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Assistant Legal Counsel

Equal Employment Opportunity Commission

Office of Legal Counsel

FOIA Programs

131 M Street, N.E., Suite 5NW02E

Washington, D.C. 20507 Fax: 202-663-4679 Email: FOIA@EEOC.gov

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U.S. Equal Employment Opportunity Commission Office of Legal Counsel

131 M Street NE Washington, DC 20507 (202) 663-4500 (202) 663-7026 TTY (202) 663-4679 FAX

AUG 3 0 2012

Re: FOIA No.: 820-2012-164825

Your Freedom of Information Act (FOIA) request, received in this office on July 20, 2012 has been processed. Our search began on July 20, 2012. All agency records in creation as of July 20, 2012 are within the scope of the EEOC's search for responsive records.

In your request you seek copies of 13 EEOC Orders in electronic format.(O-201.001, O-370.003, O-510.001, O-510.004, O-570.001, O-540.007, O-560.003, O-530.006, O-530.004, O-345.001, O-550.007, O-570.003, O-570.006). The Orders requested have been provided on the attached CD for your review.

We hope this information has been helpful to you.

Sincerely,

Stephani**é** D. Garner

Assistant Legal Counsel FOIA Programs



DIRECTIVES TRANSMITTAL

Number 201.001

Date 3-23-2012

SUBJECT. RECORDS MANAGEMENT

PURPOSE. This transmittal covers changes to EEOC Order 201.001, Records Management, which implements EEOC-wide the records management program requirements set forth in the Federal Records Act regulations of the National Archives and Records Administration (NARA) in subpart B, Part 1220, title 36 of the Code of Federal Regulations for all federal agencies.

EFFECTIVE DATE. March 23, 2012

DISTRIBUTION. EEOC Order 201.001 is available on EEOC's intranet website, InSite.

CURRENT CHANGES. The major changes to this Order include: (1) updated retention and disposal instructions for the administrative records of EEOC covered by NARA's General Records Schedules; and (2) change to a NARA approved format.

OBSOLETE DATA AND FILING INSTRUCTIONS. This Order supersedes EEOC Order 201.001, RECORDS MANAGEMENT, dated December 3, 2003, which should be removed from reference files and destroyed.

Germaine P. Roseboro

(Acting) Chief Financial Officer

MANAGEMENT PROGRAMS

Records Management

- 1. **SUBJECT:** RECORDS MANAGEMENT
- 2. **PURPOSE:** This Order prescribes the policies, procedures, and standards and assigns responsibilities for managing the records for the Equal Employment Opportunity Commission for all of its activities in the headquarters and field offices, including destruction of those records.
- 3. **EFFECTIVE DATE:** March 23, 2012
- 4. **ORIGINATOR:** Office of the Chief Financial Officer, (OCFO)
- 5. **REFERENCES:** Federal Records Act of 1950, as amended (44 U.S.C. 3101, et seq.); 41 CFR, chapter 201, subchapters A and B and related bulletins and handbooks; and 36 CFR, chapter XII

6. **RESPONSIBILITIES:**

- a. Chair The Chair, through the Chief Financial Officer (CFO), directs the creation and preservation of records containing accurate and complete documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the Commission. The Chair, as the head of the agency, is also responsible for ensuring that all employees are aware of the provisions of the law relating the unauthorized destruction, alienation, or mutilation of records, and should direct that any such action is reported to them.
- b. Office Directors (Headquarters and Field) All Headquarters and field office directors, through an employee in their office designated by them as their office's record custodian, are responsible for the proper maintenance and disposition of the official records of their offices.
- c. **Chief Financial Officer** The Chief Financial Officer, Office of the Chief Financial Officer (OCFO), in consultation with the Office of Legal Counsel, is responsible for:
 - (1) Developing Commission-wide policies and procedures for records management;
 - (2) Administering and evaluating the overall implementation of the Commission's policies and procedures for records management;

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(3) Acting, or his or her designee, as liaison with the National Archives and Records Administration (NARA) for directions; and

- (4) Arranging training on records management for all Commission managers, supervisors, and employees and contractors on records management.
- d. **Office of Legal Counsel (OLC)** Supporting compliance with applicable federal record keeping laws, including the Federal Records Act, the Records Disposal Act, and regulations promulgated by the National Archives and Records Administration (NARA) pursuant to its authority to govern federal recordkeeping.
- e. **Agency Records Officer (ARO)-** The Agency Records Officer is responsible for the day-to-day administration of the Commission's records management program.
- f. **Records Custodian** Office directors (headquarters and field) will designate a records custodian for their office and notify OCFO of the office name, office address, phone number, fax number, and e-mail address of their designees at least annually. Each records custodian:
 - (1) Maintains office records in accordance with the provisions of this Order;
 - (2) Prepares and keeps records file plans current;
 - (3) Ensures that all records created and maintained by the office are included in the file station records plan;
 - (4) Prepares records, including corresponding paperwork for (SF 135, Records Transmittal and Receipt, and box list; SF 258, Request to Transfer, and box list), shipment to the Federal records center;
 - (5) Destroys eligible records at individual files stations under authorized disposition instructions;
 - (6) Maintains an inventory of all records belonging to the office, including those destroyed, stored in low-cost storage space, and retired to the Federal Records Center annually, for reporting purposes; and
 - (7) Requests, in coordination with the office director new or revised documentation, maintenance, and disposition instructions to be submitted to NARA for approval through OCFO.
- g. **All Employees** All employees who create, use or maintain records are responsible for complying with the provision of this Order.

7. LIFE CYCLE OF ALL COMMISION PAPER AND ELECRONIC RECORDS:

The life cycle of all records of the Commission under this Order consist of three stages:

- Creation or receipt;
- Maintenance and use; and
- Disposition

Tools for maintaining and using Commission records include file plans, indexes, controlled vocabularies, data dictionaries, and access and security procedures. The main tool to manage the disposition of records of the Commission is *Appendix A, Records Control Schedule (RSC)* to the Order.

Special attention must be give to electronic records throughout their life cycle. These are records stored in a form that only a computer can process. Their storage media include, but not limited to, compact disks (CD), internal and external drives, cloud storage, data cartridges/tapes and other media. These media may change frequently because of rapidly expanding technologies. Electronic records are increasingly supplementing and replacing paper records.

8. SIMPLIFIED HEADQUARTERS AND FIELD OFFICE RECORDS MANAGEMENT REQUIREMENTS:

- a. **General records management requirements** All headquarters and field offices will at a minimum:
 - (1) Maintain all administrative¹ and program records in the headquarters and field offices (except litigation and charge files) on a calendar year basis. With the exception of some financial and accounting records, and federal sector EEO records, the cut-off date for all records will be December 31, of each year.
 - (2) Transfer records no longer needed for official EEOC business to a Federal Records Center with the prior approval of OCFO.
 - (3) Annually inventory office files to identify the types and volume of records in the office, and based on the inventory, implement an annual file maintenance and disposition plan identifying all the files in the office, the filing arrangement, the

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Administrative Files: Files containing administrative records, which are records concerning the support functions which are common to all government departments and agencies. These files are structured (or subdivided) according to generally understood subjects – e.g. personnel, administrative services, etc., and are made up of record copies of reports, correspondence, and other documents.

- volume (in cubic feet) for each file and the disposition authority, and forward a copy of the plan to OCFO;
- (4) When records are to be transferred to or from the Commission *pursuant to a transfer of function with another agency*, the Commission office must send to OCFO a request to transfer either by letter or SF 135, Records Transmittal and Receipt, and include the concurrence or non-concurrence by agency officials accompanied by the following information:
 - (a) A description of the records and the volume (in cubic feet);
 - (b) Any restrictions on using the records;
 - (c) The number of persons maintaining the records, if any;
 - (d) The current and proposed physical and organizational locations of the records;
 - (e) A statement as to why the transfer is in the interest of the Government; and
 - (f) A justification for transferring records more than five (5) years old.
- (5) Records created, maintained, and stored in electronic media that are subject to this directive, should be managed and retained by one of the following methods:
 - (a) Printed in hard copy and stored per the above procedures;
 - (b) Copied to a network share drive for back-up and storage;
 - (c) Stored in electronic media format (CD, flash drivers, tapes, etc.) in file cabinets, drawer per the above procedures, or
 - (d) Stored as data within an EEOC information system (database, document management system, etc.) which automates EEOC's record retention policies and schedules.
- (6) When a reorganization changes a function or mission of an office, records are cutoff on the date of the change, maintained by the successor office, and disposed of under the disposition instructions in this Order; and
- (7) When an office discontinues functions, it transfers records eligible for retirement to a Federal Records Center. If records are not eligible for retirement or destruction, the office concerned sends a letter listing the records to OCFO, who will evaluate them and recommend appropriate action.

b. Appendix A identifies responsibility by office for the official program and administrative records of the Commission.

To establish and maintain a method of coordinating and controlling the records of the Commission the Records Control Schedule (RCS) is required. Appendix A to this Order establishes individual office records management responsibility on a record-by-record basis among the headquarters and field offices. Appendix A answers the question: "Who needs to do what, when, and where?"

Appendix A identifies the offices having primary responsibility for the maintenance and disposal of the official record copy of the program and administrative records of the Commission by records description, including responsibilities for Commission records common to all offices under NARA's *General Records Schedule 23, Records Common to Most Offices within Agencies*.

The administrative records of the Commission that are maintained and disposed under NARA's general record keeping authority are shown by a General Records Schedule (GRS) number and item shown in the *Disposal Authority* column. The program records of the Commission are shown by the RCS.

9. RECOMMENDING CHANGES TO APPENDIX A:

Offices that create and receive records will submit recommended changes and additions to Appendix A when it does not cover a particular type of paper or electronic record; existing instructions need change; office change; transfer of records; or certain instructions should be deleted. Recommendations are sent to OCFO by a SF 115, Request for Authority to Dispose of Records, and SF 115A, Continuation Sheet, if needed. Justification for the addition or change must be submitted along with the SF 115. OCFO will coordinate proposed changes with offices maintaining similar records.

10. TRANSFERRING RECORDS TO FEDERAL RECORDS CENTER (FRC):

- a. **General -** The National Archives and Records Administration (NARA) operates a system of Federal Record Centers (FRC) located nationwide. The most significant reason records centers are of great importance in the management of records are the savings in space and equipment costs.
- b. Selecting files for transfers Inactive records should not be allowed to occupy expensive filing equipment and prime office space. Official files selected for transfer to a FRC should appear in Appendix A, records responsibility, and be designated for transfer to FRC; if they meet the following criteria: (1) they are no longer needed to carry out day-to-day office operations; and (2) they are ineligible for destruction for at least three (3) years from the date of transfer.

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c. Preparing records transfer forms - Once it has been determined that a record should be retired to a FRC, care should be taken to prepare the records properly for transfer. Transfer to FRC must be by a Standard Form (SF) 135, Records Transmittal and Receipt. Accompanying the SF 135 should be a box listing consisting of the title and date of the records in each box being transferred. These forms serve as packing lists for the transfer and are used to control the location and disposition of files in the FRC.

- d. Review and distribution of SF 135 OCFO will review all SF 135s for completeness before records are sent to FRC. The following procedures apply for records sent to the Washington National Records Center in Suitland, Maryland and Federal Records Centers in the field.
 - (1) Washington National Records Center Offices served by this center are to contact by e-mail OCFO for assignment of customer reference numbers (CRN). OCFO will assign CRNs to be placed on SF 135, one CRN number will be issued per series of records.
 - (2) Field Federal Records Center Offices served by one of the Federal Records Center in the field will forward the SF 135 to OCFO. OCFO will review and approve the SF 135 to determine the appropriateness of the transfer and will accordingly notify the office by telephone or e-mail. The Federal Records Center serving the transferring offices will assign accession numbers upon receipt of the SF 135.

Upon receipt or notification of the approved SF 135 by OCFO, the transferring office will forward the original to the Federal Records center to arrive at least two weeks before the desired date for records shipment. The Federal Records Center returns the SF 135 to the transferring office, indicating that the records may be transferred. Delay in shipment of more than thirty days will result in the return of the SF 135 requiring resubmission of the transferring paperwork. Offices are required to forward a copy of the FRC approved SF 135 to OCFO for filing.

- e. **Shipping boxes** Records are transferred in standard records center boxes 8249 that hold approximately one cubit foot of records. The boxes may be obtained from the GSA Federal Supply Service. Non-standard boxes cannot be used because they will not fit on the shelves at the Federal Records Centers.
- f. Packing the boxes Before packing the records boxes, offices must make sure that any records eligible for destruction are destroyed, and that any blocks of published materials are removed from the files. However, single copies of publications that are part of the files should not be removed. Records should not be screened on a time-consuming paper-by-paper basis.

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Folders should be packed upright, with letter-size folders facing the front of the box and legal-size folders facing the left side of the box. Only records within the same series and the same retention period should be packed in the same box. Records with different retention periods should not be packed in the same box.

- g. Labeling and sealing boxes Following approval of the SF 135 by the servicing Federal Records Center, the transferring office should mark with a black felt marker each box in the shipment with accession number in the upper left hand corner of the front of the box. Transferring office's box number is marked on each box in the upper right corner of the front of the box (e.g., 1-10, 2-10, 3-10, etc.). The transferring office places one copy of the SF 135 in the last box of each accession, a copy of the box listing in the first box of each accession, and the records are shipped to the Federal Records Center.
- h. **Shipping the records** The physical transfer of records to the Federal Records Center should be accomplished as soon as possible after the transferring office has received the approved copies of the SF 135 from the Federal Records Center.
 - (1) **Headquarters offices** Headquarters offices are to notify OCFO to make arrangement for files to be sent to the Suitland Federal Records Center.
 - (2) **Field offices** Field offices should use a shipping method which will be at the lowest cost possible. When using commercial carriers use ground three (3) day shipping.

When the Federal Records Center receives the records shipment, the boxes are matched against the copy of the SF 135 submitted with the accession. That copy is then signed by the Federal Records Center and returned to the transferring office for its files. Any changes in location number will be noted on this receipt copy before it is returned to the transferring office. All Headquarters and field offices are required to forward a copy of the SF 135 receipt copy to OCFO for budgeting and payment of these services from the Federal Records Center for the transferred records.

i. **Reference requests** - To recall records from a Federal Records Center, the requesting office must complete an Optional Form 11, Reference Request-Federal Records Center. In Headquarters, the requests must be sent to the Federal Records Center through OCFO. In the field, requests may be sent directly to the servicing Federal Records Center with a copy sent to OCFO for the file.

11. TRANSFER RECORDS TO THE NATIONAL ARCHIVES:

All Commission records of permanent historical or archival value must be transferred to the National Archives. To transfer records to the National Archives, the transferring office must complete Standard Form 258, Request to Transfer, Approval, and Receipt to National Archives of the United States, and forward the request to OCFO for review and approval and further instructions.

12. **DISPOSITION OF PERSONAL PAPERS:**

Personal papers maintained in an employee's office should be filed separately from Commission records to facilitate the application of the Federal Records Act. When both private matters and Commission business appear in the same document, the part relating to Commission business should be extracted or copied. The extraction or the copy should be treated as an official Commission record. Commission records are public records and belong to the office rather than the employee.

Extra copies of records kept only for convenience of reference cannot be considered as personal papers. However, employees may accumulate for convenience or reference extra copies of papers that he or she drafted, reviewed, or otherwise acted upon. Such copies may be kept, if doing so will not diminish the official records of the Commission; violate confidentiality required by privacy, confidentiality, or other interests protected by law; or exceed normal administrative economies.

13. FILING EQUIPMENT:

a. Standard filing cabinets

- (1) Standard filing equipment for use within the Commission includes letter-size two through five-drawer vertical and lateral filing cabinets.
- (2) Existing information storage and retrieval systems or filing stations using legal-size files should be converted to letter-size, except when it is cost-effective to retain legal-size systems. Offices should not develop new legal-size filing systems without the approval of OCFO. Legal-size vertical or lateral file cabinets, shelving, or similar equipment should not be purchased by offices unless it can show the cost-effectiveness of this equipment. When returning unneeded file cabinets, return legal-size first to reduce the maximum amount of space and cost.
- b. Standard shelf files Shelf files are used to maintain a large volume of records in a vertical position. Shelf-filing is best suited to files arranged alphabetically or in straight numerical sequence. Shelf files allow greater filing capacity per square foot of floor space than file cabinets, and permit easier reference to file folders. However, it is more difficult to drop-file materials within folders. Therefore, shelf files are generally not appropriate for very large case files, or files in which large amounts of new material are interfiled.
- c. **Non-standard filing equipment** An office may have file storage and retrieval requirements that are best met by using equipment other than standard file cabinets or shelves. Bulky materials, such as engineering drawings or maps, require special cabinets. Files with a very high rate of reference may justify special filing equipment.

