplinary action being taken.

j. **Reduce costs related to job performance problems,** including absenteeism, tardiness, accidents, sick leave use, and employee turnover.

k. **Ensure that employee who participates** in an EAP will not lose his or her right to use applicable appeal or grievance procedures, or the right to file an Equal Employment Opportunity (EEO) complaint with the agency.

5. **RESPONSIBILITIES.**

a. **The Director of Labor and Employee Relations is responsible** for developing agency EAP policy and ensuring consistent implementation throughout the agency, and for designating the National EAP Manager.

b. **Regional and center directors are responsible** for establishing an EAP assuring that FAA's policies and program guidelines are fully implemented within their jurisdictions. The Associate Administrator for Human Resource Management shall have this responsibility for Washington headquarters, and the Director, Metropolitan Washington Airports, shall have this responsibility for Metropolitan Washington Airports.

c. **Human resource management officers** are responsible for EAP management which reflects national EAP policy and includes appropriate written EAP procedures. It is recommended that human resource management officers allow EAP managers to expend at least half their duty time on EAP management.

d. **The Federal Air Surgeon is responsible** for providing assistance to the Director of Labor and Employee Relations in program monitoring and evaluation.

e. **The regional flight surgeons** are responsible for making medical determinations on employees in safety-related positions. Provide advice and guidance to the EAP regarding health issues which affect employee job performance.

f. **The National EAP Manager is responsible** for evaluating the agency's program; proposing changes to accommodate changing needs; providing direction for and reviewing content of training, education, and scope of services; and reporting requirements.

Serves as the agency's representative for appropriate meetings and program-related activities at the national level.

g. **Employee assistance program managers provide employees**, either directly or through administration of a service contract, assistance with access to appropriate referral or treatment facilities in the community. Additionally, it is the EAP manager's responsibility to:

(1) Make information about treatment facilities available and disseminate educational and training information on alcoholism and drug abuse and the agency's program to employees.

(2) Serve as liaison between treatment facilities or service contractors and managers/supervisors.

h. **Managers/supervisors are responsible** for recommending and referring an employee to the provider or to the EAP manager whenever they become aware that an employee's use of alcohol and/or drugs or emotional-behavioral problems may be contributing or could contribute to performance or conduct deficiency.

i. **Employees are responsible** for being aware of the Employee Assistance Program.

## 6. RELATIONSHIP TO OTHER EMPLOYEE-PROGRAMS.

a. **Conduct and Discipline.** The purpose of the EAP is to promote and maintain the physical and mental fitness of agency employees. Tempered by the best judgment of management, the employee should be held accountable for all disciplinary infractions incurred and, if rehabilitative measures fail, appropriate disciplinary proceedings should be used to deal with the disciplinary infractions. (See Order 3750.4, Conduct and Discipline.)

b. **Health Benefits.** An employee is responsible for the costs of treatment and rehabilitation, as with any other health condition. Coverage for treatment of alcoholism, drug dependency, or mental health problems under the Federal Employees Health Benefits (FEHB) Program will vary with the carrier and even possibly with local plan administration. It is recommended that employees investigate their plan to determine whether or not any contemplated services are covered and contact the EAP manager for information on coverage if clarification is needed.

c. **Labor Relations.** The active support and involvement of the various labor organizations representing FAA's employees are viewed as key elements in the success of the EAP. Consistent with agency policy on labor relations, EAP managers and supervisors/ managers are encouraged to work through their respective labor relations officer to secure involvement.

d. **Aviation Medicine.** The interrelationship of the EAP and aviation medicine will require coordination between the office of Labor and Employee Relations and the Office of Aviation Medicine. The EAP managers and regional flight surgeons will coordinate at the field level.

Initiated by Labor & Employee Relations, AHR-12 **APPENDIX 1. REFERENCES**

- a. **Title 5, United States Code 7901, Public Law 79-658, of 8-8-46**, which authorizes heads of departments and agencies to establish health service programs for the purpose of promoting and maintaining the physical and mental fitness of Federal employees.
- b. **Title 42, United States Code 290 dd-1**, provides for programs of alcohol abuse and alcoholism prevention for Federal civilian employees.
- c. **Title 21, United States Code 1180, Public Law 92-255, Section 413(a), of 3-21-72**, which provides that the Office of Personnel Management shall be responsible for developing and maintaining, in cooperation with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees.
- d. **Title 42, United States Code 290 dd-3**, provides for the confidentiality of patient records.
- e. **Title 29, United States Code, Section 729 et seq (The Rehabilitation Act of 1973, as amended)**, which requires Federal agency employers to make reasonable accommodation to the known physical or mental limitations of a qualified handicapped employee; unless, the agency can demonstrate that the accommodation would impose an undue hardship on the operation of its program.
- f. **Federal Personnel Manual, Supplement 792-2**, which provides guidance to management for developing and maintaining appropriate prevention, treatment, and rehabilitation programs and services for alcoholism and drug abuse among Federal civilian employees.
- g. **Federal Personnel Manual, letter 792-8**, which provides guidance for the confidentiality of client records for Federal civilian employee alcoholism and drug abuse programs.
- h. **Federal Personnel Manual, letter 792-9**, which provides guidelines for integrating existing alcoholism and drug abuse programs into a broader system dealing with the wide range of medical, behavioral, and emotional problems which can adversely affect work performance.
- i. **Public Laws 96-180 and 96-181 of 1-2-80**, which amend Public Laws 91-616 and 92-255, respectively, to authorize and encourage agencies to extend employee assistance program services, to the extent feasible, to families of employees with an alcohol or drug problem and to employees with family members with an alcohol or drug problem.
- j. **Federal Personnel Manual, Chapter 792, subchapter 5**, which provides policy and program guidance for Federal alcoholism and drug abuse programs.
- k. **Federal Personnel Manual, letter 792-10**, which details amendments to laws governing the Federal civilian employee alcoholism and drug abuse programs.
- l. **Federal Personnel Manual, letter 792-12**, which provides guidelines for developing cooperative employee counseling services programs.
- m. **Federal Personnel Manual, letter 792-13**, which provides guidance on the use of agency employee counseling programs and their relationship to agency performance appraisal systems.
- n. **Federal Personnel Manual, Chapter 792, subchapter 6**, which provides guidance-for the development of employee counseling services programs.
- o. **Memorandum to all employees, subject: Agency Policy on Substance Abuse, dated August 14, 1985.**
- p. **FAA Order 1600.38A, FAA Investigations Program.**
- q. **FAA Order 3750.4, Conduct and Discipline.**



OCTOBER 1, 1984 -SEPTEMBER 30, 1985

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SECTION A - GENERAL INFORMATION			
1-A. Name of Department or Agency		1-B. Agency Code	
2. Address (Number and Street)			
3. Name of City	4. Name of State	ZIP Code	
5. Total Number of Civilian Employees as of September 30, 1985			
6. Name of Individual Preparing this Report (Print or Type)		Telephone Number (Include Area Code)	
7. Signature		Date Signed	
Section B - COUNSELING PROGRAM INFORMATION			
CATEGORY	ALCOHOLISM	DRUG ABUSE	EMOTIONAL DISORDERS/OTHER
1. Number of New or Re-opened Cases Counseled By Medical Personnel or Other Specialist:			
2. Number of Above Employees Helped by Counseling (Restoration of Acceptable Job Performance on a Sustained Basis):	*	*	*
3. Number of Above Employees Not Helped by Counseling:	*	*	*
4. Number of Above Employees for Whom it is Too Early in the Counseling Program to Judge Helped:	*	*	*
5. Number of Voluntary Referrals - No Management Action:	**	**	**
6. Number of Involuntary Referrals - Management Initiated:	**	**	**
7. Staff-Years Expended in Program Implementation and Counseling (Show as a decimal):			
8. How is the Program(s) Covered by This Report Operated?	Circle One: a. In-House Single Agency Program b. Cooperative Program- (Consortium) c. Single Agency Private Contract		
9. Agency wide Cost for Operating the Counseling Program:			
10. If the Counseling Services Covered by This Report are Provided through a Cooperative Counseling Program (Consortia ). What is the Per Capita Cost?			
11. Name of Counseling Program Coordinator	Telephone Number (Include Area Code)		

\*The sum of these items should equal the number of new cases shown in Item \*\*The sum of these items should equal the number of new cases shown in Item 1. REPRODUCE THIS FORM LOCALLY

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# FAPM Letter 9725 Post-1956 Military Service Deposit Procedures



This document contains responsibilities and procedures for processing Post-1956 military service deposits for civilian retirement purposes. This document implements and transmits as Appendix 1, DOT Order 2730.4, Post-1956 Military Service Deposit Procedures.

The Omnibus Budget Reconciliation Act of 1982, Public Law 97-253, amended the Civil Service Retirement System (CSRS) law to require a deposit for Post-1956 military service. The Department of Transportation in full compliance with Office of Personnel Management (OPM) policy has established and issued policies and procedures for processing within the Department.

In 1983, the Department began accepting payments from employees for military service deposits. The initial payments were processed manually due to extensive modifications required to the Consolidated Uniform Payroll System (CUPS) in order to process the military service deposits on an automated basis. In February 1986, the modified version of CUPS, which provides for fully automated processing, was put into effect providing for the establishment of the employee's military service account with monitoring capabilities, recording of payments, computation and recording of interest, on-line query capabilities, and the generation of required forms and reports.

## 1. Responsibilities and Procedures.

1. The Director of Labor and Employee Relations is responsible for the national human resource program management aspects, guidance, and procedures relating to Post-1956 Military Service Deposit activities within the Federal Aviation Administration (FAA).
2. The Director of Accounting is responsible for the national accounting and payroll program management guidance, procedures, and aspects relating to Post-1956 Military Service Deposit activities within FAA.
3. Servicing Human Resource Management Offices are responsible for adhering to and implementing the procedures set forth in order DOT 2730.4, [Chapter II, Personnel Office Procedures](#), and providing deposits within their jurisdictions.
4. Servicing Accounting and Payroll Offices are responsible for adhering to and implementing the procedures set forth in Order DOT 2730.4, [Chapter III, Accounting Office Procedures](#), and [Chapter IV, Payroll Office Procedures](#), and providing efficient and effective processing of Post-1956 military service deposits within their jurisdictions.

/s/

**Joseph W. Noonan**  
**Office of Labor and Employee Relations**

Initiated BY: ALR-200

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## Attachment — Department of Transportation Order 2730.4

Dated: August 7, 1986

1. **Purpose.** This Document establishes the procedures for processing post-1956 military service deposits for civilian retirement purposes within the Department of Transportation.

## 2. References.

1. Federal Personnel Manual Letter 831-77, Civil Service Retirement, Service Credit Deposits for Post-1956 Military Service, dated March 10, 1983.
2. Office of Personnel Management, Payroll Office Letter, dated March 10, 1983.
3. Departmental Personnel Manual Bulletin 831-12, Processing Post-1956 Military Service Credit Deposit Applications through Consolidated Uniform Payroll System, dated January 9, 1984.
4. Federal Personnel Manual Letter 831-80, Civil Service Retirement--Service Credit Deposits for Post-1956 Military Service, dated February 23, 1984.
5. Office of Personnel Management, Payroll Office Letter, dated August 15, 1984.

6. Memorandum from Director of Financial Management to Financial Management Committee Members and Chief, and Accounting Branch, The Alaska Railroad, Credit Deposits for Post-1956 Military Service, dated November 11, 1984.
7. Federal Personnel Manual Letter 831-83, Civil Service Retirement, Post-1956 Military Service Deposit Certification and Payment for Military Services after Retirement, dated November 19, 1984.
8. Office of Personnel Management, Payroll Office Letter No. 85-3, dated March 22, 1985.

3. **Scope.** This Document pertains only to the processing of post 1956 military service deposits for those employees with all or part of their military service occurring on or after January 1, 1957, and who do not wish their Civil Service Retirement System (CSRS) annuity adjusted when they are 62 years old and eligible for social security. This Document does not apply to deposits or redeposits for purposes other than post-1956 military service as provided in the Omnibus Budget Reconciliation Act of 1982, Public Law 97-253. This Document applies to all Departmental organizations serviced by the Consolidated Uniform Payroll System.

\\s\

**Melissa J. Allen**

**For the Assistant Secretary for Administration**

Initiated by: Office of Financial Management

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## **Chapter I - GENERAL**

### **1. BACKGROUND.**

- a. The Omnibus Budget Reconciliation Act of 1982, Public Law 97-253, amended the Civil Service Retirement System (CSRS) law to require a deposit for post-1956 military service.
  - (1) The law provides that any individual first employed in a position subject to CSRS on or after October 1, 1982, shall receive credit for post-1956 military service only if he or she deposits with his or her employing agency a sum equal to seven percent (7%) of the military pay he or she received for such post-1956 military service. Individuals who were first employed under the CSRS before October 1, 1982, have the option of either continuing under the previous law, and potentially undergoing an annuity reduction for post-1956 military service at age 62, or making the Deposit for such military service and avoiding a possible annuity reduction.
  - (2) The law also provides for an interest-free grace period after which interest is accrued and compounded annually. The law specifies that no interest would be charged if a military deposit were fully paid before October 1, 1984.
- b. Public Law 98-94 extended the interest-free grace period to October 1, 1985. Accordingly, under the law, the earliest date that interest will be charged to employees who have not fully paid their military service deposits is October 1, 1986.

However, those who were first employed under the CSRS on or after October 1, 1983, the interest-free grace period ends two years after the individual first became employed under the CSRS and interest will be charged one year later.

c. In 1983, the Department of Transportation began accepting payments from employees for military service deposits. The initial payments were processed manually due to the extensive modifications that were required to the Department's Consolidated Uniform Payroll System (CUPS) in order to process the military service deposits on an automated basis.

d. In February 1986, the modified version of CUPS was put into effect. This enhanced version provides for the completely automated processing of military service deposits. Features included in the modified version are: (1) the establishment of the employee's military service account with monitoring capabilities; (2) recording of payments in the account; (3) computation and recording of interest in the account; (4) on-line query capabilities that provide all pertinent data about the account; and, (5) the generation of required forms, internal and external reports to the employee and Departmental and office of Personnel Management staffs.

2. **POLICY.** The Office of Personnel Management is responsible for prescribing the general policy on post-1956 military service deposits. To comply with office of Personnel Management's policy, the Department will provide efficient, effective and uniform procedures for processing post-1956 military service deposits.

### 3. **RESPONSIBILITIES.**

a. The Personnel Officer in the Operating Administrations and the office of the Secretary is responsible for:

- (1) Ensuring trained personnel are available to counsel employees on retirement and related matters, including the procedures for processing post-1956 military service deposits.
- (2) Ensuring that employees are provided with sufficient information to make an informed decision on whether or not to make deposits.
- (3) Ensuring the accurate completion of OPM Form 1514, Military Deposit Worksheet and its proper distribution within the Department.
- (4) Ensuring that employees leaving the Department and surviving spouses of employees having post-1956 military service are provided current information on the status of deposits.

b. The Accounting Officer in the Operating Administrations and the Office of the Secretary responsible for:

- (1) Ensuring that adequate control is maintained over the flow of OPM Form 1514 from the personnel office through the accounting office to the payroll office to assure that all forms are processed promptly.
- (2) Ensuring that cash payments received from employees for their post-1956 military service deposits are accurately recorded in the accounting records.
- (3) Ensuring that all cash payments accounting information is accurately and promptly transmitted to the payroll office.

c. The Payroll Office Manager is responsible for:

- (1) Ensuring that all post-1956 military service deposit transactions are input accurately and promptly into the CUPS.
- (2) Answering all inquiries regarding the post-1956 military service deposit accounts as maintained by CUPS.

d. The CUPS Operations Branch Manager, located in the Mike Monroney Aeronautical Center in Oklahoma City, Oklahoma, is responsible for:

- (1) Ensuring the maintenance of the employee's post-1956 military service deposit accounts in CUPS.
- (2) Ensuring the prompt and accurate generation and distribution of all required reports.

Attachment I-1 provides a flowchart of the entire Departmental military service deposit procedures showing the personnel, payroll and accounting offices' areas of responsibilities. (**Please see hard copy for Attachments I-1**, Processing Deposits for Military Service Pages I-4 through I-12)

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## **Chapter II. PERSONNEL OFFICE PROCEDURES**

### **1. Determination of Employee Eligibility.**

a. When an employee asks about making a deposit for military services, the personnel office must determine the employees eligibility to make such a deposit, and if eligible, provides the employee with pertinent information so the employee can determine whether it is to his or her advantage to make such a deposit. Employees who were first employed under the Civil Service Retirement System before October 1, 1982, have the option of making a deposit or not. However, if they choose not to make a deposit, they face the potential of having their annuity adjusted at age 62. Post-1956 military service cannot be used in computing civil service annuity at the point the employee becomes eligible (or would be upon application) for social security benefits. Employees who have or expect to have enough quarters of coverage to qualify for social security can avoid the reduction by making the deposit. For those employees who first become employed under CSRS on or after October 1, 1982, they will receive civil service retirement credit for post-1956 military service only if a deposit for military service is made.

b. Attachment II-1 can assist in providing employees with needed information. The employee must make deposits for military service with his/her employing office. Any employee who retires must have completed the deposit before separation to get credit. An employee cannot allot any funds from lump sum annual leave payments to which they may be entitled to cover deposits. That payment is not processed until after the employee separates, and therefore, would not meet the requirement that deposits be completed before separation. Survivors of employees who die before completing a deposits, can complete the deposits to the former employee's employing office. Such payments must be made in one lump sum.

### **2. Initial Steps in Documenting and Processing Deposits**

a. The personnel office must complete OPM Form 1514, Military Deposit Worksheet, (please see hard copy Attachment II-2) for each separate period of military service, as defined under paragraph 3d, for which the employee chooses to make a deposit.

b. The personnel office must also provide the employee an SP 2863, Application to Make Deposit or Redeposit. The employee completes only the face side of the form showing military service only. In the space below the entry for military service, the personnel office should type the following: "I wish to pay the deposit necessary to obtain credit for my military service. I understand that the entire deposit must be paid to my agency before I retire. I further understand that any money I deposit maybe refunded only if I become eligible for a refund of civil service retirement deductions or I retire without completing the deposit." (See Attachment II-3 for sample form.)

The employee must provide the following to the personnel office:

(1) A copy of his or her Department of Defense Form DD 214, Report of Transfer or Discharge, (discharge papers) or equivalent record to verify the service. This form may already be available in the employee's Official Personnel Folder (OPF). [If a copy of the DD 214 is not available, the employee may obtain a copy from the military records center at the address shown in FPM Supplement 296-33, Subchapter 6. This document shows the actual period of service, lost time (if applicable), and the last rank held during the period of service]; and

(2) Documentation, as described in paragraph (3)f.1 below, of the amount of military basic pay received during the period for which a deposit is being made.

### **3. Completion of OPM Form 1514, Military Deposit Worksheet**

a. Enter a control number at the top left corner of worksheet above item number 1, Name. The control number will consist of the employing office's submitting office number, the calendar year and a sequential number in this document (e.g., 1675-83-1). Personnel offices must complete items 1 through 12 on the form. All the requested information must be typed.

b. Items 1, 2 and 3. Name, Date of Birth and Social Security Number. This information entered as it appears in the employee's OPF.

c. Item 4. Date of Computation. The date the worksheet is completed.

d. Item 5. Period of Military Service. This date should not reflect any military service prior to January 1, 1957. If an employee's service overlaps January 1, 1957, only that portion of service on or after that date should be recorded in this blank. To compute the amount of service to be credited to the individual, determine the beginning and ending dates of service from the individual's DD 214. Consecutive periods of service with no break in service are treated as a single period of service.

e. Item 6. Total Service In Period. This period of time equals the difference between the two dates shown in Item 5. Subtract the beginning date from the ending date. Remember to add back one day. The result is the years, months, and days of military service. Subtract lost time, if applicable. (Until 1979 "lost time" was generally recorded on the DD 214 as "days lost under Uniform Code of Justice, Article 86," or as "days AWOL." Since 1979, "lost time" has been subtracted from the period of service listed on the DD 214, and the form shows only "good time.") The result is the creditable years, months, and days of service for the individual. These calculations are based on a "30" day month.

f. Item 7. Amount of Earnings. The dollar amount of military base salary earned during the period shown in item 5 is recorded. In determining basic pay, each period of service is considered independently. Note that a deposit period cannot begin before January 1, 1957. Should a period of service straddle that date, determine the basic pay received only for service after December 31, 1956.

(1) **Documentation of military-basic pay.** An employee (or survivor) is responsible for providing documentation of basic pay. This documentation may be either of the following:

(a) An individual may have his or her actual pay records from the military service. If the individual furnishes complete records to identify the exact amount of basic military pay for an entire period of service, the personnel office must use them to determine the deposit. See Attachment II-4 for a list of forms which employees can use to document actual military earnings.

(b) If the employee or survivor is unable to provide the personnel office with complete, official records of military pay for the entire period of service, there is insufficient evidence for determining the actual basic pay paid and the amount of the deposit due. In this case, the personnel office shall provide the employee or survivor with information on how to request estimated earnings from the military service. Attachment II-5 is a form which may be used by the employee or survivor to request estimated earnings (please see hard copy chart of Attachment II-5). The employee or survivor should complete the form, attach the DD 214 and any available records of pay and promotion, and send it to the appropriate branch of service at the address shown on the back of the form. The military pay center cannot provide earnings unless verification of service (DD 214) is attached.

(c) Earnings statements from tax records may not be used since they include allowances as well as basic pay. Social Security earnings statements may not be used because they reflect only military basic pay up to the Social Security maximum for withholding.

(2) If using pay documents, total the pay for each period of service using only the basic pay. Do not include allowances, flight pay, combat pay, etc.

(3) If using a statement of estimated earnings from the branch of service of the employee, the amount provided by the military service shall be used for the purpose of making a deposit.

g. Item 8. Amount of Deposit Due. Multiply the amount of earnings in item 7 of the worksheet by seven percent (e.g.,  $\$3600.00 \times .07 = \$252.00$ ). In addition, interest must be added to the deposits of those employees-who waited until after the interest-free grace period and one or more interest accrual dates before deciding to make a deposit. See Attachment II-6 for details on the computation of interest.

h. Item 9. Agency. Enter the name of the employing officer i.e., FHWA, OST, UMTA, etc.

i. Item 10. Interest Accrual Date (IAD). Enter the date that interest will be charged on the unpaid balance. This date will vary with individual circumstances. Interest is accrued and compounded annually.

(1) Individuals first employed in a position subject to the CSRS before October 1, 1983, the IAD for these individuals is October 1, 1986.



(2) For individuals first employed in a position subject to the CSRS on or after October 1, 1983, the CSRS law provides for a two-year interest-free grace period. The IAD for these individuals is the third anniversary date of an individual's first employment subject to CSRS. For example, the IAD for an individual first employed under the CSRS on October 16, 1983, is October 16, 1986.

j. Item 11. Service Period Preference Number. Employees who have more than one period of military service for which deposits are to be made can determine which of the periods to pay off first. The order in which payment will be credited is determined by assigning a preference number (i.e., 01, 02, 03, etc.) on the individual worksheets. If the employee has only one period of service, the number 001" must be entered in Item 11.

k. Item 12. Method of Payment/Amount. Item 12 is completed as follows:

#### Item 12

Method of Payment	Amount
a. Enter "F" if lump sum payment by check, money order, etc.	Enter total amount
b. Enter "I" if monthly payment by check, money order, etc.	Enter monthly amount in whole dollars, \$50 minimum
c. Enter "B" if payroll deduction for lump sum payment or less.	Enter biweekly amount in whole dollars, \$25 minimum

(1) If payment is made by payroll deduction, the employee must complete DOT Form 2730.1, Authorization for Payroll Deduction, Vertical line denotes change. Revision or Cancellation for Post-1956 Military Service Deposit Accounts, (Attachment II-7). The method of payment selected for a period of service must be used to complete the deposit for that period of service. Employees may not combine different methods of payment for a single period of service.

(2) Payments made by check or money order should be made out to the employee's employing office, except checks from United States Coast Guard (USCG) civilian employees. Checks or money orders from USCG civilian employees should be made payable to the Federal Aviation Administration (FAA) because FAA is responsible for accounting for the USCG payments. Employees should make payments directly to their organization's accounting office. See Attachment II-8, which contains a list of the addresses for the accounting offices. Payments must not be accepted by the personnel or payroll offices.

1. Each OPM Form 1514 is to be completed in triplicate. A copy is filed on the permanent (right) side of the employee's Official Personnel Folder; the original goes to the accounting office; and the remaining copy, along with the original SP 2803, Application to Make Deposit or Redeposit (please see hard copy of Attachment II-3), goes to the Manager, Uniform Payroll System Operation Branch (AAC-25). Information used to verify period of service or amount of deposit owed; i.e., DD 214, should be retained by the personnel office in the OPF.

#### 4. Employee Information and Counseling.

a. Personnel offices must be prepared to provide counseling to employees on the proper procedures for making deposits and provide information for employees to determine whether making deposits is to their advantage or not.

b. Attachment II-1 contains information about military deposits which may be distributed to employees. For their records, personnel offices may wish to have employees sign and date copies of the information for placement on the right side of the employees' OPF's along with the worksheet as a record that the employee received appropriate counseling.

5. **Transfers.** When an individual transfers from one organization to another within the Department of Transportation, the military deposit account will be transferred to the gaining organization automatically.

However, if the employee has elected full or installment payments, he/she will need to be advised of the address of the new accounting office to make payments. When an individual transfers out of the Department of Transportation, the military deposit account will be closed out following the procedures set forth in Chapter V, and the appropriate documentation forwarded to OPM. The employee must be given a current copy of the Military Deposit Worksheet by the personnel office to provide him/her with a current statement of the account including the balance due. The individual should be advised that upon arrival at the new organization, he/she should present a copy of this Military Deposit Worksheet to the agency and complete a new SF 2803,

Application to Make Deposit or Redeposit, if he/she wishes to continue to make deposits. The gaining organization will set up a new account to complete the deposit. The personnel office completes a new OPM Form 1514 being careful to show in item 8, Amount of Deposit Due, only the amount owed to complete the deposit for that period of service. It is advisable for the personnel offices of gaining organizations to ask an employee with post-1956 military service whether or not he/she was making deposits, and if so, whether he/she wishes to continue.

6. **Death In Service.** Procedures for handling deposits upon the death of an employee is set forth in FPM Letters 831-77, dated March 10, 1983, and 831-80 dated February 23, 1984. The personnel office is responsible for advising survivors of their rights and the procedures to be followed. See hard copy of Attachment II-9.

7. **Disability Retirement.** Any employee who separates for disability retirement will not be able to make deposit for post-1956 military service to OPM. Therefore, a disability applicant who is still on the rolls (in leave without pay or other status) must make any pay out to the employing office before separation. See FPM Letter 831-80 for more information on the effect of deposit for military service on disability annuitants.

8. **Retirements or Separation.** Employees who will be retiring or separating may make military service deposits only to their employing office before they retire or separate from service. If circumstances require that the employee make deposit shortly before retiring, payment must be received in a lump sum in the form of a money order or certified check.

Employees who have post-1956 military service who retire and elect not to pay the deposit must sign the following statement which should be typed in the remarks section of the Standard Form 2801-1, Certified Summary of Federal Service (Attachment II-10 - Please see hard copy):

"I have read the information about the effect of not making a deposit for my post-1956 military service and I do NOT want to make the deposit. I understand that I can't change my decision after I retire."

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Employee's Signature and Date **ATTACHMENT II-1 INFORMATION TO EMPLOYEES ABOUT SERVICE CREDIT DEPOSITS FOR POST-1956 MILITARY SERVICE**

The information below and the accompanying chart will provide you with general information on Post-1956 military service deposits and assist you in deciding whether you should pay a service credit deposit for military service performed after 1956.

#### **A. REASON FOR MAKING A DEPOSIT**

If you were first employed under the Civil Service Retirement System (CSRS) before October 1, 1982, you have the option of making a deposit or not. However, by making a deposit, you avoid the potential of undergoing an annuity reduction for post-1956 military service at age 62. Military service after December 31, 1956, cannot be used in computing your civil service annuity at the point you are eligible (or would be upon application) for Social Security benefits. If you have or expect to have enough quarters of coverage to qualify for social security, you can avoid the reduction by making the deposit, or if you decide not to make the deposit, having your annuity adjusted at age 62. **It is the responsibility of the annuitant to provide OPM with certification of non-eligibility from the local social security office within 6 months of their 62nd birthday. Failure to do this will result in an automatic reduction by OPM.** If you first became employed under CSRS-" or after October 1, 1982, you will receive civil service retirement credit for your post-1956 military service only if a deposit for the military service is made.

#### **B. CREDITABLE MILITARY SERVICE**

You must have had honorable active duty service in the following branches in order to make a deposit: Army, Navy, Marine Corps, Air Force, or Coast Guard of the United States, or after June 30, 1960, in the Regular Corps or Reserve Corps of the Public Health Service or, after June 30, 1961, as a commissioned officer of the National oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey and Environmental Science Service Administration).

#### **C. "PERIOD" OF MILITARY SERVICE**

Deposits may be made for only a full period of service. For this purpose, period of service" includes total years? months and days of military service from date of entry on active duty (or service on or after January 1, 1957, if later) to the date of final discharge or release. "Period of service" includes consecutive periods of service where there is no break in service.

#### **D. AMOUNT OF DEPOSIT**

The amount of the deposit is seven percent of the military basic pay you received during the period of post-1956 military service (plus interest, if any, see Item F below) for which deposit is made. Deposits can be made only for service after 1956. Military service performed before 1957 is free for civil service retirement purposes.

#### **E. VERIFYING EARNINGS**

You must document the amount of military basic pay earnings by presenting to the personnel office copies of pay vouchers or pay records, or a statement of estimated earnings from the appropriate branch of service (ask the personnel office for instructions and the form needed to obtain the estimate). Copies of W-2's, social security statement of earnings or documentation of ranks held and dates of promotion are not acceptable documentation.

#### **F. ACCRUAL OF INTEREST**

##### **Pre October 1, 1983 Employees**

If you were first employed under the Civil Service Retirement System before October 1, 1983, you had a two year interest-free grace period from October 1, 1983, to make your deposit. This grace period ended on September 30, 1985. Since interest is accrued and compounded on an annual basis, the first calculation of interest added to your account would be made on your interest accrual date (IAD) of October 1, 1986, based on the unpaid balance as of September 30, 1986. For each following year, October 1, will be your IAD.

##### **Post-September 30, 1983 Employees**

If you were first employed under CSRS after September 30, 1983, you have an interest-free "grace period" of two years to complete your deposit before interest begins to accrue. After the two year "grace period", interest on the amount of the deposit accrues and compounds annually at a variable rate determined by the Secretary of Treasury. Since interest is accrued and compounded on an annual basis, to avoid paying interest, you must complete your full deposit prior to the interest accrual date (IAD). The IAD will vary with each individual. It is that date on which interest is actually posted to your account. Your first IAD will be three years from the date you were employed under CSRS with subsequent IAD's annually on the same date.

#### **G. MANNER OF PAYMENT**

Payment for a period of military service may be in one of three ways: (1) lump sum, (2) biweekly payroll deduction (\$25.00 minimum per pay period), or (3) monthly installments (\$50.00 minimum per month).

#### **H. WHERE TO SEND PAYMENTS**

If you are paying a lump sum or by monthly installments, your check or money order should be made payable to your employing office except for United States Coast Guard (USCG) civilian employees, and forwarded to your organization's accounting office. Checks and money orders from USCG civilian employees should be made payable to the Federal Aviation Administration (FAA) because FAA is responsible for accounting for USCG payments.

#### **I. CREDITING OF PAYMENTS**

Except for payments by payroll deductions, lump sum payment and monthly installments are credited upon receipt in the accounting office. In order to avoid additional interest charges, payment must be received the day before the interest accrual date (e.g., if the IAD is October 1, payment must be received by September 30). Payments received within five days of the IAD must be made by certified check or money order.