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d. Matching supplies and equipment - All Headquarters and field offices should make sure that their office's file supplies, such as guides and folders, are compatible with the filing equipment. For example, vertical file cabinets require folders and file guides cut so that the label is at the top of the file. Shelf files and lateral file cabinets require folders and guides cut so that the label is at the side of the file. Changing folders for all files may represent a significant cost when changing from vertical cabinets to shelf files, lateral cabinets, or non-standard files.

e. Requests for filing equipment and related supplies - Offices must consult OCFO before making any decision regarding new records storage equipment. OCFO provides advice and guidance regarding equipment that is appropriate for records maintenance and retrieval requirements of individual Headquarters and field offices.

14. FILE SPACE:

- a. **Aisle space** Offices should provide at least 28 inches of aisle space between file cabinets placed face to face. At least 24 inches between inactive and 36 inches between active shelf file units should be provided.
- b. Arrangement of filing equipment Small numbers of cabinets or shelves should be placed against walls or railings. Large collections should be placed back to back. Offices must ensure to place files so that the floor will support the weight of the filled cabinets or shelves. An empty 5-drawer cabinet weighs approximately 195 pounds. Each linear foot of letter-size material adds approximately 30 pounds.

15. DAMAGE TO, ALIENATION, AND UNAUTHORIZED DESTRUCTION OF RECORDS:

- a. General No paper or electronic record created or received by the Commission may be removed from the legal custody of the Commission or destroyed without regard to the provisions of the Commission's records schedule(s) (SF-115 approved by NARA or the General Records Schedules issued by NARA).
- b. **Criminal penalties** The maximum penalty for the willful and unlawful destruction, damage, or alienation of Federal records is \$2,000 fine, three (3) years in prison, or both (18 U.S.C. 2071).
- c. **Reporting** The Chair shall report any unlawful or accidental destruction, defacing, alternations, or removal of records in the custody of the Commission to NARA. The report shall include:
 - (1) A complete description of the records with volume and dates if known;
 - (2) The office of origin;

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(3) A statement of the exact circumstances surrounding the alienation, defacing, or destruction of the records;

- (4) A statement of the safeguards established to prevent further loss of documentation; and
- (5) When appropriate, details of the actions taken to salvage, retrieve, or reconstruct the records.

The Archivist of the United States will assist the Chair in contacting the Attorney General for the recovery of any unlawfully removed records.

d. **Exclusion** - Private or personal files are not governed by these provisions, 36 CFR 1222.36 provides the legal definition of personal papers and prescribes standards for their maintenance.

16. APPENDIX:

Appendix A – EEOC Records Control Schedule, including Administrative Records Common to All Headquarters and Field Offices.

Appendix B – Vital Records (RESERVED).

17. **OBSOLETE DATA:**

This Order supersedes EEOC Order 201.001, EEOC RECORDS MANAGEMENT, December 03, 2003, as amended.

Germaine P. Roseboro

(Acting) Chief Financial Officer



Order 201.001

Records Control Schedule

Appendix A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION EXECUTIVE SECRETARIAT

COMMISSION RECORDS (COMMISSIONERS) EEOC RCS No. 13

The EEOC has a five-member Commission appointed by the President and confirmed by the Senate. Commissioners are appointed for five-years, staggered terms. The President designates a Chairman and Vice Chairman. The Commissioners make equal employment opportunity policy and approve most litigation not otherwise delegated. The Executive Secretariat serves the Chairman as the focal point for the receipt, documentation review, coordination and monitoring of all policy development and related activities, decision documents that flow to and from the Chairman, Commissioners, and program offices.

- A. General Correspondence. Public inquiries and complaints sent to the Chairman.
 - 1. <u>Correspondence Responded to by the Chairman</u>. Incoming correspondence, the Chairman's response, and signed declarations.

Disposition: **PERMANENT.** Cut off at end of tenure of each Chairman. Transfer to Federal Records Center (FRC) five (5) years after cut off. Transfer to National Archives ten (10) years after cut off.

Supersedes EEOC Order 201, Appendix A, Item 13A [Job No. NC-403-79-1, Item 13A] [NOTE: New items A(1) and A(2) have been split from the same item, 13A].

2. <u>Correspondence Responded to by other Offices</u>. These files contain copies of correspondence received by the Chairman's office and forwarded to field offices or offices at headquarters for reply.

Disposition: **TEMPORARY.** Cut off at end of tenure of each Chairman. Destroy two years after cut off.

Supersedes EEOC Order 201, Appendix A, Item 13A [Job No. NC1-403-79-1, Item 13A] [NOTE: New items A(1) and A(2) have been split from the same item, 13A].

B. <u>Chairman's Chronological Files</u>. Replies to internal correspondence to the Chairman and copies of all internal communications signed by the Commission Chairman.

Disposition: **TEMPORARY.** Cut off at end of tenure of each Chairman. Destroy three (3) years after cut off.

Supersedes EEOC Order 201, Appendix A, Item 13B [Job No. NC1-403-79-1, Item 13B].



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF GENERAL COUNSEL

OFFICE OF GENERAL COUNSEL EEOC RCS No. 15

1. General Correspondence Files

Original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the Office of General Counsel exists.

Disposition: **TEMPORARY**. Cut off files at the end of the year. Transfer files to the records center after one year cut off with a three year destruction date.

2. General Litigation File

Files consist of a litigation folder containing the official record copy of litigation records for each case it initiates or coordinates.

Disposition: **PERMANENT**. Cut off files one (1) year after the date of the court's or Commission's final action regarding the case, whichever is later. Transfer closed files to the records center for two (2) years. After two (2) years, files are transferred to NARA for permanent retention. RCS, Item 15B (1), as amended.

3. EEOC Defendant Case File

EEOC Defendant Case File for all cases where the Commission is the defendant and represented by the Office of General Counsel.

Disposition: **PERMANENT**. Cut off files one (1) year after the date of the court's or Commission's final action regarding the case, whichever is later. Transfer closed files to the records center for two (2) years. After two (2) years, files are transferred to NARA for permanent retention. RCS, Item 15B (2), as amended.

4. EEOC Plaintiff Case Files

EEOC Plaintiff Case File of the Commission for all cases where the Commission is the plaintiff and represented by the Office of General Counsel.

Disposition: **PERMANENT**. Cut off files one (1) year after the date of the court's or Commission's final action regarding the case, whichever is later. Transfer closed files to the records center for two (2) years. After two (2) years, files are transferred to NARA for permanent retention. RCS, Item 15B (3), as amended.

5. Appellate Services Case Files and Amicus Curiae Briefs

- C. <u>Commission Meetings</u>. Files documenting both closed Commission meetings and those open to the public. The closed meetings concern sensitive issues or deliberations related to case files referred to the Commission from field offices. The open meetings involve policy-making processes of the Commission and issues of a non-ministerial nature. Video recordings of open Commission meetings are transcribed and those transcripts are included in the meeting file.
 - 1. Agendas, Meetings, and Background Material. Agendas include a summary of topics to be discussed at Commission meetings and a statement indicating whether the meeting is open or closed to the public. The open meeting transcript contains a complete summary of the subjects discussed at the meeting, including actions taken, reasons for the actions, views expressed on any items and any vote(s).

Disposition: **PERMANENT.** Cut off at end of tenure of each Chairman. Transfer to National Archives twenty-five (25) years after cut off.

Supersedes EEOC Order 201, Appendix A, Items 13C(1) and (2) [Job No. NC1-403-79-1, Items 13C(1) and (2)].

- 2. Meeting Minutes combined with 13C(1) above.
- 3. **Recordings.** Audio and video recordings of Commission meetings.

Disposition: **PERMANENT.** Cut off at end of tenure of each Chairman. If the Chairman serves more than one term, cut off at the end of each term. Transfer to National Archives one (1) year after cut off.

Supersedes EEOC Order 201, Appendix A, Item 13C(3) [Job No. NC1-403-79-1, Item 13C(3)(a)].

D. Commission Decision Files. These files document Commission positions and decisions about EEOC policy as well as discrimination complaints under Title VII of the Civil Rights Act of 1964 (Title VII), Equal Pay Act (EPA), Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), and other laws which EEOC administers. Files include the decision cover sheets, decision documents and background materials.

Disposition: **PERMANENT.** Cut off at end of tenure of each Chairman. Transfer to National Archives Twenty-five (25) years after cut off.

Supersedes EEOC Order 201, Appendix A, Items 13D(1)(a); 13D(1)(b); and 13D(2)(a), [Job No. NC1403-79-1, Items 13D(1)(a); 13D(1)(b) and 13D(2)(a)].

Appellate Services is responsible for conducting all appellate litigation where the Commission is a party, and participates as amicus curiae in both appellate and district court cases involving unusual issues or developing areas of the law. Appellate Services also represents the Commission in the United States Supreme Court through the Solicitor General.

The records include appellate case files pertaining to EEOC's enforcement litigation under Title VII of the Civil Rights Act of 1964 (Title VII), Equal Pay Act (EPA), Age Discrimination in Employment Act (ADEA), Americans with Disabilities Act (ADA), and other laws which EEOC administers as well as case files in all appellate litigation in which EEOC is a defendant. The case files include motions, briefs, court decisions and other similar legal document. Records also include case files in litigation in which EEOC participated as amicus curiae.

Disposition: **PERMANENT.** Cut off at the end of the fiscal year in which the final court action occurred. Transfer to Federal Records Center (FRC) one (1) year after cut off. Transfer to National Archives ten (10) years after cut off in ten (10 year blocks.

Supersedes EEOC Order 201, Appendix A, Items 15B(1)(a); 15B(2)(a), 15B(2)(b)(1); 15B(3)(a); 15B(3)(c)(1) [Job No. NC1-403-81-3, Items 15B(1)(a); 15B(2)(a); 15B(2)(b)(1), 15B(3)(b) and 15B(3)(c)(1)].



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF LEGAL COUNSEL

OFFICE OF LEGAL COUNSEL

1. General Correspondence Files

All original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the office exists.

Disposition: **TEMPORARY**. Cut off files one (1) year from the date of the commission's last action on the correspondence. Transfer files to the records center with a three (3) year destruction date. RCS, Item 15A.

2. Opinions and Interpretations File External Requests

Opinions and Interpretations files of the Commission that consists, in part, of each opinion issued arising from an external request. These are opinions issued on the Age Discrimination in Employment Act (ADEA); the Equal Pay Act (EPA); Title VII of the Civil Rights Act of 1964, as amended; the Rehabilitation Act, as amended; Equal Pay Act; Americans with Disabilities Act, Civil Rights Act of 1991; or the Commission. This includes supporting data, the original request for the opinion and any related materials.

Disposition: **PERMANENT**. Cut off files after one (1) year. Transfer closed files to the records center for ten (10) years. After ten (10) years, files are transferred to NARA for permanent retention. RCS, Item 15A (2) (a).

3. Opinions and Interpretations File Internal Requests

Opinions and Interpretations file an official folder for each opinion issued by the Office of Legal Counsel to Commission offices on various administrative subjects (e.g., the Hatch Act, conflicts of interest or other internal legal matters).

Disposition: **TEMPORARY**. Retain files for one (1) year. Transfer files to the records center with a three (3) year destruction date. RCS, Item 15A (2) (b).

4. EEOC Defendant Case Files

Defendant Case File for all the cases where the Commission is the defendant and represented by the Office of Legal Counsel.

Disposition: **PERMANENT**. Cut off files two (2) years after the date of the court's or Commission's final action regarding the case, whichever is later. Transfer closed files to NARA for permanent retention. RCS, Item 15A (2) (b) amended.

5. FOIA Request Files

Files that consist of the original requests for information under FOIA, a copy of the reply thereto and all related supporting files.

Disposition: **TEMPORARY**. Destroy 2 years after date after the date of the Office of Legal Counsel's reply to the request, including a copy of any withheld or redacted record of reply. GRS 14, Item 11 (RCS Item 16a (1)).

6. FOIA Appeals Files

FOIA Appeals File of the Commission arising from appeals under the FOIA for the release of information denied by the Commission. The file consists of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official, file copy of the records under appeal or copy thereof.

Disposition: **TEMPORARY**. Destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later. GRS 14, Item 12a.

7. FOIA Control File

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

Disposition: TEMPORARY. Destroy 5 years after date of last entry. GRS 14, Item 13a.

8. FOIA Administrative File

Files relating to EEOC's implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.

Disposition: **TEMPORARY**. Destroy when 2 years old. GRS 14, Item 15.

9. Privacy Act Request

Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552a(d)(1). Files contain original request, copy of reply thereto, and all related supporting documents, which may include the official file copy of records requested or copy thereof.

Disposition: TEMPORARY. Destroy 2 years after date of reply. GRS 14, Item 21a. RCS Item 1.

10. Privacy Act Amendment Case File

Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a (d) (2); to the individual's request for a review of an agency's refusal of the individual's request to amend a record as provided for under 5 U.S.C. 552a (d) (3); and to any civil action brought by the individual against the refusing agency as provided under 5 U.S.C. 552a (g).

Disposition: TEMPORARY. Dispose of in accordance with the approved disposition instructions for the related subject GRS 14, item 22a, b, and c.

11. Privacy Act Accounting of Disclosure Files

Files maintained under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, including forms for showing the subject individual's name, requester's name and address, purpose and date of disclosure, and proof of subject individual's consent when applicable.

Disposition: **TEMPORARY**. Dispose of in accordance with the approved disposition instructions for the related subject individual's records or 5 years after the disclosure for which the accountability was made, whichever is later. GRS 14, item 23.

12. Privacy Act Control File

Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.

Disposition: TEMPORARY.

- a. Registers or listings. Destroy 5 years after date of last entry. GRS 14, Item 24.
- b. Other files. Destroy 5 years after final action by the agency or final adjudication by courts, whichever is later. GRS 14, Item 24.

13. Privacy Act Report File

Recurring reports and one-time information requirement relating to agency implementation, including biennial reports to the Office of Management and Budget (OMB), and the Report on New Systems at all levels.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 14, Item 25. **Note:** The GRS does not cover the biennial report to Congress from OMB.

14. Privacy Act General Administrative Files

Files relating to EEOC's implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.

Disposition: **TEMPORARY**. Destroy when 2 years old.GRS 14, Item 26.

15. Erroneous Release of Privacy Act Protected Information Files

Files relating to the inadvertent release of privileged information to unauthorized parties, containing information the disclosure of which would constitute an unwarranted invasion of personal privacy. Files contain requests for information, copies of replies thereto, and all related supporting documents, and may include the official copy of records requested or copies thereof.

Disposition: **TEMPORARY**.

- a. Files that include the official file copy of the released records. Follow the disposition instructions approved for the released official file copy or destroy 6 years after the erroneous release, whichever is later. GRS 14, Item 36.
- b. Files that do not include the official file copy of the released records. Destroy 6 years after the erroneous release. GRS 14, Item 36.

16. Financial Disclosure Reports

Record copies of the reports and related documents submitted by individuals as required under the Ethics in Government Act of 1978 (Pub. L. 95-521). The file also includes all other statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222.

17. Ethics in Government Act Records

OLC retains records including SF 278A for individuals filing according to Section 201b of the Act, and not subsequently confirmed by the U.S. Senate.

Disposition: **TEMPORARY**. Destroy one (1) year after the nominee concerned ceases to be under consideration for appointment. GRS 1, Item 24a.

All other records including SF 278s except for those records needed in an ongoing investigation should be retained until they are six (6) years or until no longer needed in the investigation. GRS 1, Item 24b.

18. Non-Federally Funded Travel File

Record of the Semiannual Expense Reports for Non-Federally Funded Travel submitted by the Commission to the Office of Government Ethics. The reports and materials related thereto summarize payments made to the agency from non-federal sources for travel, subsistence, and related expenses for a Commission employee who attends a meeting or similar function relating to their official duties.

Disposition: RESERVED. GRS 9, Item 6.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF COMMUNICATIONS & LEGISLATIVE AFFAIRS

OFFICE OF COMMUNICATIONS & LEGISLATIVE AFFAIRS EEOC RCS No. 15

The Office of Communications and Legislative Affairs represents the Commission to the general public, the news media and the Congress. Under the direction of the Chair, the Office serves as the Commission's primary external communication link with the public, including external constituency organizations, the news media, and the Congress, and conducts internal communications between the Commission and field and headquarters offices. The Director of the Office of Communications and Legislative Affairs also acts as the chief spokesperson and chief legislative and White House liaison for the Commission.

1. General Correspondence Files

Files containing all the original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the Office of Communications and Legislative Affairs exists.

Disposition: **TEMPORARY**. Cut off files at the end of the year. Transfer files to the records center with a three year destruction date. RCS, Item 15A (1).

2. Legislative History Files

History File of the Commission containing the Commission's record copy of all Congressional bills and hearings; Committee reports; Public Laws; Executive Orders; and Memoranda concerning the Commission's statute and related statutes; testimonies on current legislation; and other related documents.

Disposition: **TEMPORARY**. Cut off two (2) years or after the material's date of issuance or enactment. Transfer files to the records center with a ten (10) year destruction date. RCS, Item 15C.

3. Congressional Inquires

Original incoming and record copies of the outgoing and interoffice correspondence arising from all inquiries received by the Commission from the Congress.

Disposition: **TEMPORARY**. Destroy 2 years after the Commission's final action in response to Congressional inquiry. RCS, Item 15D (1).

4. Legislative Affairs President Nominations File

The records consist of biographical information related to Presidential nominations for Commissioners and General Counsel appointments for the Equal Employment Opportunity Commission. These files may include news articles, copies of related legislative documents and background information surrounding the nomination and confirmation process.

Volume: approx. 1 cu. Ft. per year.

Disposition: **TEMPORARY.** Cut off files at the end of the fiscal year. Maintain in the office for internal reference purposes until no longer needed.

5. Presidential Nominations Briefing Books

These records consist of all background material related to the Presidential nominations for Commissioner and General Counsel positions. These files contain Privacy Act restricted material.

Volume: approx. 1 cu. ft. per year.

Disposition: **TEMPORARY.** Cut off files at the end of the fiscal year. Transfer to the Federal Records Center two (2) years after cut off. Destroy five (5) years after cut off.

6, Office of Management and Budget (OMB) Pending and Proposed Legislative Files

These records include original OMB requests for the EEOC's views in developing the policy of the current Administration. The files consist of individual requests, the Commission's responses and any other additional responses to OMB requests. These files contain Privacy Act restricted material.

Volume: approx. 1 cu. ft. per year.

Disposition: **PERMANENT.** Cut off files at the end of the fiscal year. Transfer to the Federal Records Center five (5) years after cut off. Transfer to NARA ten (10) years after cut off.

7. Federal Agency Files

Consists of all the official record copy of correspondence, memoranda, rules or regulations other information received from other Government agencies which related to the operations of the Commission.

Disposition: **TEMPORARY**. Destroy 2 years after the Commission's final action in response to Congressional inquiry. RCS, Item 15D (3).

8. Press Advisory/News Releases

Consists of the official record copy of each press advisory or news release issued by the Commission to the public and news media announcing the activities of the Commission.

Disposition: **PERMANENT**. Cut off files after one (1) year. After 2 years, transfer to the records center for ten (10) years. After ten (10) years, files are transferred to NARA for permanent retention. RCS, Item 10A (1).

9. Speech Files

Official record copy of each speech given by the Chair, Commissioners, or Directors on significant subjects dealing with the Commission's programs.

Disposition: **PERMANENT**. Cut off files after one (1) year. After 2 years, transfer to the records center for ten (10) years. After ten (10) years, files are transferred to NARA for permanent retention. RCS, Item 10A (2).

10. Publications File

Official record copy of each publication created by or for the Commission that contributes to an understanding of the organization, functions, policies, and procedures of the Commission.

Disposition: **PERMANENT**. Cut off files after one (1) year. Transfer to the records center for one (1) year and six (6) months files are transferred to NARA for permanent retention. RCS, Item 10A (3).

11. Information Requests File (Information Subject File)

Requests for information and copies of replies thereto, involving no administrative actions, no policy decisions, and no special compilations or research and requests for and transmittals of publications, photographs, and other information literature.

Disposition: TEMPORARY. Destroy when 3 months old. GRS 14 Item 1.

12. Acknowledgment File

Acknowledgments and transmittals of inquiries and requests that have been referred elsewhere for reply.

Disposition: TEMPORARY. Destroy 3 months after acknowledgment and referral. GRS 14 Item no. 2.

13. Information Project File

Records created and maintained on external exhibits; public service announcements for the media; seminars and forums; and other related activities involving public relations.

Disposition: TEMPORARY. Destroy 1 year after close of file or 1 year after completion of project. GRS 14 Item 4.

14. Commendation/Complaint Correspondence File

Anonymous letters, letters of commendation, complaint, criticism and suggestion, and replies thereto, EXCLUDING those on the basis of which investigations were made or administrative action taken and those incorporated into individual personnel records.

Disposition: TEMPORARY. Destroy when 3 months old. GRS 14 Item 5.

15. Indexes and Check Lists

Bibliographies, checklists, and indexes of agency publications and releases, EXCLUDING those relating to record sets scheduled as permanent.

Disposition: **TEMPORARY**. Destroy when superseded or obsolete. GRS 14 Item 5.

16. Press Service File

a. Media Morgue: Original clippings from major news publishers or media (New York Time, Washington Post, National Journal, Federal Times, etc.), trade journals, and regional and minority press, relating to the Commission and its mission.

Disposition: **PERMANENT**. Transfer to NARA for permanent retention when four (4) years old. RCS, Item 10D.

b. EEOC News Clips: Daily or weekly compilation of news clippings relating to the Commission and its mission selected and distributed internally by the Office of Communications and Legislative Affairs.

Disposition: TEMPORARY. Destroy when one (1) year old. RCS, item 10D.

- **c. Audiovisual Records** Audiovisual and related records created by or for the Commission to promote and document Commission programs, excluding audiovisual records included as part of a project file, case file, report file, or similar record.
- **d. Still Photographs:** Official copies of record of photographs of the Chair, Commissioners, and other key Commission personalities, and other photographs documenting the organization, functions, policies, and procedures, and essential transactions of the Commission.

Disposition: **PERMANENT**. Transfer to NARA for permanent retention when no longer needed for administrative purposes or five (5) years old. Destroy all other photographs of routine award ceremonies, social events, and activities not related to the mission of the Commission whey they are one (1) year old. RCS, Item 10G. GRS 21, Item 1.

e. Slide/tape Shows: Slide/tape shows created by or for the Commission to documents its history or significant events. Including the script and audio recording related thereto.

Disposition: **PERMANENT**. Transfer to NARA for permanent retention when no longer needed for administrative purposes or ten (10) years old. RCS, Item 10G. GRS 21, Item 1.

f. Sound Recordings: Recordings of significant speeches, press conferences, committee meetings, and Congressional testimony of the Chair.

Disposition: **PERMANENT**. Transfer to NARA for permanent retention when no longer needed for administrative purposes or five (5) years old. RCS, Item 10G.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF THE CHIEF FINANCIAL OFFICER

OFFICE OF THE CHIEF FINANCIAL OFFICER

1. General Correspondence File

All original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the OCFO exists, rather than its internal administration or housekeeping activities.

Disposition: **TEMPORARY**. Cut off after one (1) year. Transfer files to the records center with a three (3) year destruction date.

2. Budget Policy File

Record copies of correspondence or documents documenting the Commission's policy and procedures concerning budget administration, and reflecting policy decisions affecting expenditures for Commission programs.

Disposition: **TEMPORARY**. Cut off one (1) year from the end of the fiscal year. Transfer files to the records center when five (5) years old from the end of the fiscal year to which they relate with a destruction date of ten (10) years from the end of the fiscal year to which they relate. RCS, Item 3A.

3. <u>Budget Background File (Formerly titled the Budget Estimates and Justification File)</u>

Official record copy of copies of budget estimates and justifications prepared or consolidated at headquarters, including appropriation language sheets, narrative statements, and related schedules and data.

Disposition: TEMPORARY. Destroy 1 year after the close of the fiscal year covered by the budget. GRS 5. Item 2.

4. Budget Correspondence File (Formerly titled Other Budget Records)

Record copies of incoming and outgoing correspondence concerning the routine administration, internal procedures, and other matters arising from budget administration and operation activities excluding Commission budget policy and procedures records covered in the Budget Policy File.

Disposition: **TEMPORARY**. Destroy when 2 years old. GRS 5, Item 1.

5. Budget Reports File (Formerly titled Other Budget Records)

Record copy of all the periodic reports by the Commission concerning the status of its appropriation accounts and apportionment.

Disposition: TEMPORARY.

- a. Annual report (end of fiscal year). Destroy when 5 years old. GRS 5, Item 3.
- b. All other reports. Destroy 3 years after the end of the fiscal year. GRS 5, Item 3.

6. **Budget Apportionment File**

Apportionment and reapportionment schedules, proposing quarterly obligations under each authorized appropriation for the Commission.

Disposition: **TEMPORARY**. Destroy 2 years after the close of the fiscal year. GRS 5, Item 4

7. Accounting Administrative File

All correspondence, reports, and data relating to voucher preparation, administrative audit, and other accounting and disbursing operations of the Commission.

Disposition: TEMPORARY. GRS 6, Item 5

- a. Files used for workload and personnel management purposes destroy when 2 years old.
- b. All other files. Destroy when 3 years old.

8. Accountable Officers' File

Statements of transactions; statements of accountability; collection schedules; collection vouchers; disbursement schedules; disbursement vouchers; and other schedules and vouchers or documents used as schedules or vouchers, exclusive of commercial passenger and freight records and payroll records. Record also held for onsite audits by GAO. The GAO site audit records include, but are not limited to Standard and Optional Forms and equivalent Commission forms that document financial transactions of the Commission.

Disposition: **TEMPORARY**. Destroys when they are six (6) years and three (3) months old after the period covered by the account to which the records relate. (There are several types of accountable officers such as: (1) the collecting officer, who receives monies owed to the Federal Government and ensures that it is credited to the proper account; (2) the disbursing officer who is responsible for accomplishing the actual payment of public monies to proper federal creditors; and (3) the certifying officer, whose signature on a summary attests to the authenticity of pay ability of vouchers). GRS 6, Item 1.

9. GAO Exception File

GAO Exception File of the Commission. The file contains GAO notices of exception, such as a SF 1100, formal or informal, and related correspondence.

Disposition: TEMPORARY. Destroy 1 year after exception has been reported as cleared by GAO.

10. Certificates Settlement File

Copies of certificates of settlement of accounts of accountable officers, statements of differences, and related records.

Disposition: **TEMPORARY**. GRS 6, Item 3.

- a. Certificates covering closed account settlements, supplemental settlements, and final balance settlements. Destroy 2 years after date of settlement.
- b. Certificates covering periodic settlements. Destroy when subsequent certificate of settlement is received.

11. General Fund File/Accounting Administrative Files

Correspondence, reports, and data relating to voucher preparation, administrative audit, and other accounting and disbursing operations.

Disposition: TEMPORARY. GRS 6, Item 5.

- a. Files used for workload and personnel management purposes. Destroy when 2 years old.
- b. All other files. Destroy when 3 years old.

12. Federal Personnel Surety Bond File

Record copies of purchased bonds and attached powers of attorney pertaining to Commission employees.

Disposition: **TEMPORARY**. GRS 6, Item 6.

- a. Official copies of bond and attached powers of attorney.
 - (1) Bonds purchased before January 1, 1956.
 Destroy 15 years after bond becomes inactive.
 - Bonds purchased after December 31, 1955.
 Destroy 15 years after end of bond premium period.

Other bond files including other copies of bonds and related documents.
 Destroy when bond becomes inactive or after the end of the bond premium period.

13. Gasoline Sales Tickets File

Hard copies of sales tickets filed in support of paid vouchers for credit card purchases of gasoline.

Disposition: TEMPORARY. Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 6, Item 7.

14. Telephone Toll Tickets File

Originals and copies of toll tickets filed in support of telephone toll call payments.

Disposition: TEMPORARY. Destroy after GAO audit or when 3 years old, whichever is sooner. **GRS 6**, **Item 8**.

15. Telegrams

Originals and copies of telegrams filed in support of telegraph bills.

Disposition: TEMPORARY. Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 6, Item 9.

16. Administrative Claims File

Claims against the United States arising out of the activities of the Commission for moneys administratively disallowed in full or allowed in full or in part, and final payment of the amount awarded; and,

Claims by the United States arising out of the activities of the Commission subject to the Federal Claims Collection Standards and 28 U.S.C. § 2415 or 31 U.S.C. § 3716(c)(1).

Disposition: **TEMPORARY**. GRS 6, Item 10.

a. Claims against the United States subject to 28 U.S.C. 2401. Records relating to claims against the United States for moneys that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded, EXCLUDING claims covered by sub item c. below.

Disposition: **TEMPORARY**. Destroy when 6 years, 3 months old.

b. Claims by the United States subject to the Federal Claims Collection Standards and 28 U.S.C. 2415 or 31 U.S.C. 3716(c)(1).

Records relating to claims for money or property that were administratively determined to be due and owing to the United States and that are subject to the Federal Claims

Collection Standards (4 CFR Chapter II), EXCLUDING claims covered under sub item c. below.

(1) Claims that were paid in full or by means of a compromise agreement pursuant to 4 CFR Part 103.

Disposition: TEMPORARY. Destroy when 6 years, 3 months old. (N1-GRS-87-13 Item 1b1)

- (2) Claims for which collection action has been terminated under 4 CFR Part 104.
 - (a) Claims for which the Government's right to collect was not extended.

Disposition: TEMPORARY. Destroy 10 years, 3 months after the year in which the Government's right to collect first accrued.

(b) Claims for which the Government is entitled (per 28 U.S.C. 2415) to additional time to initiate legal action.

Disposition: TEMPORARY. Destroy 3 months after the end of the extended period.

(3) Claims that the agency administratively determines are not owed to the United States after collection action was initiated.

Disposition: **TEMPORARY**. Destroy when 6 years, 3 months old.

c. Claims files that are affected by a court order or that are subject to litigation proceedings.

Disposition: TEMPORARY. Destroy when the court order is lifted, litigation is concluded, or when 6 years, 3 months old, whichever is later.

17. Waiver of Claims File

Waiver of claims of the United States against an employee arising out of an erroneous payment of pay; allowances; travel expenses; or relocation expenses; to or for the employee, including bills of collection, requests for a waiver of claim, investigative reports, decisions by the Commission and outside authority approving or denying the waiver, and related records.

Disposition: **TEMPORARY**. GRS 6, Item 11.

a. Approved waivers (agencies may approve amounts not aggregating to more than \$500 or GAO may approve any amount). Destroy 6 years, 3 months after the close of the fiscal year in which the waiver was approved.

b. Denied waivers. Destroy with related claims files in accordance with Items 10b and 10c of this schedule.

18. Expenditures Accounting General Correspondence and Subject Files

File contains the official copy of record of the correspondence or subject files maintained by OCFO/AS to document the operation and administration of the Commission's expenditure accounting system.

Disposition: **TEMPORARY**. Destroy when 2 years old. GRS 7, Item 1.

19. General Accounting Ledgers

Record of the Commission's general accountings ledgers, showing debit and credit entries, and reflecting expenditures of the Commission in summary.

Disposition: TEMPORARY. Destroy 6 years and 3 months after the close of the fiscal year involved. GRS 7, Item 2.

20. Appropriation Allotment File

Commission Allotment records showing status of obligations and allotments under each authorized appropriation.

Disposition: TEMPORARY. Destroy 6 years and 3 months after the close of the fiscal year involved. GRS 7, Item 3.

21. Expenditure Accounting Posting and Control File

Records used as posting and control media, subsidiary to the general and allotment ledgers that are not maintained in other Commission expenditure accounting records files described in this Order.

Disposition: **TEMPORARY**. Original records destroy when 3 years old. Copies: Destroy when 2 years old. **GRS 7**, **Item 4**.

22. Cost General Correspondence File

Original incoming and record copy of outgoing communications arising from the cost accounting operations of OCFO.

Disposition: **TEMPORARY**. Destroy when 3 years old. GRS 8, Item 2.

23. Cost Accounting Reports

Official copy of record of the Commission's cost accounting reports and related work papers.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 8, Item 6.

24. Cost Report Data Files

Ledgers, forms, and electronic records to accumulate the data for OCFOS use in cost reports of the Commission.

Disposition: **TEMPORARY**. GRS 8, Item 7.

- a. Ledgers and forms. Destroy when 3 years old.
- b. Automated records.
 - (1) Detail cards. Destroy when 6 months old.
 - (2) Summary cards. Destroy when 6 months old.
 - (3) Tabulations. Destroy when 1 year old.

25. General Procurement Correspondence Files

Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment (other than those covered in Items 1 and 12). [See note after Item 3a (2)(b)].

Disposition: TEMPORARY. GRS 3, Item 3.

- a. Procurement or purchase organization copy, and related papers.
 - (1) Transaction dated on or after July 3, 1995 (the effective date of the Federal Acquisition Regulations (FAR) rule defining "simplified acquisition threshold").
 - (a) Transactions that exceed the simplified acquisition threshold and all construction contracts exceeding \$2,000. Destroy 6 years and 3 months after final payment.
 - (b) Transactions at or below the simplified acquisition threshold and all construction contracts at or below \$2,000. Destroy 3 years after final payment.
 - (2) Transactions dated earlier than July 3, 1995.
 - (a) Transactions that utilize other than small purchase procedures and all construction contracts exceeding \$2,000. Destroy 6 years and 3 months after final payment.
 - (b) Transactions that utilize small purchase procedures and all construction contracts under \$2,000. Destroy 3 years after final payment.