#### **J. SPECIAL INFORMATION FOR DISABILITY ANNUITANTS**

If you are retiring for disability and you are eligible for an annuity computed under the guaranteed minimum provision of the law, it's possible that paying the deposit won't affect the amount of your annuity. Ask your personnel office for information about how this provision affects you.

#### **K. MILITARY RETIRED OR RETAINER PAY MAY AFFECT YOUR ANNUITY**

If you are getting military retired or retainer pay and you don't waive it, credit will be allowed for military service (including service before 1957), only if the retired or retainer pay was based on a service-connected disability incurred in combat with an enemy of the United States or caused by an instrumentality of war and incurred in the line of duty during a period of war, retired or retainer pay was based on the reserve retiree provisions (chapter 67, title 10, U.S. Code), or military service was active, honorable service and wasn't used in computing your military retired or retainer pay.

## L. REFUND OF MILITARY SERVICE DEPOSIT

If you pay part, but not all, of a deposit for a period of post-1956 military service and you elect not to make the full payment, the money you paid will be refunded when the office of Personnel Management processes your retirement application. If you paid the full deposit for one or more periods of military service, your money won't be refunded.

## M. IF YOU ARE A REEMPLOYED ANNUITANT

1. You must have at least five years service as a reemployed annuitant to make a deposit for military service.
2. If you have five or more years of service as a reemployed annuitant and you elect to have your annuity recomputed in order to receive an annuity as if you had never retired before, you may make a deposit for the Post-1956 military service. However, if you want your annuity recomputed, you must also make a deposit to cover any of your service as a reemployed annuitant when retirement deductions weren't taken from your pay. Before you decide about making the deposit for military service, you should ask your employing office about how a recomputation of your annuity will affect you.

## CIVIL SERVICE RETIREMENT CREDIT FOR POST-1995 MILITARY SERVICE

To assist in deciding whether you should pay a service credit deposit for military service performed after 1956, answer the four questions below. First, select the answer to question 1 that fits your employment situation. Then, going across the page, select your answer to question 2 from the box (es) next to your answer. Continue with questions 3 and 4--skipping any marked "not applicable". The information in the last two columns shows how paying the deposit will affect credit for your post-1956 military service.

### Designated Combat Zones

1. When were you first employed in a position subject to retirement deductions?	2. Are you getting military retired pay under conditions barring civil service credit for the military service?	3. Will you be eligible for social security benefits when you retire?	4. Will you become eligible for social security benefits after you retire?	5. Effect of, if deposit is?	6. Deposit*** Credit for post-1956 military service is
	Yes	Not Applicable	Not Applicable	Paid or Not Paid	Not Allowed (See Note 1)
Before					
	No	No	Yes	Paid	Allowed
October 1, 1982					
	Yes	Not Applicable	Not Applicable	Paid or Not Paid	Not Allowed (See Note 1)
	No	Not Applicable	Not Applicable	Paid	Allowed
After September 30, 1982					

Note 1: You'll get NO credit for military service used in computing your military retired pay (including service performed before 1957).

Note 2: You'll get credit for your post-1956 military service at retirement, but when you become eligible for social security benefits, your civil service annuity will be reduced to remove credit for that service.

--

\*If you are getting military retired or retainer pay, see "MILITARY RETIRED OR RETAINER MAY AFFECT YOUR ANNUITY" on the other side.

For information about your eligibility for social security benefits, contact the social Security Administration If you are retiring for

disability, see "SPECIAL INFORMATION FOR DISABILITY APPLICANTS" on the other side. **INFORMATION FOR COMPLETING FORM ELECTING WHETHER TO MAKE DEPOSIT FOR MILITARY SERVICE**

**Instructions to employing office:**

This form must be completed when an employee retires or dies in service. The employee (survivor) should be counseled regarding the guaranteed minimum annuity if the payment of the deposit will not increase the annuity.

Give the employee (or surviving spouse of an employee who dies in service) three (3) copies of this form. Have the employee (or survivor) return two (2) signed and dated copies of form. Attach one to the employee's records when you send them to OPM. If the employee (or survivor) fails to return a signed copy before you forward the records to OPM, note above the signature line "Employee (or Survivor) failed to return election form."

**Information for employee or survivor:** Your decision about completing the deposit may affect your rights under the Civil Service Retirement Systems, and you need to be aware of the following information before you make this decision.

**1. Effect of eligibility for Social Security benefits:** Military service after December 31, 1956, cannot be used in computing your civil service annuity at the point you are eligible for (or would be upon application) Social Security old-age or survivor benefits, unless a deposit has been made for the military service. Individuals who have or expect to have enough quarters to qualify for Social Security old age or survivor benefits have the option of either: (1) making the deposit and thereby avoiding a reduction in annuity at age 62 (or 60 for survivors), when the military service is credited for Social Security purposes, or (2) not making the deposit and having the annuity adjusted at age 62 (or 60 for survivors). A deposit must be completed for a full period of military service. No credit is allowed for partial deposits. Employees who will not have Social Security eligibility will continue to receive free credit for their military service for retirement purposes. Military service performed prior to January 1957 is included in the computation of civil service retirement and survivor benefits regardless of whether a deposit is made for service after December 31, 1956. However, many Federal employees earn enough quarters to qualify for Social Security benefits by working second jobs during their Federal employment or by working after retirement from Federal Service and need to be aware of the law on credit for post-1956 military service.

If you are not sure whether you are (or will be) eligible for a Social Security old-age or survivor benefit which includes credit for post-1956 military service, contact the Social Security Administration for information.

**2. Effect of receipt of military retired or retainer pay:** An individual who is receiving retired military pay must waive the retired pay before he or she may receive credit for the military service for civil service retirement purposes, unless the retired pay was (1) awarded because of a service-connected disability incurred either in combat or in line of duty, or, (2) awarded under the reserve retiree provision (Chapter 67, title 10, U.S. Code). The waiver must be effective before the commencing date of annuity. Survivors of deceased employees may not waive military retired pay for civil service retirement purposes.

3. The deposit is 7 percent of military basic pay. Military basic pay does not include allowance flight payer combat pay, etc.

4. If you make the deposit for post-1956 military service, the service will be credited under both the civil service and social security systems, if it is active, honorable service.

**5. Retirement or death in service:** Your annuity or survivor annuity will be reduced (at age 62 for retirees and at age 60, or earlier, for survivors) to eliminate the military service from your civil service annuity if you are eligible for a Social Security old age or survivor benefit and you do not make the deposit for military service.

a. If you retire or die in service during the period from September 9, 1982 through September 30, 1983, you or your surviving spouse may make a deposit with OPM. A deposit may only be made in conjunction with your application for retirement or survivor benefits. It must be paid in a lump sum within 30 days of the date OPM notifies you of the amount due.

b. If you are applying for a disability annuity or a survivor annuity and your agency has indicated that you are eligible for an annuity based on a guaranteed minimum provision, ask your agency for further information.

c. If you are a survivor of an employee who had military service before 1957, and you are eligible for Social Security benefits, you may elect to have the military service credited toward the Social Security benefit. However, your election to have that military service credit toward the Social Security benefit will terminate the rights of all survivors to a civil service annuity.

**6. If you are a reemployed annuitant or a survivor of a reemployed annuitant:**

- a. If you (or your deceased spouse) have less than five years of service as a reemployed annuitant at the time of separation, the payment of a deposit for military service will not affect the amount of your benefit.
- b. If you (or your deceased spouse) have five or more years of service as a reemployed annuitant, you may elect a recomputation of the annuity under the law in effect at the time of separation. If you elect a recomputation, a deposit must be made to cover the service as a reemployed annuitant and the information in paragraph 5 will apply to the military service. Before you decide to make your deposit, ask your employing office for information about how a recomputation will effect your annuity.

## ATTACHMENT II-1 MILITARY SERVICE DEPOSIT ELECTION

(Use only for employees who retire with title to an immediate annuity and survivors of employees who die in service before October 1, 1983.)

- 
1. Employee's name
- 
2. Date of birth
- 
3. Social Security No.
- 
4. Does employee survivor appear eligible for an annuity based on guaranteed minimum?  
// Yes // No
- 
5. If item 4 is -yes.- would deposit for military service increase annuity?  
// Yes // No
- 

Our records indicate that you (or the deceased employee and above) had military service after 1956 and are eligible for a civil service annuity. If you are eligible for a Social Security benefit which includes credit for this military service (or will be eligible at age 62) you must either make a deposit for the military service to the Civil Service Retirement System or your civil service benefits will be reduced at age 62 unless you are eligible for a guaranteed minimum annuity.

**Instructions to employee (or survivor):** Your decision about making this deposit may affect your rights under the Civil Service Retirement System:

1. Please read the attached Information for employee or survivor- carefully to be sure you understand the consequences of not making the deposit for military service.
2. If you decide to make the deposit for military service with the employing agency, ask for instructions from the personnel office identified below.
3. If you decide to make or complete the deposit with OPM, complete the election below on two copies of this form and return both to the personnel office at the address below.
4. If you decide not to make or complete the deposit for military service at all, complete the election below on two copies of this form and return both to the personnel office at the address below.

---

Return completed election form to: (Agency Personnel Office address)

---

Election must be address received by (date)

**EMPLOYEE (OR SURVIVOR)**

### ELECTION

I have read this information concerning my rights to make deposit for post-1956 military service. (Mark "x" in the appropriate box below to indicate your election.)

- // I have decided to use (or complete) this deposit with OPM.
- // I have decided **not** to make (or complete) this deposit.

---

Signature

\_\_\_\_\_ Date  
Relationship If other than employee.

THIS FORM MAY BE REPRODUCED LOCALLY **ATTACHMENT II-2 MILITARY DEPOSIT WORKSHEET** (Please see hard copy) **ATTACHMENT II-3 APPLICATION TO MAKE DEPOSIT OR REDEPOSIT** (Please see hard copy) **ATTACHMENT II-4 FORMS USED TO DOCUMENT ACTUAL MILITARY EARNINGS**

The following forms may be used to document actual military earnings for any given period if submitted as evidence by the employee:

**ARMY**

DD 113, Military Pay Record, effective August, 1951; May, 1957; August, 1960  
FC Form T023(TEST), Military Pay Voucher  
DA 2139, Military Pay Voucher, effective July 1, 1958; July 1, 1961; October 1, 1963  
DA 2349, Military Pay Voucher (MECH), effective August 1, 1961; September 1, 1972  
DA 2139-1, Military Pay Voucher, effective October 1, 1963  
DA 3686(TEST), Leave and Earnings Statement, effective January 1, 1971  
DA 3686(TEST), JUMPS, Army Leave and Earnings Statement effective September 1, 1972; July 1, 1976; August 1, 1977; August 1, 1978  
OA 3686 j, Army Leave and Earnings Statement, effective August 1, 1982

**AIR FORCE**

DD 1624 AF, Leave and Earnings Statement, effective July 1, 1967  
AF Form 141, Leave and Earnings Statement, effective October 1, 1976  
AF Form 141, Leave and Earnings Statement, effective April 1, 1980

**NAVY AND MARINES**

DD 113, Individual Pay Record, effective January 1, 1957  
DD 113-2C, Individual Pay Record, effective May 1, 1957  
DD 1624, Leave and Earnings statement, effective October 27, 1967  
DD 1624-IC, Leave and Earnings Statement, effective August 1, 1978

**COAST GUARD**

None

**PUBLIC HEALTH SERVICE**

PHS-1313-1 (Rev. 6-59), Payroll Change Slip (Commissioned Officers)  
PHS-1313-2 (4-59), Payroll Change Slip (Commissioned Officers)  
OS-410 (6-64), Payroll Change Slip (Commissioned Officers)  
OS-410 (Rev. 12/67; Rev. 12/75), Commissioned Officers' Statement of Earnings (DHEW)  
PHS-6155 (9/79), Statement of Earnings and Deductions

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Coast and Geodetic Survey Form 34-14 (7/60), Statement of Earnings and Leave  
NSSA Form 34-14 (1965) , Statement of Earnings and Leave  
NOAA Form 34-14 (10/4/70), Statement of Earnings and Leave **ATTACHMENT II-5 MILITARY ADDRESSES** (See hard copy of front page chart)

Send the Request for Earnings During Military Service to the appropriate address shown below:

**ARMY**

Commander  
U.S. Army Finance and Accounting Center

Department 88  
Indianapolis, Indiana 46249

## **NAVY**

Commander Officer  
Navy Finance Center  
ATTN: 43C  
Anthony J. Celebreeze Federal Building  
Cleveland, Ohio 44199

## **AIR FORCE**

Commander  
Air Force Accounting and Finance Center/AJC  
Denver, Colorado 80279

## **MARINE CORPS**

Commanding Officer  
Marine Corps Finance Center (Code SD2R)  
Kansas City, Missouri 64197

## **COAST GUARD**

Commanding Officer  
Settlement and Records  
U.S. Coast Guard Military Retired Pay Center  
444 South East Quincy Street  
Topeka, Kansas 66683

## **PUBLIC HEALTH SERVICE**

Director  
Commission Personnel Operations Division  
U.S. Public Health Service  
Parklawn Building, Room 4-35  
5600 Fishers Lane  
Rockville, Maryland 20857

## **NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Department of Commerce  
NOAA  
Rockville, Maryland 20852

### **PROCEDURE FOR THE COMPUTATION OF MILITARY DEPOSIT INTEREST**

Public law 97-253 provided for an interest-free grace period (which was extended by Public law 98-94), after which interest is accrued and compounded annually. The grace period and the interest calculation will vary depending on whether or not an individual was first employed under Civil Service Retirement System (CSRS) before October 1, 1983.

### **PRE-OCTOBER 1, 1983, EMPLOYEES**

For employees who were first employed under CSRS before October 1, 1983, the interest-free grace period ended on September 30, 1985. Since interest is accrued and compounded on an annual basis, the first calculation of interest for these employees will be made on the interest accrual date (IAD) of October 1, 1986, and will be based on the unpaid balance as of the close of business on September 30, 1986. For each following year, the interest calculation will be performed on October 1 and will be based on the unpaid balance as of September 30. Interest is not charged on a calendar year basis, thus, two different rates generally are needed for an interest computation. The interest rate to be used in the October 1, 1986, interest calculation is 11.594%<sup>1</sup>, which is the composite of two calendar year interest rates (13% for 10/1/85-12/31/85 and 11.125% for 1/1/86-9/30/86). Note that no interest is payable on account balances which are paid in full before the IAD.



## POST-SEPTEMBER 30, 1983, EMPLOYEES

For employees, who were first employed under the CSRS after September 30, 1983, the IAD is the third anniversary date of the individual's first employment subject to CSRS. This is due to provisions of the CSRS law which provide for a two year interest-free grace period and the requirement that interest be accrued and compounded only annually for example, the IAD for an individual first employed under the CSRS on October 16, 1983, is October 16, 1986. If such an individual has a balance due in his or her military deposit account as of the close of business on October 15, 1986, interest would be posted to the Military Deposit Worksheet on October 16, 1986, for the period running from, October 16, 1985, through October 15, 1986, and annually thereafter.

Since the IAD and, thus, the composite interest rate to be applied for deposit accounts of these individuals will vary, a table has been developed of composite interest rates for each IAD that falls in calendar year 1986 (Please see hard copy of Attachment II-6 and 7). The chart will be updated yearly. (The chart begins with October 1, 1986, because it is the first IAD and applies to all pre-October 1, 1983, employees). Note that the rate shown for each IAD is that which is to be applied to the unpaid balances of accounts as of the close of business on the previous day. Also, note that no interest is payable on account balances which are paid in full before the IAD. This chart and the accompanying computation instructions may also be used by personnel offices to determine the total amount of a deposit (principal plus interest) that an employee owes if he or she decides to make a deposit after their grace period has elapsed.

The following formula is used to determine the amount of interest due on military deposits: Interest = Unpaid Balance x Composite Rate

The **composite rate** is determined from the "Composite Rate Table." To use the Table, the individual's Interest Accrual Date (IAD) must first be computed:

**Individuals first employed under CSRS before 10/1/83** - The IAD is 10/1/86.

**Individual first employed under CSRS on or after 10/1/83** - The IAD is the third anniversary of the individual's first employment date.

Locate the composite rate in the table which corresponds to the IAD. Multiplying the composite interest rate times the unpaid balance as of the close of business on the day before the IAD will provide the amount of interest the individual should be charged. **SAMPLE CALCULATION**

In all three of the examples which follow, the employee has four years of post-1956 military service and a \$500.00 unpaid balance as of the close of business on the day before the IAD.

### Sample Calculation

Initial Date under CSRS	IAD	Interest Payment
Employer #1	10/1/86	\$57.97 1/
Employer #2	10/16/86	\$57.61 2/
Employer #3	12/5/86	\$56.33 3/

1/ Interest 10/1/85 - 9/30/86 = \$500.00 x .11594 = \$57.97

2/ Interest 10/16/85 - 10/15/86 = \$500.00 x .11521 = \$57.61

3/ Interest 12/5/85 - 12/4/86 = \$500.00 x .11266 = \$56.33 **ATTACHMENT II-6 U.S. CIVIL SERVICE RETIREMENT SYSTEM  
COMPOSITE INTEREST RATES FOR MILITARY SERVICE CREDIT DEPOSITS FOR INTEREST ACCRUAL DATES  
OCCURRING IN CALENDAR YEAR 1986**

### Composite Interest Rates for Military Service Credit Deposits for Interest Accrual Dates Occurring in Calendar Year 1986

Day of Month	October 1986	November 1986	December 1986	January 1987*
1	0.11594	0.11438	0.11281	0.11125
2	0.11594	0.11432	0.11281	

3	0.11589	0.11427	0.11276	
4	0.11583	0.11422	0.11271	
5	0.11578	0.11417	0.11266	
6	0.11573	0.11411	0.11260	
7	0.11568	0.11406	0.11255	
8	0.11563	0.11401	0.11250	
9	0.11557	0.11396	0.11245	
10	0.11552	0.11391	0.11240	
11	0.11547	0.11385	0.11234	
12	0.11542	0.11380	0.11229	
13	0.11536	0.11375	0.11224	
14	0.11531	0.11370	0.11219	
15	0.11526	0.11365	0.11214	
16	0.11521	0.11359	0.11208	
17	0.11516	0.11354	0.11203	
18	0.11510	0.11349	0.11198	
19	0.11505	0.11344	0.11193	
20	0.11500	0.11339	0.11188	
21	0.11495	0.11333	0.11182	
22	0.11490	0.11328	0.11177	
23	0.11484	0.11323	0.11172	
24	0.11479	0.11318	0.11167	
25	0.11474	0.11313	0.11161	
26	0.11469	0.11307	0.11156	
27	0.11464	0.11302	0.11151	
28	0.11458	0.11297	0.11146	
29	0.11453	0.11292	0.11141	
30	0.11448	0.11286	0.11135	
31	0.11443		0.11130	

\* An entry is necessary for the IAD 1/1/87 to provide the composite rate for interest computations covering the period running from 1/1/86 through 12/31/86 (i.e. when last day of grace period was 12/31/85) **ATTACHMENT II-7 AUTHORIZATION FOR PAYROLL DEDUCTION, REVISION OR CANCELLATION FOR POST-1956 MILITARY SERVICE DEPOSIT ACCOUNTS**

COMPLETE BLOCKS 1 THRU 5 AND BLOCK 8 FOR ALL REQUESTS PRINT IN INK OR TYPE	
1. DATE	2. SOC. SEC. NO.
3. NAME (LAST) (FIRST) (INITIAL) (MUST BE SAME AS SHOWN ON PAYROLL)	
4. ADMINISTRATION DIVISION/DUTY LOCATION/PHONE NO.	
5. PLEASE CHECK APPROPRIATE BOX:  A. <input type="checkbox"/> NEW AUTHORIZATION B. <input type="checkbox"/> REVISE AUTHORIZATION C. <input type="checkbox"/> CANCEL DEPOSIT ACCOUNT(S) D. <input type="checkbox"/> CHANGE PAYMENT METHOD TO FULL (CANCEL BI-WEEKLY PAYROLL DEDUCTION) E. <input type="checkbox"/> CHANGE PAYMENT METHOD TO INSTALLMENT (CANCEL BIWEEKLY PAYROLL DEDUCTION) F. <input type="checkbox"/> CHANGE PAYMENT METHOD FROM INSTALLMENT TO BIWEEKLY PAYROLL DEDUCTION (PROVIDED NO PAYMENTS HAVE BEEN MADE) G. <input type="checkbox"/> CHANGE PAYMENT METHOD FROM FULL TO BIWEEKLY PAYROLL DEDUCTION H. <input type="checkbox"/> CHANGE PAYMENT METHOD FROM FULL TO INSTALLMENT  IF BLOCK 5A, 5B, OR 5G CHECKED COMPLETE BLOCK 6 IF BLOCK 5C, 5D 5E, 5F OR 5H CHECKED COMPLETE BLOCK 7	
6. AMOUNT TO BE DEDUCTED EACH PAY PERIOD AND APPLIED TO SERVICE PERIODS IN SERVICE PREFERENCE NUMBER ORDER. (MINIMUM AMOUNT \$25.00) \$ _____	

LIST SERVICE PREFERENCE NUMBER(S) FOR ACCOUNT(S) TO BE CANCELED OR PAYMENT METHOD CHANGED. IF REQUESTING CANCELLATION OR PAYMENT METHOD CHANGE FOR ALL ACCOUNTS, ENTER ?ALL? IN 7.(1).

SERVICE PREFERENCE NUMBER(S)

(1)\_\_\_\_\_ (4)\_\_\_\_\_ (7)\_\_\_\_\_ (10)\_\_\_\_\_ (13)\_\_\_\_\_

(2)\_\_\_\_\_ (5)\_\_\_\_\_ (8)\_\_\_\_\_ (11)\_\_\_\_\_ (14)\_\_\_\_\_

(3)\_\_\_\_\_ (6)\_\_\_\_\_ (9)\_\_\_\_\_ (12)\_\_\_\_\_ (15)\_\_\_\_\_

8. AUTHORIZATION: I HEREBY AUTHORIZE THE ABOVE DEDUCTION FROM MY PAY WITH THE UNDERSTANDING THAT THE AMOUNT WILL BE CREDITED TO MY POST-1956 MILITARY SERVICE DEPOSIT ACCOUNT. THIS AUTHORIZATION IS TO REMAIN IN EFFECT UNTIL I SUBMIT ANOTHER DOT FORM 2730.1 AUTHORIZING A REVISION OF THIS DEDUCTION OR CANCELLATION OF SPECIFIED ACCOUNTS, OR MY POST-1956 MILITARY DEPOSIT ACCOUNT IS PAID IN FULL.

EFFECTIVE ON FIRST PAYROLL PERIOD AFTER  
\_\_\_\_\_, 19 \_\_

SIGNATURE  
(MUST BE SAME AS SHOWN ON PAYROLL)

**PRIVACY ACT STATEMENT**

The Omnibus Budget Reconciliation Act of 1982, Public Law 97-253 permits the collection of this information. The information on this form is confidential and is used by your payroll office to authorize payroll deductions from your salary for post-1956 military service deposits for credit to your retirement account with the Office of Personnel Management. Executive Order 9397 authorizes collection of your social security number (SSN) as identification of your payroll record.

The furnishing of the SSN, along with other data requested, is voluntary. However, failure to furnish any of the requested information may result in errors or noncompliance to your request for a payroll deduction.

FOT F 2730.1 (3/86) **ATTACHMENT II - 8 Accounting Office Addresses (FOR REMITTING MILITARY SERVICE DEPOSIT PAYMENTS)**

**Accounting Office Addresses**

Administration	Address
1. Employees of the Office of the Secretary	U.S. Department Of Transportation Office of the Secretary Accounting Operations Division Room 2228 400 7th Street, S.W. Washington, DC 20590
2. Civilian Employees of the United States Coast Guard	U.S. Department of Transportation Federal Aviation Administration Mike Monroney Aeronautical Center General Accounting Branch, AAC-23A P.O. Box 25082 Oklahoma City, Oklahoma 73125
3. Employees of the Federal Aviation Administration	
(a) Aeronautical Center Eastern Region New England Region Western-Pacific Region Northwest Mountain Region Alaskan Region	U.S. Department of Transportation Federal Aviation Administration Mike Monroney Aeronautical Center General Accounting Branch, AAC-23A P.O. Box 25082 Oklahoma City, Oklahoma 73125

(b) Central Region Great Lakes Region	U.S. Department of Transportation Federal Aviation Administration Central Region Headquarters Accounting Control & Payroll Branch, ACE-27A 601 East 12th Street Federal Building Kansas City, Missouri 64106
(c) Southern Region	U.S. Department of Transportation Federal Aviation Administration Southern Region Headquarters Accounting Operations Branch, ASO-22 P.O. Box 20636 Atlanta, Georgia 30320
(d) Washington Headquarters	U.S. Department of Transportation Federal Aviation Administration National Headquarters Accounting Operations Division, AAA-200 800 Independence Avenue, S.W. Washington, DC 20591
(e) Technical Center	U.S. Department of Transportation Federal Aviation Administration Technical Center Accounting Branch, ACT-32 Atlantic City Airport, New Jersey, 08045
(f) Metropolitan Washington Airports	U.S. Department of Transportation Federal Aviation Administration Metropolitan Washington Airports Accounting Operations Branch, AMA-16 Hangar 9 Washington, DC 20001
(g) Southwest Region	U.S. Department of Transportation Federal Aviation Administration Southwest Region Headquarters Accounting Branch, ASW-42 P.O. Box 1689 Fort Worth, Texas 76101
4. Employees of the Federal Highway Administration	U.S. Department of Transportation Federal Highway Administration Finance Division Room 4308 400 7th Street, S.W. Washington, DC 20590
5. Employees of the Federal Railroad Administration	U.S. Department of Transportation Federal Railroad Administration Accounting Operations Division Room 8211 400 7th Street, S.W. Washington, DC 20590
6. Employees of the National Highway Traffic Safety Administration	U.S. Department of Transportation National Highway Traffic Safety Admin.

	Office of Financial Management Room 6134 NAD-60 400 7th Street, S.W. Washington, DC 20590
7. Employees of the Urban Mass Transportation Administration	U.S. Department of Transportation Urban Mass Transportation Administration Accounting Division Room 9422 400 7th Street, S.W. Washington, DC 20590
8. Employees of the St. Lawrence Seaway Development Corporation	U.S. Department of Transportation St. Lawrence Seaway Development Corporation Office of Finance P.O. Box 520 Massena, New York 13662
9. Employees of the Maritime Administration	U.S. Department of Transportation Maritime Administration Office of Accounting, Room 7318 400 7th Street, S.W. Washington, DC 20590
10. Employees of the Research & Special Programs Administration	U.S. Department of Transportation Office of the Secretary Accounting Operations Division Room 2228 400 7th Street, S.W. Washington, DC 20590
11. Employees of the Transportation Systems Center	U.S. Department of Transportation Transportation Systems Center Accounting Branch Room 4-246 Kendall Square Cambridge, Massachusetts 02142

## **ATTACHMENT II - 9 INFORMATION FOR THE SURVIVING SPOUSE OF A DECEASED EMPLOYEE ABOUT SERVICE CREDIT DEPOSITS FOR POST-1956 MILITARY SERVICE**

Your decision about completing the deposit may affect your rights under the Civil Service Retirement System (CSRS), and you need to be aware of the following information before you make your decision.

### **A. IF THE DECEASED EMPLOYEE WAS FIRST EMPLOYED UNDER THE CIVIL SERVICE RETIREMENT SYSTEM BEFORE OCTOBER 1, 1982:**

1. Post-1956 military service cannot be used in the computation of your civil service survivor annuity during any period in which you are also eligible (or would upon application be eligible) for social security survivor benefits based in whole or in part on that military service unless a deposit is made for that service.
2. Eligibility for Social Security. A surviving spouse of a deceased employee may be eligible for social security survivor benefits if the employee was "fully insured" and the surviving spouse is (a) the parent of an eligible child, (b) age 50 or over and disabled, or (c) age 60 or over. For information about your present or future eligibility for social security survivor benefits, contact the Social Security Administration.

### **B. IF THE DECEASED EMPLOYEE WAS FIRST EMPLOYED UNDER THE CIVIL SERVICE RETIREMENT SYSTEM ON OR AFTER OCTOBER 1, 1982, no credit is allowed for post-1956 military service unless a deposit is made for the service.**

### **C. FACTORS THAT MAY AFFECT CREDITABILITY OF MILITARY SERVICE REGARDLESS OF WHEN THE DECEASED WAS FIRST EMPLOYED:**

1. **Guaranteed minimum provisions.** If you are eligible for a civil service survivor annuity based on the guaranteed minimum provisions of the law, it is possible that the exclusion of credit for post-1956 military service will have no effect on the amount of your annuity. (See items 4 and 5 in part A of the "Surviving Spouse's Military Service Deposit Election," OPM Form 1519). If you need more information about how you may be affected, contact your spouse's employing office.

2. **Effect of Receipt of Military Retired or Retainer Pay.** If the deceased employee was receiving military retired or retainer pay at the time of death, no credit can be given for any military service (including pre-1957 service) in the computation of the civil service survivor annuity unless the retired pay was (1) awarded because of a service connected disability incurred either in combat with an enemy of the United States or caused by an instrumentality of war and incurred in the line of duty during a period of war, or (2) awarded under the reserve retiree provisions (chapter 67, title 10, U.S. Code).

**D. OTHER INFORMATION ABOUT DEPOSIT FOR MILITARY SERVICE:**

1. The amount of the deposit is 7 percent of military basic pay (plus interest, if any).
2. If the deposit is made, the post-1956 military service will be credited under both the civil service and the social security systems, if it is otherwise creditable.

**E. IF YOU ARE THE SURVIVOR OF A REEMPLOYED ANNUITANT:**

1. If your deceased spouse had less than 5 years of service as a reemployed annuitant at the time of death, you are not eligible to make a deposit for the military service.
2. If your deceased spouse had 5 or more years of service as a reemployed annuitant and you elect a recomputation of the annuity under the law in effect at the time of death, you may make a deposit for post 1956 military service. However, if you elect a recomputation of the annuity, a deposit must also be made to cover any of your spouse's service as a reemployed annuitant for which no retirement deductions were made. Before you make your deposit, ask your spouse's employing office for information about how a recomputation will affect your annuity.

**F. IF YOU ELECT TO PAY THE DEPOSIT:**

1. If you do not have sufficient documentation of military basic pay earnings for the employing agency to determine the amount due, the agency will tell you how to obtain an estimate of earnings from the branch of military service in which your spouse served.
2. Payment should be made to the employing agency as soon as possible. The agency will not delay processing of your application for death benefits while you are waiting to receive an estimate of military earnings from the military service. If you have not made the deposit before the agency sends the application to the CSRS, your election to make the deposit will be forwarded with your application.
3. In order to credit your deposit, the CSRS must receive documentation of your payment from the agency before your application is finally adjudicated. Therefore, CSRS will begin preliminary processing of your application, but will delay final adjudication for 90 days after the date of the employee's death unless the agency provides the documentation of payment earlier.
4. If you elect to pay the deposit, but later decide not to do so promptly notify the employing agency and the CSRS in writing so that final adjudication of your application for survivor benefits can take place.

**ATTACHMENT II-9 GUARANTEED MINIMUM ANNUITY COMPUTATION** (Note: Please see hard copy of front page)  
**SURVIVING SPOUSE'S MILITARY SERVICE DEPOSIT ELECTION** (Use only for surviving spouses of employees who die in service after September 30, 1983.)