NOTE: Given the complexities of the rules on procurement, agencies should involve procurement officials when deciding which of the sub items to apply to a particular series of records.

- b. Obligation copy. Destroy when funds are obligated.
- Other copies of records described above used by component elements of a procurement office for administrative purposes. Destroy upon termination or completion.
- d. Data Submitted to the Federal Procurement Data System (FPDS). Electronic data file maintained by fiscal year, containing unclassified records of all procurements, other than small purchases, and consisting of information required under 48 CFR 4.601 for transfer to the FPDS.

Disposition: **TEMPORARY**. Destroy or delete when 5 years old.

NOTE: Unique procurement files are not covered by this schedule. With the standardization of the Government-wide procurement process under the FAR, such files are unlikely to exist. However, if an agency believes that a procurement file that has long-term research value, the records officer should submit an SF 115.

26. Canceled Solicitation File

Each solicitation the Commission cancels prior to award of contract. Each file contains the pre-solicitation documentation on the requirement, any offers that were opened prior to the cancellation, documentation on any Government action up to the time of cancellation.

Disposition: **TEMPORARY**. Destroy 5 years after date of cancellation GRS 3, Item 5 (c).

27. Solicited and Unsolicited Bids and Proposals Files

Each solicited and unsolicited bid and proposal received by the Commission. Each presolicitation documentation on the requirement, any offers, and documentation on any Government action taken on the bid or proposal.

Disposition: **TEMPORARY.** GRS 3, Item 3.

- a. Successful bids and proposals. Destroy with related contract case files (see Item 3 GSR 3).
- b. Solicited and unsolicited unsuccessful bids and proposals.

- (1) Relating to small purchases as defined in the Federal Acquisition Regulation, 48 CFR Part 13. Destroy 1 year after date of award or final payment, whichever is later.
- (2) Relating to transactions above the small purchase limitations in 48 CFR Part 13. Destroy when related contract is completed.
- c. Canceled solicitations files.
 - (1) Formal solicitations of offers to provide products or services (e.g., Invitations for Bids, Requests for Proposals, Requests for Quotations) which were canceled prior to award of a contract. The files include pre-solicitation documentation on the requirement, any offers that were opened prior to the cancellation, documentation on any Government action up to the time of cancellation, and evidence of the cancellation. Destroy 5 years after date of cancellation.
 - (2) Unopened bids. Return to bidder.
- d. Lists or card files of acceptable bidders.

Disposition: TEMPORARY. Destroy when superseded or obsolete.

28. Supply Management Files

File for each report on supply requirements and related procurement matters received from offices in the headquarters and field offices.

Disposition: TEMPORARY. GRS 3, Item 4.

- a. Copies received from other units for internal purposes or for transmission to staff agencies. Destroy when 2 years old.
- b. Copies in other reporting units and related working documents. Destroy when 1 year old.

29. Public Printer Files

Each printing procurement unit copy of requisition, invoice, specifications, and related papers.

Disposition: **TEMPORARY**. Destroy after three (3) years old. GRS 3, Item 6.

30. Non-personal Services Requisition File

Requisitions for non-personal services, such as duplicating, laundry, binding, and other services (excluding records associated with accountable officers' accounts.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 3, Item 7.

31. Inventory Requisition File

Copy of each requisition for supplies and equipment supplied through storage and issued from Commission stockrooms or supply rooms in the headquarters and field offices.

Disposition: **TEMPORARY.** Destroy when two (2) years from the date of completion or cancellation of the requisition. GRS 3, Item 8.

32. Inventory Files

Lists of inventory items supplied through storage and issued from Commission stockrooms or supply rooms in the headquarters and field offices.

Disposition: **TEMPORARY.** Destroy when two (2) years from the list date. GRS 3, Item 9.

33. Federal Procurement Data System (FPDS) Files

Data files submitted by the Commission to the FPDS. The record copies are arranged by fiscal year and contain unclassified records of all procurement by the Commission other than small purchases.

Disposition: **TEMPORARY.** Destroy when 5 years old. GRS 3, Item 3 (d).

34. Tax Exemption Files

Commission's record copy of an SF- 1094, U.S. Tax Exemption Certificate, and other State or local government tax exempt forms used to exempt the Commission from paying state and local taxes as a purchaser.

Disposition: **TEMPORARY.** Destroy 3 years after period covered by related account. GRS 3, Item 12.

35. Contract Appeals Case Files

Contract appeals case files arising under the Contracts Dispute Act, consisting of notices of appeal and acknowledgments thereof; correspondence between parties; copies of contracts, plans, specifications, exhibits, change orders, and amendments; transcripts of hearings; documents received from parties concerned; final decisions; and all other related papers.

Disposition: **TEMPORARY.** GRS 3, Item 15.

- a. Records created prior to October 1, 1979. Destroy 6 years, 3 months after final action on decision.
- b. Records created after September 30, 1979. Destroy 1 year after final action on decision.

36. Contractor's Statement of Contingent or Other Fees

SF 119, Statement of Contingent or Other Fees, or statement in lieu of the form, filed separately from the contract case file and maintained for enforcement or report purposes.

Disposition: **TEMPORARY.** Destroy when superseded or obsolete. GRS 3, Item 16.

37. Small and Disadvantaged Business Utilization File

Correspondence, reports, studies, goal statements, and other records relating to the small and disadvantaged business utilization program, as required by Pub.L. 95-507.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 3, Item 17.

38. Property Disposal Correspondence Files

Correspondence files maintained by units responsible for property disposal, pertaining to their operation and administration, and not otherwise provided for.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 4, Item 1.

39 Excess Personal Property Reports

Copy of the SF-120s, Report of Excess Personal Property, and SF-121, Quarterly Report of Utilization and Disposal of Excess and Surplus Personal Property, to report the Commission's excess property to regional GSA offices.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 4, Item 2.

40. Surplus Property Case Files

Case files on sales of surplus personal property, comprising invitations, bids, acceptances, lists of materials, evidence of sales, and related correspondence.

Disposition: **TEMPORARY.** GRS 4, Item 3.

- a. Transactions of more than \$25,000. Destroy 6 years after final payment.
- b. Transactions of \$25,000 or less. Destroy 3 years after final payment.

41. Commercial Freight and Passenger Transportation Files

a. Original vouchers and support documents covering commercial freight and passenger transportation charges of settled fiscal accounts, including registers and other control documents, but EXCLUDING those covered by item 1b of this schedule. Disposition: **TEMPORARY.** Destroy 6 years after the period of the account. GRS 9, Item 1.

b. Records covering payment for commercial freight and passenger transportation charges for services for which 1) notice of overcharge has been or is expected to be issued, or if a rail freight overpayment is involved, 2) deduction or collection action has been taken, 3) the voucher contains inbound transit shipment(s), 4) parent voucher has print of paid supplemental bill associated, 5) the voucher has become involved in litigation, or 6) any other condition arises, such as detection of overcharge, that prevents the settling of the account, requiring the voucher to be retained beyond the 6 year retention period.

Disposition: **TEMPORARY.** Destroy when 10 years old. GRS 9, Item 1.

c. Issuing office copies of Government or commercial bills of lading, commercial passenger transportation vouchers (Standard Form (SF) 1113A) and transportation requests (SF 1169), travel authorizations, and supporting documents.

Disposition: **TEMPORARY.** Destroy 6 years after the period of the account. GRS 9, Item 1.

d. Obligation copy of commercial passenger transportation vouchers.

Disposition: **TEMPORARY.** Destroy when funds are obligated. GRS 9, Item1.

e. Unused ticket redemption forms, such as SF 1170.

Disposition: TEMPORARY. Destroy 3 years after the year in which the transaction is completed. GRS 9, Item 1.

42. Noncommercial Reimbursable Travel Files

Copies of records relating to reimbursing individuals, such as travel orders, per diem vouchers, and all other supporting documents relating to official travel by officers, employees, dependents, or others authorized by law to travel.

Disposition: **TEMPORARY.** GRS 9, Item 3.

- a. Travel administrative office files. Destroy when 6 years old.
- b. Obligation copies. Destroy when funds are obligated.

43. General Travel and Transportation Files

a. Routine administrative records including correspondence, forms, and related records pertaining to commercial and noncommercial agency travel and transportation and freight functions not covered elsewhere in this schedule. Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 9, Item 4.

b. Accountability records documenting the issue or receipt of accountable documents.

Disposition: **TEMPORARY.** Destroy 1 year after all entries are cleared. GRS 9, Item 4.

44. Official Passports Application Files

Documents relating to the issuance of official passports, including requests for passports, transmittal letters, receipts, and copies of travel authorizations.

Disposition: TEMPORARY. Destroy when 3 years old or upon separation of the bearer, whichever is sooner. GRS 9, Item 5.

45. Annual Reports Concerning Official Passports

Annual reports concerning official passports - Reports to the Department of State concerning the number of official passports issued and related matters. **NOTE:** Does not pertain to copies of the annual reports held by the Department of State.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 9, Item 5.

46. Lost or Damaged Shipments Files

Schedules of valuables shipped, correspondence, reports, and other records relating to the administration of the Government Losses in Shipment Act.

Disposition: **TEMPORARY.** Destroy when 6 years old. GRS 9, Item 2.

47. Federal Employee Transportation Subsidy Records

Documents either in paper or electronic form relating to the disbursement of transportation subsidies to Commission employees, including applications of employees no longer in the program, superseded applications, certification logs, copies of vouchers, spreadsheets, and other forms used to document the disbursement of subsidies.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 9, Item 7.

48. Motor Vehicle Correspondence Files

Operating records including those relating to gas and oil consumption, dispatching, and scheduling.

Disposition: **TEMPORARY.** Destroy when 3 months old. GRS 10, Item 2.

49. Motor Vehicle Operating and Maintenance Files

Maintenance records, including those relating to service and repair.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 10, Item 2.

50. Motor Vehicle Cost Files

Motor vehicle ledger and worksheets providing cost and expense data.

Disposition: TEMPORARY. Destroy 3 years after discontinuance of ledger or date of worksheet. GRS 10, Item 3.

51. Motor Vehicle Accident Files

Records relating to motor vehicle accidents, maintained by transportation offices, including SF 91, Motor Vehicle Accident Report, investigative reports, and SF 94, Statement of Witness.

Disposition: **TEMPORARY.** Destroy 6 years after case is closed. GRS 10, Item 5.

52. Motor Vehicle Release Files

Records relating to transfer, sale, donation, or exchange of vehicles, including SF 97, The United States Government Certificate to Obtain Title to a Motor Vehicle.

Disposition: **TEMPORARY.** Destroy 4 years after vehicle leaves agency custody. GRS 10. Item 6.

53. Motor Vehicle Operator Files

Records relating to individual employee operation of Government-owned vehicles, including driver tests, authorization to use, safe driving awards, and related correspondence.

Disposition: **TEMPORARY.** Destroy 3 years after separation of employee or 3 years after recession of authorization to operate Government-owned vehicle, whichever is sooner. GRS 10, Item 7.

54. Space and Maintenance General Correspondence Files

Original incoming and record copies of outgoing and interoffice correspondence, and related papers, arising from the Commission's administration and operation space and maintenance activities in the headquarters and field offices.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 11, Item 1.

55. Commission Space Files

Records relating to the allocation, utilization, and release of space under agency control, and related reports to GSA.

 Building plan files, surveys, and other records utilized in agency space planning, assignment, and adjustment.

Disposition: TEMPORARY. Destroy 2 years after termination of assignment, or when lease is canceled, or when plans are superseded or obsolete. GRS 11, Item 2.

- b. Correspondence with and reports to staff agencies relating to agency space holdings and requirements.
 - (1) Agency reports to the GSA, including Standard Form (SF) 81, Request for Space, and related documents.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 11, Item 2.

(2) Copies in subordinate reporting units and related work papers.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 11, Item 2.

56. Directory Service Files

Correspondence, forms, and other records relating to the compilation of directory service listings.

Disposition: TEMPORARY. Destroy 2 months after issuance of listing. GRS 11, Item 3.

57. Credentials Files

Identification credentials and related papers:

a. Identification credentials including cards, badges, parking permits, photographs, agency permits to operate motor vehicles, and property, dining room and visitors passes, and other identification credentials.

Disposition: TEMPORARY. Destroy credentials 3 months after return to issuing office. GRS 11, Item 4.

b. Receipts, indexes, listings, and accountable records.

Disposition: TEMPORARY. Destroy after all listed credentials are accounted for. GRS 11. Item 4.

58. Building and Equipment Service Files

Requests for building and equipment maintenance services, excluding fiscal copies.

Disposition: TEMPORARY. Destroy 3 months after work is performed or requisition is canceled. GRS 11, Item 5.

59. Messenger Service Files

Daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and related records.

Disposition: TEMPORARY. Destroy when 2 months old. GRS 12, Item 1.

60. Post Office and Private Mail Company Records Files

Post Office and private mail company forms and supporting papers, exclusive of records held by the United States Postal Service.

 Records relating to incoming or outgoing registered mail pouches, registered, certified, insured, overnight, express, and special delivery mail including receipts and return receipts.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 5.

b. Application for registration and certification of declared value mail.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 5.

c. Report of loss, rifling, delayed or late delivery, wrong delivery, or other improper treatment of mail.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 5.

61. Mail and Delivery Service Control Files

a. Records of receipt and routing of incoming and outgoing mail and items handled by private delivery companies such as United Parcel Service, EXCLUDING both those covered by item 5 and those used as indexes to correspondence files.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 6.

b. Statistical reports of postage used on outgoing mail and fees paid for private deliveries (special delivery, foreign, registered, certified, and parcel post or packages over 4 pounds).

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 12, Item 6.

c. Requisition for stamps (exclusive of copies used as supporting documents to payment vouchers).

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 12, Item 6.

d. Statistical reports and data relating to handling of mail and volume of work performed.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 6.

e. Records relating to checks, cash, stamps, money orders, or any other valuables remitted to the agency by mail.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 12, Item 6.

 Records of and receipts for mail and packages received through the Official Mail and Messenger Service.

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 12, Item 6.

g. General files including correspondence, memoranda, directives, and guides relating to the administration of mail room operations.

Disposition: TEMPORARY. Destroy when 1 year old or when superseded or obsolete, whichever is applicable. GRS 12, Item 6.

h. Locator cards, directories, indexes, and other records relating to mail delivery to individuals.

Disposition: TEMPORARY. Destroy 5 months after separation or transfer of individual or when obsolete, whichever is applicable. GRS 12, Item 6.

62. Metered Mail Files

Official metered mail reports and all related papers.

Disposition: **TEMPORARY.** Destroy when 6 years old. GRS 12, Item 7.

63. Postal Irregularities Files

Memoranda, correspondence, reports and other records relating to irregularities in the handling of mail, such as loss or shortage of postage stamps or money orders, or loss or destruction of mail.

Disposition: TEMPORARY. Destroy 3 years after completion of investigation. GRS 12, Item 8.

64. Printing, Binding, Duplication and Distribution Administrative Correspondence Files

Correspondence files pertaining to the administration and operation of the unit responsible for printing, binding, duplication, and distribution matters, and related documents.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 13, Item 1.

65. Printing, Binding, Duplication and Distribution Project Files

Job or project records containing information relating to planning and execution of printing, binding, duplication, and distribution jobs.

a. Files pertaining to the accomplishment of the job, containing requisitions, bills, samples, manuscript clearances, and related documents exclusive of (1) requisitions on the Public Printer and related records; and (2) records relating to services obtained outside the agency.

Disposition: **TEMPORARY.** Destroy 1 year after completion of job. GRS 13, Item 2.

b. Files pertaining to planning and other technical matters.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 13, Item 2.

NOTE: The GRS does not cover the publications themselves. One copy of each publication should be designated the record copy and scheduled for transfer to NARA. Agencies should describe each series of publications on a Standard Form (SF) 115 submitted to NARA. Extra copies are nonrecord and may be destroyed when no longer needed.

66. Printing, Binding, Duplication and Distribution Control Files

Control registers pertaining to requisitions and work orders for printing, binding, duplication, and distribution of the Commission's printer material

Disposition: TEMPORARY. Destroy 1 year after close of fiscal year in which compiled or 1 year after filling of register, whichever is applicable. GRS 13, Item 3.

67. Printing, Binding, Duplication and Distribution of Printed Material Mailing Lists

Correspondence, request forms, and other records relating to changes in mailing lists.

Disposition: TEMPORARY. Destroy after appropriate revision of mailing list or after 3 months, whichever is sooner. GRS 13, Item 4a.

68. Joint Committee on Printing (JCP) Reports Files

Reports to Congress and related records, agency report to JCP regarding operation of Class A and B Plants and inventories of printing, binding, and related equipment in Class A and B Plants or in storage.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 13, Item 5a.

69. <u>Printing, Binding, Duplication and Distribution of Printed Material Internal</u> Management

Records relating to the internal management and operation of the Commission's printing, binding, duplication and distribution of printed material function.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 13, Item 6.

70. <u>Directive Case Files</u>

Copy of each internal directive issued at the headquarters level with supporting documents documenting the Commission's programs, compliance, regulations, organization, functions, policy, authority, and other important subject matters such as general management, management.

Disposition: **PERMANENT**. Transfer files to the records center for five (5) years after supersession or rescission. After 10 years, files are transferred to NARA for permanent retention. RCS, Item 11A.

71. Administrative Issuances

Notices and other types of issuances related to routine administrative functions (e.g., payroll, procurement, personnel).

Disposition: **TEMPORARY.** Destroy when superseded or obsolete. GRS 16 Item 1.

72. Records Disposition Files

Descriptive inventories, disposal authorizations, schedules, and reports

- a. Basic documentation of records description and disposition programs, including SF 115, Request for Records Disposition Authority; SF 135, Records Transmittal and Receipt; SF 258, Agreement to Transfer Records to National Archives of the United States; and related documentation.
 - (1) SF 115s that have been approved by NARA.

Disposition: **TEMPORARY.** Destroy 2 years after supersession. GRS 16, Item 2.

(2) Other records.

Disposition: **TEMPORARY.** Destroy 6 years after the related records are destroyed or after the related records are transferred to the National Archives of the United States, whichever is applicable. GRS 16, Item 2.

b. Routine correspondence and memoranda.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 16, Item 2.

73. Forms Files

One record copy of each form created by an agency with related instructions and documentation showing inception, scope, and purpose of the form.

Disposition: TEMPORARY. Destroy 5 years after related form is discontinued, superseded, or canceled. GRS 16, Item 3a.

74. Records Holding Files

Statistical reports of agency holdings, including feeder reports from all offices and data on the volume of records disposed of by destruction or transfer.

a. Records held by offices that prepare reports on agency-wide records holdings.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 16, Item 4.

b. Records held by other offices.

Disposition: **TEMPORARY.** Destroy when 1 year old GRS 16, Item 4.

75. Administrative Management Activities Project Control Files

Memoranda, reports, and other records documenting assignments, progress, and completion of projects relating to the administrative management activities in the Commission, excluding records of operating personnel, budget, accounting, and printing function which other files and records cover.

Disposition: TEMPORARY. Destroy 1 year after the year in which the project is closed. GRS 16, Item 5.

76. Reports Control Files

Case files maintained for each agency report created or proposed, including public use reports. Included are clearance forms, including OMB 83 (formerly SF 83); copies of pertinent forms or descriptions of format; copies of authorizing directives; preparation instructions; and documents relating to the evaluation, continuation, revision, and discontinuance of reporting requirements.

Disposition: TEMPORARY. Destroy 2 years after the report is discontinued. GRS 16, Item 6.

77. Records Management Files

Record copies of outgoing and original incoming correspondence, reports, authorizations, and other records that relate to the management of the records of the Commission, including such matters as forms, correspondence, reports, mail, and files management; the use of microforms, ADP systems, and work processing; records management surveys; vital records programs; and all other aspects of records management not covered elsewhere in the Order.

Disposition: **TEMPORARY.** Destroy when 6 years old. GRS 16, Item 7.

78. Administrative Management Feasibility Studies

Studies conducted before the installation of any technology or equipment associated with information management systems, such as word processing, copiers, micrographics, and communications. Studies and system analyses for the initial establishment and major changes of these systems. Such studies typically include a consideration of the alternatives of the proposed system and a cost/benefit analysis, including an analysis of the improved efficiency and effectiveness to be expected from the proposed system.

Disposition: TEMPORARY. Destroy 5 years after completion or cancellation of study. GRS 16, Item 9.

79. Microform Inspection Records

Record of inventories, logs, and reports documenting the inspection of the permanent and temporary microform records of the Commission, as required by 36 CFR Part 1230.

Disposition: **TEMPORARY.** Microform inspection records for permanent records are kept for one (1) year after that the records pertain to are transferred to the National Archives. The inspection records for temporary microform records are kept in the file until they are two (2) years old or when superseded, whichever is later. GRS 16, Item 10.

80. IRM Triennial Review Files

Reports required by the GSA concerning reviews of information resources management (IRM) practices. Included are associated correspondence, studies, directives, feeder reports, and monitoring surveys and reports.

Disposition: **TEMPORARY.** Destroy when 7 years old. GRS 16, Item 11.

81. Information Collection Budget Files

Reports required by the OMB under the Paperwork Reduction Act about the number of hours the public spends fulfilling agency reporting requirements. Included are associated feeder reports, report exhibits, correspondence, directives, and statistical compilations.

Disposition: **TEMPORARY.** Destroy when 7 years old. GRS 16, Item 12.

82. Documents Published in the Federal Register

a. Files documenting the processing of notices announcing committee meetings, including meetings open to the public under the Government in Sunshine Act (5 U.S.C. 552b (e) (3)); hearings and investigations; filing of petitions and applications; issuance or revocation of a license; grant application deadlines, the availability of certain environmental impact statements; delegations of authority; and other matters that are not codified in the Code of Federal Regulations.

Disposition: TEMPORARY. Destroy when 1 year old. GRS 16, Item 13.

b. Files documenting the processing of semiannual regulatory agenda.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 16, Item 13.

NOTE: Agency files documenting the development, clearance, and processing of proposed and final rules for publication in the Federal Register are not covered by the General Records Schedules. These records may be, but are not necessarily, permanent. They must be scheduled individually by each agency so NARA can conduct an analysis and appraisal to determine their appropriate disposition.

83. Organizational and Functional Records

Official organizational charts; delegations of authority; and special reports and studies that document the origin, administrative development and past and present organizational structure of the Commission

Disposition: **PERMANENT.** Cut off files annually. Transfer files to the records center for four (4). After twenty (20) files are transferred to NARA for permanent retention. RCS, Item 11K.

84. Audiovisual Records-Routine Surveillance Footage

Routine Surveillance Footage audiovisual records of the Commission.

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 21, Items 11 and 18.

85. Management Control Review Files - Corrective Action

Correspondence, reports, action copies of audit findings, and other records that identify program internal control weaknesses, and corrective actions taken to resolve such problems.

a. Office with responsibility for coordinating internal control functions.

Disposition: **TEMPORARY.** Cut off when no further corrective action is necessary. Destroy 5 years after cutoff. GRS 16, Item 14 (f).

b. Copies maintained by other offices as internal reviews.

Disposition: **TEMPORARY.** Cut off when no further corrective action is necessary. Destroy 1 year after cutoff. GRS 16, Item no. 14 (f)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF RESEARCH INFORMATION & P LANNING

OFFICE OF RESEARCH INFORMATION & PLANNING

ORIP maintains the Policy, Procedures, and Guidance Files for the management control records of the Commission. These files contain the record keeping of internal directives maintained by the Commission's internal control staff, but not those copies maintained in the Commission's official file of internal directives; external directives such as OMB Circular OMB A-123; and correspondence outlining policy and procedure for performing management reviews.

1. General Correspondence

Incoming and outgoing inter-office correspondence.

Disposition: **TEMPORARY**. Cut off files at the end of the year. Transfer files to the records center after one year cut off with three year destruction date. RCS, Item 12A.

2. Management Control Policy, Procedures, and Guidance Files

ORIP maintains the Policy, Procedures, and Guidance Files for the management control records of the Commission. These files contain the record keeping of internal directives maintained by the Commission's internal control staff, but not those copies maintained in the Commission's official file of internal directives; external directives such as OMB Circular OMB A-123; and correspondence outlining policy and procedure for performing management reviews.

Disposition: TEMPORARY. Destroy when superseded. GRS 16, Item 14 (a).

3. Management Control Plans

ORIP maintains the Management Control Plans file of the Commission. This file consists of the official copy of record of the comprehensive plans established by the Commission documenting its efforts to ensure compliance with OMB Circular A-123.

Disposition: TEMPORARY. Destroy when superseded. GRS 16, Item 14 (b).

4. Management Control and Risk Analyses

ORIP maintains the Risk Analyses file of the Commission. This file consists of the official copy of record of the reports and supporting materials used to document review of program areas for susceptibility to loss or unauthorized use of resources, errors in reports and information, and illegal and unethical actions.

Disposition: **TEMPORARY.** Cut off closed files annually. Destroy after next review cycle. GRS 16, Item 14 (c).

5. Management Control Annual Reports and Assurance Statements

Annual reports and assurance statements created by organizational components below the agency (department or independent agency) level and compiled by the agency into a single unified report for direct submission to the President or Congress.

Disposition: **TEMPORARY.** Cut off closed files annually. Destroy after next reporting cycle. GRS 16, Item 14 (d).

6. Management Control Tracking Files

Files used to ensure the completion and timeliness of submission of feeder reports, including schedules of evaluations, interim reporting, lists of units required to report, and correspondence relating to the performance of the reviews.

Disposition: **TEMPORARY.** Destroy 1 year after report is completed. GRS 16, Item 14e.

7. Program Performance and Review Files

Documents supporting the program performance goals identified in Performance Plans required by the Government Performance and Results Act (GPRA) and other specific plans.

Disposition: **TEMPORARY.** Cut off files at the end of the fiscal year. Transfer files to the records center with three year destruction date. RCS, Item 12A.

8. Research and Survey Files

Material pertaining to the receipt, analysis and distribution of statistical reports from employers, local unions, and joint labor management apprenticeship committees throughout the U.S. on employment trends or patterns; survey contracts and other related surveys to support the Commission's programs and operations.

9. Research and Survey Files- EEO-1, Employer Information Reports

Reports are by private employers with 100 or more employees regarding their work force that include information Title VII requires them to provide annually to the Commission. The information in the reports includes number of employees, races, sex, job occupation, and number of persons included in each category.

Hard Copy - Disposition: **TEMPORARY.** Destroy hard copy when report of microfilm is verified. RCS 12, Item B (1) (a) 1.

Microfilm - Disposition: **TEMPORARY.** Destroy microfilm when ten (10) years old or no longer needed for reference, whichever is later. RCS 12, Item B (1) (a) 2.

Non-microfilmed Reports - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. RCS 12, Item B (1) (a) 3.

ADP Tape or other Electronic - Disposition: **PERMANENT.** Media Transfer to NARA. RCS 12, Item B (1) (a) 4.

10. Research and Survey Files- EEO-2 Apprenticeship Information Reports

Apprenticeship Information Reports received by the Commission in the Research and Survey Files of the Commission. Joint labor-management apprenticeship committees file the reports regarding their apprenticeship programs that include information Title VII require them to provide annually to the Commission. The information in the reports includes number of apprentices, races, ethnic groups, sex, trade and year of apprenticeship and number of persons included in each category.

Record Copy - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. RCS 12, Item B, (1) (b) 1.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. RCS 12, Item B (1) (b) 2

11. Research and Survey Files - EEO-2E, Apprenticeship Information Reports

Private employers operating apprenticeship programs file the reports regarding their apprenticeship programs that include information Title VII requires them to provide annually to the Commission. The information in the reports includes number of employees, races, sex, ethnic groups, trade and year of apprenticeship, and number of persons included in each category.

Record Copy - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. RCS 12, Item B (1) (c) 1.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. RCS 12, Item B (1) (c) 2.

12. Research and Survey Files - EEO-3, Local Union Reports

Reports are by unions that include information Title VII requires them to provide biennially to the Commission. The information in the reports includes membership, referrals and applicants by race/ethnic group and gender.

Record Copy - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. RCS 12, Item B (1) (d) 1.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. RCS 12, Item B (1) (d) 2.

13. Research and Survey Files - EEO-4, State and Local Government Information Reports

Reports are by State and local governments regarding their work force that include information Title VII requires them to provide the Commission. The information in the reports includes number of employees, races, sex, job occupation, and number of persons included in each category.

Hard Copy - Disposition: **TEMPORARY.** Destroy hard copy when report of microfilm is verified. NARA. RCS 12, Item B (1) (e) 1.

Microfilm - Disposition: **TEMPORARY.** Destroy microfilm when ten (10) years old or no longer needed for reference, whichever is later. NARA. RCS 12, Item B (1) (e) 2.

Non-microfilmed Reports - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. NARA. RCS 12, Item B (1) (e) 3.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. NARA. RCS 12, Item B (1) (e) 4.

14. Research and Survey Files - EEO-5, Elementary and Secondary Staff Information Reports

These reports are by elementary-secondary public school districts regarding their work force that include information Title VII requires them to provide biennially to the Commission. The information in the reports includes number of employees, races, sex, job occupation, and number of persons included in each category.

Hard Copy - Disposition: **TEMPORARY.** Destroy hard copy when report of microfilm is verified. NARA. RCS 12, Item B (1) (f) 1.

Microfilm - Disposition: **TEMPORARY.** Destroy microfilm when ten (10) years old or no longer needed for reference, whichever is later. NARA. RCS 12, Item B (1) (f) 2.

Non-microfilmed Reports - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. NARA. RCS 12, Item B (1) (f) 3.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. NARA. RCS 12, Item B (1) (f) 4.

15. Research and Survey Files - EEO-6 - Higher Education Staff Information Reports

Information required by Title VII on public and private institutions of higher education and is compiled biennially to the Commission. The EEO-6 requires reporting of employment data, by race and ethnic categories, sex, length of contract, occupational categories and annual salary.

Hard Copy - Disposition: **TEMPORARY.** Destroy hard copy when report of microfilm is verified. NARA. RCS 12, Item B (1) (g) 1.

Microfilm - Disposition: **TEMPORARY.** Destroy microfilm when ten (10) years old or no longer needed for reference, whichever is later. NARA. RCS 12, Item B (1) (g) 2.

Non-microfilmed Reports - Disposition: **TEMPORARY.** Transfer the paper reports to the Federal Records Center with destruction date ten (10) full calendar years after due date. NARA. RCS 12, Item B (1) (g) 3.

ADP Tape or other Electronic Media - Disposition: **PERMANENT.** Transfer to NARA. NARA. RCS 12, Item B (1) (g) 4.

16. Research and Survey Files- Data Sharing Agreements

Documents regarding agreements are between the Commission and other federal, State and local government agencies to share statistical data on employment practices and trends, according to Commission prescribed data confidentiality requirements.

Disposition: **TEMPORARY**. Cut off files annually. Transfer files to the records center after two (2) years following expiration of agreement with ten (10) year destruction date. RCS, Item 12B (2).

17. Research and Survey Files

Research Project File - Record copies of all documentation reflecting a complete history of each project initiation through research and development to completion. This includes, when created by Commission personnel or contractors, procurement files, consisting of copy of each contract or agreement for research services with related modifications, changes or addendums; initial and final proposals; project authorization documents; technical characteristics; progress reports; notice of completion or cancellation; and correspondence influencing the course of action taken on a project. For example, designs and specifications for EEO reports for survey contracts, and the monitoring of the projects for adherence to the terms of the contract.

Disposition: **TEMPORARY**. Transfer files to the records center upon completion or termination of project with five (5) year destruction date. Copies can be destroyed on site when no longer needed for reference. RCS, Item 12B (3).



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF FEDERAL OPERATIONS

OFFICE OF FEDERAL OPERATIONS EEOC RCS No. 16

1. Government Employment Programs-EEO General Files

General correspondence, plans, procedures and related records concerning all aspects of the equal employment opportunity programs of ADEA, EPA, Title VII, ADA, and Section 501 of the Rehabilitation Act, as amended.

Disposition: **TEMPORARY**. Cut files off annually. Transfer files to the records center with three (3) year destruction date or destroy when material is obsolete or superseded or whichever occurs first. Copies can be destroyed on site when no longer needed. RCS, Item 14G (1).

2. Government Employment Programs-EEO Affirmative Action Program Reports

Government Employment Programs-EEO Affirmative Action Program Reports files of the Commission. OFO arranges the files by quarter and by name of agencies. The files contain record copies of the reports of onsite reviews by the Commission of Agency Affirmative Action Programs and correspondence relating thereto.

Disposition: **TEMPORARY**. Transfer closed files to the records center after one year after closing with a five (5) year destruction date. GRS 1, Item 25 h (3).

3. Appeals Records - Appellate Case Files

Records created in the Office of the Federal Operations relating to appeal actions taken under Title VII of the Civil Rights Act of 1964, as amended, Section 501 of the Rehabilitation Act, as amended, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, and Americans with Disabilities Act of 1990 and other laws which EEOC administers. Records include appeals and supporting/opposition statements from the parties regarding a federal agency's final action on a complaint; appeals of a final decision of an agency, arbitrator, or the Federal Labor Relations Authority on a grievance involving claims of discrimination; petitions for review of decisions issued by the Merit Systems Protection Board involving claims of discrimination; petitions for enforcement of decision issued under the Commission's appellate jurisdiction; and requests for reconsideration of Commission decisions.

a. Significant Appeals Case Files

Significant appeals case files involve: (1) appellate decisions which were circulated to the Commissioners and issued under the signature of the Commission's Executive Officer that involve novel issues or issues of first impression, establish legal precedent or new policies and procedures regarding the laws, regulations and directives applied by the Commission, or gain national attention because of Congressional or public interest or (2) other appellate decision identified by the Director of the Appellate Review Programs and/or Director of the Office of Federal Operations as involving significant matters.