PART A.--To be completed by employing agency

1. Employee's name 2. Date of birth 3. Social Security No.

4. Does surviving spouse appear eligible for an annuity based on guaranteed minimum?

\_\_\_\_ yes \_\_\_\_ No, annuity will be based on actual service \_\_\_\_\_

5. If item 4 is "yes," would loss of credit for post-1956 military service reduce the amount of the annuity? \_\_\_\_ yes \_\_\_\_  
No \_\_\_\_\_

6. Was a deposit account opened for the employee?

\_\_\_\_ Yes--Give information requested below \_\_\_\_ No

Period of Military Service Amount Due Amount Paid Balance Due

From To (Without interest) by employee

7. Agency records indicate that the above named deceased employee had post-1956 military service for which deposit has not been made or has not been completed. Records also show that the employee was first employed under the Civil Service Retirement System:

\_\_\_\_ before October 1, 1982 \_\_\_\_ on or after October 1, 1982. \_\_\_\_

8. Agency personnel office address to 9. Election must be received by (date):

which form should be returned:

PART B. -- To be completed by surviving spouse

Our records indicate you are eligible for a civil service survivor annuity. You have the right to make a deposit to obtain full and continuing credit for your spouse's post-1956 military service. Your decision about making this deposit may affect your rights under the Civil Service Retirement System. Read the attached "Information for Surviving Spouse" carefully to be sure you understand the consequences of not making the deposit for military service. Then make you election below, sign and date the form, and return 2 copies to the employing office shown in item 8 above. FAILURE TO COMPLETE THIS FORM MAY DELAY PROCESSING OF YOUR APPLICATION FOR SURVIVOR ANNUITY. **SURVIVOR ELECTION**

I have read this information concerning my right to make a lump sum deposit to my spouse's employing agency for post-military service.

\_\_\_\_ I elect to make (or complete) the deposit to the employing agency for the military service. I understand that this deposit must be paid to the agency in a lump sum. (Note: An election to make or complete the deposit may be changed at any time before the deposit is actually paid to the agency.)

\_\_\_\_ I elect not to make (or complete) the deposit for military service. I understand this **decision is irrevocable.** \_\_\_\_\_

Signature Date

OPM Form 1519

THIS FORM MAY BE REPRODUCED LOCALLY October 1983 **ATTACHMENT II-9 APPLICATION FOR DEATH BENEFITS**

(Note: Please see hard copy) **ATTACHMENT II-10 CERTIFIED SUMMARY OF FEDERAL SERVICE** (Note: Please see hard copy) **Chapter III ACCOUNTING OFFICE PROCEDURES**

#### 1. Verification of OPM Form 1514.

a. Upon receipt of the completed OPM Form 1514 forwarded from the personnel office, the accounting office will immediately check to ensure that all forms have been received. A verification will be made to ensure that the assigned submitting office number on the form is not in sequence, the form should be processed. However, the missing form(s) must be obtained from the personnel office. To prevent the likelihood of receiving a form that has been prepared or altered by the employee, the accounting office should not accept the form from the employee.

b. The accounting office will prepare a file copy (photograph) of the OPM Form 1514 for those to be paid by a one-time full lump sum payment (Code F) or monthly installment (Code I). After copying, the original OPM Form 1514 is to be forwarded to the servicing payroll office.

#### 2. Recording of Payment.

a. When a military service deposit payment is received, the accounting office will record the payment on DOT Form 2770.2, Record of Cash Receipts or other prescribed agency forms. The service period (service preference number) that the payment is to be applied to should be annotated on the DOT Form 2770.2. (See sample hard copy of DOT Form 2770.2, Attachment III-1). In the instance where an employee has multiple service periods, normally the entire payment is applied against one service period. However, if a portion of the payment completes the deposit for one service period, then the remaining portion of the payment will be applied to the next service period.

Example: The employee elects to make payment for two periods of service with a monthly installment payment of \$100.

OPM Form 1514 No. 01 1st Period of Service \$ 75.00  
 OPM Form 1514 No. 02 2nd Period of Service \$1,000.00  
 Total \$1,075.00

The amount to be applied to each of the service periods would be annotated on the DOT 2770.2 as follows:

Apply \$75.00 to service preference 01  
 Apply \$25.00 to service preference 02

b. The accounting office will deposit the amount paid using SF 215, Deposit Ticket, (See hard copy Attachment III-2) and post the amount to the 69X6875 deposit fund suspense account. The payment should also be recorded on the file copy of the OPM Form 1514 for audit purposes.

c. Photocopies of the DOT Form 2770.2 (or other prescribed form) and the check or money order should be made and both copies forwarded to the servicing payroll office for input to CUPS.

d. Even though employee inquiries about their accounts will be addressed by the payroll offices, the accounting offices have access to the on-line query function in CUPS to verify the status of deposit accounts.

**3. Deposit Fund Suspense Account Clearance.** Once the installment and lump sum payments have been processed in CUPS the deposit fund suspense account will be cleared. For those Departmental elements that are serviced by the Federal Aviation Administration's Uniform Accounting System (UAS) the suspense account will be cleared automatically via an interface between CUPS and UAS. For those administrations that are not serviced by the UAS, the accounting office must manually clear the deposit fund suspense account. The CUPS generated SYS-CTL-Report 057, Report of Suspense Account Deposits, is the documentation which lists the military service deposits payments (lump sum and installment only) that have been processed in CUPS and will serve as the basis for clearing the suspense account. (Please see the hard copy sample of Attachment III-1 RECORD OF CASH RECEIPTS.) **ATTACHMENT III-2 DEPOSIT TICKET** (Please see hard copy)

**ATTACHMENT III-3 SYS-CTL:057 REPORT OF SUSPENSE ACCOUNT DEPOSITS DEPARTMENT OF TRANSPORTATION**

**Pay Period 01 Ending 86-01-04 (Contains Privacy Data P.L. 93-579, Privacy Act) RIS AA XXXX-XX**

REG	BLK	SOC. NO. EMPNAME	AMOUNT	CDE	PY	EXPLANATION	VOUCHER-NO	VOUCHER-AMT
OS	6A	SPNO 01 TYPE M DATE 851007 PRIN 1179.71 INT	1,179.71-	X	.00	RET DEPOSIT PAYMENT		
OS	6A	SPNO 01 TYPE M DATE 851105 PRIN 166.46 INT	166.46-	X	.00	RET DEPOSIT PAYMENT		
OS	6A	SPNO 01 TYPE M DATE 851000 PRIN 265.16 INT	265.16-	X	.00	RET DEPOSIT PAYMENT		
OS	6A	SPNO 01 TYPE M DATE 851101 PRIN 169.40 INT	169.40-	X	.00	RET DEPOSIT PAYMENT		
		TOTAL DEDUCTION	1,780.13					

**Chapter IV PAYROLL OFFICE PROCEDURES**

**1. Entry of OPM Form 1514 into CUPS.**



a. **Lump Sum and Installment Election.** Upon receipt of the OPM Form 1514 forwarded from the accounting office, the payroll office will input the 1514 data (Items 1 thru 12) into CUPS to establish the employee's military service deposit account, called the 1514 tracking record, within CUPS.

b. **Biweekly Payroll Deduction Election.** Before entering the 1514 data for those accounts to be paid by payroll deduction into CUPS, the payroll office must check that DOT Form 2730.1, Authorization for Payroll Deduction, Revision or Cancellation for Post-1956 Military Service Deposit Accounts, has been received from the personnel office. (See sample copy of a DOT Form 2730.1 at Attachment II-7.) The 1514 data will be input to CUPS based on the effective date cited on DOT Form 2730.1. The entry of the 1514 data will automatically trigger the biweekly deduction from the employee's salary. The deductions will be canceled automatically when the deposit is paid in full.

2. **Entry of Payments and Deposit Account Cancellation into CUPS.** The payroll office will input the payment data into CUPS from the DOT Form 2770.2 received from the accounting offices. Also, the payroll office will input cancellations based on the receipt of DOT Form 2730.1 from the personnel office.

3. **Deposit Account Inquiries.** All inquiries regarding the deposit accounts maintained by CUPS will be handled by the payroll offices. Because the data input into CUPS must pass stringent edit/update processes, there will be instances where the data will be rejected and must be corrected. All transactions will be reflected in the system, however, so that the payroll office will be able to answer questions on the status of all transactions. **Chapter V CUPS PROCESSING PROCEDURES**

1. **General.** The military service deposit accounts for Department employees are maintained on an automated basis in CUPS. CUPS is operated by the Federal Aviation Administration in Oklahoma City, Oklahoma. The major processes performed by CUPS regarding military service deposits are: establishment of the account; recording of cash payments and payroll deductions; recording of interest; and generation of required internal and external reports. The internal reports generated are (1) statements which notify the employees of their account balance and interest accrual prior to being posted to the account, and (2) accounting reports to post the clearance of the suspense account amount in the accounting records. The external reports consist of reports to (1) transmit the deposits to OPM, and (2) transmit the retirement records to OPM when the employee separates from the Department. The retirement records control and retirement reports distribution are performed by the Uniform Payroll System Operations Branch (AAC-25) located in Oklahoma City, Oklahoma.

2. **Establishment of 1514 Tracking Record and Payments Process.** Once the payroll offices have entered the 1514 data into CUPS, the system establishes the 1514 tracking record which contains all pertinent data such as the employee name, social security number, date of birth, total deposit due amount, interest accrual date, etc. Biweekly the system updates the 1514 records with all payments or payroll deductions. For those employee accounts that have multiple service periods (multiple 1514 tracking records), the system will automatically apply the payroll deduction to each service period in order of the service preference number.

Example: The employee elects to make a deposit for two service periods with a biweekly payroll deduction of \$100.

1514 tracking record 01 1st period of service \$90.00

1514 tracking record 02 2nd period of service \$1,000.00

The system will post the \$100.00 deduction as follows:

Post \$90 to the 1514 record for the 1st service preference.

Post \$10 to the 1514 record for the 2nd service preference.

3. **Interest Accrual Process.** In the biweekly update process the system will compute and post the interest accrual to the 1514 tracking record. The interest is computed and recorded annually as of the anniversary of the employee's interest accrual date (IAD) which can vary by employee. Individuals first employed in a position subject to the CSRS **BEFORE** October 1, 1983, the IAD for these individuals is always October 1. The first IAD for these persons is October 1, 1986. Individuals first employed in a position subject to CSRS on or **AFTER** October 1, 1983, the IAD for these individuals is the third anniversary date of the individual's first employment subject to CSRS. The computation is based on the account balance as of the close of business on the day before the IAD and is computed each year until the account is closed. However, to allow sufficient time for processing, and to avoid possible errors in the computation of interest, employees are encouraged to make payment five working days in advance of the IAD. The payment receipt date is critical in determining the outstanding balance for computing interest. Employees should be made aware that for installment and lump sum payments, the payment receipt date recognized by the system is the receipt date recorded on the DOT Form 2770.2. For biweekly deductions, the payment receipt date is the payroll paid date.

**4. Update of the Military Service Deposit Record.** CUPS maintains an individual retirement record for military service deposit for the employee in addition to the regular civil service retirement deductions records, as required by OPM. In the biweekly update process, the employees military service deposit retirement records are updated with all payment or payroll deductions, interest or other adjustments made to the account.

**5. Deposit Account & Retirement Record Closing.** The 1514 tracking and retirement records are closed in CUPS when the employee retires, the employee transfers out of the Department, or other types of separations occur. When the collection is completed, the account is held in the CUPS files until the employee separates from the Department.

**6. Refunds.** Any monies paid in will not be refunded by the Department. The Department is not authorized to refund any payments properly accepted for deposits. Only OPM has this authority. If an employee fails to complete the deposit for a full period of service, the amount paid will be refunded by OPM when the employee retires or separates and is otherwise eligible for a refund of all contributions. The only exception is when an individual pays more than the amount due, the Department can then refund the amount of overpayment to the individual.

**7. CUPS Reports.** The biweekly process automatically generates standard forms and reports that are distributed to the employee, personnel, payroll and accounting offices, Uniform Payroll System Operations Management Branch (AAC-25) and the Office of Personnel Management.

a. **Employee's Report.** The CUPS generates the DOT Form 2740.1, Statement of Earnings and Leave which shows the cumulative military service deposit paid by the employee. Also for the two pay periods before the employee's interest accrual date, the following message is printed on the DOT Form 2740.1 to alert the employee that interest will soon be added to the account. "Notice regarding your post-1956 military service deposit account. Interest is to be posted to your account as of MM-DD-YY. You may avoid the interest charge by paying the balance due on your account before the above date." This is the only notice that the employee will receive before interest is posted to the account. If the employee needs more detailed information about his or her account balance, such as total or individual payments made, interest accrued, etc., the employee must contact his or her servicing payroll office to obtain the information. See Attachment V-1 for a list of the servicing payroll offices.

b. **Deposit Remittance to OPM.** CUPS generates SF 2812, Report of Withholdings and Contributions, to transmit the military service deposit amount collected to OPM. The SF 2812 is sent to OPM by the Uniform Payroll Systems operations Branch (AAC-25).

c. **Reports for Completed Deposits or Employee Separations.** When the conditions for closing an account are met, the employee is separated CUPS will generate the following reports: SF 2806, individual Retirement Record for Military Service Deposit; SF 2807, Register of Separations and Transfers for Military Service Deposits; OPM Form 1514, Military Service Deposit Worksheet.

Vertical line denotes change.

(1) **Non-Payment of Deposit from Annual Leave Lump Sum Payment.** The SF 2806 and SF 2807 are also produced for regular civil service retirement deposits when the employee retires, dies or transfers to another Department. Because CUPS automatically closes and generates the retirement records to be transmitted to OPM, the employees should be informed that their annual leave lump sum payment cannot be used to pay off any outstanding military service deposit account balances.

(2) **Report Distribution by the Payroll Offices.** The payroll office sends a copy of the OPM Form 1514 to the personnel office to be placed on the right side of the employee's Official Personnel Folder, to the employee or survivor in case of the employee's death, and to the payroll office files.

(3) **Report Distribution by the Uniform Payroll System Operations Management Branch (UPSOM).** The UPSOM Office (AAC-25) sends to OPM a copy of each: SF 2803, Application to Make Deposit or Redeposit; SF 2806, Individual Retirement Record (both for military service deposit and regular civil service); SF 2807, Register of Separations and Transfers (both for military service deposits and regular civil service); and OPM Form 1514, Military Deposit worksheet.

d. **Accounting Suspense Transactions Reports.** CUPS generates (1) the SYS-CTL-057, Report of Suspense Account Deposits, which is used by the operating. Administrations not serviced by the Federal Aviation Administration's UAS to manually reverse the suspense account, and (2) transactions to automatically reverse the suspense account in UAS.

e. **Annual Summary Report.** CUPS generates the OPM Form 1526, Annual Summary of Retirement Fund Transactions, at calendar year-end. The OPM Form 1526 is controlled and distributed by AAC-25.

## ATTACHMENT V-1

### List of Servicing Payroll Offices

Operating Administration	Payroll Office
(1) Civilian employees of the United States Coast Guard	Federal Aviation Administration Mike Monroney Aeronautical Center (AAC-24B) P.O. Box 25735 Oklahoma City, Oklahoma 73125
(2) Employees of the Transportation Systems Center	Federal Aviation Administration Mike Monroney Aeronautical Center (AAC-24B) P.O. Box 25735 Oklahoma City, Oklahoma 73125
(3) Employees of the Federal Aviation Administration	
(a) Headquarters	Federal Aviation Administration Southern Region (ASO-26B) P.O. Box 45689 Atlanta, Georgia 30320
(b) Washington Metropolitan Airports	Federal Aviation Administration Southern Region (ASO-26B) P.O. Box 45659 Atlanta, Georgia 30320
(c) Federal Aviation Administration Technical Center	Federal Aviation Administration Southern Region (ASO-26A) P.O. Box 45629 Atlanta, Georgia 30320
(d) Central and Great Lakes Regions	Federal Aviation Administration Central Region (ACE-27B) 601 E. 12th Street Kansas City, Missouri 64106
(e) Southwest Region	Federal Aviation Administration Southern Region (ASO-26B) P.O. Box 45599 Atlanta, Georgia 30320
(f) Southern Region	Federal Aviation Administration Southern Region (ASO-26A) P.O. Box 45569 Atlanta, Georgia 30320
(g) Alaskan Region	Federal Aviation Administration Mike Monroney Aeronautical Center, (AAC-24C)

	P.O. Box 26510 Oklahoma City, Oklahoma 73126
--	---

(h) Mike Monroney Aeronautical Center	Federal Aviation Administration Mike Monroney Aeronautical Center (AAC-24A) P.O. Box 25082 Oklahoma City, Oklahoma 73125
---------------------------------------	---

(l) Eastern and New England Regions	Federal Aviation Administration Mike Monroney Aeronautical Center, (AAC-24C) P.O. Box 26240 Oklahoma City, Oklahoma 73126
-------------------------------------	--

(j) Northwest Mountain and Western-Pacific Regions	Federal Aviation Administration Mike Monroney Aeronautical Center, (AAC-24D) P.O. Box 26230 Oklahoma City, Oklahoma 73126
--	--

(4) Employees of the: Office of the Secretary Federal Highway Administration Federal Railroad Administration National Highway Traffic Safety Administration Urban Mass Transportation Administration Research and Special Programs Administration (except Transportation Systems Center) Office of Inspector General Maritime Administration	Federal Aviation Administration DOT Payroll Branch (ASO-24) P.O. Box 20929 Atlanta, Georgia 30320
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## FAPM Letter 1062 Savings Bond Program

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May 16, 1974

### Memorandum

This revises, updates and replaces the present FAA Order on the U. S. Savings Bond Program. It transmits the Departmental Order as Appendix 1 and updates the guidelines and procedures for FAA participation in the U.S. Savings Bond Program.

The FAA, in full support of the policy stated in the Departmental Order, DOT 3700.IA, recommends that all employees participate in the Voluntary Payroll Savings Plan to the maximum extent consistent with their personal financial situations.

The direction and instructions in DOT Order 3700.IA shall serve as the major source of guidance for all FAA jurisdictions. Notices, issued annually, will provide specific guidance relative to the Bond Campaigns.

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#### 1. ORGANIZATION AND RESPONSIBILITIES.

- The FAA Administrator has been designated by the Secretary of Transportation as Unit Chairman for FAA with responsibilities as indicated in paragraph 6b of Appendix 1.
- The Associate Administrator for Administration has been designated as the permanent Unit Vice Chairman and, as such, will serve as alternate to the Unit Chairman and in the absence of the Administrator, or as designated by him, represent FAA in Departmental meetings concerning the Savings Bond Program. He is also responsible for coordinating all matters relating to the organizational and promotional aspects of the ongoing program as well as for the management of the annual Bond Campaign in FAA.
- The Director of Personnel is responsible for national policies and procedures relating to the ongoing activities of the Bond Program.
- In Washington Headquarters (including Washington National and Dulles Airports), the responsibility of the Area Campaign Chairman will be rotated from year to year among the various heads of offices and services. The Area Campaign Chairman shall provide program guidance, direction and a system of personal contact with employees for the normal operations of the Savings Bond Program in their respective personnel' servicing jurisdictions.
- Regional and Center Directors shall serve as permanent Area Campaign Chairmen to direct the annual campaign in their respective organizations. The directors will provide program guidance, direction and a system of personal contact with employees for the

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normal operations of the Savings Bond Program in their respective personnel servicing jurisdictions.

/s/

**CHARLES E. WEITHONE**  
Acting Associate Administrator  
for Administration

Initiated by: APN-200

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#### APPENDIX 1

**ORDER DOT 3700.1A**  
**UNITED STATES SAVINGS BONDS PROGRAM**  
**DEPARTMENT OF TRANSPORTATION**  
Office of the Secretary  
Washington, D.C.

**DATED: January 16, 1970**

1. **PURPOSE.** This document sets forth guidelines and procedures for the voluntary payroll savings plan in the Department of Transportation for the purchase of United States Savings Bonds.
2. **CANCELLATION.** DOT 3700.1, UNITED STATES SAVINGS BONDS PROGRAM, dated 12/22/67, is canceled.
3. **SCOPE.** The provisions of this document apply to the Office of the Secretary and the operating administrations. In addition, pursuant to delegation by the National Transportation Safety Board under Section 5(m) of the Department of Transportation Act, this directive is applicable to the National Transportation Safety Board.
4. **AUTHORITY.** Executive Order 10626, dated August 4, 1955, establishes the Interdepartmental Committee for the Voluntary Payroll Savings Plan for the Purchase of United States Savings Bonds. The Committee consists of a Chairman appointed by the President, and the heads of all departments and agencies in the Executive Branch of the Government as members. The latter may designate alternates to act for them in all matters relating to the Committee.
5. **POLICY.**
  - a. The policy of the Federal Government, as set forth in Executive Order 10626, is as follows:
    - (1) In the interest of national economic welfare, there should be the widest possible distribution of the national debt through the sale of United States Savings Bonds to the people.
    - (2) The purchaser of United States Savings Bonds invests not only in the Nation's economic welfare, but also in his own personal security and independence. It is to the manifest advantage of the Government, management and labor, as well as every citizen, that the sale of United States Savings Bonds be promoted vigorously.
    - (3) All civilian and uniformed officers and employees in the Federal Government should set an example of leadership in the Purchase of United States Savings Bonds through regular allotments on the Voluntary Payroll Savings Plan.
  - b. The policy of the Department of Transportation is as follows:
    - (1) The Department of Transportation, in full support of the policy stated in Executive Order 10626, recommends that all employees participate in the Voluntary Payroll Savings Plan to the maximum practicable extent consistent with their personal financial situation.
    - (2) The objectives and personal advantages of the Voluntary Payroll Savings Plan shall be fully explained to all new employees during the orientation process and shall be brought to the attention of all employees periodically, to encourage nonparticipants to participate and to encourage participants to increase their payroll allotments for the purchase of Savings Bonds.
    - (3) No form of coercion or high-pressure tactics shall be used to encourage employees to participate in the Savings Bonds Program.

#### 6. ORGANIZATION.

- a. The Secretary of Transportation is an ex officio member of the Interdepartmental

Committee. . The Secretary has designated the Assistant Secretary for Administration to serve as the alternate member of the Interdepartmental Committee for the Department of Transportation, and the General Chairman of the Savings Bonds Program in the Department. In these capacities the Assistant Secretary for Administration shall have immediate charge of all policy and program promotion matters relating to the United States Savings Bonds Program within the Department.

b. Except as otherwise authorized by the General Chairman, the head of each administration and the NTSB shall serve as Unit Chairman for his organization. The General Chairman shall designate the Unit Chairman for the Office of the Secretary. Each Unit Chairman shall designate a permanent Unit Vice Chairman to coordinate all matters relating to the Savings Bonds Program and work with the General Chairman and his staff in administering the program throughout the Department. The Unit Vice Chairman will be personally responsible for supervising all organizational and promotional aspects of the program, including the designation of a sufficient number of key men to assist in carrying on the day-to-day program promotional activities and contacts with employees.

#### **7. PROGRAM.**

a. Each Unit Chairman is responsible for insuring that his organizational unit has a strong, effective, and continuing United States Savings Bonds Program. As a minimum, this program should provide for:

(1) a system of personal contacts with employees to develop better understanding of the program and the advantages of participation in the Voluntary Payroll Savings Plan. Attachment 1, which shows suggested allotments for the purchase of Savings Bonds, may be used to counsel and assist employees in electing appropriate allotments;

(2) inclusion of information concerning the Savings Bonds Program and the Voluntary Payroll Savings Plan in orientation kits and discussions with new employees, and making Standard Form 1192 (Attachment 1) readily available to employees to make a payroll allotment for Savings Bonds;

(3) full use of available information media to promote the sale of Savings Bonds, e.g., feature articles inserted periodically in employee newsletters, display of Savings Bonds posters, and distribution of appropriate available fliers and leaflets;

(4) periodic review of program effectiveness with particular attention to:

(a) maintaining a high level of interest and motivation on the part of key men and

(b) insuring comprehensive program coverage; and

(5) encouraging increasing participation in the Voluntary Payroll Savings Plan, including "Trading-up" to bonds of denominations greater than \$25 in order to receive the advantages of average dating for interest purposes and to reduce the administrative costs of the Savings Bonds Program.

b. Unit Vice Chairmen and fiscal and accounting officers will be guided as to the detailed program administrative procedures and responsibilities by Treasury Department "Fiscal Requirements Manual for Guidance of Departments and Agencies," dated March 7, -- 1967, together with such amendments and supplementary instructions as may be issued from time to time by appropriate authority.

#### **8. ANNUAL CAMPAIGN.**

a. During the month of May of each year an annual campaign shall be conducted in accordance with instructions issued by the Interdepartmental Committee and the General Chairman. The annual campaign provides an opportunity for personal contact and re-emphasis of the value of systematic savings through payroll allotments for the purchase of United States Savings Bonds.

b. Participating administration, the NTSB and organizational subdivisions thereof, which attain or exceed the campaign goal will receive recognition in the form of an award as shown in Attachment 2. Awards should be presented by the Unit Chairman or the highest ranking officer of the organization unit in the area, as soon as possible after the appropriate requirements have been met. In appropriate circumstances, awards may be presented by officials of the Office of the Secretary or by the field staff

of the Treasury Department, Savings Bonds Division.

c. The field staff of the Savings Bonds Division (Treasury Department) is available, as time permits, to assist in the planning and execution of the annual Savings Bonds Campaign. These individuals are specialists in their field and their assistance should be requested as the need arises.

/s/

**FOR THE SECRETARY OF TRANSPORTATION:**

**William S. Heffelfinger**  
**Deputy Assistant Secretary**  
**for Administration**

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## FAPM Letter 352-3 Reemployment Rights for Airports Capacity Program Office Technical Expert

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Recent events have focused attention on problems of airport capacity. The lack of capacity at major airports, notably during peak travel periods and adverse weather, has been cited as a significant cause of delay and rising cost in providing air service. The Airport Capacity Program Office (ACPO) was formulated to develop and maintain the Airport Capacity Enhancement Plan. This has resulted in a requirement for specialists with recent operational field experience and technical expertise in the four major airport capacity functional areas. The functions of the office require that a rotational program be established to keep critical technical positions filled.

The forms used in support of this program are FAA Form 3330-64, Employment Agreement for the Airport Capacity Program Office Technical Experts, and FAA Form 3330-65, Extension Employment Agreement for the Airport Capacity Program Office Technical Experts. These forms may be reproduced locally.

The Director of Personnel and Technical Training Is authorized to issue changes to this document which do not affect policy, delegate authority, or assign responsibility.

This document establishes a rotational program for technical experts in the four major airport capacity functional areas--airports, air traffic, environmental, and flight procedures. The program shall be known as the Airport Capacity Technical Experts Program.

Employees may be selected for the program from the field or within headquarters using merit promotion procedures. Vacant positions may be backfilled on a permanent basis.

Positions in the Airport Capacity Technical Experts Program shall be at the GM-15 level in the Airport Capacity Program Office. Upon selection or while within the program, employees may receive term promotions which shall remain in effect only while the employees are participants in the program. These nonsupervisory GM-15 positions are subject to post-audit.

### Table of Contents

1. Relationship with Other Programs
2. Tour of Duty
3. Employee Eligibility
4. Employment Agreement
5. Scheduling Employees for Return
6. Identifying the Parent Organization
7. Restoration Requirement
8. Travel and Transportation Expenses

#### 1. Relationship with Other Programs

- a. The air traffic positions covered by this program do not confer eligibility for benefits under the Revitalization Act.
- b. If an Academy instructor or an employee assignee to an overseas region with return rights accepts an assignment in Washington headquarters under this program, the parent organization is the same as it was while employed at the Academy or overseas. If the employee has no return rights, the parent organization is the Aeronautical Center or the overseas region.
- c. When an employee who wishes to exercise return rights under chapter 5, Order 3330.6B,

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(FAPM LETTER 352-1) accepts an assignment under this program, ACPO will send a Personnel Management Information System message to the parent organization to advise it of the employee's new return date, effective upon completion of the tour in ACPO.

d. Employees who are eligible for return rights under chapter 5, Order 3330.6B, (FAPM LETTER 352-1) and who wish to forfeit those return rights to enter this program have return rights to the offices or services from which they were selected.

## **2. Tour of Duty**

The initial tour of duty to the Airport Capacity Program Office is 2 years. Upon completion of the tour of duty in the program, this document provides administrative return rights for the technical expert to the parent or organization or, if from Washington headquarters, to the office or service from which selected.

## **3. Employee Eligibility**

- a. The employee, the Airport Capacity Program office, and the parent organization any mutually agree to the extension of the tour for 1 additional year.
- b. An employee who completes the initial tour or an extension is eligible for return at the grade held immediately prior to assignment in the Airport Capacity Technical Experts Program. Employees are not entitled to grade or pay retention. The rate earned at a higher grade on a temporary basis can be used to establish a "highest previous rate" for future promotions. However, an employee who accepted a downgrade to enter this program must re compete or return at his or her present grade.
- c. A term promotion does not entitle the employee to return at the highest grade to which temporarily promoted.
- d. After completing the entire period of assignment, an employee must be returned to his or her original organization. This does not preclude the acceptance of an assignment in another agency or some other permanent position.
- e. An employee who accepts another assignment or position forfeits his or her return rights under this program. If the assignment is to another position in Washington headquarters, the employee is not eligible for coverage under chapter 5, Order 3330.6B (FAPM 352-1), as the employee did not accept an original assignment under that program.

## **4. Employment Agreement**

- a. Prior to appointment under this program and to obtain return rights, an employee is required to sign an employment agreement (FAA Form 3330-64).
- b. Any agreement for initial employment is executed to correspond with a 2-year tour of duty. Any subsequent agreement is executed for a 1-year extension using FAA Form 3330-65.

## **5. Scheduling Employees for Return**

Eligible Employees shall be returned to their parent organizations with the dates scheduled to provide overlap with replacement specialists. When flexibility permits, careful consideration should be given not only to the needs of the Airport Capacity Program office but also to the needs of the parent organizations and the personal desires of the employees.

- a. For planning purposes, employees may be queried of their intent several months in advance.
- b. A formal application must be submitted not less than 90 days or more than 120 days before the completion of the tour. The formal request must be accompanied by a current Standard Form (SF) 171, Application for Federal Employment.
- c. The parent organization must respond to an official request for restoration within 30 days after receipt.

## 6. Identifying the Parent Organization

The parent organization is FAA appointing authority from which the employee was selected. Exceptions to this rule are the same as those stated in paragraph 54, chapter 5, Order 3330.6B (FAPM LETTER 352-1).

## 7. Restoration Requirement

The parent organization will make every effort to place the employee in 9 suitable permanent position. If a permanent position is not available, the provisions of paragraph 55, chapter 5, Order 3330.6B, (FAPM LETTER 352-1) apply.

## 8. Travel and Transportation Expenses

The movement of Employees under the provisions of this document is for the benefit of the Government, and travel and transportation expenses shall be paid to the extent allowed by law and regulations. For purposes of this program, all relocations are permanent change-of-station moves.

/s/

Donald D. Engen  
Administrator

Initiated By: APT-200

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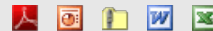
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## FAPM Letter 352-2 Reemployment Rights for Air Traffic Control Specialists Assigned to Central Flow Control



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1. Relationship with other Programs
2. Tour of Duty
3. Employee Eligibility
4. Employee Agreement
5. Scheduling Employees for Return
6. Identifying the Parent Organization
7. Restoration Requirement
8. Travel and Transportation Expenses
9. Authority to Change this Document

This establishes a rotational program whereby field and Washington headquarters air traffic control specialists who are assigned to the Washington Central Flow Control Facility (CFCF) will have return rights to their parent organization. After experience with the concept, a review will be conducted to determine if the program should become a permanent part of FAPM 352-1 (Order 3330.6B), Reemployment, Restoration, and Return Rights.