Disposition: **PERMANENT.** Cut off at the end of the fiscal year in which the final EEOC decision occurs. Transfer to Federal Record Center (FRC) after cut off. Transfer to National Archives ten (10) years after cut off in ten (10) year blocks.

Supersedes EEOC Order 201, Appendix A, Item 16A(1) [Job No. NC1-403-81-2, item 16A(1)].

b. Routine Appeals Case Files

Case files that do not meet the "Significant Appeals Case Files" criteria.

Disposition: **TEMPORARY.** Cut off at the end of the fiscal year in which the final EEOC decision occurs. Transfer to Federal Record Center (FRC) after cut off. Destroy four (4) years after cut off.

- 4. Control Cards and Logs no longer created.
- 5. "Unsanitized" Decisions no longer created.
- 6. "Sanitized" Decisions no longer created.

7. Compliance Records

Covers records created in the Commission to carry out its mission to establish and implement policy on eliminating job discrimination, and to enforce the policy through operating activities as required by *the Age discrimination in Employment Act (ADEA), the Equal Pay Act (EPA), and *Title VII of the Civil Rights Act of 1964, as amended *(TitleVII).*

a. Plans and Policy

(Arrange alphabetically by subject). Documents relating to the establishment of policy, direction, guidance and assistance in the compliance process. Records include guidelines enunciating *ADEA, EPA, and/or *Title VII related policy, policy interpretations of the equal employment opportunity laws and regulations, Commission rules and regulations published in the Federal Register, and other related matters to translate Commission policy.

Disposition: **PERMANENT.** Record Copy (Program Office) break files annually. Transfer to Federal Record Center (FRC) when five (5) years old. Transfer to National Archives fifteen (15) years after cut off *of latest records* in ten (10) year blocks. All other copies can be destroyed on site when two (2) year old or no longer needed for reference, whichever is earlier.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF FIELD PROGRAMS

OFFICE OF FIELD PROGRAMS

1. General Correspondence File

General material (including inquiries) pertaining to discrimination, but not related to a specific case or charge.

Disposition: **TEMPORARY.** Destroy onsite when six (6) months old. RCS, Item 14C (1).

2. Compliance Records-Headquarters Subject File

Background papers, copies of charges and other supporting documents relating to the compliance process.

Disposition: **TEMPORARY.** Cut off annually. Transfer to records center with destruction date of 3 years. RCS, Item 14C (2).

3. Compliance Records-Plans and Policy

Documents relating to the establishment of policy, direction, guidance and assistance in the compliance process. Records include guidelines enunciating ADEA, EPA and/or Title VII related policy, policy interpretations of the equal employment opportunity laws and regulations, Commission rules and regulations published in the Federal Register, and other related matters to translate Commission policy.

Disposition: **PERMANENT**. Cut off files annually. Transfer to records center when five (5) years old. After fifteen (15) years, files are transferred to NARA for permanent retention. RCS, Item 14A.

4. Compliance Records-Field Operations Review

Material generated through the monitoring of field management systems or plans to provide timely remedy or resolution of charges; development and refinement of charge processing procedures; and, evaluation of field offices and FEP agencies to ensure quality implementation of the charge processing system.

Disposition: **TEMPORARY**. Cut files off annually. Transfer files to the records center with three (3) year destruction date. Copies can be destroyed on site when no longer needed for reference. RCS, Item 14B.

5. Compliance Records Charges

Records pertaining to the compliance process which include receipt of complaints of job discrimination; investigation; conciliation with the employer, union, employment agency or labor management apprenticeship programs; compliance review; Commissioner charges; and general material pertaining to discrimination. Record copies of documents, including forms and ADP data, created during the compliance process of a discrimination complaint are maintained in the official charge file.

Disposition: **RESERVED** GRS 14, Item 16.

6. Charge Files-Deferrals to State and Local Agencies

Records pertaining to the cooperative relationships between EEOC and State and Local Fair Employment Practice Agencies (FEP), which include correspondence between EEOC and FEP agencies, applications, agreements, contract, national (706 Agency) funding programs, and other related material generated between EEOC and State and Local Agencies.

Disposition: **TEMPORARY.** Cut off files annually. Transfer to records center with destruction date of three (3) full calendar years. All other copies destroy when one (1) year old or no longer needed for reference, whichever is earlier. RCS, Item 14D (1).

7. Charge Files – Administrative Dismissals/Closures

Documents relating to dismissals of charges for other than no cause, withdrawals, and closures by issuance of Notice of Right to Sue upon request. Files include charges dismissed for lack of jurisdiction, failure to cooperate, failure to locate (including "administrative closure" where charging party not apprised of requirements to keep EEOC informed of address changes), and refusal to accept full relief.

Disposition: **NC1-403-79-1RCS**, Item 14C (3).

8. Charge Files-Negotiated Settlements, including Mediation Settlements

Commissioner charge files, for all charges resolved by settlement agreements, with or without monetary benefits, as the result of mediation or negotiation.

Disposition: NC1-403-79-1RCS, Item 14C (4).

9. Charge Files – Reasonable Cause Determinations

Case files for all cases, successfully or unsuccessfully conciliated, that the Commission issues a final cause letter of determination. Where the Commission has not settled or dismissed a charge or made a no cause finding as to every allegation in a charge, it issues final cause letters of determination.

Disposition: NC1-403-79-1RCS, Item 14C (5)(b)1.

10. Charge Control Files

Documents used to show action taken and to control charges. These documents are the paper or electronic equivalents of the EEOC Form 40A, Charge Control Ledger, and EEOC Form 40B, Charge Control Action Memo.

Disposition: **PERMANTENTLY.** Automatically transfers annually a duplicate copy of the microfilmed records to the Federal Records Center to store as a Vital Record of the Commission. RCS, Item 14C 6 2 b.

Disposition: **TEMPORARY.** Manual (paper) or electronic ledgers AFTER verification records have been microfilmed, destroy after one (1) year old after closing. RCS, Item 14C 6 2 a.

11. State and Local Programs-General Correspondence

General Correspondence files of the Commission. The file consists of letters, memoranda, relating to routine transactions of official business between the Commission and State and local FEP agencies (Other than material specified elsewhere in the matrix).

Disposition: **TEMPORARY.** Cut off annually. Transfer to records center with destruction date of 3 years. All other copies destroy when one year old or no longer needed for reference, whichever is earlier. RCS, Item 14D (1).

12. State and Local Programs- Contract/Project File

Documents regarding State and local agencies receiving or apply for Commission funds to assist in the implementation of their programs to eliminate discrimination. Records consist of application for 706 Agency designations, requests for proposals, correspondence (including memoranda of understanding) with the Fair Employment Practices Agencies (706 Agencies), detailing their services and accomplishments, staffing and funding requirements; and other related material.

Disposition: **TEMPORARY.** Transfer to records center 3 years after contract/project has been executed with a destruction date of ten (10) calendar years. All other copies destroy when two (2) year old. RCS, Item 14D (2).

13. <u>Discrimination Techniques Records- Systemic Selection Standards File</u>

Records generated in identifying and selecting potential subjects for systemic proceedings.

Disposition: **TEMPORARY.** Cut files off annually. Transfer to records center after three (3) years with a destruction date of six (6) years. All other copies destroy when one (1) year old. RCS, Item 14E (1).

14. Discrimination Techniques Records-Respondent Investigative Files

Documents assembled in the investigation of employment discrimination practices and are the evidence by which the Commission processes a charge.

Disposition: **TEMPORARY.** Transfer to records center one (1) year after final resolution of case with a destruction date of five (5) years from date of transfer. RCS, Item 14E (2).

15. Special Projects and Programs

Documents generated in formulating, implementing, and monitoring specialized enforcement programs to eliminate discrimination in the private sector. Files include special projects and programs which monitor the activities of and coordinate with external groups and specific constituencies, such as craft and industrial unions, bar associations, educational institutions and minority organizations; material pertaining to the encouragement and assistance to the private sector in effectively implementing affirmative action programs and policies; and related reported activities.

Disposition: **TEMPORARY.** Cut off files annually. Transfer to records center when two (2) years old with destruction date of five (5) years old. All other copies destroy when one (1) year old. RCS, Item 14F.

16. Government Employment Programs

Documents generated in planning, developing, and implementing programs which will facilitate action by the State and Local governments and public educational institutions to bring their employment practices into compliance with the Civil Rights Act as amended and the Rehabilitation Act as amended. Files include EEO matters, affirmative action planning and programming in the State and Local governments and public educational institutions, affirmative action planning for employment and placement of the handicapped and aged in the State and Local governments and public educational institutions, and related reporting activities.

Disposition: **TEMPORARY.** Cut off files annually. Transfer to records center with destruction date of five (5) years old or material is obsolete or superseded, whichever occurs first, unless otherwise stated for particular file. All other copies destroy when no longer needed. RCS, Item 14G.

17. Government Employment Programs-EEO General Files

General correspondence, plans, procedures and related records concerning all aspects of the equal employment opportunity programs of ADEA, EPA, Title VII, ADA, and Section 501 of the Rehabilitation Act, as amended.

Disposition: **TEMPORARY.** Cut off files annually. Transfer to records center with destruction date of three (3) years old or material is obsolete or superseded, whichever occurs first. All other copies destroy when no longer needed. RCS, Item 14G (1).

18. Government Employment Programs-EEO Affirmative Action Plan

EEO affirmative action plans submitted to the Commission by federal, state and local governments and public educational institutions, and correspondence relating to the Commission's review and approval of the individual plans.

Disposition: **TEMPORARY.** Cut off files annually. Transfer to records center when two (2) years old with destruction date of five (5) years old or material is obsolete or superseded, whichever occurs first. All other copies destroy when one (1) year old. RCS, Item 14G (2).

19. Government Employment Programs-EEO Affirmative Action Program Reports

Reports of onsite reviews by the Commission of Agency Affirmative Action Programs and correspondence relating thereto.

Disposition: **TEMPORARY.** Cut off files annually. Destroy when five (5) years old. All other copies destroy when one (1) year old. RCS, Item 14G (3).



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF EQUAL OPPORTUNITY

OFFICE OF EQUAL OPPORTUNITY

1. Internal EEO General Correspondence File

General correspondence, plans, procedures and related records concerning all aspects of the equal employment opportunity programs of ADEA, EPA, Title VII and Section 501 of the Rehabilitation Act, as amended.

Disposition: **TEMPORARY.** Cut off files annually. Destroy when three (3) years old or when material is obsolete or superseded, whichever occurs first. All other copies destroy when no longer needed. RCS, Item 14G (1).

2. <u>Internal Equal Employment Opportunity Records - Official Discrimination</u> <u>Complaint Case Files</u>

Originating agency's file containing complaints with related correspondence, reports, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and other records. Cases resolved within the agency, by Equal Employment Opportunity Commission, or by a U.S. Court.

Disposition: TEMPORARY. Destroy 4 years after resolution of case.

a. Copies of Complaint Case files duplicate case files or documents pertaining to case files retained in Official Discrimination Complaint Case Files.

Disposition: **TEMPORARY.** Destroy 1 year after resolution of case.

3. <u>Internal Equal Employment Opportunity Records - Preliminary and Background</u> Official Discrimination Complaint Files

Background records related to individual discrimination complaints that are not filed in the Official Discrimination Complaint Case Files, including records documenting complaints that do not develop into Official Discrimination Complaint Cases.

(1) Background records not filed in the Official Discrimination Complaint Case Files.

Disposition: **TEMPORARY.** Destroy 2 years after final resolution of case. GRS 1, Item 25 c.

(2) Records documenting complaints that do not develop into Official Discrimination Complaint Cases.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, Item 25 c.

4. Internal Equal Employment Opportunity Records - EEO Compliance Review Files

Records that cover the Commission's reviews, background documents, and correspondence relating to a Commission contractor's employment practices. OEO may agree with the Office of the Chief Financial Officer and Director of Administrative Services to share Commission contractor files that create such records.

Disposition: **TEMPORARY.** Destroy when 7 years old. GRS 1, Item 25 d (1).

5. Internal Equal Employment Opportunity Records - EEO Compliance Reports

Reports created from the Commission's reviews of its contractor's employment practices concerning equal employment opportunity.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 1, Item 25 d (2).

6. Internal Equal Employment Opportunity Records - Employment Statistics Files

Employment Statistics Files of the Commission containing Employment statistics relating to race and sex of Commission employees.

Disposition: **TEMPORARY.** Destroy when 5 years old. **NOTE**: Electronic master files and data bases created to supplement or replace the records covered by this sub-item are not authorized for disposal under the GRS. Such files must be scheduled on an SF 115. GRS 1, Item 25 f.

7. <u>Internal Equal Employment Opportunity Records - EEO Affirmative Action Plans (AAP)</u>

Record copies of the EEO Affirmative Action Plans of the Commission, including the Commission's feeder plan for its consolidated AAP; locally review reports of the Commission's Affirmative Action Programs; and the Commission record copy of its annual reports of Affirmative Action accomplishments.

(1) Agency copy of consolidated AAP(s).

Disposition: **TEMPORARY.** Destroy 5 years from date of plan. GRS 1, Item 25 h.

(2) Agency feeder plan to consolidated AAP(s).

Disposition: TEMPORARY. Destroy 5 years from date of feeder plan or when administrative purposes have been served, whichever is sooner. GRS 1, Item 25 h.

(3) Report of on-site reviews of Affirmative Action Programs.

Disposition: TEMPORARY. Destroy 5 years from date of report. GRS 1, Item 25 h.

(4) Agency copy of annual report of Affirmative Action accomplishments.

Disposition: TEMPORARY. Destroy 5 years from date of report. GRS 1, Item 25 h.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF HUMAN RESOURCES

OFFICE OF HUMAN RRESOURCES

1. Personnel Correspondence and Forms Files

File contains all the original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions for which the Office of Human Resources exists, rather than its internal administration or housekeeping activities.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 1, Item 3.

2. Official Personnel Folders (OPFs)

Records filed on the right side of the OPF. (See GRS 1, Item 10, for temporary papers on the left side of the OPF). Folders covering employment terminated after December 31, 1920, excluding those selected by NARA for permanent retention.

a. Transferred employees.

When a person transfers from the Commission to another agency OHR, on request from the gaining agency, transfers the folder to the new employing agency. Before making the transfer, OHR removes from the folder those records of a temporary nature filed on the left side of the folder; and ensures that all permanent records of the folder are complete, correct, and present in the folder. GRS 1, Item 1.

b. Separated employees.

Transfer folder to National Personnel Records Center (NPRC), St. Louis, MO, thirty (30) days after latest separation. [See note (2) after this item]. NPRC will destroy 65 years after separation from Federal service.

NOTES: (1) OPFs covering periods of employment terminated prior to January 1, 1921, are not covered by this item. If an agency has such files, it should contact NARA to request appraisal of the files. If NARA rejects the records, the disposition for GRS 1, Item 1b applies. (2) Certain agencies have been exempted by OPM from retiring their OPF's to NPRC. These agencies retain OPF's for the period specified in item 1b of this schedule and effect destruction after that period has elapsed.

3. Service Record Cards

Service Record Card (Standard Form (SF) 7 or equivalent).

a. Cards for employees separated or transferred on or before December 31, 1947.

Disposition: **TEMPORARY.** Transfer to NPRC (CPR), St. Louis, MO. Destroy 60 years after earliest personnel action. **GRS** 1, item no. 2.

b. Cards for employees separated or transferred on or after January 1, 1948.

Disposition: **TEMPORARY.** Destroy 3 years after separation or transfer of employee. GRS 1, item no. 2.

NOTE: Effective December 31, 1994, the SF 7 card became obsolete.

4. Offers of Employment Files

Correspondence, including letters and telegrams, offering appointments to potential employees.

a. Accepted offers.

Disposition: **TEMPORARY.** Destroy when appointment is effective. GRS 1, item no. 4.

b. Declined offers:

(1) When name is received from certificate of eligibles.

Return to OPM with reply and application. GRS 1, item no. 4.

(2) Temporary or expected appointment.

File with application (see GRS 1, items 33k, 33l, 33m, or 33n, as appropriate). GRS 1, item no. 4.

(3) All others.

Disposition: **TEMPORARY.** Destroy immediately. GRS 1, item no. 4.

5. Certificate of Eligibles Files

Copies obtained from OPM of certificates of eligibles with related requests, forms, correspondence, and statement of reasons for passing over a preference eligible and selecting a non-preference eligible.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, item no. 5.

6. Employee Record Cards

Employee record cards used for informational purposes outside personnel offices (such as SF 7B).

Disposition: **TEMPORARY.** Destroy on separation or transfer of employee. GRS 1, item no. 6.

NOTE: Effective December 31, 1994, the SF 7 card became obsolete. Agencies may use an internal agency form.

7. Position Classification Files- Position Classification Standards Files

Files consist of the position classification standards and guidelines issued or reviewed by OPM and used to classify and evaluate positions within the Commission.

Disposition: TEMPORARY. Destroy when superseded or obsolete. GRS 1, item no. 7.

8. Position Classification Files- Commission Position Classification Standards Files

Correspondence and other records relating to the development of standards for classification of positions peculiar to the agency, and OPM approval or disapproval.

Disposition: **TEMPORARY.** Destroy 5 years after position is abolished or description is superseded. GRS 1, item no. 7 a. (2).

9. Position Classification Files-Position Descriptions

Copy of position descriptions includes information on title, series, grade, duties and responsibilities, and related documents.

Disposition: TEMPORARY. Destroy 2 years after position is abolished or description is superseded. GRS 1, item no.7 a. (2) (b).

10. Position Classification Files-Survey Files

Classification survey reports on various positions prepared by classification specialists, including periodic reports.

Disposition: **TEMPORARY.** Destroy when 3 years old or 2 years after regular inspection, whichever is sooner. **GRS 1**, item no.7 c. (1).

11. Position Classification Files- Appeals Files

Case files relating to classification appeals by Commission employees, excluding OPM classification certificates, and certificates of classification issued by OPM for Commission positions.

(1) Case files relating to classification appeals, excluding OPM classification certificate.

Disposition: **TEMPORARY.** Destroy 3 years after case is closed GRS 1, item no.7 d. (1).

(2) Certificates of classification issued by OPM.

Disposition: **TEMPORARY.** Destroy after affected position is abolished or superseded. GRS 1, item no.7 d. (2).

12. Interview Records

Correspondence, reports, and other records relating to interviews with employees.

Disposition: **TEMPORARY.** Destroy 6 months after transfer or separation of employee. GRS 1, item no.8.

13. Performance Rating Board Case Files

Copies of case files forwarded to OPM relating to performance rating board reviews

Disposition: **TEMPORARY.** Destroy 1 year after case is closed. GRS 1, item no.9.

14. Temporary Individual Employee Records

a. All copies of correspondence and forms maintained on the left side of the Official Personnel Folder in accordance with Chapter 3 of *The Guide to Personnel Recordkeeping*, EXCLUDING the Immigration and Naturalization Service Form I-9 and performance-related records.

Disposition: **TEMPORARY.** Destroy when superseded or obsolete, or upon separation or transfer of employee, unless specifically required to be transferred with the OPF. GRS 1, item no.10.

b. Immigration and Naturalization Service Form I-9.

Disposition: TEMPORARY. Destroy 3 years after employee separates from service or transfers to another agency. GRS 1, Item no.10.

15. Position Identification Strips.

Strips, such as the former SF 7D, containing summary data on each position occupied.

Disposition: **TEMPORARY.** Destroy when superseded or obsolete. GRS 1, item no.11.

NOTE: Effective December 31, 1994, the SF 7D became obsolete.

16. Employee Awards Files.

a. General awards records, EXCLUDING those relating to department-level awards.

(1) Case files including recommendations, approved nominations, correspondence, reports, and related handbooks pertaining to agency-sponsored cash and noncash awards such as incentive awards, within-grade merit increases, suggestions, and outstanding performance.

Disposition: **TEMPORARY.** Destroy 2 years after approval or disapproval. GRS 1, item no.12

(2) Correspondence pertaining to awards from other Federal agencies or non-Federal organizations.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, item no.12

b. Length of service and sick leave awards files.

Records including correspondence, reports, computations of service and sick leave, and lists of awardees.

Disposition: TEMPORARY. Destroy when 1 year old. GRS 1, item no.12

c. Letters of commendation and appreciation.

Copies of letters recognizing length of service and retirement and letters of appreciation and commendation for performance, EXCLUDING copies filed in the OPF.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 1, item no.12

d. Lists of or indexes to agency award nominations.

Lists of nominees and winners and indexes of nominations.

Disposition: TEMPORARY. Destroy when superseded or obsolete. GRS 1, item no.12

NOTE: Records relating to department-level awards must be scheduled by submitting an SF 115, Request for Records Disposition Authority, to NARA

17. Incentive Awards Program Reports

Reports pertaining to the operation of the Incentive Awards Program.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 1, item no. 13.

18. Notifications of Personnel Actions-Chronological File

Standard Form 50, documenting all individual personnel actions such as employment, promotions, transfers, separation, exclusive of the copy in the OPF.

a. Chronological file copies, including fact sheets, maintained in personnel offices.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, item no. 14a

b. All other copies maintained in personnel offices.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 1, item no. 14b

19. Employment Applications

Applications, including Optional Form (OF) 612, resumes, and any other applications developed by the Commission for its unique jobs with specialized requirements, and related records, excluding records relating to appointments requiring Senatorial confirmation and applications resulting in appointment which are filed in the OPF.

Disposition: **RESERVED** GRS 1, item 15.

20. Personnel Operations Statistical Reports

Statistical reports in the operating personnel office and subordinate units relating to personnel.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, item no. 16.

21. Reduction-in-Force Retention Registers

Registers and related records used to effect reduction-in-force actions.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 1, item no 17b.

22. Supervisors' Personnel Files

Correspondence, forms, and other records relating to positions, authorizations, pending actions, position descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the OPF.

Disposition: TEMPORARY. Review annually and destroy superseded or obsolete documents, or destroy file relating to an employee within 1 year after separation or transfer. **GRS 1**, item no 18 a.

Duplicate or other copies of documents in OPFs not provided for elsewhere in this schedule.

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 1, item no 18 b.

23. Individual Non-Occupational Health Record Files

Forms, correspondence, and other records, including summary records, documenting an individual employee's medical history, physical condition, and visits to Government health

facilities, for nonwork-related purposes. EXCLUDING records covered by item 21 of GRS

Disposition: **TEMPORARY.** Destroy 6 years after date of last entry EXCLUDING records covered by item 21 of GRS. GRS 1, item no 19.

24. Health Unit Control Files

Logs or registers reflecting daily number of visits to dispensaries, first aid rooms, and health units.

a. If information is summarized on statistical report.

Disposition: TEMPORARY. Destroy 3 months after last entry. GRS 1, item no 20 a.

b. If information is not summarized.

Disposition: **TEMPORARY.** Destroy 2 years after last entry. GRS 1, item no 20 b.

25. Employee Medical Folder (EMF)

- a. Long-term medical records as defined in 5 CFR Part 293, Subpart E.
- (1) Transferred employees.

See 5 CFR Part 293, Subpart E for instructions.

(2) Separated employees.

Transfer to NPRC, St. Louis, MO, 30 days after separation. NPRC will destroy 75 years after birth date of employee; 60 years after date of the earliest document in the folder, if the date of birth cannot be ascertained; or 30 years after latest separation, whichever is later.

b. Temporary or short-term records as defined in the Federal Personnel Manual (FPM).

Disposition: TEMPORARY. Destroy 1 year after separation or transfer of employee. GRS 1, item no 21

c. Individual employee health case files created prior to establishment of the EMF system that have been retired to a NARA records storage facility.

Disposition: TEMPORARY. Destroy 60 years after retirement to the NARA records storage facility. GRS 1, item no 21

NOTE: Electronic master files and data bases created to supplement or replace the records covered by item 21 are not authorized for disposal under the GRS. Such files must be scheduled on an SF 115.

26. Statistical Summaries-Employee Health

Statistical summaries and reports with related papers pertaining to the health of Commission employees are maintained by OHR.

Disposition: **TEMPORARY.** Destroy 2 years after date of summary or report. GRS 1, item no 22.

NOTE: Electronic master files and data bases created to supplement or replace the records covered by this item are not authorized for disposal under the GRS. Such files must be scheduled on an SF 115.

27. Employee Performance File System Records

- a. Non-SES appointees (as defined in 5 U.S.C. 4301(2)).
- (1) Appraisals of unacceptable performance, where a notice of proposed demotion or removal is issued but not affected and all related documents.

Disposition: **TEMPORARY.** Destroy after the employee completes 1 year of acceptable performance from the date of the written advance notice of proposed removal or reduction-in-grade notice. GRS 1, item no. 23.

(2) Performance records superseded through an administrative, judicial, or quasi-judicial procedure.

Disposition: **TEMPORARY.** Destroy when superseded. GRS 1, item no. 23.

- (3) Performance-related records pertaining to a former employee.
- (a) Latest rating of record 3 years old or less, performance plan upon which it is based, and any summary rating.

Place records on left side of the OPF and forward to gaining Federal agency upon transfer or to NPRC if employee separates (see item 1b of this schedule). An agency retrieving an OPF from NPRC will dispose of these documents in accordance with item 23a(3)(b) of this schedule. (N1-GRS-95-3 item 23a3a)

(b) All other performance plans and ratings.

Disposition: TEMPORARY. Destroy when 4 years old. GRS 1, item no. 23.

(4) All other summary performance appraisal records, including performance appraisals and job elements and standards upon which they are based.

Disposition: **TEMPORARY.** Destroy 4 years after date of appraisal. GRS 1, item no. 23.

(5) Supporting documents.

Disposition: **TEMPORARY.** Destroy 4 years after date of appraisal. GRS 1, item no. 23.

- b. SES appointees (as defined in 5 U.S.C. 3132a(2)).
- (1) Performance records superseded through an administrative, judicial, or quasi-judicial procedure.

Disposition: **TEMPORARY.** Destroy when superseded. GRS 1, item no. 23.

- (2) Performance-related records pertaining to a former SES appointee.
- (a) Latest rating of record that is less than 5 years old, performance plan upon which it is based, and any summary rating.

Place records on left side of the OPF and forward to gaining Federal agency upon transfer or to NPRC if employee leaves Federal service (see item 1b of this schedule). An agency retrieving an OPF from NPRC will dispose of those documents in accordance with item 23b(2)(b) of this schedule. (N1-GRS-88-3 item 23b2a)

(b) All other performance ratings and plans.

Disposition: **TEMPORARY.** Destroy when 5 years old. GRS 1, item no. 23.

(3) All other performance appraisals, along with job elements and standards (job expectations) upon which they are based, EXCLUDING those for SES appointees serving on a Presidential appointment.

Disposition: **TEMPORARY.** Destroy 5 years after date of appraisal. GRS 1, item no. 23.

(4) Supporting documents.

Disposition: **TEMPORARY.** Destroy 5 years after date of appraisal. GRS 1, item no. 23.

NOTE: Performance records pertaining to Presidential appointees are not covered by the GRS. Such records must be scheduled by submitting an SF 115 to NARA.

28. Employee Housing Request

Record copies of all employee housing requests requesting assistance of the Commission in housing matters, such as rental or purchase.

Disposition: **TEMPORARY.** Destroy when 1 year old. GRS 1, item no. 25 e.

29. Personnel Counseling Records-Counseling

Reports of interviews, analyses, and related records.

Disposition: **TEMPORARY.** Destroy 3 years after termination of counseling. GRS 1, item no. 26 a.

30. Personnel Counseling Records - Alcohol and Drug Abuse Program

Records created in planning, coordinating, and directing an alcohol and drug abuse program.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 1, item no. 26 b.

31. <u>Labor Management Relations Records- Labor Management Relations General and Case Files</u>

Correspondence, memoranda, reports, and other records relating to the relationship between management and employee unions or other groups.

(1) Office negotiating agreement.

Disposition: **TEMPORARY.** Destroy 5 years after expiration of agreement. GRS 1, item no. 28.

(2) Other offices.

Disposition: **TEMPORARY.** Destroy when superseded or obsolete. GRS 1, item no. 28.

b. Labor Arbitration General and Case Files.

Correspondence, forms, and background papers relating to labor arbitration cases.

Disposition: **TEMPORARY.** Destroy 5 years after final resolution of case. GRS 1, item no. 28.

32. Training Records-General File of Commission Sponsored Training

EXCLUDING records of formally established schools which train agency employees in specialized program areas, such as law enforcement and national defense.

- a. General file of agency-sponsored training, EXCLUDING record copy of manuals, syllabuses, textbooks, and other training aids developed by the agency.
 - (1) Correspondence, memoranda, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training courses and conferences.

Disposition: **TEMPORARY.** Destroy when 5 years old or 5 years after completion of a specific training program. GRS 1, item no. 29.

(2) Background and working files.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 1, item no. 29.

33. Training Records- Employee Training

Correspondence, memoranda, reports, and other records relating to the availability of training and employee participation in training programs sponsored by other government agencies or non-Government institutions.

Disposition: **TEMPORARY.** Destroy when 5 years old or when superseded or obsolete, whichever is sooner. **GRS 1**, item no. 29 b.

NOTE: Records excluded from this item must be scheduled by submission of an SF 115 to NARA.

34. <u>Audiovisual Records- Internal Personnel and Administrative Training Audiovisual</u> Records that Do Not Reflect the Mission of the Commission

Internal personnel and administrative training audiovisual records of the Commission that do not reflect its mission.

Motion pictures films acquired from outside sources for personnel and management training.

Disposition: **TEMPORARY.** Destroy when one (1) year old or after completion of the training. GRS 21, item no. 17

Video recordings acquired from outside sources for personnel and management training.

Disposition: **TEMPORARY.** Destroy when one (1) year old or after completion of the training. GRS 21, item no. 14.

35. <u>Audiovisual Records- Motion Picture Films Acquired from Outside Sources for Personnel and Management Training</u>

Films Acquired from Outside Sources for Personnel and Management Training.

Disposition: **TEMPORARY.** Destroy 1 year after completion of training program. **GRS**21, item no. 9.

36. Administrative Grievance, Disciplinary, and Adverse Action Files

a. Administrative Grievance Files.

Records relating to grievances raised by agency employees, except EEO complaints. These case files include statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original decision, related correspondence and exhibits, and records relating to a reconsideration request.

Disposition: TEMPORARY. Destroy no sooner than 4 years but no later than 7 years after case is closed. GRS1 item 30a

b. Adverse Action Files and Performance-Based Actions.

Case files and records related to adverse actions and performance-based actions (removal, suspension, reduction-in-grade, furlough) against employees. The file includes a copy of the proposed adverse action with supporting documents; statements of witnesses; employee's reply; hearing notices, reports, and decisions; reversal of action; and appeal records, EXCLUDING letters of reprimand which are filed in the OPF.

Disposition: TEMPORARY. Destroy no sooner than 4 years but no later than 7 years after case is closed. GRS1 item 30 b.

NOTE: OPM has determined that agencies may decide how long, within the range of 4 to 7 years, grievance and adverse action files need to be retained. To implement this authority, each agency must select one fixed retention period, between 4 and 7 years, for the entire series of its closed cases. Agencies are not authorized to use different retention periods for individual cases. The agency should publish the chosen retention period in the agency's records disposition manual, and any other issuance dealing with the disposition of these records.

37. Personnel Injury Files

Forms, reports, correspondence, and related medical and investigatory records relating to on-the-job injuries, whether or not a claim for compensation was made, EXCLUDING copies filed in the Employee Medical Folder and copies submitted to the Department of Labor.

Disposition: TEMPORARY. Cut off on termination of compensation or when deadline for filing a claim has passed. Destroy 3 years after cutoff. GRS 1 item 31.

38. Merit Promotion Case Files

Records relating to the promotion of an individual that document qualification standards, evaluation methods, selection procedures, and evaluations of candidates.

Disposition: TEMPORARY. Destroy after OPM audit or 2 years after the personnel action is completed, whichever is sooner. GRS 1, item 32

39. Examining and Certification Records

Delegated agreements and related records created under the authority of 5 U.S.C. 1104 between the OPM and agencies, allowing for the examination and certification of applicants for employment.

a. Delegated agreements.

Disposition: TEMPORARY. Destroy 3 years after termination of agreement. GRS 1, item 33.

b. Correspondence concerning applications, certification of eligibles, and all other examining and recruiting operations. Such correspondence, includes, but is not limited to, correspondence from Congress, White House, and the general public, and correspondence regarding accommodations for holding examinations and shipment of test materials.

Disposition: TEMPORARY. Cut off annually. Destroy 1 year after cutoff. GRS 1, item 33.

c. Correspondence or notices received from eligibles indicating a change in name, address, or availability.

Disposition: TEMPORARY. Destroy 90 days after updating the appropriate record in the registry or inventory. GRS 1, item 33.

d. Test material stock control.

Stock control records of examination test material including running inventory of test material in stock.

Disposition: TEMPORARY. Destroy when test is superseded or obsolete. GRS 1, item 33.

e. Application Record Card (OPM Form 5000A, or equivalent).

Disposition: TEMPORARY. Cut off after examination. Destroy no later than 90 days after cutoff. GRS 1, item 33.

f. Examination Announcement Case Documentation Files.