The continuously changing nature of the air traffic control (ATC) system dictates that personnel administering flow control procedures on a national basis must be current and proficient in understanding and operating all aspects of the system. The intent is to staff a cadre of rotational specialists who are current in field procedures to work alongside a core of permanent specialists and supervisors to manage the operational ATC system more effectively.

**FORMS.** The forms used in support of this program are FAA Form 3330-62, Employment Agreement for the Air Traffic Operations Service Central Flow Control Facility, and FAA Form 3330-63, Extension Employment Agreement for the Air Traffic Operations Service Central Flow Control Facility. These forms may be reproduced locally.

This program grants administrative return rights to employees who accept assignments from the field or from offices in Washington headquarters to the CFICF. Return rights apply to employees who occupy positions at the GS-14 level. Employees at the GS-15 level are excluded.

### 1. RELATIONSHIP WITH OTHER PROGRAMS.

- a. Experience in a position covered by this program is not creditable as headquarters staff experience under Order 3330.1A, Merit Promotion Program, appendix 14. It is the equivalent of facility staff experience. However, the employee is eligible for the 5 percent pay differential under the Revitalization Act.
- b. If an Academy instructor or an employee assigned to an overseas region with return rights accepts an assignment in Washington headquarters under this program, the parent organization is the same as it was while employed at the Academy or overseas. If the employee has no return rights, the parent organization is the Aeronautical Center or the overseas region.
- c. When an employee who wishes to exercise return rights under chapter 5, FAPM 352-1 (formerly Order 3330.6B), accepts an assignment under this program, CFCF will send a PMIS message to the parent organization to advise them of the employee's new return date effective upon completion of the tour in CFCF.
- d. Employees who are eligible for return rights under chapter 5, FAPM 352-1 (formerly Order 3330.6B), and who wish to forfeit those return rights to enter this program have return rights to the office or service from which they were selected.

**2. TOUR OF DUTY.** The initial tour of duty to CFICF is 2 years. Upon completion of the tour of duty in the program, this document provides administrative return rights for employees to their parent organization or if from Washington headquarters to the office or service from which selected.

### 3. EMPLOYEE ELIGIBILITY.

- a. The employee, the Air Traffic operations Service, and the parent organization way mutually agree to an extension of the tour for 1 additional year.
- b. An employee who completes the initial tour or an extension is eligible for return at the grade held immediately prior to assignment to the CFCF.
- c. After completing the entire period of assignment,, an employee must be returned to his or her original organization. This does not preclude the acceptance of an assignment in another agency or some other permanent position.
- d. An employee who accepts another assignment or. position forfeits his or her return rights under this program. If the assignment is to another position in Washington headquarters, the employee is not eligible for coverage under chapter 5, FAPM 352-1 (formerly Order 3330.6B), as the assignment did not originate with that program.

### 4. EMPLOYMENT AGREEMENT.

- a. Prior to appointment under this program and to obtain return rights, employees are required to sign an employment agreement (FAA Form 3330.62).
- b. Agreements for initial employment are executed to correspond with a 2-year tour of duty. Subsequent agreements are executed for a 1-year extension. (FAA Form 3330.63).

5. **SCHEDULING EMPLOYEES FOR RETURN.** Eligible employees shall be returned to then parent organizations with the dates scheduled to provide overlap with replacement specialists. When flexibility permits, careful consideration should be given not only to the needs of the Central Flow Control facility but also to the needs of the parent organization and the personal desires of the employees.

- a. The formal application must be submitted not less than 90 days or more than 120 days before the completion of the tour. The formal request must be accompanied by a current Standard Form (SF) 171,, Personal Qualifications Statement.
- b. The parent organization must respond to an official request for restoration within 30 days after receipt.

6. **IDENTIFYING THE PARENT ORGANIZATION.** The parent organization is FAA appointing authority from which the employee was selected. Exceptions to this rule are the same as those stated in paragraph 54, chapter 5, FAPM 352-1 (formerly Order 3330.6B).

7. **RESTORATION REQUIREMENT.** The parent organization will make every effort to place employee in a suitable permanent position. If a permanent position is not available, the provisions of paragraph 55, chapter 5, FAPM 352-1 (formerly Order 3330.6B), apply.

8. **TRAVEL AND TRANSPORTATION EXPENSES.** The movement of employees under the provisions of this document is for benefit of the Government, and travel and transportation expenses shall be paid to the extent allowed by law and regulations.

9. **AUTHORITY TO CHANGE THIS DOCUMENT.** The Director of Personnel and Technical Training is authorized to issue to this document which do not affect policy, delegate authority, or assign responsibility.

/s/

Donald D. Engen

Administrator

Initiated By: APT-200

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## FAPM Letter 352-4 Reemployment Rights for The Office of Aviation Safety Technical Expert



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FAA Form 3330-60 — Employment of Agreement for The Office of Aviation Safety Technical Experts

FAA FORM 3330-61 — Extension Employment of Agreement for The Office of Aviation Safety Technical Experts

This establishes a program to rotate technical experts who accept assignments to the Safety Program Division, Office of Aviation Safety, from the four major functional areas airports, air traffic, airway facilities, and aviation standards from the field to Washington headquarters, to transfer them within Washington headquarters, and to return them to the parent organization. After experience with the concept, a review will be conducted to determine if the program should become a permanent part of Order 3330.6B Reemployment, Restoration, and Return Rights (FAPM LETTER 352-1).

The reorganization of the Office of Aviation Safety (ASF) to report directly to the Administrator has significantly changed to scope of the specialists with operational field experience and technical expertise in the review and evaluation of the national airspace system. The functions of the office require that a rotational program be established to keep critical technical positions filled.

1. **FORMS.** The forms used in support of this program are FAA Form 3330-60, Employment Agreement for the Office of Aviation Technical Experts, and FAA Form 3330-61, Extension Agreement for the Office of Aviation safety Technical Experts. These forms may be reproduced locally.

2. **AUTHORITY TO CHANGE THIS DOCUMENT.** The Director of Personnel and Technical Training is authorized to issue changes to this order which do not affect policy, delegate authority, or assign responsibility.

#### 3. SCOPE.

- a. This establishes a rotational program for technical experts in the four major safety functional areas?airports, air traffic, airway facilities, and aviation standards. The program shall be known as the Aviation Safety Technical Experts Program.
- b. Employees may be selected for the program from the field or within Washington headquarters.
- c. Positions in the Aviation Safety Technical Experts Program shall be at the GS-14 and GM-15 levels in the Safety Program Division of the Office of Aviation Safety. Upon selection or while within the program, employees may be receive term promotion to these grade levels which shall remain in effect only while the employees are participants in the program.

#### 4. RELATIONSHIP WITH OTHER PROGRAMS.

- a. The air traffic and airway facilities positions covered by this program do not confer eligibility for benefits under the Air Traffic Control Revitalization Act.



b. If an Academy instructor or an employee assigned to an overseas region with return rights accepts an assignment in Washington headquarters under this program, the parent organization is the same as it was while employees at the Academy or overseas. If the employee has not return rights, the parent organization is the Aeronautical Center or the overseas region.

c. When an employee wishes to exercise return rights under Order 3330.6B, chapter 5, and accepts an assignment under this program, ASF will send a Personnel Management Information System message to the parent organization to advise it of the employee's new return date, effective upon completion of the tour in ASF.

d. Employees who are eligible for return rights under Order 3330.6B, chapter 5, and who wish to forfeit those return rights to enter this program have return rights to the offices or services from which they were selected.

5. **TOUR OF DUTY.** The initial tour of duty to the Office of Aviation Safety is 2 years. Upon completion of the tour of duty in the program, this order provides administrative return rights for the technical expert to the parent organization or, if from Washington headquarters, to the office or service from which selected.

#### 6. **EMPLOYEE ELIGIBILITY.**

a. The employee, the Office of Aviation Safety, and the parent organization may mutually agree to an extension of the tour for 1 additional year.

b. An employee who complete the initial tour or extension is eligible for return at the grade held immediately prior to assignments in the Aviation Safety Technical Experts Program. However, an employee who accepted a downgrade to enter this program must recompute or return at their present grade.

c. A temporary promotion does not entitle the employee to return at the highest grade to which temporarily promoted.

d. After completing the entire period of assignment, an employee must be returned to his or her parent organization. This does not preclude the acceptance of an assignment in another agency or some other permanent position.

e. An employee who accepts another assignment or position forfeits his or her return rights under this program. If the assignments is to another position in Washington headquarters, the employee is not eligible for coverage under Order 3330.6B, chapter 5, as the employee did not accept an original assignment under that program.

#### 7. **EMPLOYMENT AGREEMENT.**

a. Prior to appointment under this program and to obtain return rights, an employee is required to sign an employment agreement. (FAA Form 3330-60).

b. Any Agreement for initial employment is executed to correspond with a 2-year tour of duty. Any subsequent agreement is executed for a 1-year extension using FAA Form 3330-61.

8. **SCHEDULING EMPLOYEES FOR RETURN.** Eligible employees shall be returned to their parent organizations with the dates scheduled to provide overlaps with replacement specialists. When flexibility permits, careful consideration should be given not only to the needs of the Office of Aviation Safety but also to the needs of the parent organizations and the personal desires of the employees.

a. For planning purposes, employees may be queried of their intent several months in advance.

b. A formal application must be submitted not less than 90 days or more than 120 days before the completion of the tour. The formal request must be accompanied by a current Standards Form (SF) 171, Personal Qualifications Statement.

c. The parent organizations must respond to an official request for restoration within 30 days after receipt.

9. **IDENTIFYING THE PARENT ORGANIZATION.** The parent organization is FAA appointing authority from which the employee was selected. Exceptions to this rules are the same as those stated in Order 3330.6B, paragraph 54b.

10. **RESTORATION REQUIREMENT.** The parent organization will make every effort to place the employee in a suitable permanent position. If a permanent position is not available, the provisions of Order 3330.6B, paragraph 55, apply.



11. **TRAVEL AND TRANSPORTATION EXPENSES.** The movement of employees under the provisions of this order is for the benefit of the Government, and travel and transportation expenses shall be paid to the extent allowed by law and regulations. For purposes of this program, all relocations are permanent change-of-station moves.

/s/

**Donald D. Engen**  
**Administrator**

Initiated by: APT-200 **FAA FORM 3330-60 EMPLOYMENT OF AGREEMENT FOR THE OFFICE OF AVIATION SAFETY TECHNICAL EXPERTS**

Complete in original and three copies: Original to official personnel folder; first copy to be forwarded to the employee: second copy to parent organization; third copy to the Office of Aviation Safety.

Name of Employee  
(Last, First, Middle) Type or print

Name of FAA Representative\*  
(Type of print)

\*Normally signed by personnel office unless further delegation is authorized

The employee named above and the Federal Aviation Administration agree as follows:

1. The employee's reemployment rights shall be governed by Order 3330.48. (FAPM 352-4) Reemployment Rights for the Office of Aviation Safety Technical Experts.
2. If the employee remains in the Office of Aviation Safety for a period of 2 years, he or she is entitled to reemployment rights.
3. The employee must return to its other original organization upon completion of the entire period of assignment.
4. The employee will be entitled to return at the grade held immediately prior to selection for the position under this agreement.
5. Reemployment shall be granted by \_\_\_\_\_ (Employee's Parent Organization)

\_\_\_\_\_  
Signature of Employee Date

\_\_\_\_\_  
Signature of Parent Organization Date

**Remarks FAA FORM 3330-61 EXTENSION EMPLOYMENT OF AGREEMENT FOR THE OFFICE OF AVIATION SAFETY TECHNICAL EXPERTS**

Complete in original and three copies: Original to official personnel folder; first copy to be forwarded to the employee: second copy to parent organization; third copy to the Office of Aviation Safety.

Name of Employee  
(Last, First, Middle) Type or print

Name of FAA Representative\*  
(Type of print)

\*Normally signed by personnel office unless further delegation is authorized

The employee named above and the Federal Aviation Administration agree as follows:

1. The employee's reemployment rights shall be governed by Order 3330.48, (FAPM 352-4) Reemployment Rights for the Office of Aviation Safety Technical Experts.

2. The employee, the Office of Aviation Safety, and parent organization agree to an extension of the original 2 year tour for an additional 1 year.

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Signature of Employee Date

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Signature of Office of Aviation Safety Representative Date

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Signature of Parent Organization Representative Date

Remarks

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## FAPM Letter 430-2 AAD Performance Plan

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[Attachment 1 - AAD Recognition](#)

[Attachment 2 - Appendix B, PPRS](#)

The Performance Planning and Recognition System (PPRS) and the model performance planning and recognition programs are already in effect for AAD. PPRS provides for two performance rating levels and focuses on feedback, coaching, and development as well as linking appraisal and recognition to achievement of organizational goals and objectives.

This memorandum and attachment 2 provide information on the model performance planning and recognition programs and attachment 1 supplements the model recognition program.

#### 1. [Link to AAD organization goals and values](#)

The FAA's mission is to provide a safe, secure, and efficient global aviation system that contributes to national security and to ensure the promotion of U.S. aviation. AAD provides the Federal Aviation Administration (FAA) organizations with the collective ability to acquire, account for, and maintain the resources necessary to meet these mission requirements.

To achieve these ends, all AAD organizations shall:

Review the current AAD business plan as well as their own plans to ensure that performance plans are consistent with AAD and organizational goals, objectives, and values; and

Recognize specific accomplishments of employees, teams, or groups that achieve these goals, objectives, and values.

#### 2. [Teams](#)

The model performance planning program provides the flexibility for AAD organizations with mature teams that are ready to operate in the team environment to "empower" team members. AAD organizations who wish to use a team approach in conducting performance appraisal must do so in accordance with the model program. In addition, before implementing a team approach, organizations should assess the readiness of the teams and provide the necessary resources and training.

#### 3. [Rating Cycle](#)

The rating cycle will begin October 1 and end September 30. Organizations will conduct performance discussions and documentation and complete performance planning for the next rating cycle by January 1.

#### 4. [Feedback](#)

Supervisors (or teams if a team approach is used) are highly encouraged to provide continuous

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feedback and coaching. In addition to the initial performance discussion, two formal feedback discussions--one at the mid-cycle and one at the end of the cycle--shall be conducted.

## **5. AAD Recognition**

Attachment 1 provides supplemental guidance to the PPRS model recognition program and includes an annual AAD Awards Ceremony. Each year, AAD will conduct the AAD Excellence in Achievement Awards Ceremony in mid-September to recognize results and accomplishments of employees and teams.

## **6. Productivity Gains**

Formal programs that involve employees in improving the productivity of their work group and sharing the monetary equivalents of resulting productivity gains are called "gainsharing". Under PPRS, AAD organizations may recognize employees on the basis of productivity gains through "gainsharing" programs.

A group, headed by Arlene Feldman under personnel reform implementation for AAD, will be established to develop overall gainsharing policy for AAD. Other groups will be needed to determine specific procedures, and productivity measures. Employees representing all levels within AAD (and where bargaining units exist, the exclusive representatives) will be asked to participate in these groups.

## **7. Employee Performance Folders**

Each AAD organization in coordination with their servicing Human Resource Management Division will determine how to maintain Employee Performance Folders (EPFs). EPFs should be maintained at levels within your organization that allow for adequate safeguards and controls. For example, EPFs may be maintained by:

- the servicing HRMD (by agreement);
- the administrative office in a headquarters, region, center, division, branch, or lower levels within the organization; or supervisors at any level of the organization

NOTE: EPFs must be maintained in accordance with the guidance contained in the Performance Planning and Recognition System (PPRS), appendix B (Attachment 2) and Privacy Act requirements.

## **8. Evaluation**

These programs will be evaluated following the Administrator's guidance for reform: to see what works and to change what does not work.

If you have any additional questions, please contact your servicing Human Resource Management Divisions.

/S/

Edwin A. Verburg  
Associate Administrator for Administration

Attachment 1 - AAD Recognition  
Attachment 2 - Appendix B, PPRS

## **Attachment 1 AAD RECOGNITION**

### **1. Introduction**

The model recognition program contained in the PPRS is already in effect. This guidance supplements the model program and establishes processes to identify and recognize individuals and teams who produce quality results focused on achievement of the AAD/FAA goals, objectives, and values.

### **2. Funding**

At the beginning of the fiscal year, the Assistant Administrator for Administration (AAD-1) will determine the budget for AAD recognition. AAD-1 will withhold 5% of the recognition budget for top level recognition before making allotments to each AAD organization, e.g., Human Resources, Budget, Aeronautical Center, Regional Administrator, etc. Each AAD organization's recognition budget shall be allocated based on the number of employees. Each organization has the discretion to distribute the amount allotted.

### **3. Evaluation**

The AAD national award process will be evaluated in multiple stages. The evaluation will focus on collecting information to improve the process and to assess the significance of the awards program to AAD effectiveness and morale. For the first year of the program, data will mainly be collected from participants in the process such as: sponsoring officials, planning and selection committee members, award applicants and recipients and human resource management consultants. Information will be collected by short questionnaires, interviews and other low impact methods. The information will be used to help refine the program. In later years, the program's impact will be assessed from data gathered from the wider AAD work force.

#### **4. AAD Excellence in Achievement Awards**

Each year, AAD will conduct an Awards Ceremony to recognize results and accomplishments of employees and teams that significantly impact the achievement of AAD/FAA goals, objectives, initiatives, and values. These awards are AAD's highest level of recognition and will be presented at the AAD Annual Awards Ceremony held in mid-September in Washington, DC.

Award categories are as follows:

Program Excellence: an effort that made a major contribution toward accomplishment of an AAD program or goal, e.g., budget, human resource management, logistics, etc.

Administrative Excellence: administrative, clerical support that made a major contribution toward the accomplishment of AAD program goals or efforts.

Leadership: accomplishment that demonstrates high level of expertise and operational capacity in delivering state-of-the-art "best practices" in management and administration.

Teamwork: accomplishment that demonstrates high level of quality service to customers by using the shared skills and experience of team members.

Partnership: accomplishment that demonstrates a highly successful collaboration with a customer organization in providing administrative services.

Customer Service: provides significant, value-added operational and administrative services to a customer.

Diversity: promotes high degree of innovation and effectiveness in accomplishing the diversity objectives of AAD.

#### **Eligibility**

All AAD employees, regardless of grade or position, are eligible for AAD Excellence in Achievement Awards. Teams are also eligible. Each member of a winning team will receive individualized recognition. Employees who are from other lines of businesses or staffs also may be recognized as part of a team effort.

#### **Award Criteria**

Award criteria are as follows:

Accomplishment that contributes significantly toward achievement of AAD and/or FAA goals, objectives, and initiatives, e.g., outlined in the AAD business plan, FAA strategic plan, etc.

Significant impact of the achievement on the AAD organization, FAA and/or the aviation community; and

Outstanding customer feedback.

Not required but may be considered also:

Significant impact, recognition, and/or acclaim within the professional administrative community;

Other forms of recognition given; and

Efforts of unusually effective skill, imagination, innovation, leadership, and/or perseverance.

#### **AAD National Award Ceremony Planning Committee**

Each year, the AAD management team will appoint representatives to the planning committee. The planning committee members will serve one year and must be representative of the AAD organization including headquarters and field employees--bargaining unit and nonbargaining employees. This committee is responsible for planning and coordinating the awards ceremony. The committee's responsibilities include:

- Reviewing the awards categories for update considering FAA strategic plan and initiatives and current AAD business plan.
- Reviewing the completed evaluation documentation of the previous award ceremony process and implement changes as necessary.
- Planning the AAD Award Ceremony.

#### **AAD National Award Selection Committee**

AAD-1 will select the AAD National Selection Committee. This committee will be comprised of 3 individuals from other lines of business. The selection committee will review each nomination and recommend one nomination per award category to AAD-1 for approval. The selection committee will notify each sponsoring official of the resolution for each nomination. Each nominee will receive a certificate signed by AAD-1.

#### **Nomination Procedures**

AAD-1 will issue calls for nominations each year. In turn, sponsoring officials will solicit nominations. Regional administrators and center and office directors are sponsoring officials.

An individual, team, group, or organization within AAD may self-nominate or nominate others. These nominations must be submitted to the appropriate sponsoring official. The sponsoring official is responsible for ensuring that the most significant achievements that meet award category definitions and criteria are submitted to the AAD national selection committee.

The AAD business and FAA strategic plans, as well as FAA initiatives, should be considered when reviewing each nomination.

Nominations must include:

- Name(s) of the nominee(s);
- Award Category (select one only);
- A description of the achievement and how the achievement meets the award category definition and criteria;
- Description of recognition received for the accomplishment; and
- If submitted to the AAD National Selection Committee, an endorsement by the sponsoring official.

NOTE: Local recognition (formal and informal) is encouraged and does not preclude nomination, selection, and recognition for the AAD Annual Excellence in Achievement Award Ceremony.

#### **Ceremony**

The AAD Annual Awards Ceremony will be held in mid-September in Washington DC

#### **Travel**

The nominating organization will pay travel expenses for each recipient and may pay travel expenses for one family member if funds are available. In the case when a team is the recipient, one team member will be selected to represent the team at the ceremony. Video transmissions of the ceremony are encouraged so that all AAD employees may participate.

#### **5. Local Ceremonies**

AAD organizations in regions, offices, and centers are strongly encouraged to conduct their own recognition ceremonies throughout the fiscal year.

#### **6. Other AAD Recognition**

Recognition in AAD will be based on achievement of organizational goals and values. Supervisors and managers may recognize individuals, groups, and teams using FAA-wide awards contained in PPRS.

In addition to PPRS, the following AAD awards may be used to recognize employees. These awards may be granted and presented at any time during the year.

- The Associate Administrator's Top Flight Award: recognizes AAD employees who make superior contributions to furthering AAD's mission. This award, presented by the Associate

Administrator for Administration, is an excellent way to recognize AAD employees for work of exceptional quality as well as uncommon effort beyond normal duties.

Recipients will receive an especially designed framed certificate. At the discretion of AAD-1, recipients may in addition or instead receive cash, time off, or a combination. All AAD employees and teams are eligible.

Examples of activities that might be recognized include:

- a) Outstanding accomplishment of assigned duties;
- b) Demonstration of unusual creativity or innovation;
- c) Outstanding leadership, management or motivation (of people or of a program);
- d) Exceptionally meritorious authorship or editorship; or
- e) Inventiveness and perseverance in dealing with wide-ranging issues regarding change.

Any AAD employee can nominate an employee or team for this award and submit to AAD-1 for final approval. The regional administrator or center or office director must concur with the nomination. Nominations may be submitted and the award granted at anytime during the year. AAD-1 or a designated representative will present this award at an appropriate ceremony.

- AAD Certificate of Merit recognizes individual, groups, or teams. The regional administrator or center or office director must approve this award. Criteria for this award include demonstration of high level participation in, and support for, AAD or FAA goals, objectives, and values.

Any AAD employee can nominate an employee or team for this award. This award may be granted at any time of the year. Awardees will receive a plaque, and at the discretion of the regional administrator or center or office director, cash or time off award or a combination of both in addition or instead.

- AAD Star Award is "Sharing Talents Achieves Recognition" (STAR). The STAR

Award recognizes the many deeds of employees that may go unnoticed because they do not fit the criteria for existing awards or other forms of recognition. This award recognizes both individual or group achievement. Recipients will receive a certificate and a "star" lapel pin with engraved letters "AAD."

All FAA employees and teams are eligible to receive this award; however, an AAD employee must make the nomination. A least a first level supervisor or a team leader must approve.

This award may be presented at any time by the nominator or the approver. The presenter will determine the method of presentation.

The AAD Star Award is an informal process to recognize FAA employees for personal and professional achievements. Examples include, but are not limited to:

- a) Community involvement for which the employee(s) have personally donated time, financial resources, efforts, energy, etc.;
- b) Humanitarian or heroic deeds;
- c) Recognition for a "class act" (significant activity) and/or value added service;
- d) Having provided long-term or quality benefit to FAA and/or FAA coworkers or to non-FAA customers; or
- e) Having met diverse needs as a facilitator or problem solving.

NOTE: Each region, center or headquarters will be responsible for acquiring and maintaining supplies of STAR pins and certificates.

## 7. Publicity

AAD successes will be publicized using such media as the Intercom, local newspaper, AAD press releases, cc:Mail, Internet--DOT or AAD home page, etc.

## 8. Approval Authorities

In addition to the delegations specified in the Performance Planning and Recognition System and the Model Recognition Program, authorities to approve individual and group monetary awards or time off

awards in the AAD organization are as follows:

Administrator or Deputy Administrator - all individual and group monetary awards more than \$10,000.

Associate Administrator for Administration - all monetary awards between \$5,001-\$10,000 for individuals and between \$8,001-\$10,000 for groups; group time-off awards; and individual time-off awards of more than 40 hours. In addition, honor awards include AAD Excellence In Achievement, and the Associate Administrator's Top Flight Award.

Regional Administrators, Center and Office Directors - monetary awards between \$3,001-\$5,000 for individuals and \$5,001-\$8,000 for groups; group time-off awards; and individual time-off awards up to 40 hours. In addition, may approve AAD Certificate of Merit.

Division Managers and Deputy Division Managers - monetary awards up to \$3,000 for individuals and \$5,000 for groups; individual time-off awards up to 40 hours; and Quality Step Increases.

Second level supervisors (other than previously specified) - monetary awards up to \$3,000 for individuals; \$5,000 for groups; and up to 40 hours time-off for individuals.

First level supervisors (other than previously specified) - monetary awards up to \$500 for individuals; \$1,500 for groups; and up to 16 hours for individual time-off awards.

This authority may not be delegated further without AAD-1 approval. Supervisors and managers must ensure that all monetary recognition expenditures are within their budget allotments. Supervisors who wish to recognize employees outside their organizations must coordinate with those employees' supervisors before granting recognition.

#### **Employee Performance File System**

1. **Storage of employee performance files (EPF).** Each organization must establish administrative, technical, and physical controls to protect the information contained in the EPF's from unauthorized access, use, modification, destruction, or disclosure. These records must be stored in metal filing cabinets that are locked when the records are not in use or stored in secured rooms. Alternative storage facilities may be used if they furnish an equivalent or greater degree of security.

2. **Access to EPF's.** Access to EPF's is limited to only those individuals whose official duties require access to and use of these records such as the supervisor, manager, or administrative person responsible for maintaining the EPF system. Employees and/or their designated representatives may also be provided monitored access.

#### **3. Contents of the EPF.**

EPF's shall include:

- Performance appraisal ratings of record (cover sheet with attached performance plans, employee comments, and supervisory documentation, etc.).
- Justifications for monetary recognition (see those listed in chapter 2, table 1). SF-50's will continue to be filed in the OPF's.
- Justifications for non-monetary recognition (see those listed in chapter 2, table 2).

EPF's may include:

- Documentation in support of recommendations for promotion.
- Justifications for non-monetary recognition other than that listed in chapter 2, table 2.
- Individual development plans.
- Other performance-related information as the organization deems appropriate.

#### **4. EPF retention schedules.**

- Performance ratings of record, related performance plans, and other supporting documentation will be retained 4 years. Superseded performance records (e.g., administrative or judicial procedure and other performance-related records) will be retained 4 years.
- Except where prohibited by law, retention of automated records for longer than the maximum prescribed here is permitted for purposes of statistical analysis so long as the data are not used in any action affecting an employee when the manual records have been or should have been destroyed.



- An appraisal of Does Not Meet Expectations where a notice of proposed reduction in grade or removal is issued but not effected, and all documents related thereto, manual and automated, must be destroyed no later than 30 days after the employee completes a year of performance that meets expectations from the date of the written advance notice of the proposed performance-based action.

#### 5. Disposition of EPF records.

- When a non-SES employee:

(a) transfers to another organization within FAA that is serviced by another HRMD or another Federal agency outside FAA

OR

(b) resigns, retires, or is removed, the losing organization will forward the employee's EPF to the servicing HRMD organization.

- The losing HRMD will forward the OPF and EPF to the gaining HRMD. In the case of resignation, retirement, or removal, it will forward the EPF with the OPF to the National Personnel Records Center.

- The gaining HRMD will forward the EPF to the gaining organization responsible for the EPF.

- If the employee transfers to another organization serviced by the same HRMD, the losing organization will forward the employee's EPF to the gaining organization if the transfer results in a change in the organization responsible for EPF maintenance.

- Performance-related records will be destroyed after the retention schedule described under Retention Schedules by shredding or burning.

6. **For additional information.** Refer to Order 1280.1A, Privacy Act, and OPM's Guide to Recordkeeping.

#### Attachment 2

#### APPENDIX B - PERFORMANCE PLANNING AND RECOGNITION SYSTEM (PPRS - [FAPM 430-1](#))

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## FAPM Letter 430-3 AAF Performance Plan

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#### INTRODUCTION

This program outlines procedures for performance planning, monitoring, developing, providing feedback, and appraising performance of all Airway Facilities employees except for members of the Senior Executive Service (SES). This program supplements the requirements outlined in the Federal Aviation Administration (FAA) Performance Planning and Recognition System (PPRS).

**Program application.** This program can be applied in the traditional manner, where supervisors and employees develop performance plans and supervisors provide feedback and final ratings. It can also be applied in a team setting where all members participate in developing performance plans, providing feedback, and appraising performance, OR it may consist of some combination of traditional and team application.

#### GENERAL PROVISIONS

**Annual Appraisal Period.** The annual appraisal cycle is October 1 through September 30.

**Minimum Appraisal Period.** Employees must perform under their current performance plan for a minimum of 90 days as of September 30 or their appraisal period will be extended.

**Rating Levels.** Performance will be rated on a two-level scale: Meets Expectations and Does Not meet Expectations.

**Team Process.** If a team approach is used, supervisors and teams members must plan the how the rating and feedback will be conducted and designate a team member to ensure that the appraisal documentation is completed.

#### Documentation and Recordkeeping.

**Employee Performance File System.** Each AF regional or headquarters organization will establish and maintain an Employee Performance File (EPF) system for each employee in accordance with Office of Personnel Management's and Privacy Act guidelines. Appendix E of FAA's PPRS contains guidance on establishing and maintaining an EFP system. More detailed information is available in the servicing Human Resource Management Divisions (HRMD).

**Documentation.** The supervisor will ensure that a form that documents communication of the performance plan, conduct of a mid-year review, and a final rating and discussion of performance is completed for each employee. The performance plan will be attached to the form.

Each employee receives a copy of the completed form and the original is filed in the employee's EPF. The form is included as appendix A to this document.

All completed appraisal forms are filed in the EPF as soon as possible after the end of the rating period or within 10 days from the date the employee completes 90 days under their current standards for extended ratings. In either case, ratings must be filed no later than January 14.

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**Evaluation.** This program will be evaluated 1 year after implementation and at least every 3 years following this by both the Office of Human Resource Management (AHR) and an ad-hoc team appointed by the Director of Airway Facilities. The purpose of these evaluations will be to determine compliance, effectiveness, and efficiency of the program, from both a national and local perspective, as applicable. AF will provide the results of their evaluation to the AHR upon completion.

## DEFINITIONS

**Outcome** - a product, result, accomplishment, or objective.

**Core Outcomes** - include the categories of organizational effectiveness, customer focus, and teamwork. These outcomes are further defined by AF organizations to meet specific goals and objectives. Each core outcome is critical and is so important that performance that does not meet expectations in that outcome would result in a determination that overall performance does not meet expectations.

**Other Outcome** - (non critical) an outcome that is significant but does not meet the definition of core outcome nor fall under a core outcome category. These outcomes may be used for development purposes but will not be used to determine final ratings of record.

## PROCEDURES

**Plan the Appraisal and Feedback Process: Develop and Communicate Expectations.** This step should take place as soon as practical after the beginning of the appraisal period for current employees or when an employee begins a new position (normally within 30 days).

**Core Outcomes.** Supervisors and employees or teams will jointly develop performance plans. Written performance plans that contain the following Core Outcomes will be established:

**Organizational Effectiveness** - performance that accomplishes organization goals and mission through the effective, efficient, and timely application of human and material resources.

**Customer Focus** - performance that elicits or meets customer requirements in the accomplishment of work (e.g., customer needs or concerns are considered in all aspects of operations).

**Teamwork** - performance that supports communication, planning, operation, decision making, and/or mission accomplishment (e.g. accomplishments which illustrate interpersonal skills, conflict resolution skills, facilitation, etc.)

AF organizational units will further define these core outcomes and set expectations to accomplish their mission/goals and to meet their customer requirements.

**Performance By Supervisors and Managers.** Performance plans for supervisors and managers will address supervisory and/or managerial responsibilities as required by PPRS. Appendix D contained in FAA's PPRS includes a sample outcome and expectation.

**Other Performance Factors.** Organizational units may identify performance areas that do not fall within the core outcomes. These may be included under other outcomes (non critical) for feedback and development purposes. However, these outcomes will not be used to determine if an employee Meets Expectations or Does Not Meet Expectations.

**Individual Performance and Performance as Part of a Team.** Performance plans may reflect accomplishment of team or group objectives.

**Performance while assigned to other positions and/or on Detail.** Performance in all positions held during the appraisal period (including details) may be considered.

**Individual Performance Plans.** Outcomes and expectations will be recorded in a written performance plan which describes the Meets Expectations level of performance for critical outcomes and, if desired, other outcomes. The performance plan may reference previously developed documents (e.g., objectives, goals, program plans, work plans).

**Demonstrate Performance.** Within the annual appraisal period, an individual employee will perform for a minimum of 90 days under their performance plan before a final performance determination will be made.

**Gather and Provide Feedback.** At the beginning of the appraisal period, supervisors, team leaders, or team members will plan how and from whom to solicit feedback and performance information. There are two types of feedback--performance and development-related.

**Performance related feedback (to be used to determine rating).** Feedback will be based on achievements and may be solicited from various sources such as peers, subordinates, supervisors, and customers. Supervisors or teams provide continuous communication regarding performance

throughout the appraisal period which will include at least one mid-year progress review. More frequent progress reviews may be held with employees who are struggling to meet expectations in one or more areas.

**Development related feedback (optional and independent of ratings).**

Supervisors or teams will ensure that a development plan for each employee who wants one is developed. These discussions should be separate from the appraisal discussions.

The developmental feedback may be based on performance of specific outcomes and/or knowledge, skills, and abilities or competencies required to accomplish the work.

Assistance in determining and assessing these areas is available in the servicing HRMD.

Progress on this development plan may be reflected the employee's performance plan and/or future feedback sessions.

**Accountability.** Managers will be accountable for ensuring that their supervisors have established feedback systems and are carrying them out. Employees will be responsible for reflecting on the feedback received during the feedback session to determine how they will improve and how the supervisor can help the employee his or her development.

**Evaluate Performance.** Supervisors or teams will evaluate each employee's performance as soon as possible after the end of the rating period but no later than January 14.

Only performance under the core outcomes will be used to determine the final rating.

Performance in all positions held during the appraisal period (including details) may be considered.

Team leaders and team members may determine if an employee's performance Meets Expectations or **recommend** to the supervisor if an employee's performance Does Not Meet Expectations.

**Recognize Performance.** Groups, teams, and individuals will be recognized based on specific accomplishments, contributions, and achievements. Ratings of record will not trigger automatic cash awards. The PPRS describes FAA policy and the Awards and Recognition Program outlines AF procedures for recognizing individual and team contributions.

**Performance that Does Not Meet Expectations.** Both the first and second level supervisors must approve or disapprove all final ratings of Does Not Meet Expectations, including those recommended by teams. Supervisors will not assign this rating without first (a) contacting their servicing HRMD; (b) notifying their managers of the proposed decisions, and (c) coordinating this action with the organization's administrative staff.

The servicing HRMD will assist the supervisor in taking the appropriate action in accordance with 5 U.S.C. 4303 and 5 U.S.C. 7511 (e.g. reduction in grade, reassignment, or removal).

---

**Performance Planning Form**

Employee Name: \_\_\_\_\_

SSN: \_\_\_\_\_

Organization: \_\_\_\_\_

Performance Plan Communicated: \_\_\_\_\_

(Attach performance plan and supporting documents) \_\_\_\_\_  
(Date of Discussion)

/S/ \_\_\_\_\_  
(Employee)

/S/ \_\_\_\_\_  
(Supervisor or Designated Team Member)

**Mid-Cycle Progress Review** \_\_\_\_\_ (Date of Discussion)

/S/ \_\_\_\_\_  
(Employee)

/S/ \_\_\_\_\_  
(Supervisor or Designated Team Member)

**Final Rating** (No written documentation required)

(Comments may be written on the reverse of this form or attached)

\_\_\_\_\_ (Date of Discussion):

**Meets Expectations**

/s/ \_\_\_\_\_  
(Employee)

/s/ \_\_\_\_\_  
(Supervisor or Designated Team Member)

**Does Not Meet Expectations** (Documentation attached)

/s/ \_\_\_\_\_  
(Employee)

/s/ \_\_\_\_\_  
1st level Supervisor Second level Supervisor

(Reverse of Form)

**Two Level Rating**

**Comments:**

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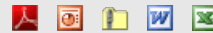
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## FAPM Letter 451-1 Way-To-Go Award

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In July 1989, Secretary Skinner established the "Way-To-Go" and "Unsung Hero" Awards to provide him the means to recognize informally an employee or group of employees who have made a specific contribution to the Department of Transportation.

The "Way-To-Go" Award is intended to let employees know that, no matter how great or small their contributions, they are appreciated for what they do. This award is not meant to be used to reward the kinds of accomplishments or outstanding performances that are recognized in the annual awards ceremony.

Instead, this award is meant to recognize excellence and dedication in carrying out specific normal work assignments that reflect credit on the employee and his or her organization. Nominations shall be made for the "Way-To-Go" Award, and the Secretary may choose several of the nominees for written commendation as "Unsung Heroes." The Way-To-Go" Award is intended to recognize only a significant act or employee contribution meriting the personal attention of the

Administrator and believed to be sufficiently noteworthy to refer to the Secretary.

1. Timeframe for receipt of nominations by the Office of the Secretary of Transportation (OST). A nomination for the "Way-To-Go" Award must be received by OST no later than 2 weeks following the event prompting the nomination. Therefore, nomination packages should be processed in 3 or fewer days at each level of review to meet this timeframe.
2. Nomination Procedures. Nominating procedures are as follows:
  - a. Nominations for this recognition will be originated by the nominee's first-level supervisor, who will provide the information requested in appendix 1.
  - b. Unless the first- or second-level supervisor is the Administrator, Deputy Administrator, or an executive director, all nominations must be sent to the second-level supervisor for concurrence.
  - c. In straightlined organizations, the second-level supervisor sends nominations to the appropriate associate/ assistant administrator or to the Chief Counsel with copies to intervening levels.
  - d. In non-straightlined field organizations, second-level supervisors send nominations to the regional administrator or center director with copies to intervening levels.
  - e. For headquarters organizations, second-level supervisors send nominations to their associate administrators with copies to intervening levels.
  - f. Executive directors (for their immediate organizations), assistant, associate, and regional administrators, center directors, and the Chief Counsel send nominations to the Administrator.
3. Method of Transmission of "Way-To-Go" Nominations. After approval, officials listed in paragraph 7f will send nominations to the Career Systems Division, AHD-200. This division will consolidate all nominations on a weekly basis and deliver the nominations to the Administrator's office no later than Friday of the week. Washington headquarters officials should have the nominations hand-carried to the Career Systems Division. Field organizations should use express mail or telefax. Timeframes will be strictly observed. The Administrator will refer selected nominations to the Secretary by telephone or telefax or have them handcarried to OST.
4. Requests for Information. Requests for information may be referred to Earl Portlock, AHD-230, FTS 267-3931.

/s/James B. Busey  
Administrator

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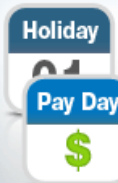
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## Appendix 1.

### Nomination for the Secretary's "Way-To-Go" Award[N]

From: Administrator, Federal Aviation Administration  
To: The Secretary  
Thru: Director of Personnel, M-10

Name of Nominee and Telephone Number (If multiple, separate sheet for each nominee):

Organization (Identify region/center, facility, and routing symbol):

Basis for Nomination: (State briefly):

Name and Telephone Number of Contact for Additional Information:

Has or will this contribution to the Department be recognized in any other way; e.g., Superior Accomplishment Award (SAA), spot award, etc.? If yes, identify the recognition.

Nominated By:

\_\_\_\_\_  
1st-level supervisor (Signature and Title) (Date)

Concurrence

\_\_\_\_\_  
2nd-level supervisor (Signature and Title) (Date)

Approved By:

\_\_\_\_\_  
Associate/Assistant Administrator/Other (Date)

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## FAPM Letter 950-1 Fund Raising Within FAA

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This implements Executive Order 10927, restates and amplifies existing FAA policy on agency participation in the Federal Service Fund Raising Program, and revises and updates assignment of responsibility and procedures for the administration of the program.

For years, Federal employees, by their consistent record of generous gift giving, have shown a desire to make an important contribution to voluntary health, welfare and international, service organizations. In consonance with this attitude, the Government's policy has been to cooperate with and assist such voluntary agencies to solicit funds from Federal personnel to support worthy causes. However, so many charitable and other groups sought to solicit funds from Federal employees on the job that a number of problems arose over the years.

In 1956, a uniform program was established in the Government to limit the number of campaigns and to insure true voluntary giving. The President's Committee on Fund Raising Within the Federal Service monitored the program until the issuance of EO 10927 of 18 March 1961, at which time the Committee's responsibilities were assigned to the Chairman of the Civil Service Commission.

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1. **Policy.** The agency, in recognition of, the contributions to humanity made by approved voluntary health, welfare and international service organizations, supports those organizations by cooperating with and assisting them in soliciting funds from FAA personnel. At the same time, it is agency-policy to take all essential steps to insure that employee contributions are made in the spirit of true voluntary giving. In providing cooperation and assistance, and in insuring true voluntary giving, the agency will assure that all employees shall be:

- a. provided the opportunity to become familiar with the available facts about human needs in the local community that are being met by voluntary programs and about the work of international service agencies;
- b. encouraged to contribute a fair amount of the financial support required by health and welfare agencies in the community, and by international service agencies.
- c. spared from any practice involving compulsion, coercion, or reprisal because of the size of the contribution or the failure to contribute to a campaign;
- d. assured the, right to disclose the amount of the gift or to keep it confidential at the individual employee's option; and,
- e. made aware of the background and purpose of the combined campaign arrangements, with special emphasis on the aspect of once-a-year giving to support all authorized campaign organizations and on the convenience of contributing through payroll withholding. Personal solicitation of each potential contributor by designated keymen is the only authorized procedure for fund raising under the Federal program. Raffles, lotteries, carnivals, benefits and other special fund-raising procedures are contrary to Federal policy and are prohibited.

2. **Guidance.** This information is based on EO 10927 and the Civil Service Commission Manual on Fund Raising in the Federal Service. Copies of the manual have been distributed throughout FAA

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field, and headquarters offices. The head of each major field jurisdiction and the head of each field coordinating group should have a familiarity with the additional policies and procedures prescribed in the manual.

**3. Number of Solicitations.** Not more than one solicitation on the job will be made annually at any location on behalf of voluntary health, welfare, or international service agencies. However, in the case of an emergency for which specific prior approval has been granted by the Chairman, of the Civil Service Commission, more than one solicitation may take place.

**4. The Campaign Period** will be held. during the fall of the year.

**5. Dollar Goals** are beneficial in fund-raising campaigns because they provide a focus for group spirit and unity of purpose. They also provide a mark against which to measure the success of the campaign effort. Local goals are generally proposed in accordance with needs and reasonable expectations of the voluntary agencies in the current campaign situation, and take into account the giving experience of Federal participants in past local campaigns. While a dollar goal or quota may be established for a local office or facility, the assignment of a dollar goal or quota to an individual potential contributor is prohibited. Many campaigns include in the campaign material what the voluntary agencies consider to be one's fair share of responsibility toward the success of the campaign. These suggestions are developed by the soliciting agencies for the giver's guidance and education, and are permissible in-the Federal program. Care should be taken to see that the fair-share guide is not misrepresented as an individual "assessment" or "quota."

**6. Responsibility.**

**a. The Director of Personnel will:**

- (1) develop policies and procedures on fund raising within the agency; and,
- (2) provide staff direction to campaign, officials as necessary to assure that campaigns are conducted in accordance with applicable guidance.

**b. The Region and Center Directors are responsible for:**

- (1) assuring in any community where there is a manned FAA facility or office and where an approved fund-raising campaign is conducted, that an agency campaign manager is designated, and that he is acquainted with the FAA fund-raising policy;
- (2) providing essential assistance to subordinates who accept a leadership role in approved on-the-job fund-raising campaigns; and,
- (3) assuring that procedures outlined in paragraphs 5 and 7 are complied with.

**c. The Manager of Headquarters Operations will:**

- (1) provide necessary administrative support to campaign officials in the Washington area; and,
- (2) recommend to the Administrator from time-to-time, officials to manage fund-raising campaigns conducted in FAA headquarters.

**7. Eligibility and Filing Requirements.** No on-the-job solicitation of FAA employees will be permitted on behalf of any voluntary health, welfare or international service agency which follows a practice of racial discrimination.

a. Voluntary agencies which have met eligibility standards at, the national level are identified by the Civil Service Commission. The Commission also identified those agencies, such as the American Red Cross, whose national policy is binding upon local or field units. These organizations are exempted from a requirement of local certification of eligibility.

b. All other voluntary agencies have a responsibility for initiating local certification of assurance of racial non-discrimination. Such assurances must be filed with the head of the local Federal Executive Board, Federal Field Coordinating Group, or in the absence of either such group, with the head of the local Federal office or installation having the largest number of personnel, civilian and military. The document should be in the form of a statement of policy by the governing board of the local unit which certifies that:

- (1) no person is excluded from service because of race;
- (2) there is no segregation of those served on the basis of race;
- (3) there is no discrimination with regard to hiring, assignment, promotion or conditions of staff employment; and, in addition, the agency has a functioning, positive action plan to achieve equal employment opportunity in filling its staff positions; and,

(4) there is no discrimination on the basis of race in membership on the agency's governing body.

It is the responsibility of the official who accepts the certification to determine that the eligibility requirements have been met and to notify the heads of all other local Federal offices and installations of his findings.

#### 8. FAA Disaster Relief and Voluntary Contributions.

a. There will be no formal fund-raising campaigns within FAA for the relief of agency employees who suffer losses from local disasters such as earthquakes, hurricanes, etc. The FAA practice is to urge all persons who meet with such catastrophe to make the fullest use of appropriate Governmental agencies and voluntary health and welfare organizations which are supported in major part by employee contributions.

b. FAA recognizes that its employees have a concern for and willing generosity toward their coworkers who have been the victims of a local disaster. Therefore, following a disaster, if a local agency official volunteers to accept responsibility to act as the focal point for the receipt of contributions from those who desire to contribute upon learning of the disaster, the agency will permit the use, of its facilities to publicize pertinent information to other employing jurisdictions.

/s/

J. H. Shaffer  
Administrator

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## FAPM Letter 2635: Conduct and Discipline



ER-4.1, Standards of Conduct replaces chapters 1, 2, 3, and 5 of the FAPM Letter 2635. However, FAPM 2635 will remain in effect for bargaining unit employees/positions where any applicable collective bargaining agreement contains provisions that conflict with ER-4.1 and/or until all bargaining obligations with individual collective bargaining units have been satisfied.

November 16, 1989

This document revises and updates the material in FAPM Letter 2635 (Order 3750.4). It enunciates the agency's policy on conduct and discipline, including our policy in connection with the misuse of drugs and alcohol as well as our policy on outside financial and employment activities, and lists prescribed penalties for a number of common offenses.

/s/

**James B. Busey**  
**Administrator**

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This policy document has been cancelled by the Office of Human Resources but may still be in effect for certain collective bargaining agreements.  
Please check with your servicing Labor Relations office for guidance.

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## **Chapter 1. Introduction**

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This document prescribes the basic rules of conduct for all agency employees. In addition, it describes the various penalties that may be imposed and offers a table of penalties for certain typical offenses.

All FAA employees are expected to comply fully with the letter and spirit of the standards of conduct set forth in this order and with those contained in DOT regulations, 49 CFR Part 99. The agency's policy on employee conduct applies to all FAA employees and is designed to encourage employees to maintain a level of behavior that will promote the efficiency of the Federal service and conform to accepted ethical principles.

This document updates and revises the agency's conduct and discipline program to make it consistent with law, regulation, and recent decisions and developments. As the Ethical Conduct Program is now the responsibility of the Office of the Chief Counsel, Chapter 5, Outside Employment and Financial interest was revised and Chapter 6, Ethical Conduct-Acceptance of Gifts, Entertainment's, or Favors, and Appendixes 1 and 4 of Order 3750.4 were eliminated. In addition, the Table of Penalties has been revised and updated.

**105. Authority to Change This Document.** The Director of Labor and Employee Relations, ALR-1, is authorized to approve changes to this order which do not establish policy, assign responsibility, or delegate authority.

**106. Role of Supervisors in the Conduct and Discipline Program.** Supervisors bear primary responsibility for assessing the adequacy of their employees' performance and conduct and, as necessary, initiating appropriate corrective action. In addition, supervisors are responsible for calling to the attention of their subordinates, at least annually, the DOT Regulations, 49 CFR Part 99, and the standards of conduct employees are expected to observe.

**107. Guidance on Suggested Penalties.** Guidance on penalties for typical and common offenses is contained in Appendix 1, Table of Penalties. The table is not intended to cover every possible offense. Penalties of up to and including removal may be imposed by supervisors for offenses not listed.

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108. **Provisions of Negotiated Labor Agreements.** Negotiated labor agreements may contain provisions relating to matters included in this order. Such provisions will apply only to the employees in the bargaining unit covered by an agreement and will take precedence over the provisions of this order.

109-199. **Reserved.**

## Chapter 2. On-the-Job Conduct

200. General

201. Employee Responsibilities

202. Supervisors' Responsibilities

203. Safeguarding and Use of Information, Documents, and Records

204. Safeguarding Public Funds

205. Use of Federal Equipment, Property, and Personnel

206. Observing Safety Regulations

207. Canvassing, Soliciting, or Selling

208. Unauthorized Absence

209. Giving Testimony

210. Borrowing and Lending Money

211. Accepting Notarial Fees

212. Letters and Petitions to Congress

213. Policy on Substance Abuse

214. Defamatory or Irresponsible Statements

215. Recording or Monitoring of Telephone Calls by a Third Party or by Automatic Equipment

216. Reporting Violations

\*217. Policy Against Sexual Harassment

218-299. Reserved

200. **General.** An employee's conduct on the job has a direct bearing on the proper and effective accomplishment of official duties and responsibilities. Employees are expected to approach their duties in a businesslike manner and maintain such an attitude throughout the workday. Those employees in direct contact with the public bear a heavy responsibility as their conduct plays a significant role in determining the public's attitude toward the Federal service and FAA.

201. **Employee Responsibilities.** Employees are responsible for conducting themselves in a manner which will ensure that their activities do not reflect discredit on the Federal Government and the Federal Aviation Administration. The following basic on-the-job rules must be observed by employees:

- Report for work on time and in a condition which will permit performance of assigned duties, i.e., in appropriate clothing, with required tools or equipment, and in a mentally alert and physically fit condition.
- Render full and industrious service in the performance of assigned duties. If such duties are not sufficient to fully occupy employees at any given time, they should notify their supervisor so that additional work may be assigned.
- Respond promptly to directions and instructions received from their supervisor.
- Exercise courtesy and tact in dealing with fellow workers, supervisors, and the public.
- Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.
- Safeguard classified information as provided in Order 1600.2B, National Security Information, and unclassified information which should not be given general circulation as provided in Order 1600.15D, Control and Protection of "For Official Use Only Information."
- Conserve and protect Federal funds, property, equipment, and materials.
- Observe the various laws, rules, regulations, and other authoritative instructions.
- Uphold with integrity the public trust involved in the position to which assigned.
- Report known or suspected violations of law, regulations, or policy through appropriate channels.

202. **Supervisors' Responsibilities.** Supervisors are responsible for applying the agency's conduct and discipline program to employees under their supervision. In this capacity, they must:

- Assure that employees under their supervision are aware of the rules of conduct they are expected to observe. This includes calling to the attention of such employees, at least annually, DOT Regulations, 49 CFR Part 99 (See par. 503).
- Provide information on the conduct and discipline program to their subordinates as appropriate.
- Provide positive leadership to instill in their subordinates a sense of responsibility and loyalty.

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- Treat employees under their supervision in a fair and equitable manner and avoid discrimination or the appearance of discrimination.
- Promptly notify their Civil Aviation Security Division and their Human Resources Management Division of known or suspected criminal activity on the part of employees.

**203. Safeguarding and Use of Information, Documents, and Records.** Employees shall not disclose or discuss any classified information or "official use only" information unless specifically authorized to do so or except as required on a "need-to-know" basis in the proper discharge of official duties. Classified information shall not be disclosed to anyone who does not have the appropriate security clearance. In addition, employees shall not:

- Divulge any official information obtained through or in connection with their Government employment to any unauthorized person.
- Release any official information in advance of the time prescribed for its authorized issuance.
- Use, or permit others to use, any official information for private purposes which is not available to the general public.
- Remove official documents or records from the files for personal reasons. The willful and unlawful falsification, concealment, mutilation, or unauthorized removal of official documents or records is prohibited by law.

**204. Safeguarding Public Funds.** All employees whose duties concern the expenditure of public funds must have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to be prudent and exercise sound judgment in the expenditure of such funds. Summaries of the penalty provisions of some of the more important laws relating to the misuse of Federal funds are contained in Appendix B, DOT Regulations, 49 CFR Part 99.

**205. Use of Federal Equipment, Property, and Personnel.** Employees may not use or permit others to use Federal equipment, property, or personnel, including but not limited to stenographic and typing assistance, computer hardware, software, or telecommunication capabilities, duplicating services, or chauffeur service for other than official business or officially approved or sponsored activities. Specific statutory penalties are prescribed for the willful use of Government-owned or -leased motor vehicles or aircraft for other than official purposes (31 USC 1344(b)) and the use of official envelopes or labels for private purposes to avoid payment of postage (18 USC 1719).

- Government telephones, including facility interphones, are provided for use in conducting official business. Unless specifically authorized in appropriate regulations they are not to be used for making or receiving personal calls except in the case of emergency.
- Employees may not have their personal mail directed to their place of employment. Exceptions to this policy may be granted by supervisors in unusual circumstances such as when an employee is in travel over 50 percent of the time.
- U.S. Postage Paid envelopes may not be used for personal benefit or advancement.

**206. Observing Safety Regulations.** All employees must observe all rules, signs, and instructions relating to personal safety. (See Order 3900.19A, Occupational Safety and Health.) In addition to avoiding accidents, employees must report potential accidents and fire hazards to the proper officials and cooperate fully with the safety officer to assure that the safety of persons or property is not endangered. Willful nonobservance of the governing safety regulations, such as the acts described below, constitutes grounds for disciplinary actions:

- Failure to report an accident involving injury to persons or damage to property or equipment.
- Failure to use protective clothing or equipment (e.g., failure to use a safety climbing device when one is provided).
- Endangering the safety of, or causing injury to, personnel or damaging property or equipment through negligence.
- Failure to wear an available safety/seat belt while using a motor vehicle for official Government business.

**207. Canvassing, Soliciting, or Selling.** Employees shall not engage in private activities for personal gain or any other unauthorized purpose while on Government property.

- This prohibition applies specifically, but is not limited to, such activities as:
  - Canvassing, soliciting, or selling for personal monetary gain.
  - Promoting group buying when such action could reasonably be interpreted as involving the improper use of Federal facilities and personnel.
  - Canvassing or soliciting membership, except as authorized in connection with organized employee groups.
  - Soliciting contributions from other employees for a gift to anyone in a superior official position in contravention of law (5 USC 7351). This prohibited activity applies on or off Government premises.
- This prohibition does not apply to:

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- Those activities which are specifically authorized by appropriate authority.
- Soliciting contributions for charitable, health, welfare, and similar organizations as authorized by appropriate authority.
- Collecting contributions for group immunization programs conducted for the benefit of employees.
- Those activities of voluntary groups of Federal employees which are of the type commonly accepted as normal social, welfare, or recreational functions of such groups.
- A spontaneous, voluntary collection for an employee who is being married, retired, transferred, separated, or is ill, or as an expression of condolence when conducted by coworkers of approximately equal status to the employee.

**208. Unauthorized Absence.** Employees must obtain approval of all absences from duty (including leave without pay). An absence which is not approved will be charged as absence without leave. In addition, disciplinary action may be taken if the circumstances warrant.

**209. Giving Testimony.**

- It is the duty of every employee to give to any supervisor or official conducting an official investigation or inquiry, all information and testimony about all matters inquired of, arising under the law, rules, and regulations administered by FAA.
  - When directed by the Administrator (or his authorized representative), an employee shall take an oath or make an affirmation about his or her testimony or written statement before an agent authorized by law to administer oaths, and the employee shall sign his or her name to a transcript of testimony or a written statement which the employee provided.
  - Refusal of any employee to testify or provide information pertinent to matters under investigation or inquiry may result in removal.
- All employees must give information fully in response to requests received from Congress, General Accounting Office, Office of the Inspector General, or other duly authorized investigative body, and to the Office of Personnel Management regarding matters under their jurisdiction. It is FAA policy to cooperate with such bodies in the public interest. Employees must notify their supervisors of any such request.

**210. Borrowing and Lending Money.** Employees shall not borrow money from subordinates or have a subordinate act as an endorser or co-maker of a note given as security for a personal loan. Neither shall an employee lend money to employees for the purpose of monetary profit or other gain. Anyone failing to observe these common-sense rules of conduct will be subject to disciplinary action. These prohibitions do not apply to the operation of recognized credit unions or to employee welfare plans.

**211. Accepting Notarial Fees.** An employee who is also a notary public shall not charge or receive fees for performing notarial acts in connection with his or her official duties. Neither may such an employee charge or receive a fee for performing a notarial act for any person during official duty hours or lunch period. The prohibition on acceptance of fees does not apply to notarial acts performed in an unofficial capacity during off-duty hours and off Government-controlled property.

**212. Letters and Petitions to Congress.** The use of appropriated funds to influence the consideration of legislation is prohibited by statute (18 USC 1913). On the other hand, the right of employees, either individually or collectively, to petition Congress or any member thereof or to furnish information to any committee or member of Congress is provided by law. Letters to Congress, as well as petitions and other communications, are covered by this provision. While FAA desires that employees seek to resolve any problem or grievance within the agency, any employee exercising the right to correspond with a member of Congress shall be free from restraint, reprisal, or coercion. Nevertheless, in accordance with paragraph 205 of this order, employees may not use agency facilities, supplies, equipment, or duty time in writing about personal business to anyone, including any committee or member of Congress.

**213. Policy on Substance Abuse**

- As an employer, the Federal Aviation Administration is concerned with the private decision of any employee to use illicit drugs or abuse alcohol or other substances in a way that could affect the employee's work performance. As an employer with responsibility for aviation safety, FAA is especially concerned when this private decision can affect the safety of the flying public. The confidence of the flying public depends upon absolute trust in the integrity of the air transportation system. Employees directly involved in aviation safety who use illicit drugs or abuse alcohol or other substances place their jobs in jeopardy. No one known to do so will be permitted to perform any aviation-safety-related duties until FAA is satisfied that such a person is no longer a risk to public safety.
- When there is credible evidence that any employee is involved in the growing, processing, manufacturing, selling, disposition, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, that employee shall be separated from the Federal service. Use, possession, purchase, or being under the influence of drugs on

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duty by employees who have direct aviation-safety-related duties or by other employees whose duties could affect the safety of people or property will also result in separation.

- The following procedures will apply to the off-duty conduct of those employees who have direct aviation safety-related duties:
  - When there is credible evidence of off-duty illicit drug use or alcohol abuse or other substance abuse by an employee, the employee will be relieved immediately from his/her aviation-safety-related duties and assigned other responsibilities.
  - Each employee will be offered an opportunity to enter into an appropriate drug use abatement program or alcohol abuse treatment program.
  - Refusal to enter into an appropriate program will result in removal.
  - Once enrolled in an appropriate program, return to safety duties will be contingent upon FAA medical clearance. After successful completion of the rehabilitation program, the employee will be subject to random screening tests for a 1-year period.
  - At the end of the 1-year period, if the employee has ceased the use of illicit drugs or the abuse of alcohol or other substances, no further random screening will be required.
  - Any recurrence of illicit drug use or abuse of alcohol or other substance will result in immediate removal by FAA.
- The following procedures will apply to all other employees:
  - When there is any credible evidence that an employee in another occupation is involved in the use of illicit drugs or the abuse of alcohol or other substance, he/she will be offered an opportunity to enter into a drug use abatement program or an alcohol abuse treatment program.
  - If the employee refuses to enter into an appropriate program he/she will be subject to appropriate discipline. (See Appendix 1.)
  - Should there be subsequent instances of the use of illicit drugs or the abuse of alcohol or other substance abuse, no opportunity need be offered to enter into a program, and the employee will be subject to discipline or removal.
- Employees using physician-prescribed drugs that could affect performance must immediately make this fact known to their supervisors so that appropriate action can be taken to eliminate the real or potential danger. As appropriate, an employee may be placed on leave or assigned other duties.

**214. Defamatory or Irresponsible Statements.** While FAA encourages freedom of expression, employees are accountable for the statements they make and the views they express. Employees shall not make irresponsible, false, or defamatory statements which attack, without foundation, the integrity of other individuals or organizations, or disrupt the orderly conduct of official business, nor may they make statements urging or encouraging other employees to commit unlawful acts.

**215. Recording or Monitoring of Telephone Calls by a Third Party or by Automatic Equipment.**

- Telephone eavesdropping is prohibited. Advance notice must be given whenever a secretary or any other person is placed on the line for any purpose whatsoever. An advance verbal warning must be given when an automatic recording device or a speaker telephone is used. The use of recording devices, portable or otherwise, on telephones shall be limited to areas involving air safety. This includes accident investigations, near-collision reporting, Command Communications Network, and the Washington Tactical Switch. (See Order 1600.24C, Use of Recording or Monitoring Equipment and Practices.)
- FAA employees, in the conduct of their official duties, may not use secret recording or monitoring equipment of any kind or aid in or ignore the improper use of such equipment.
- The prohibitions do not preclude the use of normal or standard types of recording equipment used openly in areas involving air safety, or under circumstances wherein the prior concurrence of all parties is clearly and specifically indicated.

**216. Reporting Violations.** It is the duty of every employee to report any known or suspected violation of policy or regulations through appropriate supervisory channels or, if appropriate, directly to his/her Civil Aviation Security Division.

**217. Policy Against Sexual Harassment**

As an employer, the Federal Aviation Administration is unwaveringly committed to providing a workplace that is free of sexual harassment. All employees have a right to work in an environment where they are treated with dignity and respect and which is free of sexual harassment. Acts of sexual harassment will be treated as misconduct in violation of the agency's policy against sexual harassment and when appropriate as unlawful sex discrimination in violation of 29 CFR 1604.

- **Sexual Harassment as Misconduct in Violation of the Agency's Policy.** Acts of sexual harassment are prohibited conduct and a single incident will result in disciplinary action. This is intended to preclude actions from rising to the level of unlawful sex discrimination and to help eliminate sexual harassment in the workplace. All employees have a responsibility to



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behave in a proper manner and to take appropriate action to eliminate sexual harassment in the workplace. Actions which are considered in violation of the agency's policy against sexual harassment include, but are not limited to:

- Unwelcome sexual teasing, jokes, remarks, or questions.
- Unwelcome sexual looks (leering, ogling, or staring at a person's body) or gestures.
- Unwelcome letters, telephone calls, or materials of a sexual nature.
- Unwelcome physical touching of a sexual nature.
- Promise of benefit in exchange for sexual favors.
- Threat or act of reprisal for refusal to provide sexual favors.

Actions will be determined to be "unwelcome" when the employee did not solicit the action and the employee regarded the conduct as undesirable or offensive. Employees who experience sexually harassing behavior from others should report it to their immediate supervisor or the next level of supervision if a complaint involves the immediate supervisor. When there is credible evidence that misconduct of this nature occurred, disciplinary action will be taken in accordance with the table of penalties included as Appendix 1 to this order. \*

- **Sexual Harassment as Sex Discrimination in Violation of 29 CFR 1604.** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful harassment in violation of 29 CFR 1604 when:
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
  - submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or
  - such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

An individual who believes he or she has been a victim of sex discrimination in connection with employment practices as described above may file a discrimination complaint in accordance with Order 1400.8, Equal Opportunity in FAA Employment, Chapter 8. In determining whether alleged conduct constitutes sexual harassment in violation of 29 CFR 1604, the situation (not a single incident) will be viewed as a whole to determine if it had the effect of discriminating against an individual or class of individuals on the basis of sex. This stringent standard differs significantly from the agency's policy where a single incident of sexually harassing conduct will result in disciplinary action.

218.-299. **Reserved.**

### Chapter 3. Off-the-Job Conduct

#### 300. General

#### 301. Political Activity

#### 302. Holding Office in State or Local Government

#### 303. Subversive Activity

#### 304. Striking

#### 305. Meeting Financial Obligations

#### 306. Inaugural Flights and Ceremonial Events

#### 307-399. Reserved

**300. General.** FAA expects employees to conduct themselves off duty in a manner which will not adversely reflect on the agency's ability to discharge its mission. They must conduct themselves while off duty in a manner that will not cause the public to question their reliability and trustworthiness in carrying out their responsibilities as employees of the Federal Government. Off duty criminal activity is regarded as misconduct and can result in disciplinary action.

#### 301. Political Activity

- The right of all employees to vote as they choose and to express their opinions on all political subjects and candidates is specifically stated in the Hatch Act (5 USC 7321). However, public expression of opinion in such a way as to constitute taking an active part in partisan political management or in partisan political campaigns is prohibited.
- Employees are responsible for acquainting themselves with restrictions on partisan political activity and for not engaging in prohibited actions. Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in cooperation with others or through an agent. Employees are accountable for political activity by persons other than themselves, including wives or husbands, if the employees are thus accomplishing by collusion and indirection what they may not lawfully do directly and openly. This does not mean that an employee's husband

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or wife may not engage in politics independently upon his or her own initiative and in his or her own behalf. (See 5 CFR Part 733 for additional guidance.)

- An employee violating the political activity restrictions will be subject to disciplinary action. The Merit Systems Protection Board (MSPB) is charged with enforcing these restrictions, and information on suspected violations should be transmitted to the Office of Special Counsel, MSPB.
- Some of the prohibited political activities relating to the workplace are:
  - Soliciting, receiving, disbursing, or otherwise handling contributions made for political purposes. This does not preclude employees from making voluntary contributions to a political party or organization for its general expenditures.
  - Furnishing names and addresses of other employees for the purpose of political solicitation.
  - Using official authority or influence for the purpose of interfering with an election or affecting the result thereof.
  - Discriminating in favor of, or against, another employee or prospective employee because of political contributions or opinions.

#### 302. **Holding Office in State or Local Government.**

- Provided it does not interfere with the employee's primary job, result in a conflict of interest situation, or violate the prohibition on partisan political activity, there is no objection to employees holding office in local or state government.
- Because of the unique interrelationship between FAA and local and state government, it is urged that employees seek the advice of their personnel office or regional or center Assistant Chief counsels to help determine if a particular office represents a real or potential conflict of interest.
- Employees who hold local or state office must observe both the letter and spirit of the prohibition on active participation in partisan politics.

303. **Subversive Activity.** No employee shall advocate or become a member of any organization which the employee knows advocates the overthrow of the constitutional form of Government of the United States, or which seeks by force or violence to deny other persons their rights under the Constitution of the United States.

304. **Striking.** No employee shall engage in or encourage another Federal employee to engage in a strike, work stoppage, or work slowdown in a labor-management dispute involving the Federal Government.

#### 305. **Meeting Financial Obligations.**

- All employees are expected to discharge their private financial obligations and to maintain a reputation in the community for honoring debts. Failure without sufficient excuse or reason to honor valid debts, including claims based on court judgments and tax delinquencies, or to make and adhere to reasonable arrangements for settlement, will constitute grounds for disciplinary action.
- Employees shall pay just financial obligations in a proper and timely manner. A just financial obligation is one acknowledged by the employee, reduced to judgment by a court, or one imposed by law such as Federal, state, or local taxes. In a proper and timely manner means in a manner which does not reflect adversely on FAA and/or the Government.
- The agency will not permit itself to be used as a collection agency in connection with commercial obligations or claims based on court judgments. Neither will it be placed in the position of determining the validity of contested debts. Creditors and collectors shall be denied access to employees for the purpose of presenting or collecting claims during working hours. Upon receipt of a debt complaint, the employee will be contacted by a responsible official and required to submit a statement concerning the plan for repayment.
- Each complaint will be acknowledged and the writer informed of the referral of the letter. If the obligation is disputed or denied, the complainant will be so informed and advised that FAA will take no further action pending determination of the claim's validity through proper proceedings. If the obligation is admitted, however, the complainant will be advised of the employee's intentions regarding repayment.
- Garnishment of an employee's salary is authorized in the case of valid alimony and child support claims by PL 93-647.
- Payroll deductions are authorized to recover employee debts to the U.S. Government. In addition, offsets can be levied against an employee's retirement contribution to recover amounts due the Government.
- Employees are expected to repay federally insured student loans under PL 97-276. The Government can garnish an employee's wages to meet such obligations.

#### 306. **Inaugural Flights and Ceremonial Events.**

- The Departmental standards of conduct regulations in 49 CFR Part 99 prohibit employees from accepting any gifts, favors, gratuities, or any other thing of monetary value, including free transportation, from any person or company that is subject to

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FAA regulations, that has or is seeking to have contractual relations with FAA, or that has interests which might be affected by the performance or non-performance of the duties of the particular employees.

- Hence, acceptance of invitations by our personnel from airlines, aircraft manufacturers, or other aviation-related businesses for inaugural flights or for free transportation in connection with roll-outs and similar ceremonial events is specifically prohibited.
- Invitations of this nature may only be accepted if the employee is to perform official FAA duties in connection with the event. In such an instance, all related travel and transportation expenses will be borne by the agency. Any invitation of this kind should immediately be forwarded to the appropriate approving official along with a written recommendation from the employee receiving the invitation and his or her supervisor.

307 - 399. Reserved

#### Chapter 4. Maintaining Discipline

##### 400. General

##### 401. Determining Corrective Action To Be Taken

##### 402. Correcting Deficiencies

##### 403. Informal Disciplinary Measures

##### 404. Formal Disciplinary Measures

##### 405. Processing Adverse Actions

##### 406-499. Reserved

**400. General.** Effectiveness, productivity, economy, high morale, and similar conditions associated with a successful operation generally occur in an environment where constructive discipline is fostered and maintained. By constructive discipline, we refer to discipline which as much as possible produces a positive change in an employee's behavior or performance. Such discipline is often concerned with prevention, as well as correction. The successful application of constructive discipline is an integral part of the responsibilities of supervisors.

**401. Determining Corrective Action to be Taken.** Supervisors are responsible for determining if corrective disciplinary action is warranted. In determining the severity of the penalty they are guided by Appendix 1, Table of Penalties. Supervisors are urged to seek advice and guidance from their Human Resource Division in connection with the disciplinary process. Whether the action decided upon is formal or informal, the following principles should be observed in determining the severity of the discipline:

- The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.
- The employee's job level and type of employment, including supervisor or fiduciary role, contacts with the public, and prominence of the position.
- The employee's past disciplinary record.
- The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
- The effect of the offense upon the employee's ability to perform at a satisfactory level, and its effect upon supervisors; confidence in the employee's ability to perform assigned duties.
- Consistency of the penalty with those upon other employees for the same or similar offenses.
- Consistency of the penalty with any applicable agency table of penalties.
- The notoriety of the offense or its impact upon the reputation of the agency.
- The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question.
- Potential for the employee's rehabilitation.
- Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.
- The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

**402. Correcting Deficiencies.** When a supervisor decides that corrective action is necessary, consideration should be given to the application of measures which, while not disciplinary, will instruct the offending employee and/or remedy the problem. Typically, these measures are applied by supervisors on their own initiative and in situations where a less serious offense has occurred. At times, the correction of possible or actual employee misconduct requires nothing more than counseling or closer

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supervision. If closer supervision is used as a remedial measure, the employee should be informed of the reason for the closer supervision and encouraged to participate in the corrective process.

**403. Informal Disciplinary Measures.** If a supervisor determines that discipline is appropriate, informal disciplinary measures should be considered before taking a more severe action. These measures, oral admonishments and written admonishments described below, are not recorded in an employee's official personnel folder.

- **Oral Admonishment.** Perhaps the most common corrective disciplinary action is the face-to-face admonishment of an employee by a supervisor. To be more effective, such discussions should be conducted in private. The discussion should be informal and the employee should be advised of the specific infraction or breach of conduct and allowed to explain or offer any comment. Basic facts of the discussion, including the reason for the admonishment and any corrective steps necessary, should be recorded by the supervisor.
- **Written Admonishment.** Often an admonishment that is written will have a greater impact on an employee and lead to improvement in behavior or performance. The written admonishment should describe the improper actions of the employee and the positive corrective steps the employee should take to preclude a recurrence. The pertinent facts relating to the written admonishment should be recorded by the supervisor.

**404. Formal Disciplinary Measures.** If more severe discipline is appropriate, a supervisor should consider one of the formal disciplinary measures listed below. It is not necessary to have taken an informal disciplinary measure before administering a formal measure. These measures are initiated following coordination with the Human Resource Management Division and a record of the actions is placed in the employee's personnel folder.

- **Letter of Reprimand.** A letter of reprimand is written notice to an employee that his/her misconduct is of a serious nature and cannot be condoned or tolerated. Normally issued by an employee's immediate supervisor, a letter of reprimand shall include full particulars of the offense or infraction. While it is not necessary to give a formal advance notice of a "proposed" reprimand, an employee is entitled to respond in writing to an issued reprimand within 15 days following its receipt and is advised of that right in the letter of reprimand. It is generally preferable for a supervisor to discuss a letter of reprimand with the recipient prior to its issuance. The letter of reprimand and any written response the employee submits are filed on the left side of the employee's official personnel folder for 2 years. After that time, it is withdrawn and disposed of in accordance with record disposal requirements. (See Appendix 2 for Sample Letter of Reprimand.)
- **Suspension.** As a suspension places an employee in an involuntary, temporary, nonduty, nonpay status, it is imposed because of serious or repeated misconduct. A suspension may be for any number of days depending upon the infraction.
- **Reduction in Grade or Pay.** While often taken for nondisciplinary reasons, such an action can be taken for reasons of conduct and is a valid disciplinary tool. Involuntary reductions in grade or pay not associated with unsatisfactory performance or reduction in force (RIF) procedures are adverse actions.
- **Removal.** Removal is management's action to separate an employee from the Federal service for such cause as will promote the efficiency of the service.

**405. Processing Adverse Actions.** Listed below are the major procedural requirements associated with suspensions, reductions in grade or pay, or removals. Details on processing such actions, including sample letters, are found in Order 3770.2B, Adverse Actions, Appeals and Grievances, which should be carefully reviewed before an action is proposed.

- **Suspensions of 14 Days or Fewer.**
  - An advance written notice proposing the action is given the employee. Signed by the deciding official, the notice must state the specific reasons for the suspension in sufficient detail to allow the employee to respond. The proposed suspension must be for such cause as will promote the efficiency of the service and the notification must inform the employee of the right to review the material relied upon to support the proposed action.
  - The employee is given a reasonable time (normally 15 days) to reply to the notice orally and/or in writing. Following consideration of any employee response, a written decision is issued by the deciding official.
  - If it is decided to take the action, the decision states the effective date and the employee's right to grieve the action under the agency grievance procedure or, if appropriate, under a negotiated grievance procedure.
- **Suspensions of More than 14 Days and Removals or Reductions in Grade for Reasons Other than Unacceptable Performance.**
  - An advance written notice proposing the action is given to the employee. Signed by the deciding official, the notice must state the specific reasons for the action in sufficient detail to allow the employee to respond. The notice must be received by the employee at least 30 days in advance of an eventual effective date. The proposed action must be for such cause as will promote the efficiency of the service and must inform the employee of the right to review the material

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relied upon to support the proposed action and the amount of duty time allowed to review the material and prepare a response. Normally, not more than 16 hours of duty time will be allowed the employee for this purpose.

- The employee is given a reasonable time (normally 15 days) to reply to the notice orally and/or in writing. Following consideration of any employee response, a written decision is issued by the deciding official.
- If it is decided to take the action, the decision states the effective date and the employee's right to appeal the action to the Merit Systems Protection Board, or, if appropriate, the right to choose instead to grieve the action under a negotiated grievance procedure.

406-499. **Reserved.**

## **Chapter 5. Outside Employment and Financial Interests**

### 500. General

### 501. Policy

### 502. Employee Responsibilities

### 503. Supervisors' Responsibilities

### 504. Teaching, Lecturing, Writing, and Other Outside, Part-Time Employment Activities

### 505. Financial Interests

### 506. Disqualification Arising Out of Financial Interest

### 507-599. Reserved

**500. General.** Information on outside employment and financial interests is contained in DOT Regulations, 49 CFR Part 99, Employee Responsibilities and Conduct. A copy of Order 3750.3B with DOT Regulations, 49 CFR Part 99 as an appendix is given to every agency employee by his/her Human Resource Management Division upon entry on duty.

**501. Policy.** Employees must comply fully with the letter and spirit of the guidance and information relating to outside employment and financial interests contained in DOT Regulations, 49 CFR Part 99.

**502. Employee Responsibilities.** Each employee, including managers and supervisors, is responsible for the following:

- Reading DOT Regulations, 49 CFR Part 99, and retaining a personal copy of these regulations (given to every employee) for future reference.
- Conducting him/herself in a manner consistent with DOT Regulations, 49 CFR Part 99.
- Reviewing his/her financial and outside employment activities to assure that they have no direct or indirect involvement that conflicts or appears to conflict with the duties and responsibilities of his/her FAA position.
- As required by his/her supervisor, submitting a Statement of Employment and Financial Interests (DOT F 3700.1) on July 31 of the current year and a supplemental statement on or before that date each year thereafter.

### **503. Supervisors' Responsibilities.**

- Assuring that each of their subordinates is provided with a copy of DOT Regulations, 49 CFR Part 99.
- Calling to the attention of their employees, at least annually, the DOT Regulations, 49 CFR Part 99, and the standards of conduct employees are expected to observe. Supervisors must make a written record of when this function is performed.
- Assuring that employees under their supervision who are required to submit confidential statements and supplementary statements fulfill their responsibilities.

### **504. Teaching, Lecturing, Writing, and Other Outside, Part-Time Employment Activities.**

- Consistent with the provisions of 49 CFR 99.735-11, employees may engage in outside employment which is compatible with their Governmental duties and which does not impair their physical or mental capacity to perform Departmental duties. Employees may teach, write, or lecture, provided they do not use "inside" information (i.e., information which has not yet been made available to the public). However, under some limited circumstances, the Secretary may permit the use of inside information where such use is found to be in the public interest. For all practical purposes, Presidential appointees in the Department are prohibited absolutely from receiving compensation for any lecture, discussion, writing, or appearance related to transportation. Other employees may accept compensation, provided they advise the General Counsel of the Department, in writing, of the amount and source within 5 days after the event.
- FAA has taken the position that additional limitations must apply to its employees who wish to engage in aviation-related, part-time work. Since the agency is solely responsible for the control of airspace and the promotion and enforcement of aviation safety in the United States, the "appearance" problem raised by the participation of its employees in outside



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employment in the aviation arena is considerable. On the other hand, the agency is willing to permit the employees to have a reasonable opportunity to augment their incomes through part-time work in aviation enterprises.

- Briefly stated, the agency permits an employee to work in aviation-related activities, on a part-time basis, if these activities are not subject to the jurisdiction of the employee's employing office or facility. This means that any aviation-related business activity which may be subject to inspection, air traffic control, licensing, certification, or other official contact by FAA facility where the employee works, is essentially off-limits to the employee as a source of part-time employment. The prohibition is effective even though the employee personally has no official responsibility over the business in question as part of his or her FAA duties. To trigger the ban, it is enough that his or her employee organization, such as a GADO, FSDO, FSS, Tower, et cetera, has such an official responsibility. All this is based on the "appearance" standard discussed above.
- The further removed from actual field responsibilities the employee is, the more severable become the administrative areas of jurisdiction of his or her office or facility. For example, an employee in the Airway Facilities Division of a region would not ordinarily be barred by agency policy from flying part-time for a Part 135 operator, even though the operator's certificate was held in a GADO within that region. On the other hand, an employee in the General Aviation or Air Carrier Branch in the Flight Standards Division of that same region would in most circumstances be prohibited from flying part time for this operator because of the jurisdictional responsibilities of these branches over the GADO's and FSDO's within that region. An employee working in the flight inspection procedures staff or the aircraft inspection group within the division would not ordinarily be so prohibited, however. A Washington headquarters employee of the General Aviation and Commercial Division of the Flight Standards Service ordinarily would be permitted to fly for that same operator, whereas an employee of the Air Transportation Division would not, in most circumstances.
- Part-time flying by employees, to a greater extent than other outside pursuits, may also tend to impair their mental or physical capacities to perform their Government jobs within the meaning of 49 CFR 99.735-11(a)(2). Therefore, supervisors should carefully review the possible effects of commercial flying on an employee's performance of duty should he or she seek this kind of part-time work.

**505. Financial Interests.** The terms of 49 CFR 99.735-13 prohibit employees from having any financial interests which conflict, or appear to conflict, with their official duties or responsibilities. on the basis of the "appearance" standard, FAA employees are prohibited from owning stocks or other interests in airlines or aircraft manufacturing companies. This policy applies to all employees, regardless of their particular official duty assignments. For example, a consideration of whether or not an employee's duties involved the aviation-related company in which he or she may own stock, is not relevant to the application of this prohibition. The regulations specifically exempt from the prohibition any holding in a widely held mutual fund, or regulated investment company, which does not specialize in the aviation or airline industry.

**506. Disqualification Arising Out of Financial Interests.** A Federal statute, 18 U.S.C. 208, provides for criminal penalties for employees who participate personally and substantially, as Government officials, in any particular matter in which they, their spouses, or their minor children have a financial interest. This means, for example, that employees may not become involved, as a part of their official Government duties, in any decision making process involving companies in which they hold stock. This statute also classifies negotiations or arrangements for future employment by an employee as financial interests. Under these circumstances, the statute requires that the employee avoid any official participation in matters affecting the company with which he or she is negotiating while the individual is still working for the Government.

507-599. **Reserved.**

## Appendix 1. Table of Penalties

The penalties listed below are appropriate to the offenses identified and are to be applied by supervisors. Where a range of penalties is listed, a supervisor may select the penalty, including the most severe penalty listed, which he or she believes is warranted. In some situations, a supervisor may wish to deviate from the guide and impose either a lessor or greater penalty as circumstances require. Such deviations are permitted but must be based upon sound reasons and supported by appropriate documentation. With the exception of offense number 40, suspensions are to be applied in WORKDAYS. This table is not designed to cover every possible offense. Penalties of up to and including removal may be imposed by supervisors for offenses not listed. Before imposing a penalty, a supervisor should review paragraphs 400 through 405. The first time an employee is given a reprimand or suspension for a listed offense, is considered a "first offense" on this table. Subsequent violations of the same rule or regulation are considered the second and third offense as appropriate. Where the third offense does not provide for removal, further violations of such a rule or regulation should produce penalties of increased severity.

### Table of Penalties

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Nature of Offense	1st Offense	2nd Offense	3rd Offense
1. Unexcused or unauthorized absence or lateness. <sup>1</sup> (See <b>Order 3600.4 "Absence and Leave"</b> paragraph 45(b))			
a. Unexcused/unauthorized absence from 1-5 scheduled workdays.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
b. Unexcused or unauthorized absence of more than 5 consecutive scheduled workdays.	10-day suspension to removal	Removal	
c. Frequent lateness or (tardiness).	Letter of reprimand	5-day suspension	10-day suspension to removal
2. Absence from FAA premises at any time during duty hours without permission. (See <b>Order 3600.4 "Absence and Leave"</b> paragraph 45(b))	Letter of reprimand to 1-day suspension	10-day suspension	Removal
3. Improper use of sick leave. (See <b>Order 3600.4 "Absence and Leave"</b> paragraph 37)	Letter of reprimand to 1-day suspension	10-day suspension	Removal
4. Unauthorized absence from work site while remaining on FAA premises. (See <b>Order 3600.4 "Absence and Leave"</b> paragraph 45(b))	Letter of reprimand	5-day suspension	Removal
5. Failure to carry out orders or assignments given by a superior official.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
6. Insubordination and refusal to carry out orders or assignments given by a superior official.	1-day suspension to removal	Removal	
7. Failure to carry or show proper identification credentials as required by competent authority.	Letter of reprimand	5-day suspension	10-day suspension
8. Failure to observe precautions for personal safety, such as failure to use safety equipment when it is provided, failure to use available safety restraints when operating a motor vehicle on Government business, or ignoring signs, posted rules, or regulations or written or verbal safety instructions.	Letter of reprimand	2-day suspension	10-day suspension
9. Failure to report personal injury or accident occurring on the job.	Letter of reprimand	5-day suspension	10-day suspension
10. Conducting personal affairs while in duty status.	Letter of reprimand	5-day suspension	10-day suspension
11. Gambling or promotion of gambling on FAA premises.	Letter of reprimand to removal	5-day suspension to removal	Removal
12. Use or improper possession of alcoholic beverages while on duty, or excessive and habitual abuse of alcoholic beverages while off duty. (See DOT Order 3910.1C "Drug and Alcohol-Free Departmental Workplace")			
a. Use, improper possession, or being under the influence of alcoholic beverages while on duty; or excessive and habitual abuse of alcohol beverages while off duty by an employee occupying a position directly related to aviation	Each such employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by FAA. Failure to enter the program or successfully	Removal	

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Nature of Offense	1st Offense	2nd Offense	3rd Offense
safety and required to take periodic physical examinations.	complete it will result in removal.		
b. Use, improper possession, or being under the influence of alcoholic beverages while on duty; or excessive and habitual abuse of alcoholic beverages while off duty by an employee occupying a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by FAA. Failure to enter the program or successfully complete it will result in removal.	Removal	
c. Use, improper possession, or being under the influence of alcoholic beverages while on duty by an employee not occupying a position directly related to aviation safety and required to take the periodic physical examinations; a position directly related to aviation safety; or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by FAA. Failure to enter the program or successfully complete it will result in removal.	Removal	
d. Excessive and habitual abuse of alcoholic beverages while off duty which resulted in performance deficiencies or misconduct by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by FAA. Failure to enter the program or to successfully complete it result in discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in the this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in the table of penalties
13. Use, being under the influence of, possession, selling of purchase either on or off FAA premises of hallucinogens, amphetamines, barbiturates, benzodiazepines, narcotics, other cannabis substances, or other controlled substances. For information on prescription drug, see Para.213.) (See DOT Order 3910.1C "Drug and Alcohol-Free Departmental Workplace")			
a. Sale of such substances while on or off FAA premises (includes offer to sell), or participation in the manufacturer, growing, distribution, or transport of such substance.	Removal		
b. Use, possession, purchase, being under the influence of such substances on duty by an employee occupying a position directly related to aviation safety and required to take periodic physical examinations.	Removal		
c. Use, possession, being under the influence of such substances on duty by an employee occupying a position directly related to aviation safety or a position where the safety of persons or property could be endangered.	Removal		
d. Use, possession, purchase, being under the influence of such substances on duty by an	Employee will be offered an opportunity to enter an	Removal	

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Nature of Offense	1st Offense	2nd Offense	3rd Offense
employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	abatement program approved by FAA. Failure to enter or successfully complete it will result in removal.		
e. Use, possession, purchase, being under the influence of such substances off duty by an employee occupying a position directly related to aviation safety and required to take periodic physical examinations.	Employee will be offered an opportunity to enter an abatement program approved by FAA. Failure to enter or successfully complete it will result in removal.	Removal	
f. Use, possession, being under the influence of such substances off duty by an employee occupying a position directly related to aviation safety or a position where the safety of persons could be endangered.	Employee will be offered an opportunity to enter an abatement program approved by FAA. Failure to enter or successfully complete it will result in removal.	Removal	
g. Use, possession, purchase, being under the influence of such substances on duty by an employee not occupying a position directly related to aviation safety and required to take periodic physical examinations, a position directly related to aviation safety, or a position where the safety of persons or property could be endangered.	Employee will be offered an opportunity to enter an appropriate alcohol abatement program approved by FAA. Failure to enter the program or to successfully complete it result in discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in this table of penalties.	Discipline for the performance deficiency or misconduct as prescribed in the table of penalties
14. Failure without sufficient excuse or reason to honor valid debts or legal obligations.	Letter reprimand	Letter reprimand	Removal
15. Sleeping while on duty.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
a. Where an individual occupies a position where safety of personnel or property is not endangered.			
b. Where an individual occupies a position where safety of personnel or property is endangered.	10-day suspension to removal	Removal	
16. Negligent or careless work to removal performance that results in waste of public funds or resources.	Letter of reprimand to removal	10-day suspension	Removal
17. Negligent or careless work performance that results in injury or danger of injury to either the individual involved or to others.	10-day suspension to removal	Removal	
18. Disorderly conduct, or threatening another while on the job or on FAA property. (See "A Supervisor's Guide for Responding to Violence, Threats, or Inappropriate Behavior" May 30, 1996)	Letter of reprimand to 5-day suspension	10-day suspension	Removal
19. Fighting or attempting to inflict or inflicting bodily injury to another while on the job or on FAA property. (See "A Supervisor's Guide for Responding to Violence, Threats, or Inappropriate Behavior" May 30, 1996)	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
			Removal

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Nature of Offense	1st Offense	2nd Offense	3rd Offense
20. Disreputable conduct, use of insulting, abusive or obscene language to or about other individuals while on the job or on FAA property.	Letter of reprimand to 5-day suspension	10-day suspension	
21. Creating a disturbance on or off the job which adversely affects efficiency or which reflects unfavorably on the Federal service or on the agency.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
22. Acts of sexual harassment, which include deliberated or repeated unsolicited or unwelcome verbal comments, gestures, or physical contact of a sexual nature.	Letter of reprimand to removal	Removal	
23. Making disparaging references, expressing a stereotype view, or associating undesirable characteristics in regard to a person's race, color, religion, sex, national origin, age, or handicap.	Letter of reprimand	Removal	
24. Failure or refusal to correct a discriminating practice or to rectify a situation which is found to be deficient with regard to the agency's policy of ensuring equal opportunity in FAA programs. (See Order 1000.IA.)	Letter of reprimand		
25. Making false or suspension unfounded statements about other employees.	Letter of reprimand	5-day suspension	30-day suspension
26. Serious or repeated violation of traffic regulations while driving a Government vehicle or a vehicle rented or leased for official Government purposes.	5-day suspension	10-day suspension	Removal
27. Reckless driving suspension or improper operation of any motor vehicle on FAA premises.	Letter of reprimand	5-day suspension	30-day suspension
28. Borrowing money or obtaining cosignatures from subordinates.	Letter of reprimand	5-day suspension	Removal
29. Unauthorized canvassing, soliciting, or peddling on FAA premises.	Letter of reprimand	5-day suspension	Removal
30. Concealing or covering up a recognized offense, including "acts of sexual harassment" or other types of prohibited discrimination, or a material fact for another employee (including a supervisor or a subordinate employee), which, if revealed, would result in disciplinary action being against the employee.	10-day suspension to removal	Removal	
31. Failure to assess a penalty when the facts are known and disciplinary action is warranted (including acts of prohibited sexual harassment or other types of prohibited discrimination).	Letter of reprimand	10-day suspension	Removal
32. Violating or ignoring security regulations.	Letter of reprimand to removal	5-day suspension to removal	Removal
33. Falsifying attendance record for oneself or another employee.	5-day suspension to removal	Removal	
34. Intentional falsification, removal misstatement or concealment of material fact, or refusal to give	10-day suspension to removal	Removal	

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Nature of Offense	1st Offense	2ndt Offense	3rd Offense
testimony in connection with employment or any investigation of injury.			
35. Actual or attempt theft of Government or personal property.	10-day suspension to removal	Removal	
36. Loss of, damage to, or endangering Government property through carelessness.	Letter of reprimand to removal	10-day suspension to removal	Removal
37. Misconduct generally; criminal, infamous, immoral, perverted, or notoriously disgraceful conduct.	30-day suspension o removal	Removal	
38. Misuse of identification cards, or investigative or identification credentials.	Letter of reprimand	10-day suspension	Removal
39. Forging or falsifying official Government records or documents.	5-day suspension to removal	Removal	
40. Misuse of Government property or leased services (including misuse of computers).	5-day suspension to removal	Removal	
41. Intentionally damaging, misadjusting, or improperly using equipment used for or related to the control of air traffic.	10-day suspension to removal	Removal	
42. Willful use, or intentionally authorizing the use of Government vehicles for other than official purpose (suspension for this offense is in calendar days).	30-calendar day suspension (required law)	30-calendar day suspension to removal	Removal
43. Act of sexual harassment			
a. Unwelcome sexual teasing, jokes, remarks, questions, looks, or gestures			
(1) by a non-supervisor	Letter of reprimand to 5-day suspension	30-day suspension	Removal
(2) by a supervisor	Letter of reprimand to 10-day suspension	Downgrade and removal from supervisory position	
b. Unwelcome letters, telephone calls, or materials of a sexual nature			
(1) by a non-supervisor	5-day suspension	Removal	
(2) by a supervisor	Downgrade and removal from supervisory position (if individual is repromoted to supervisor	Removal	
c. Unwelcome pressure for dates			
(1) by a non-supervisor	Letter of reprimand to 5-day suspension	Removal	
(2) by a supervisor	Downgrade and removal from supervisory position		
d. Unwelcome physical touching of a sexual nature	Removal		
*e. Promise of benefit in exchange for sexual favors	Removal		

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Nature of Offense	1st Offense	2ndt Offense	3rd Offense
f. Threat or act of reprisal for refusal to provide sexual favors	Removal		

<sup>1</sup> - Penalties do not apply in cases of concerted job actions or illegal strikes.

## Appendix 2. Sample Letter of Reprimand

Name of Employee

Date

Address

Dear (Name):

This is notice that you are officially reprimanded for the following reasons: (Recount the reasons for the written reprimand in sufficient detail so that the employee will fully understand the violation, infraction, or act of omission for which he/she is being reprimanded. Cite specific times, places, and dates as appropriate).

You may call upon me for any assistance which you may need to help you understand the reasons for this action and to assist you in avoiding a recurrence of the above-mentioned deficiency. You have a right to reply to me personally, in writing, or both within 15 days to offer reasons or arguments to why this reprimand should not be issued. Any reply you submit will be fully considered, and if, based upon the reasons and explanations you offer, I decide that this reprimand should be withdrawn, you will be so advised and the documents relating to this matter will not be filed in your Official Personnel Folder.

Unless you are otherwise advised, this letter of reprimand, together with any written reply you choose to submit, will be placed in your Official Personnel Folder for 2 years.

Signed (Name of Supervisor)

## Appendix 3. Sample Letters Relating to Substance Abuse Cases

Sample Letter 1. Proposal to Remove in Substance Abuse Case

Sample Letter 2. Decision Letter in Substance Abuse Case

### Appendix 3 Sample Letter 1. Proposal to Remove in Substance Abuse Case

Dear Mr./Ms.:

This is notice that I propose to remove you from your position of , GS- \_\_, Step \_\_, \$\_\_\_\_\_, per annum, at the \_\_\_\_\_, not earlier than 30 days from the date you receive this notice. The reason is:

Reason: \_\_\_\_\_

Specification: \_\_\_\_\_

As an \_\_\_\_\_, you are placed in a unique and demanding position with immense responsibility for the lives and property of others. Being continuously alert and having sound judgment are basic to the position. Since you are in an aviation-safety-related occupation, and as there is the necessity to preserve the public's and user's confidence in this critical area, any involvement on your part with mind-altering substances will not be tolerated. In addition, any involvement by you with mind-altering substances could have a deleterious effect on your abilities to function in your position.

You may reply to this proposal to me personally, in writing, or both, and furnish affidavits and other documentary evidence in support of your answer within 15 calendar days from the day you receive this letter. In making a response, you have the right to be represented by an attorney or other representative and the right to review the material relied upon to support this action. You may review this material at \_\_\_\_\_. You will be granted a reasonable amount of official time, provided you are in a duty status, of up to 16 hours to prepare and present a reply to this proposed action. Before making a decision, I will carefully consider any response you may make and any evidence you may submit. Consideration will also be given to your willingness to participate in and successfully complete an FAA-approved Substance Abuse Treatment Program and your agreement to abide by the conditions of that program and any other conditions of rehabilitation which I may subsequently submit to you.

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As soon as possible after your reply is received, or after the expiration of the 15-day limit if you do not reply, a written decision will be issued to you.

Sincerely,

### Appendix 3 Sample Letter 2. Decision in Substance Abuse Case

Dear Mr./Ms.

On \_\_\_\_\_, you received a letter of proposed removal for your involvement with drugs. In that letter you were told that consideration would be given to your willingness to participate in and successfully complete an FAA approved Substance Abuse Treatment Program and your agreement to abide by any other conditions of rehabilitation which I might submit to you. I have considered your (oral and/or written) response[s] dated \_\_\_\_\_. I find that the reason and specification cited in the letter of proposed removal are supported by the evidence. However, I have decided to hold my decision in abeyance at this time, principally because of your agreement to participate in an approved Substance Abuse Treatment Program. I would remind you that your involvement in the present rehabilitation effort constitutes your one opportunity for rehabilitation as provided in for in the agency's substance abuse policy. In addition, enrollment in a rehabilitation program does not immunize you from disciplinary action if it is determined that you have been involved in the sale, distribution, manufacture, growing, transport, or on-duty use of a controlled substance. My final decision in this matter will be contingent upon your successful completion of the rehabilitation program and your fulfilling of the following conditions:

1. Attend a \_\_\_\_-day inpatient program for drug abuse at \_\_\_\_\_.
2. Attend aftercare as prescribed by \_\_\_\_\_ once a week for at least \_\_\_\_\_ months after completion of your inpatient care.
3. Attend Narcotics Anonymous daily for \_\_\_\_\_ except for the days you attend aftercare.
4. Obtain a sponsor from Narcotics Anonymous by \_\_\_\_\_, and supply that name to your supervisor.
5. Agree to drug screening any time it is requested by FAA for a period of \_\_\_\_\_ months after the date of this agreement.
6. Never report to work the influence of alcohol or any approved drug.
7. If unable to attend any scheduled activities due to a personal emergency (e.g., illness, accident), obtain advance approval from your supervisor.

Because of your duties as an \_\_\_\_\_, which is an aviation-safety-related occupation, and the necessity to preserve the public's and user's confidence in this critical area, any involvement on your part with illegal, mind-altering substances will not be tolerated. Therefore, any further involvement by you with illegal, mind-altering substances or failure to adhere to the terms of this letter will result in separation. Please return a signed copy of this letter to me within 3 days.

Sincerely,

Employee's Signature \_\_\_\_\_ Date \_\_\_\_\_

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# FAPM Letter 352-1 Reemployment, Restoration and Return Rights



## Reemployment, Restoration and Return Rights

This document is only in effect for the following:

- Return rights obligations incurred prior to April 1, 1999,
- FAA Non-Foreign Overseas locations (refer to Chapter 2),
- Re-employment Rights for FAA Academy Instructors (refer to Chapter 4),
- Transfers of FAA employees to the Department of State (refer to Chapter 6),
- Transfers of FAA employees to International Organizations (refer to Chapter 7), and
- Interchange agreements, as appropriate

For all other re-employment, restoration, and return rights policies and guidance, refer to [EMP-1.16 Return Rights After Certain Assignments](#) and [EMP-1.16 Supplement: Return Rights for FAA International Assignments](#).

May 19, 1993

This issuance:

- a. Modifies the definition of remote location.
- b. Eliminates Hawaii from coverage under the Reemployment, Restoration, and Return Rights Program. The elimination of Hawaii is not retroactive.
- c. Revises the delegation of authority to approve requests for exceptions to mandatory rotations from the Assistant Administrator for Human Resource Management, to the Director of Personnel.
- d. Withdraws the paragraph on the restoration and return of Flight Inspections National Field Office employees.
- e. Clarifies which provisions should be used for specific reemployment, restoration, and return rights situations.
- f. Grants return rights to Air Traffic employees who occupy positions at the GS/GM-15 grade levels or below prior to their accepting assignments from or to Washington headquarters.
- g. Changes organizational title from Director of Personnel and Training to Director of Personnel.
- h. Changes all references from Civil Service Commission to Office of Personnel Management.
- i. Changes organizational title from Associate Administrator for Policy and International Aviation to Assistant Administrator for Policy, Planning, and International Aviation.
- j. Changes organizational title from Director, NAFEC, to Director, FAA Technical Center.
- k. Changes references from Regional Director to Regional Administrator.
- l. Incorporates the noncompetitive merit promotion provision for repromotions under the Reemployment, Restoration, and Return Rights Program.
- m. The contents of this issuance became effective July 1, 1992.

/s/

Herbert R. McLure  
Assistant Administrator for  
Human Resource Management  
Initiated By: APN-200

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#### 1. Policy.

- a. To provide reasonable protection against employment uncertainties and career setbacks for employees willing to accept special assignments outside their normal career patterns.
- b. To periodically reassign personnel to foreign assignments, certain remote locations, and such other organizational components as approved by the Director of Personnel.

#### 2. Program Objectives.



- a. To provide motivation and opportunities for employees to equip themselves with diversified experience and skills.
- b. To encourage acceptance of special assignments.
- c. To systematically reassign personnel in certain overseas, foreign, and domestic locations as a means of:
  - (1) Updating occupational proficiency.
  - (2) Enabling employees to keep abreast of the latest technological developments.
  - (3) Providing relief from limited opportunities for social contact and the monotony of working and living conditions prevalent at remote locations.
  - (4) Assuring that positions are filled by employees with recent experience when recency is essential to the ongoing needs of the program.
- d. To promote better understanding of agency operations and problems related thereto.
- e. To develop better career-ladder opportunities.

### 3. Definitions.

- a. **Continental United States** means the 48 contiguous States and the District of Columbia. (Excludes Alaska and Hawaii.)
- b. **Domestic** means within the continental United States.
- c. **Overseas** means outside the continental United States.
- d. Foreign means any area (including the Trust Territories of the Pacific Islands) situated outside the United States (50 States) and outside the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States.
- e. Remote Locations are predesignated geographic areas in the Alaskan, Western-Pacific (excluding Hawaii), and Southern Regions which have conditions of environment substantially different from those in more populated areas because of distance, inaccessibility, or isolation.
- f. Tour of Duty is the total time lapse between the effective dates of two successive employment agreements. The length of the tour may vary because:
  - (1) Employment agreements may be executed for variable lengths of time (paragraph 18).
  - (2) Employees often take home leave or annual leave between two consecutive employment agreements (paragraph 19).
  - (3) All uninterrupted combinations of service as an overseas/foreign employee and/or FAA Academy instructor must be counted when determining maximum eligibility of 7 years for return rights under the provisions of this DOCUMENT.
- g. **Employing Jurisdiction** means Washington headquarters, a region, the Technical Center, and the Aeronautical Center. While the Europe, Africa, and Middle East Office is a separate overseas organization for its employees who are serving in foreign areas, it is not an employing jurisdiction because it does not have delegated appointing authority.
- h. **Parent Organization** means the employing jurisdiction to which an employee's return rights are attached.
- i. **Actual Place of Residence** means the place to which an employee's return transportation is to be paid in accordance with Order 3600.4, Absence and Leave, paragraph 22, for home leave or separation.

### 4. Travel and Transportation Expenses. Replaced by PRIB 12.

**5. Administrative Re-Employment Rights.** Administrative reemployment rights are those granted by the Administrator in keeping with the best interests of FAA. They include return rights from overseas locations in the New England, Southern, Western-Pacific (excluding Hawaii), and Alaskan Regions and the Europe, Africa, and Middle East Office; return rights for certain overseas employees who accept assignments in other jurisdictions; the reemployment of FAA Academy instructors; and return rights for employees who accept assignments from or to Washington headquarters.

**6. Change to Lower Grade.** For any employee who exercises return rights under the provisions of this directive resulting in a change to lower grade, the action is considered a voluntary request and is not covered by adverse action procedures.

**7. Statutory Return Rights.** These are reemployment rights provided by statute as a means of assuring reasonable protection against employment uncertainties for employees willing to undertake special assignments or employment. They include return rights based on assignments with the Department of State; certain employees who accept excepted appointments under the Foreign Assistance Act; transfers to international organizations; and movements between executive agencies during emergencies. Restoration after military duty is also covered by statute.

**8. Medically Disqualified Employees.** An employee who becomes medically disqualified while serving at an overseas location or FAA Academy should normally be returned as soon as practical to his/her parent organization. In such an instance, the parent organization will take appropriate action consistent with existing procedures for handling cases involving medically disqualified personnel. For overseas locations only, an employee may remain at an overseas location by accepting reassignment to another position for which he/she qualifies both in experience and medically provided the action is approved by the overseas organization. Under such circumstances, the employee will retain return rights eligibility.

**9. Personnel Actions Based on Mutual Acceptance.**

Nothing in these regulations should be construed as preventing any voluntary personnel action which is mutually acceptable to the employee and FAA regardless of grade or location of the proposed assignment.

**10. Preserving the Continuity of Service for Career Tenure.** Employing jurisdictions are encouraged to grant 90 days' leave without pay to FAA career or career-conditional employees who are dependents of FAA employees who may be obliged to accept rotational assignments under the provisions of this DOCUMENT. By this action, dependent employees will be permitted to seek employment at the new locations and preserve continuity of service.

**11. Responsibilities.**

a. Office of Personnel. The Office of Personnel is responsible for the development and issuance of rules, regulations, and procedures governing reemployment, restoration, and return rights in accordance with directives and general guidelines issued by the Administrator, the Office of the Secretary of Transportation (OST), and the Office of Personnel Management. This includes evaluations of reemployment activities-at all levels of organization within the FAA.

b. Management Officials. Management officials shall:

(1) Encourage highly qualified employees to seek overseas and special assignments as a regular part of their career development.

(2) Identify and recommend employees who are the best qualified candidates available for overseas positions and other special assignments covered under the provisions of the DOCUMENT.

(3) Promptly release employees selected for overseas or FAA Academy and special assignments within 1 month after notification. Extensions may be granted by mutual consent. Employees selected under merit promotion shall be released in accordance with FAPM 352-1 (formerly Order 3330.6B).

(4) Employ, reemploy, or restore employees or former employees who are entitled to reemployment rights by law, regulation, or FAA policy.

c. Employing Jurisdictions. Regional Administrators; the Director ' Office of Personnel, in headquarters; the Associate Administrator of the Aeronautical Center; and the Director, FAA Technical Center shall:

(1) Establish local policies and procedures consistent with program objectives and regulations as outlined in this document.

(2) Assure that the Reemployment, Restoration, and Return Rights Program is administered in accordance with Office of Personnel Management, OST, and FAA rules, policies, and regulations and in accordance with pertinent laws of the United States.

(3) Periodically evaluate the effectiveness of the Reemployment, Restoration, and Return Rights Program within their respective areas of jurisdiction.

(4) Recommend revisions and adjustments to the program as necessary.

(5) Ensure that candidates for overseas positions and Washington headquarters, FAA Academy, and special assignments covered under the provisions of this document are thoroughly and completely aware of their rights, benefits, and obligations before their personnel actions become effective.

d. **Employees.** Employees are responsible for:

(1) Furnishing information as required in the administration of the Reemployment Rights Program. This includes responsibility for providing current SF-171's and performance appraisals when being considered for other positions within the agency.

(2) Allowing sufficient time for planning purposes when making decisions regarding the exercise of reemployment rights.

e. **Reemployment Rights Coordinators.**

(1) There is established within the Office of Personnel, Staffing Policy Division, a Reemployment Rights Program Manager. It shall be that individual's responsibility to provide program guidance and assistance to employing jurisdictions, monitor the program, and recommend improvements. Any questions, suggestions, or recommendations for improvement should be forwarded to: Reemployment Rights Program Manager, Staffing Policy Division, APN-200, Office of Personnel.

(2) Regional Administrators; the Associate Administrator for the Aeronautical Center; the Director, FAA Technical Center, and the Director of Personnel in Washington headquarters shall designate reemployment rights coordinators and inform all other FAA appointing offices of the individuals so designated. The coordinators should have a thorough knowledge of the program and should be specialists in personnel management. Coordinators will provide program guidance and assistance and monitor the program at their local levels.

f. **Reemployment Rights Counseling.** Regional Administrators; the Associate Administrator for the Aeronautical Center; the Director, FAA Technical Center, and the Director of Personnel in headquarters shall assure that employees are properly counseled when accepting or returning from assignments covered by the provisions of this document. To the fullest extent practicable, the counseling shall include the employees' families, if appropriate.

12. **Employees Expected to Exercise Return Rights Report (RIS: PT 3330.6).** On January 1 and July 1 of each year, operating personnel offices shall compile lists of employees who are expected to return to their parent organizations during the succeeding 12 months. Each list must be complete within itself even if the same names appear on one or more succeeding reports. A copy of the listing shall be submitted to each employing jurisdiction affected:

a. Name and present position title, series, and grade.

b. Grade level to which employee is expected to return.

c. The employing jurisdiction to which rights are attached.

d. The approximate date the employee is expected to return.

e. Dependents (number and birthdates).

f. Estimated weight of household effects.

g. Estimated sale price of real estate. (Not required for moves to and from a foreign location.)

13. **Round Trip Travel Under 5 USC 5728(a).** An employee who accepts an assignment outside the 48 continental United States (except Hawaii) and after completing a tour of duty is allowed expenses for travel from post of duty to place of actual residence at time of appointment or transfer and return overseas. The employee must enter into a new written agreement for another period of service at the same or some other post of duty outside the continental United States. (Also see Order 1500.14A, Travel.)

14. **Home Leave Under 5 USC 6305.** Employees who accept assignments outside the 50 United States receive home leave benefits. Home leave is additional leave earned under the Leave Act by employees serving abroad. The purpose of home leave is to allow an employee an opportunity to return to his or her homeland to become reacquainted with its ideals and customs before returning for another overseas tour. Annual accrual rates are 5, 10, or 15 days depending upon the post differential allowance at the overseas location. (Also see Order 3600.4, chapter 3.)

15. **Movement From a Training Program to an Overseas Assignment.** This provision applies to an employee who withdraws from a long-term training program (Executive Development, Mid-Career, etc.) to accept an overseas assignment and becomes eligible for return rights from the overseas assignment. The employee's return rights are to the parent organization where he/she was permanently assigned. A permanent assignment is one which is charged against full time permanent ceiling and is not temporarily budgeted.

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## CHAPTER 2. Administrative Return Rights From Overseas Locations

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**16. Purpose.** This chapter prescribes the eligibility requirements and the procedures for granting and exercising administrative return rights from overseas service in the New England, Southern, Western-Pacific (excluding Hawaii), and Alaskan Regions, the Europe, Africa, and Middle East Office, and the Office of International Aviation.

### 17. Employee Eligibility.

**a. Transportation Requirement.** This is the first key factor in determining employee eligibility for administrative return rights.

(1) An employee in a nonforeign location is eligible only if his/her transportation was paid by FAA to the overseas post.

(2) An employee in a foreign location may be eligible regardless of whether FAA paid the transportation to the foreign duty post.

**b. Employment Requirement.** Return rights are not provided to outside hires.

**c. Length of Service Requirement.** The second key factor in determining employee eligibility is the length of time served outside the limits of the 48 contiguous States during a current period of overseas service. An employee who does not complete his/her initial overseas tour is not eligible for administrative return rights.

**d. Office of Personnel Management Rules and Regulations.** Unless an exception is approved by the Office of Personnel Management, an overseas employee must meet all civil service requirements for the position change in order to be eligible to exercise return rights.

**e. Overseas Executive Personnel.** The FAA will provide career continuity for top management personnel consistent with the continuing needs of the agency. However, since the agency has no positive control over Senior Executive Service and public law positions, return rights for such personnel are guaranteed at no grade higher than GM-15.

**18. Overseas Tours of Duty.** An overseas tour begins when an employee arrives at the overseas post or at an overseas temporary duty post en route to the new post and ends when he/she departs the post on change of station, home leave, or round trip travel for vacation leave. The length of the tour is established as follows:

a. If an employee serves only one tour of duty overseas, his/her tour should total 36 months.

b. If an employee serves more than one tour, the first tour should total 36 months. Any subsequent consecutive tour may be reduced to a minimum of 22 months. However, the final tour should total 24 months.

#### c. Exceptions:

(1) A tour in an area where dependents are not permitted due to civil disturbance may be established at 18 months. However, the tour should be established at 24 months if the dependents are authorized Government travel to a safe haven post.

(2) An employee's initial tour of duty to a foreign location may be established for a period of 24 to 36 months with subsequent consecutive tours of 24 months when:

(a) The head of the organization responsible for the foreign activity determines that a nonstandard initial tour is necessary;

(b) Employees are advised of the length of the initial tour when applications are solicited.

(3) Other exceptions may be approved by the Director of Personnel when:

(a) Justified by the head of the organization responsible for the overseas activity; and

(b) Employees are advised of the length of the initial tour when applications are solicited.

#### 19. **Employment Agreement.**

- a. Persons appointed to overseas positions who may be eligible for return rights under the provisions of this document and who are eligible for return round trip travel under the provisions of 5 USC 5722 and 5728 are required to execute employment agreements (FAA Form 3330-4).
- b. Employment agreements will be executed to correspond with overseas tours of duty as described in paragraph 18.
- c. For each successive overseas tour of duty, a new employment agreement must be executed when the employee applies for home or vacation leave and travels at Government expense for the purpose of taking such leave (FAA Form 3330-4-1).
- d. An employee desiring to extend return rights for a second or third tour must execute a new employment agreement prior to the start of the new tour.
- e. An employee who has no return rights need not execute a new employment agreement except as required by laws governing the payment of travel and transportation expenses for the purpose of taking leave (FAA Form 3330-57).
- f. The heads of overseas organizations are authorized to waive the requirements for completing employment agreements as a prerequisite to payment of travel expenses for reasons which are deemed to be in the best interests of the agency.

20. **Scheduling Employees for Return.** Eligible employees shall be scheduled for return to their parent organizations in accordance with the provisions of this paragraph. When flexibility permits, careful consideration should be given not only to the needs of the overseas organization, but to the needs of the parent organization and the personal desires of the employee as well. One or more extensions not to exceed an aggregate period of 9 months may be granted by the overseas organization to an employee after-coordination with the parent organization.

a. **After Completing One Tour.** Employees are normally expected to serve two tours. However, the head of an overseas organization may disapprove a second tour and return the employee to his/her parent organization if it is in the best interests of the agency to do so.

b. **After Completing Two or Three Consecutive Tours.**

- (1) When an employee has served two consecutive tours of duty, he/she may at the option of the overseas organization be returned to the parent organization. This option may be exercised on an individual case-by-case basis or by standard rotation policy.
- (2) The employee, the overseas organization, and the parent organization may mutually agree to a third consecutive tour with the extension of return rights to the end of such tour.
- (3) At the completion of three tours, an employee must return to the parent organization or forfeit return rights. An employee who is not covered by a mandatory rotation policy may forfeit return rights and remain overseas indefinitely, but only if his/her request is approved by the overseas organization.
- (4) Employees covered by return rights at the time of issuance of this revision are covered by this provision at the end of their third or, if beyond their third, at the end of their current tours.

#### 21. **Mandatory Rotation.**

- a. After completing 7 years of continuous service in a REMOTE LOCATION, an employee must be transferred to another geographic area. After completing 7 years in a FOREIGN LOCATION, an employee must be returned to a nonforeign assignment. An employee covered by a mandatory rotation policy may not forfeit return rights and remain overseas indefinitely.
- b. **Exceptions.** The Director of Personnel, APN-1, may approve requests from appropriate Regional Administrators and Center Directors or Associate or Assistant Administrators to extend employees beyond their mandatory rotation dates based on management determinations concerning both agency needs and the projected contributions of the employees involved. All requests must be directed to the Director of Personnel.

#### 22. **Identifying the Parent Organization.**

- a. **General Rule.** Except as provided in subparagraph b. below, the parent organization is normally identified as FAA employing jurisdiction from which the employee was selected.

**b. Exceptions.**

- (1) When in accordance with a determination order activities or positions move geographically to other employing jurisdictions where no similar activities were located before, administrative return rights transfer with the activities.
- (2) When activities or positions have not moved but the geographic area in which they were located has shifted from one employing jurisdiction to another, return rights transfer to the employing jurisdiction responsible for the geographic area.
- (3) If an Academy instructor transfers overseas or to Washington headquarters, his/her parent organization is the same as it was while he/she was employed at the Academy. If, however, he/she had no return rights while employed at the Academy, the parent organization is the Aeronautical Center.
- (4) An overseas organization is obligated to restore a former employee who transfers to another FAA overseas organization providing the employee has no reemployment rights elsewhere. However, this right is not cumulative. For example, if an employee exercised return rights from Guam to Alaska, he/she does not then acquire return rights back to Guam.

**23. Restoration Requirements.**

**a. General Rule.**

- (1) An employee who completes one but not two consecutive overseas tours will be returned at the grade held immediately prior to the overseas assignment.
- (2) An employee who completes two or three consecutive overseas tours will be limited to return at whichever of the following is the higher grade:
  - (a) One grade above the grade attained upon initial assignment overseas provided the employee progresses to that grade; or
  - (b) The grade held immediately prior to the overseas assignment.

**b. Exceptions.**

- (1) If an employee was downgraded as a disciplinary measure while serving overseas, he/she is eligible to return at the grade held at the time of exercising return rights but no higher than one grade above the grade attained upon initial assignment overseas.
- (2) An employee who is scheduled for separation or demotion because of reduction-in-force, reorganization, or abolishment of position shall be offered the alternative of returning immediately to his/her parent organization. An employee who has completed at least 75 percent of his/her current tour at the time that he/she is scheduled for separation or demotion may return at a grade no higher than that to which he/she would be entitled upon completion of his/her current tour. An employee is entitled to early return only if his/her grade or tenure is affected.
- (3) A temporary promotion does not entitle an employee to return at the higher grade to which temporarily promoted.
- (4) An employee may be restored at a grade lower than that to which he/she is entitled under the provisions of this document if he/she voluntarily requests the preferred assignment in accordance with paragraph 400, PT P 3330.9, Internal Placement Handbook, and provided he/she is fully informed of his/her rights to the higher grade.
- (5) If an employee accepts a downgrade as a result of less than satisfactory performance prior to going overseas or while overseas the employee fails a training program or fails to perform in a satisfactory manner, he/she is eligible to return at the grade held at the time of exercising return rights.

**c. Placement Procedures.**

- (1) An employee may exercise return rights upon completion of his/her first or second tour provided he/she has not previously forfeited those rights. For planning purposes, he/she may be queried several months in advance as to his/her intent. However, his/her formal application should be submitted not less than 90 days and not more than 120 days before the end of his/her current tour. The formal request must be accompanied by a current SF-171.
- (2) The parent organization must respond to an official request for restoration within 30 days after receipt. The parent organization shall make every effort to place the employee in a suitable permanent position, thus eliminating the need for a second move. If an appropriate permanent assignment is not available, the following alternatives apply:
  - (a) The employee may remain overseas until an appropriate vacancy occurs PROVIDED such an arrangement is satisfactory to the employee, the overseas organization, and the parent organization. If any party disagrees, the

employee shall be returned in accordance with the normal provisions of this document. If a delay is arranged, the first appropriate vacancy shall be offered.

(b) The parent organization should solicit placement assistance from other employing jurisdictions. Any offer of employment in an employing jurisdiction other than that to which return rights are attached must be acceptable to the employee.

(c) As a last resort, the parent organization may borrow a position from the Office of Budget for use while it is absorbing the returnee into its regularly authorized staffing.

(d) If an employee voluntarily elects to accept a position in another domestic region rather than return to his/her parent organization, his/her return rights will be forfeited.

## **24. Filling Overseas Positions.**

a. **Purpose.** The purpose of this section is to:

- (1) Require 2 years of domestic service between recurrent overseas assignments.
- (2) Require the consideration of ingrade/downgrade volunteers from parent organizations when filling in behind overseas returnees.
- (3) Withdrawn - CHG 1.
- (4) Require a medical clearance prior to final commitment to an overseas applicant.
- (5) Require that investigative requirements of Order 1600.IB, Personnel Security Program, are met prior to departure on international travel.
- (6) Require that all employees be provided security briefings prior to departure on international travel.

b. **Domestic Service Requirement.** An employee who previously exercised return rights to domestic employment under the provisions of this document is not eligible for another overseas assignment for 2 years after the effective date of return. Intraregional transfers such as those which occur within the Southern Region may be approved as exceptions by the Regional Administrator. Other exceptions may be approved for the good of the service by respective Regional Administrators/Center Directors or the Director of Personnel.

c. **Positive Consideration Requirement.** When filling a vacancy caused by an employee's exercising return rights, the overseas organization shall upon request of the parent organization first consider ingrade or downgrade referrals from the parent organization (which restored or is obligated to restore the former incumbent). If a request is not made or if referrals are not available, applicants for promotion and those from other recruitment sources should be considered. This paragraph applies only to nonforeign overseas positions in grades GS-9 through GS-13 in the Western-Pacific (excluding Hawaii), Alaskan, and Southern Regions.

- (1) The overseas organization needs to consider only those candidates who are rated as highly qualified for the position to be filled. A minimum of three such candidates must be available for consideration. If not, the area of consideration may be expanded in accordance with FAPM 330-4 (formerly Order 3330.IB), Merit Promotion Program, paragraph 22e.
- (2) Exceptions may be authorized by mutual agreement of the heads of the overseas and parent organizations for reasons of program efficiency.
- (3) The overseas organization shall furnish sufficient information about the vacancy to allow potential candidates to make informal decisions.
- (4) Employees in the domestic jurisdictions shall be given sufficient opportunity to indicate their availability for the specific overseas assignment.
- (5) Realistic and valid standards for competence and fitness shall be applied impartially and uniformly by the domestic organizations.
- (6) Only applicants who indicate availability for the vacant position shall be referred for consideration.
- (7) Withdrawn - CHG 1

(8) These regulations do not in any way require the filling of a position which would otherwise be left vacant.

d. **Withdrawn** -CHG 1.

e. **Medical Certification Requirement.** In some cases, overseas candidates or members of their families may have medical ailments that might be aggravated by climatic or environmental conditions at particular overseas locations. For foreign locations except Kwajalein, medical clearances are received from the Department of State through the Assistant Administrator for Policy, Planning, and International Aviation. For nonforeign locations and Kwajalein, medical records will be reviewed and clearances granted in accordance with procedures established by the Office of Aviation Medicine, which follow.

f. **Medical Clearance Procedures for Accompanying Dependents.** In the interest of avoiding adverse effects upon employees when such effects are produced by health or safety problems among their dependents, the following procedures for nonforeign assignment medical clearances are established.

(1) **Identification of Locations.** Nonforeign overseas locations of assignment within FAA are identified as:

(a) The State of Alaska.

(b) Noncontinental Southern Region.

(c) Possessions of the United States.

(2) **Medical Records Review.** Prior to final selection for assignment to duties in any of the three areas listed above, the receiving Regional Flight Surgeon will review the medical records pertaining to dependents who will accompany the employee. Information concerning the dependents will be obtained via a questionnaire (appendix 2) which will be completed IN ONE COPY ONLY and forwarded for review by the Regional Flight Surgeon of the region of the proposed assignment.

(3) **Qualification Authority.** It is recognized that certain geographical locations could adversely affect health and safety due to climate, living facilities, and other factors. An individual's illness or health problems may be satisfactorily controlled and managed under the living conditions of the continental United States. However, severe temperatures, absence of transportation, and other factors may result in loss of control of a health problem or illness. Therefore, the receiving Regional Flight Surgeon will not clear employees for nonforeign overseas assignments when in his/her judgment and with his/her knowledge of the facts the assignments could adversely affect health or safety. His/her conclusions will be known to the receiving region's Human Resource Management Division. Decisions by the Regional Flight Surgeon and personnel officials will be made on a case-by-case basis and with full consideration given to all known facts as they apply.

(4) **Additions to Overseas Household.** Employees assigned overseas may have additions to their families by birth or adoption or by having dependents join their families after being located overseas. Regional Flight Surgeons will advise and assist in resolving medical problems that arise AFTER overseas assignments in the same manner as for any other locations within FAA regions.

25. **Elimination of Hawaii.** The elimination of Hawaii from this chapter is not retroactive. It affects only those actions that are effective on or after the effective date of this change.

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## CHAPTER 4. Re-Employment Rights for FAA Academy Instructors

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41. **Coverage.** This chapter covers administrative return rights for employees who occupy instructor positions at the FAA Academy.



**42. Definition.** As used in this chapter, the term instructor means an employee at FAA Academy at the level of section chief or its equivalent or below who is engaged in the conduct, supervision, evaluation, or control of technical training (excluding GS-1700 and GS-300 series positions which are not normally recruited from FAA field facilities) and who performs one or more of the following duties as a regular recurring part of his/her assignment:

- a. Instructing students in resident courses or in nonresident training programs conducted by the Academy in field locations or in FAA directed study program.
- b. Planning and developing training programs.
- c. Developing course content and related material for use in resident training, directed-study, and facility training programs.
- d. Serving as technical assistant to the head of an organizational unit at the Academy that has responsibility for technical training.
- e. Evaluating the conduct of resident, directed-study, and facility technical training programs.

**43. Tours of Duty.** The initial tour of duty at FAA Academy is 3 years. Subsequent consecutive tours are 2 years.

**44. Employee Eligibility.**

**a. General Rule.**

- (1) An instructor who completes one but not two consecutive tours is eligible for return either at the grade held immediately FAA Academy assignment or at the grade held at the time return rights are exercised, whichever is lower.
- (2) An instructor who completes two or three consecutive tours will be limited to return at one grade above the grade attained upon initial assignment at FAA Academy provided the employee progresses to that grade. (This can be processed noncompetitively). An employee who voluntarily accepts a change to lower grade to an FAA Academy assignment and is not repromoted to his/her former grade while at the Academy will be returned to the parent organization at the last grade held at FAA Academy.

**b. Exceptions.**

- (1) If an employee was downgraded as a disciplinary measure while serving at FAA Academy, he/she is eligible to return at the grade held at the time of exercising return rights but no higher than one grade above the grade attained upon initial assignment.
- (2) An employee who is within reach for release from his/her competitive level and is scheduled for separation or demotion because of reduction-in-force or reorganization shall be offered the alternative of returning immediately to his/her parent organization. An employee who has completed at least 75 percent of the current tour at the time he/she is scheduled for separation or demotion may return at a grade no higher than that to which he/she would have been entitled upon completion of his/her current tour. An employee is entitled to early return if his/her grade or tenure is affected.
- (3) A temporary promotion does not entitle the employee to return at the highest grade to which temporarily promoted.
- (4) Unless approved as an exception by the Office of Personnel Management, an instructor must meet all regulatory requirements involved in the exercise of return rights.
- (5) A new employee may be hired from outside FAA ONLY when employing jurisdictions are unable to provide qualified candidates for instructor positions. Employing jurisdictions should make every effort, including management nominations, to provide qualified candidates. When necessary, outside-hire recruitment efforts will be made throughout the continental United States. The parent organization that has jurisdiction over the area of the candidates places of residence should assist in interviewing and screening applicants. Return rights **will not** be granted unless the parent organization endorses the assignment to FAA Academy and formally agrees to provide return rights to the applicant.

**45. Employment Agreement.**

- a. Prior to appointment to an instructor position with return rights, an employee is required to sign an employment agreement (FAA Form 3330-5).
- b. An agreement for initial employment is executed to correspond with a 3-year tour of duty. Subsequent employment agreements are executed to correspond with a 2-year tour of duty.

c. An employee desiring to extend return rights for a second or third tour must execute a new employment agreement prior to the start of the new tour. Otherwise, he/she is returned to his/her parent organization in accordance with the agency's authority to effect reassignments. (See FAA Form 3330-5-1.)

d. The Associate Administrator for the Aeronautical Center or his/her designee is authorized to waive the remaining time covered by an employment agreement for reasons which are considered to be in the best interests of FAA.

**46. Scheduling Employees for Return.** Eligible employees shall be scheduled for return to their parent organizations in accordance with the provisions of this paragraph. When flexibility permits, careful consideration should be given not only to the needs of FAA Academy, but to the needs of the parent organization and the personal desires of the employee as well.

a. **After Completing One Tour.** Employees are normally expected to serve two tours. However, the Associate Administrator for the Aeronautical Center or his/her designee may disapprove a second tour and return an employee to his/her parent organization if it is in the best interests of the agency to do SO.

b. **After Completing Two or Three Consecutive Tours.**

(1) When an employee has served two consecutive tours of duty, he/she may, at the option of the Aeronautical Center, be returned to his/her parent organization. This option may be exercised on an individual case-by-case basis or by a standard rotation policy.

(2) An employee, his/her parent organization and the Aeronautical Center may mutually agree to a third consecutive tour with the extension of return rights to the end of such tour.

(3) At the completion of three tours, an employee must be returned to his/her parent organization unless the employee and the Aeronautical Center mutually agree to a forfeiture of return rights. Forfeiture of return rights is contingent upon the continuing need for the employee's specific skills and on a record of performance ratings at or above the fully acceptable level while serving as an instructor. If return rights are not forfeited, an extension of up to 9 months may be granted by the Aeronautical Center in the event of critical need or unusual employee hardship.

**47. IDENTIFYING THE PARENT ORGANIZATION.**

a. **General Rule.** Except as provided in paragraph 47.b., the parent organization is normally identified as FAA employing jurisdiction from which the employee was selected for an FAA Academy assignment.

b. **Exceptions.**

(1) When in accordance with a determination order activities or positions move geographically to other employing jurisdictions where no similar activities were located before, return rights transfer with the activities.

(2) When activities or positions have not moved but the geographic area in which they were located has shifted from one employing jurisdiction to another, return rights transfer to the employing jurisdiction responsible for the geographic area.

(3) If an instructor at FAA Academy transfers overseas, the parent organization is the same as it was while the employee was at the Academy. If, however, the employee had no return rights while employed at the Academy, his/her parent organization is the Aeronautical Center.

(4) If an overseas employee transfers to an instructor position, his/her parent organization is the same as it was while he/she was employed overseas. If he/she had no return rights while employed overseas, his/her return rights shall be back to his/her former overseas organization.

**48. PLACEMENT PROCEDURES.**

a. An employee may exercise return rights upon completion of his/her first or second tour. For planning purposes, he/she may be queried several months in advance as to his/her intent. However, the formal application should be submitted not less than 90 days or more than 120 days before the end of his/her current tour. The formal request must be accompanied by a current SF-171.

b. The parent organization must respond to an official request for restoration within 30 days after receipt. The parent organization shall make every effort to place the employee in a suitable permanent position, thus eliminating the need for a second move. If an appropriate permanent assignment is not available, the following alternatives apply:

(1) The employee may remain at FAA Academy until an appropriate vacancy occurs PROVIDED such an assignment is satisfactory to the employee, his/her parent organization, and the Aeronautical Center. If any party disagrees, the

employee shall be returned to his/her parent organization in accordance with the provisions of this document. If a delay is arranged, the first appropriate vacancy shall be offered.

(2) The employee may be placed at a grade lower than that to which he/she is entitled under the provisions of this document if he/she voluntarily requests the preferred assignment in accordance with the applicable paragraphs in the current FAA Internal Placement Handbook and provided he/she is fully informed of his/her rights to the higher grade.

(3) The parent organization should solicit placement assistance from other employing jurisdictions. Any offer of employment in an employing jurisdiction other than that to which return rights are attached must be acceptable to the employee.

(4) As a last resort, the parent organization may borrow a position from the Office of Budget for use while it is absorbing the returnee into its regularly authorized staffing.

(5) If the employee voluntarily elects to accept a position in another region rather than return to his/her parent organization, his/her return rights will be forfeited.

49. **WITHDRAWN - CHG 2.**

50. **RESERVED.**

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## **CHAPTER 5. REEMPLOYMENT RIGHTS BASED ON ASSIGNMENT FROM OR TO WASHINGTON HEADQUARTERS**

51. Coverage

52. Employee Eligibility

53. Grade Level

54. Identifying the Parent Organization

55. Duration of Return Rights

56. Effective Date

57.-60. Reserved

51. **COVERAGE.** This chapter covers administrative return rights for employees who accept assignments from or to Washington headquarters. Washington headquarters DOES NOT include assignment to headquarters with duty location elsewhere or assignment to an operating facility. (NOTE: When an employee leaves headquarters and accepts an assignment in some other capacity covered by this document, the length of tour and the other benefits are determined by the provisions of the particular chapter; otherwise, the provisions of this chapter apply.)

### **52. EMPLOYEE ELIGIBILITY.**

a. **Transportation Requirement.** An employee is eligible only if his/her transportation was paid by FAA as being in the interests of the Government. Eastern Region employees assigned to facilities within the Washington, D.C., commuting area do not need to meet this transportation requirement.

b. **Length of Service Requirement.** An employee is eligible upon completion of 4 years of continuous service under the program. The heads of offices and services in Washington headquarters; Regional Administrators; the Associate Administrator for the Aeronautical Center; and the Director, FAA Technical Center are authorized to waive the requirement for completing the employment agreement as a prerequisite to payment of travel expenses for reasons which are deemed to be in the best interests of the agency.

c. **Office of Personnel Management Rules and Regulations.** An employee must meet all Office of Personnel Management requirements for the position change in order to be eligible for-return rights.

d. Return rights are not provided to outside hires.

e. An employee must enter into an employment agreement (FAA Form 3330-17) in order to be eligible for return rights.

f. Return rights apply to employees who occupy positions at the GS-14 grade level or below (except Air Traffic) prior to accepting assignments under this chapter. (NOTE: For Air Traffic ONLY: Return rights apply to air traffic employees who occupy positions at the GS/GM-15 grade level or below prior to accepting assignments under this chapter.)

53. **GRADE LEVEL.** An employee who meets eligibility requirements is entitled to return to the grade of the position he/she held immediately prior to accepting an assignment from or to Washington headquarters. If the employee accepted a

downgrade, he/she can be repromoted noncompetitively to the higher grade level provided he/she meets the criteria in FPM chapter 335; however, a temporary promotion does not entitle the employee to return at the higher grade level.

#### 54. IDENTIFYING THE PARENT ORGANIZATION.

a. **General Rule.** Except as provided in subparagraph b. below, the parent organization is normally identified as FAA employing jurisdiction from which the employee was selected.

b. **Exceptions.**

- (1) When in accordance with a determination order activities or positions move geographically to other employing jurisdictions where no similar activities were located before, administrative return rights transfer with the activities.
- (2) When activities or positions have not moved but the geographic area in which they were located has shifted from one employing jurisdiction to another, return rights transfer to the employing jurisdiction responsible for the geographic area.
- (3) If an FAA Academy instructor or an employee assigned to an overseas region with return rights transfers to Washington headquarters, his/her parent organization is the same as it was while he/she was employed at the FAA Academy or overseas. If, however, he/she had no return rights, his/her parent organization is the Aeronautical Center or the overseas region.

55. **DURATION OF RETURN RIGHTS.** At the completion of 4 years, an employee must return to his/her parent organization or forfeit his/her return rights. For planning purposes, the employee may be queried several months in advance as to his/her intent. However, the formal application should be submitted not less than 90 days or more than 120 days before the completion of 4 years. The formal request must be accompanied by a current SF-171.

The parent organization must respond to an official request for restoration within 30 days after receipt. The parent organization shall make every effort to place the employee in a suitable permanent position, thus eliminating the need for a second move. If an appropriate permanent assignment is not available, the following alternatives apply:

- (a) The employee may remain at his/her present assignment until an appropriate vacancy occurs provided such an arrangement is satisfactory to the employee, his/her present organization, and his/her parent organization. If any party disagrees, the employee shall be returned to his/her parent organization. If a delay is arranged, the first appropriate vacancy shall be offered.
- (b) The parent organization should solicit, placement assistance from other employing jurisdictions. Any offer of employment in an employing jurisdiction other than that to which return rights are attached must be acceptable to the employee.
- (c) As a last resort, the parent organization may borrow a position from the Office of Budget for use while it is absorbing the returnee into its regularly authorized staffing.
- (d) If the employee elects to accept a position in another employing jurisdiction prior to returning to his/her parent organization, he/she is no longer entitled to return rights under this chapter.

56. **EFFECTIVE DATE.** The provisions of this chapter do not apply to employees who have already been assigned from or to Washington headquarters as of the effective date of this document.

57.-60. **RESERVED.**

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## CHAPTER 6. REEMPLOYMENT RIGHTS BASED ON ASSIGNMENTS WITH THE DEPARTMENT OF STATE

61. Policy

62. Program Coordination

63. Granting Reemployment Rights

64. Duration of Reemployment Rights

65. Effecting Reemployment

66.-70. Reserved

61. **POLICY.** The FAA has a substantive interest in the international aviation programs administered by the Department of State. It is the policy of FAA to assist the department of State in obtaining highly qualified personnel to serve overseas in

positions of this type. FAA career employees who are selected for such assignments will be granted reemployment rights to positions within FAA.

**62. PROGRAM COORDINATION.** The Assistant Administrator for Policy, Planning, and International Aviation serves as the focal point for the coordination of this program and maintains liaison with the Department of State on all matters concerning the selections of FAA employees for such assignments.

**63. GRANTING REEMPLOYMENT RIGHTS.** Reemployment rights under this chapter are granted only to employees serving under career, career-conditional, or nontemporary excepted appointments. Requests for transfer to the Department of State with reemployment rights are coordinated by the Assistant Administrator for Policy, Planning, and International Aviation and approved by the Office of Personnel after consulting with the appropriate Regional Administrators; the Associate Administrator for the Aeronautical Center; the Director, FAA Technical Center; or office or service heads. When a transfer with reemployment rights is approved, a letter of consent is signed by the Director of Personnel, and one copy is furnished to the employee and one placed in his/her official personnel folder.

**64. DURATION OF REEMPLOYMENT RIGHTS.** Employees transferring to the Department of State for assignments to international aviation programs shall have reemployment rights for the duration of their assignments.

**65. EFFECTING REEMPLOYMENT.** A former employee who exercises reemployment rights under the provisions of this chapter is entitled upon termination of his/her assignment to be reemployed in the same position he/she occupied at the time of his/her assignment or in a corresponding or higher position.

**66.-70. RESERVED.**

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## **CHAPTER 7. REEMPLOYMENT RIGHTS BASED ON THE TRANSFER OF FAA EMPLOYEES TO INTERNATIONAL ORGANIZATIONS**

71. Policy

72. Definitions

73. Granting Reemployment Rights

74. Employee Benefits

75. Consideration for Promotion

76. Conditions of Reemployment

77. Consideration for Reemployment

78. Reemployment Responsibility

79. Appeals to the Commission

80. Reserved

**71. POLICY.** It is the policy of FAA to encourage transfers of employees for service with international organizations.

### **72. DEFINITIONS.**

a. International Organization means any organization so designated by the Civil Service Commission. (See PPM Chapter 352, Appendix A.)

b. Term of Employment means not more than (1) five consecutive years of employment, except that when the Secretary of State determines -it to be in the national interest, the transfer may be extended up to an additional three years, or (2) the period of less than five years specified at the time of consent to transfer, beginning with entrance on duty-in the international organization.

c. Equalization Allowance means an amount equal to the difference between the pay, allowances, post differential, and other monetary benefits that would have been paid by FAA had the employee been detailed to the international organization. An equalization - allowance is payable only for service with an international organization which occurred on or after January 11, 1970.

**73. GRANTING REEMPLOYMENT RIGHTS.** With the prior approval of the Director of Personnel and Training, a career (conditional) employee, or one serving in either Schedule A or B of the excepted service, is eligible to transfer with reemployment rights to an international organization for a specified term of employment not to exceed five years. The term of employment, as recommended by the international organization, will normally be approved except for compelling reasons. Any differences must be negotiated prior to agency consent. The following employees are not eligible to transfer with

reemployment rights: Schedule C, TAPER, temporary limited to one year or less, seasonal, intermittent, or part time. (See FFM Chapter 352, Subchapter-4.)

**Procedures.**

- (1) Requests for transfer will be forwarded to the Director of Personnel and Training through the Office of International Aviation Affairs. AIA will endorse the request with appropriate comments and recommendations.
- (2) The Director of Personnel and Training will contact the appropriate releasing personnel office for concurrence. When approved, a letter of consent signed by the Director of Personnel and Training will be forwarded to the international organization through the Office of International Aviation Affairs. Two copies will be forwarded to the releasing personnel office, one of which will be given to the employee as an attachment to the letter of instructions prescribed in Appendix 1, the other to be retained in the employee's official personnel folder.
- (3) In processing the separation for transfer, the releasing personnel office will include on the SP-50 the following information:
  - (a) Identification of the international organization to which transferred.
  - (b) A clear statement of the period during which he has reemployment rights.
  - (c) The legal and regulatory conditions of reemployment (see paragraph 71).
- (4) Two copies of the SP-50 will be forwarded to AIA, attention AIA-20.

**74. EMPLOYEE BENEFITS.**

- a. Leave. A transferred employee may elect to retain to his credit in FAA all accumulated and current-accrued annual leave for which he is eligible to receive a lump-sum payment; or he may request a lump-sum payment at the time of transfer or at any time prior to reemployment in FAA. If, however, the employee receives a lump-sum payment and is reemployed in FAA within six months after transfer, he must refund the amount of the lump-sum payment. A statement of annual and sick leave balances must be furnished the employee after all leave-factors are known.
- b. Compensation for Injury or Death. A transferred employee retains coverage and all rights and benefits for compensation for work injuries. However, such compensation may not be drawn from both the international organization and the U.S. Government.
- c. Retirement, Health Benefits, and Group Life Insurance. The FAA will make agency contributions and the employee will retain coverage with resulting rights and benefits under the retirement, health benefits, and group life insurance systems or any of them if employee payments are currently deposited in the respective funds.
- d. Equalization Allowance. Upon reemployment a transferred employee may be entitled to an equalization allowance if the international organization pay and other monetary allowances were less than the employee would have received had he been detailed from FAA position held at the time of transfer. In addition to medically qualified employees, such a payment shall also be made to an employee who is unable to exercise his or her reemployment rights because of disability incurred while on transfer to an international organization, and also in the case of any employee who dies while on such transfer or during the period after separation in which he or she is properly exercising or could have exercised his reemployment rights. The equalization allowance is computed on the following basis:

Column A Federal Government	Column B International Organization
(Salary and allowances to which the employee would have been entitled if on foreign assignment with FAA.)	(Salary and allowances actually received.)
Net salary	Net salary
Living quarters allowance	Post adjustment
Post allowance	Dependency allowance
Post differential	Repatriation grant

An annual accounting of the employee's equalization allowance is required even though payment will be made from appropriations current at the time of the employee's return. Former employees are, therefore, required to submit to FAA, annually and upon termination, a statement of calendar year earnings from the international organization.' Such statements must be certified by an officer of the international organization authorized to vouch for their accuracy and forwarded to the Accounting Division as soon as possible but not later than the 15th of February of the following calendar year. A similar statement will be furnished immediately upon termination. The Accounting Division will compute the amount annually that the employee would have received had he been detailed to the international organization at the same location. The annual computation will be forwarded to the employee and a copy will be retained in the official personnel folder.

The calculation and handling of the equalization allowance is a responsibility of the Accounting Division, including any contact with the employee necessary to secure his statement of earnings. The servicing personnel office will furnish the Accounting Division a record of all payroll changes including promotions to which the employee becomes entitled during his assignment with the international organization. The servicing personnel office will also notify the Accounting Division immediately upon receipt of the employee's application for reemployment.

**75. CONSIDERATION FOR PROMOTION.** Employing jurisdictions shall assure that each employee transferred to an international organization is considered for all promotions for which he would have been considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

When the position of a transferred employee is regarded upward during his absence, he shall immediately be placed in the regarded position.

When supervisory appraisals are used in the evaluation process, the employee's last PER of record prior to his transfer shall be used.

**76. CONDITIONS OF REEMPLOYMENT.** A transferred employee is entitled to be reemployed in his former position or one of like seniority, status, and pay within 30 days of his application for reemployment if he meets the following conditions:

- a. He is separated, either voluntarily or involuntarily, within his term of employment with the international organization.
- b. He applies for reemployment not later than 90 days after his separation. If he applies before separation, the 30-day period for reemployment begins either with the date of the application or 30 days before the employee's separation, whichever is later.

**77. CONSIDERATION FOR REEMPLOYMENT.** Due consideration shall be given to the employee's overall qualifications, including those acquired during service with the international organization in determining the position and grade to which he is reemployed.

**78. REEMPLOYMENT RESPONSIBILITY.** The transferred employee will normally be reemployed in the employing jurisdiction he left. However, under the following circumstances the obligation to reemploy may shift from one jurisdiction to another.

- a. When in accordance with a determination order, the employee's function is transferred to another jurisdiction, the reemployment obligation transfers with the function.
- b. When the employee's former position has not moved, but the geographic location in which it was located has shifted from one employing jurisdiction to another, return rights transfer to the employing jurisdiction currently responsible for the geographic area.
- c. If an instructor at the Academy transfers to an international organization, his parent organization is the same as it was while employed at the Academy. If however, he had no return rights while employed at the Academy, his parent organization is the Aeronautical Center.
- d. If an employee assigned to an FAA overseas region transfers to an international organization, his parent organization is the same as it was while employed in the overseas region. If however, he had no return rights based on the overseas assignment, his parent organization is FAA overseas region.

In any situation involving a change in appointing jurisdictions, the employee's personnel, leave, and payroll records must be transferred, the employee notified, and the new jurisdiction will assume responsibility for all actions involving the employee during his absence, as well as reemploying him when he returns.

A record must be maintained in such a manner as to assure that the employee will be promoted if his former position is upgraded during his absence.

Two copies of the SF-50 effecting reemployment of the transferred employee will be forwarded to OIAA, attention AIA-20.

**79. APPEALS TO THE COMMISSION.** If the employing jurisdiction fails to reach and issue a decision to the employee within 30 days from his application for reemployment, the employee is entitled to appeal to the Commission within a reasonable time thereafter. In addition, an appeal alleging that the agency failed to comply with any other provision of law or regulation governing his reemployment may be submitted to the Commission within a reasonable time after the alleged violation occurred. Appeals should be submitted to the Chief, Appeals Examining Office, United States Civil Service Commission, Washington, D. C. 20415.

**80. RESERVED.**

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## **CHAPTER 8. REEMPLOYMENT RIGHTS BASED ON MOVEMENT BETWEEN EXECUTIVE AGENCIES DURING EMERGENCIES**

**81. Coverage**

**82. Reference**

**83. Basis for Granting Reemployment Rights**

**84. Procedures**

**85.-90. Reserved**

**81. COVERAGE.** This chapter covers the granting of reemployment rights to employees of other Federal agencies " an incentive to transfer to FAA during an emergency. It also covers the exercise of reemployment rights by an FAA employee to whom such rights have been granted by another Federal agency.

**82. REFERENCE.** Federal Personnel Manual, Chapter 352, Subchapter 2:

**83. BASIS FOR GRANTING REEMPLOYMENT RIGHTS.** Reemployment rights under this chapter may be granted only when authorized under a Letter of Authority issued by the Civil Service Commission.

**84. PROCEDURES.**

a. Request for Letter of Authority. When a regional director, center director, or the Director, Office of Personnel and Training believes that an emergency situation is so critical as to justify offers of reemployment rights as a means of inducing the transfer of employees of other agencies, he may request the Associate Administrator for Administration to seek a Letter of Authority from the Civil Service Commission. The request must present full justification for the granting of reemployment rights in terms of the standards stated in the Federal Personnel Manual.

b. Appeals. Appeals from the decisions of other agencies to hire FAA employees with reemployment rights must be based on serious jeopardy to the FAA and are not warranted by mere inconvenience. If the services of a particular employee would be of greater importance to the national interest in FAA than in the hiring agency, the appropriate regional. director, center director, or the Director, Office of Personnel and Training in Headquarters may appeal to the Commission to deny reemployment rights. The appeal should state the facts which led to this conclusion and should be submitted to the office of the Commission which has recruiting jurisdiction over the position in which the employee is serving.

c. Effecting Reemployment. An employee entitled to reemployment under this chapter shall be reemployed in the same occupational field, the same grade or level, and in the same geographical area as the position last held in FAA.

**85. - 90. RESERVED.**

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## **CHAPTER 9. RESTORATION AFTER MILITARY DUTY**

**91. Coverage**

**92. Policy**

**93. Reference**

**94. Action Required**

**95.-70. Reserved**



**91. COVERAGE.** This chapter covers employees who enter on military duty from career or career-conditional appointments in positions in the competitive service or from appointments without time limitations in positions outside the competitive service.

**92. POLICY.** It is the policy of FAA to carry out the intent of Congress that employees who enter on military duty have certain rights to return to employment after that duty.

**93. REFERENCES.**

- a. The Universal Military Training and Service Act, as amended.
- b. The Federal Personnel Manual, Chapter 353.
- c. Title 5, U.S.C., Section 3551.

**94. ACTION REQUIRED.** Chapter 353 of the Federal Personnel Manual describes completely and in detail the rights of employees and the obligations of the agency with respect to restoration after military duty. Employing jurisdictions shall assure that these rights and obligations are met in each individual case.

**95. - 100. RESERVED.**

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**APPENDIX 1. SAMPLE FORMAT FOR USE WHEN AN EMPLOYEE TRANSFERS TO AN INTERNATIONAL ORGANIZATION**

Dear \_\_\_\_\_:

An agreement has been reached with **(Name of International Organization)** for your transfer to that organization for a period of years. A copy of the Letter of Agreement is attached for your records.

Upon completion of this assignment, you are entitled to be reemployed in FAA in the position you left or one of like seniority; status and pay. You should apply for reemployment approximately 30 days prior to separation from the international organization. You must apply within 90 days after separation or reemployment rights are forfeited.

Your rights and benefits are described in 5 U.S.C. 3343 and 3581-3584; Chapter 352, subchapter 3 of the Federal Personnel Manual; and FAA regulations governing transfers to international organizations. These laws and regulations are available for your review at (show location). If you wish, a personnel representative will discuss them and answer your questions. Regarding employee rights, privileges and benefits, you have certain options. The attached form is for your use in declaring your intentions. It must be completed and returned to this office within the next ten days.

**Annual Leave.** You may receive a lump-sum payment of annual leave or you may retain in your account all accumulated annual leave for which you are eligible to receive lump-sum payment. At any time prior to reemployment you may request payment for all leave retained. However, if you receive a lump-sum payment and are reemployed within six months after transfer, you must refund the amount of the lump-sum payment.

**Sick Leave.** Upon reemployment, you will be reccredited with the amount of sick leave earned as of the effective date of transfer.

**Retirement, Health Benefits, and Group Life Insurance.** The FAA will make agency contributions and you will retain coverage with resulting rights and benefits under each of these programs, or any of them, if you so elect, and if you continue to make your payments to the respective funds. You should be aware that the period of service in the international organization is not creditable for Civil Service retirement if the service is used, in whole or in part, for an annuity or pension under the retirement system of the international organization. The present biweekly costs to you for the benefits outlined in this paragraph are:

Civil Service Retirement \_\_\_\_\_.  
Group Life Insurance \_\_\_\_\_.  
Health Insurance Benefits (under your present plan) \_\_\_\_\_.

Remittances for retained benefits are to be made payable to the Federal Aviation Administration and forwarded to **(Name and address)**.

**Equalization Allowance.** Upon reemployment in FAA you may be entitled to an equalization allowance computed on the following basis:

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Column A Federal Government	Column B International Organization
(Salary and allowances to which you would have been entitled if on foreign assignment with FAA.)	(Salary and allowances actually received.)
Net salary	Net salary
Living quarters allowance	Post adjustment
Post allowance	Dependency allowance
Post differential	Repatriation grant

To assist FAA in making annual computations of this allowance, you are requested to file with the Accounting Division, **at the end of each calendar year**, a statement of monetary benefits received from the international organization, certified by an officer of the organization who is authorized to vouch for its accuracy. The statement should be forwarded as soon as possible but not later than the 15th of February of the following calendar year. A similar statement should be submitted immediately upon termination. As soon as a statement is received, FAA will furnish you, for your information and for comparison purposes, the amount of earnings you would have received had you been detailed to the international organization. If that amount exceeds the monetary allowances received from the international organization, you are entitled to the difference, when reemployed.

You should notify the Accounting Division as to the date you arrived at the international organization post of duty. This date is pertinent to the computation of equalization allowances.

/s/ (Personnel Officer Releasing Organization)

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#### **SAMPLE FORMAT - DECLARATION OF-INTENT FOR EQL.OYEES TRANSFERRING TO PUBLIC INTERNATIONAL ORGANIZATIONS WITH REEMPLOYMENT RIGHTS**

TO PERSONNEL OFFICER:

I acknowledge the receipt of your letter and a copy of the letter of consent signed by the Director of Personnel and Training.

I have had an opportunity to review the regulations and procedures relevant to my transfer to an international organization. All questions have been answered to my satisfaction.

I am aware of my prerogatives with respect to certain employee benefits and the following represents a declaration of my intent.

I do / / do not / / desire lump-sum payment for annual leave.

I do / /do not / / intend to retain coverage under the Civil Service Retirement System.

I-do / / do not / / intend to retain coverage under the Federal Employees' Group Life Insurance Program.

I do / do not / / intend to retain coverage under the Federal Employees' Health Benefits Program.

I have been informed as to the amount which must be deposited in each of the above funds and how, when and where my payments are to be made.

I am aware of my obligation to submit an annual statement of earnings from the international organization, certified by an officer of the organization authorized to vouch for its accuracy, by the 15th of February of the succeeding calendar year and a similar statement as soon as possible upon termination so that the final computation can be made.

I am aware that I must apply for reemployment within 90 days after separation from the international organization in order to exercise my reemployment rights.

I will notify the Accounting Division as to the date I arrive at the international organization post of duty.

\_\_\_\_\_  
(Signature of Employee)

## APPENDIX 2 SENSITIVE MEDICAL INFORMATION

DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION <b>MEDICAL HISTORY FOR NONFOREIGN OVERSEAS ASSIGNMENTS</b> (MEDICAL DATA APPLIES TO THE <b>DEPENDENTS</b> OF FAA EMPLOYEES ONLY)						
1. NAME OF EMPLOYEE (Last, first, middle)		2. GRADE AND TITLE OF POSITION			3. DATE FROM COMPLETED	
4. MAILING ADDRESS (Include ZIP Code)  TEL. NO. (Incl. Area code)	5. GRADE AND TITLE OF POSITION		6. LOCATION OF PROPOSED OVERSEAS ASSIGNMENT			
	7. SEX ____ MALE ____ FEMALE		8. DATE OF PROPOSED ASSIGNMENT			
9. LIST OF DEPENDENTS WHO WILL ACCOMPANY THE EMPLOYEE TO THE OVERSEAS ASSIGNMENT (if additional space is required continue in item 11 on reverse side)						
Name	Relation	Age	State of Health			If State of Health Other Than Good, Give Details
			Good	Fair	Poor	
10. EMPLOYEE CHECK "YES" OR "NO" AS CONCERNS ACCOMPANYING DEPENDENTS						
Yes	No	Item			Remarks (Continue on reverse side)	
		A. Has any accompanying dependent had any serious illness or injury other than already noted above? (Example- allergies, cancer, paralysis, burns, etc.) If yes, give details of doctors' names, addresses, medical condition, and dates, and specify which dependent.				
		B. Has any accompanying dependent consulted, had surgery, or been treated by physicians, clinics, other practitioners for other than usual childhood diseases during the past five years? If yes, give details of doctors' names, addresses, medical condition, and dates, and specify which dependent.				
		C. Has any accompanying dependent been advised to have an operation or any special examination or treatment, or, is the employee aware of any				

	medical care needed before proceeding to the overseas assignment? If yes, give details of doctors' names, addresses, medical condition specify which dependent.	
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### SENSITIVE MEDICAL INFORMATION

ITEM 10. CONTINUED			
Yes	No	Item	Remarks (Continue on reverse side)
		D. Has any accompanying dependent ever been a patient in a mental hospital or sanitarium, or been treated by a psychiatrist or psychologist as an out-patient? If yes, give details of doctors' names, addresses, medical condition and dates, and specify which dependent.	
		E. Employee should list any medical condition of an accompanying dependent which to his knowledge would limit the assignment proposed because of climate, altitude, remote or isolated location, or need for special medical care, or other reasons. Specify and explain.	
11. CONTINUATION SPACE (List item number continued)			
TYPED OR PRINTED NAME OF EMPLOYEE		DATE	SIGNATURE OF EMPLOYEE
TYPED OR PRINTED NAME OF HOME INTERVIEWER		DATE	SIGNATURE OF HOME INTERVIEWER
ATTENTION HOME INTERVIEWER: Complete form in one copy only and forward in an envelope marked "Sensitive Medical Information" to the Regional Flight Surgeon having responsibility for the region of the <b>location of the proposed overseas assignment</b> .			

### SENSITIVE MEDICAL INFORMATION

FAPM Letter 352-1 should be used in conjunction with:

**FAPM Letter 352-2, "Reemployment Rights for Air Traffic Control Specialists Assigned to Central Flow Control Facility in Washington Headquarters"**

**FAPM Letter 352-3, "Reemployment Rights for the Airport Capacity Program Office Technical Experts"**

**FAPM Letter 352-4, "Reemployment Rights for the Office of Aviation Safety Technical Experts"**

**ORDER 3330.51, "Reemployment Rights for the Airway Facilities Evaluation Staff"**

**Information Memorandum dated June 2, 1995, "Reemployment, Restoration, and Return Rights (3R) Policy Guidelines"**

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