Correspondence regarding examination requirements, final version of announcement(s) issued, subsequent amendments to announcement(s), public notice documentation, rating schedule, job analysis documentation, record of selective and quality rating factors, rating procedures, transmutation tables, and other documents associated with the job announcement(s) and the development of the register/inventory or case examination.

Disposition: **TEMPORARY.** Cut off after termination of related register or inventory or after final action is taken on the certificate generated by case examining procedures. Destroy 2 years after cut off. GRS 1, item 33.

g. Register or inventory of eligibles (OPM Form 5001-C or equivalent, documenting eligibility of an individual for Federal jobs).

Disposition: TEMPORARY. Destroy 2 years after the date on which the register of inventory is terminated. GRS 1, item 33.

h. Letters to applicants denying transfer of eligibility (OPM Form 4896 or equivalent).

Disposition: TEMPORARY. Cut off annually. Destroy 1 year after cutoff. GRS 1, item 33.

i. Test Answer Sheets.

Written test answer sheets for both eligibles and ineligibles.

Disposition: **TEMPORARY.** Destroy when 6 months old. GRS 1, item 33.

j. Lost or Exposed Test Material Case Files.

Records showing the circumstances of loss, nature of the recovery action, and corrective action required.

Disposition: TEMPORARY. Cut off files annually. Destroy 5 years after cutoff. GRS 1, item 33.

k. Cancelled and ineligible applications for positions filled from a register or inventory. Such documents include Optional form (OF) 612, resumes, supplemental forms, and attachments, whether in hard copy or electronic format.

Disposition: TEMPORARY. Cut off annually. Destroy 1 year after cutoff. GRS 1, item 33.

- 1. Eligible applications for positions filled from a register or inventory, including OF 612, resumes, supplemental forms, and attachments, whether in hard copy or electronic format.
- (1) On active register or inventory.

Disposition: **TEMPORARY.** Destroy 90 days after termination of the register or inventory, (except for those applications that may be brought forward to a new register or inventory, if any). GRS 1, item 33.

(2) On inactive register or inventory.

Disposition: TEMPORARY. Cut off annually. Destroy 1 year after cut off. GRS 1, item 33.

m. Ineligible or incomplete applications for positions filled by case examining. Such documents include OF 612, resumes, supplemental forms, whether in hard copy or electronic format.

Disposition: TEMPORARY. Cut off annually. Destroy 2 years after cutoff. GRS 1, item 33.

n. Eligible applications for positions filled by case examining that either are not referred to the hiring official or are returned to the examining office by the hiring official. Such documents include OF 612, resumes, supplemental forms, and attachments, whether in hard copy or electronic format.

Disposition: TEMPORARY. Cut off annually. Destroy 2 years after cutoff. GRS 1, item 33.

o. Request for prior approval of personnel actions taken by agencies on such matters as promotion, transfer, reinstatement, or change in status, submitted by SF 59, OPM 648, or equivalent form.

Disposition: TEMPORARY. Cut off annually. Destroy 1 year after cutoff. GRS 1, item 33.

p. Certificate Files, including SF 39, SF 39A, or equivalent, and all papers upon which the certification was based: the list of eligibles screened for the vacancies, ratings assigned, availability statements, the certificate of eligibles that was issued to the selecting official, the annotated certificate of eligibles that was returned from the selecting official, and other documentation material designated by the examiner for retention.

Disposition: TEMPORARY. Cut off annually. Destroy 2 years after cutoff. GRS 1, item 33.

q. Certification request control index. Certificate control log system. Records of information (e.g. receipt date, series, and grade of position, duty station, etc.) pertaining to requests for lists of eligibles from a register or inventory.

Disposition: TEMPORARY. Cut off annually. Destroy 2 years after cutoff. GRS 1, item 33.

r. Interagency Placement Program (IPP) application and registration sheet.

Disposition: **TEMPORARY.** Destroy upon expiration of employee's DEP eligibility. GRS 1, item 33.

s. DEP control cards, if maintained.

Disposition: TEMPORARY. Cut off annually. Destroy 2 years after cut off. GRS 1, item 33.

t. Reports of audits of delegated examining operations.

Disposition: **TEMPORARY.** Destroy 3 years after date of the report. GRS 1, item 33.

40. Occupational Injury and Illness Files

Reports and logs (including Occupational Safety and Health Administration (OSHA) Forms 100, 101, 102, and 200, or equivalents) maintained as prescribed in 29 CFR 1960 and OSHA pamphlet 2014 to document all recordable occupational injuries and illnesses for each establishment.

Disposition: **TEMPORARY.** Destroy when 5 years old. GRS 1, item 34.

41. Denied Health Benefits Requests Under Spouse Equity

Denied eligibility files consisting of applications, court orders, denial letters, appeal letters, and related papers.

a. Health benefits denied, not appealed.

Disposition: **TEMPORARY.** Destroy 3 years after denial. GRS 1, item 35.

Health benefits denied, appealed to OPM for reconsideration.

(1) Appeal successful - benefits granted.

Create enrollment file in accordance with Subchapter S17 of the **FEHB Handbook**. (N1-GRS-88-2 item 1b1)

(2) Appeal unsuccessful - benefits denied.

Disposition: **TEMPORARY.** Destroy 3 years after denial. GRS 1, item 35.

NOTE: Pursuant to Subchapter S17 of the **FEHB Handbook** enrollment files of spouses eligible for benefits are transferred to OPM when former spouse cancels the enrollment, when enrollment is terminated by the employing office, or when former spouse begins receiving an annuity payment.

42. Federal Workplace Drug Testing Program Files

Drug testing program records created under Executive Order 12564 and Public Law 100-71, Section 503 (101 Stat. 468), EXCLUDING consolidated statistical and narrative reports concerning the operation of agency programs, including annual reports to Congress, as required by Pub. L. 100-71, 503(f).

This authorization does not apply to oversight program records of the Department of Health and Human Services, the Office of Personnel Management, the Office of Management and Budget, the Office of National Drug Control Policy, and the Department of Justice.

a. Drug test plans and procedures, EXCLUDING documents that are filed in record sets of formal issuances (directives, procedures handbooks, operating manuals, and the like.)

Agency copies of plans and procedures, with related drafts, correspondence, memoranda, and other records pertaining to the development of procedures for drug testing programs, including the determination of testing incumbents in designated positions.

Disposition: **TEMPORARY.** Destroy when 3 years old or when superseded or obsolete.. [See note (2) after item 36e(2).] GRS 1, item 36.

b. Employee acknowledgment of notice forms.

Forms completed by employees whose positions are designated sensitive for drug testing purposes acknowledging that they have received notice that they may be tested.

Disposition: **TEMPORARY.** Destroy when employee separates from testing-designated position. [See note (2) after item 36e(2).] GRS 1, item 35.

c. Selection/scheduling records.

Records relating to the selection of specific employees/applicants for testing and the scheduling of tests. Included are lists of selectees, notification letters, and testing schedules.

Disposition: **TEMPORARY.** Destroy when 3 years old. [See note (2) after item 36e(2).] GRS 1, item 35.

d. Records relating to the collection and handling of specimens.

(1)"Record Books."

Bound books containing identifying data on each specimen, recorded at each collection site in the order in which the specimens were collected.

Disposition: TEMPORARY. Destroy 3 years after date of last entry. [See note (2) after item 36e(2).] GRS 1, item 35.

(2) Chain of custody records.

Forms and other records used to maintain control and accountability of specimens from the point of collection to the final disposition of the specimen.

Disposition: TEMPORARY. Destroy when 3 years old. [See note (2) after item 36e(2).] GRS 1, item 35.

e. Test results.

Records documenting individual test results, including reports of testing, notifications of employees/applicants and employing offices, and documents relating to follow-up testing.

- (1) Positive results.
- (a) Employees.

Disposition: **TEMPORARY.** Destroy when employee leaves the agency or when 3 years old, whichever is later GRS 1, item 35.

(b) Applicants not accepted for employment.

Disposition: **TEMPORARY.** Destroy when 3 years old. [See note (2) after item 36e(2).] GRS 1, item 35.

(2) Negative results.

Disposition: **TEMPORARY.** Destroy when 3 years old. GRS 1, item 35.

NOTES: (1) Disciplinary action case files pertaining to actions taken against employees for drug use, drug possession, failure to comply with drug testing procedures, and similar matters are covered by GRS 1, item 30b, which authorizes destruction of records between 4 and 7 years after the case is closed. (2) Any records covered by items 36 a-e that are relevant to litigation or disciplinary actions should be disposed of no earlier than the related litigation or adverse action case file(s).

43. Donated Leave Program Case Files

Case files documenting the receipt and donation of leave for medical emergencies, including recipient applications, agency approvals or denials, medical or physician certifications, leave donation records or OF 630-A, supervisor/timekeeper approvals, leave transfer records, payroll notification records, and leave program termination records.

Disposition: **TEMPORARY.** Destroy 1 year after the end of the year in which the file is closed. GRS 1, item no. 37.

44. Wage Survey Files

Wage survey reports and data, background documents and correspondence pertaining to area wages paid for each employee class; background papers establishing need, authorization, direction, and analysis of wage surveys; development and implementation of wage schedules; and request for an authorization of specific rates (excluding authorized wage schedules and wage survey recapitulation sheets).

Disposition: **TEMPORARY.** Destroy after completion of second succeeding wage survey. GRS 1, item no. 38.

45. Retirement Assistance Files

Correspondence, memoranda, annuity estimates, and other records used to assist retiring employees or survivors claim insurance or retirement benefits.

Disposition: TEMPORARY. Destroy when 1 year old. GRS 1, item no. 39

46. Handicapped Individuals Appointment Case Files

Case files containing position title and description; fully executed SF 171; medical examiner's report; a brief statement explaining accommodation of impairment; and other documents related to previous appointment, certification, and/or acceptance or refusal, created in accordance with FPM chapter 306-11, subchapter 4-2.

Disposition: **TEMPORARY.** Destroy 5 years following the date of approval or disapproval of each case. GRS 1, item no. 40

47. Pay Comparability Records

Records created under implementation of the Federal Employees Pay Comparability Act including written narratives and computerized transaction registers documenting use of retention, relocation and recruitment bonuses, allowances, and supervisory differentials, and case files consisting of requests for and approval of recruitment and relocation bonuses and retention allowances.

Disposition: **TEMPORARY.** Destroy 3 years following the date of approval or upon completion of the relevant service agreement or allowance, whichever is later. GRS 1, item no. 41

48. Alternate Worksite Records

a. Approved requests or applications to participate in an alternate worksite program; agreements between the agency and the employee; and records relating to the safety of the worksite, the installation and use of equipment, hardware, and software, and the use of secure, classified information or data subject to the Privacy Act.

Disposition: TEMPORARY. Destroy 1 year after end of employee's participation in the program. GRS 1, item no. 42

b. Unapproved requests.

Disposition: TEMPORARY. Destroy 1 year after request is rejected. GRS 1, item no. 42

c. Forms and other records generated by the agency or the participating employee evaluating the alternate worksite program.

Disposition: **TEMPORARY.** Destroy when 1 year old, or when no longer needed, whichever is later. GRS 1, item no. 42

49. Payroll - Individual Employee Pay Record

Pay record for each employee as maintained in an electronic data base. This database may be a stand-alone payroll system or part of a combined personnel/payroll system. Individual Pay Record, containing pay data on each employee within an agency. This record may be in paper or microform but not in machine readable form.

Disposition: **TEMPORARY.** Transfer to National Personnel Records Center. Destroy when 56 years old. GRS 2, item no. 1.

50. Noncurrent Payroll Files

Copy of noncurrent payroll data as maintained by payroll service bureaus in either microform or machine-readable form.

Disposition: **TEMPORARY.** Destroy 15 years after close of pay year in which generated. GRS 2, item no. 2

51. Time and Attendance Leave Application Files

An SF 71 or equivalent plus any supporting documentation of requests and approvals of leave.

a. If employee initials time card or equivalent.

Disposition: **TEMPORARY.** Destroy at end of following pay period. GRS 2, item no. 6

b. If employee has not initialed time card or equivalent.

Disposition: TEMPORARY. Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 2, item no. 6.

52. Time and Attendance Source Records

All time and attendance records upon which leave input data is based, such as time or sign-in sheets; time cards (such as Optional Form (OF) 1130); flexitime records; leave applications for jury and military duty; and authorized premium pay or overtime, maintained at duty post, upon which leave input data is based. Records may be in either machine-readable or paper form.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 6 years old, whichever is sooner. GRS 2, Item no. 7.

53. Time and Attendance Input Records

Records in either paper or machine readable form used to input time and attendance data into a payroll system, maintained either by agency or payroll processor.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 6 years old, whichever is sooner. GRS 2, Item no. 8

54. Leave Record

Upon separation or transfer of Commission employee, OHR prepares or obtains from the Commission's payroll processor the employee's record of leave, such as SF 1150, to file on the right side of the employee's OPF.

OHR or the Commission's payroll processor retains the separate record copy of each leave record prepared by OHR or the Commission's payroll processor for a separated or transferred employee.

Disposition: **TEMPORARY.** Destroy only after the leave is three (3) years old. GRS 2, item no. 9.

55. Tax Files

a. Employee withholding allowance certificate such as Internal Revenue Service (IRS) Form W-4 and state equivalents.

Disposition: **TEMPORARY.** Destroy 4 years after superseded or obsolete or upon separation of employee. GRS 2, Item no. 13

b. Agency copy of employee wages and tax statements, such as IRS Form W-2 and state equivalents, maintained by agency or payroll processor.

Disposition: TEMPORARY. Destroy when 4 years old. GRS 2, Item no. 13

c. Agency copy of employer reports of Federal tax withheld, such as IRS Form W-3, with related papers including reports relating to income and social security tax, and state equivalents, maintained by agency or payroll processor.

Disposition: **TEMPORARY.** Destroy when 4 years old. GRS 2, Item no. 13

56. Savings Bond Purchase Files

 a. Authorization for Purchase and Request for Change - U.S. Savings Bonds, SB 2152, or equivalent.

Disposition: **TEMPORARY.** Destroy when superseded or after separation of employee. GRS 2, Item no. 14.

b. Bond registration files: issuing agent's copies of bond registration stubs.

Disposition: **TEMPORARY.** Destroy 4 months after date of issuance of bond. GRS 2, Item no. 14.

c. Bond receipt and transmittal files: receipts for and transmittals of U.S. Savings Bonds.

Disposition: **TEMPORARY.** Destroy 4 months after date of issuance of bond. GRS 2, Item no. 14.

57. Combined Federal Campaign and Other Allotment Authorizations

a. Authorization for individual allotment to the Combined Federal Campaign.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 2, Item no. 15

b. Other authorizations, such as union dues and saving.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 2, Item no. 15.

58. Thrift Savings Plan Election Form

Form TSP-1 authorizing deduction of employee contribution to the Thrift Savings Plan.

Disposition: **TEMPORARY.** Destroy when superseded or after separation of employee. GRS 2, Item no. 16

59. Direct Deposit Sign-up Form (SF 1199A)

Employee Director Deposit Sign-up Forms (SF 1199a).

Disposition: **TEMPORARY.** Destroy when superseded or after separation. GRS 2, Item no. 17.

60. Levy and Garnishment Files

Official Notice of Levy or Garnishment (IRS Form 668A or equivalent), change slip, work papers, correspondence, release and other forms, and other records relating to charge against retirement funds or attachment of salary for payment of back income taxes or other debts of Federal employees.

Disposition: **TEMPORARY.** Destroy 3 years after garnishment is terminated. GRS 2, Item no. 18

61. Payroll System Reports

a. Error reports, ticklers, system operation reports.

Disposition: TEMPORARY. Destroy when related actions are completed or when no longer needed, not to exceed 2 years. GRS 2, Item no. 22.

b. Reports and data used for agency workload and or personnel management purposes.

Disposition: **TEMPORARY.** Destroy when 2 years old. GRS 2, Item no. 22.

c. Reports providing fiscal information on agency payroll.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 2, Item no. 22.

62. Payroll Change Files

Records used to direct a change or correction of an individual pay transaction whether created and maintained by paying agency or payroll processor.

a. Copies subject to GAO audit.

Disposition: **TEMPORARY.** Destroy after GAO audit or when 3 years old, whichever is sooner. GRS 2, Item no. 23.

b. All other copies.

Disposition: **TEMPORARY.** Destroy 1 month after end of related pay period. GRS 2, Item no. 23.

63. Payroll Correspondence

Correspondence between agency and payroll processor regarding general, routine administrative issues that do not relate to individual payments.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 2, Item no. 24

64. Retirement Files

Reports, registers, or other control documents, and other records relating to retirement, such as SF 2807 or equivalent.

Disposition: TEMPORARY. For CSRS/FERS related records, destroy upon receipt of official OPM acceptance of the Commission's annual summary of retirement action.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF INFORMATION & TECHNOLOGY

OFFICE OF INFORMATION & TECHNOLOGY EEOC RCS No. 12

1. General Correspondence File

All the original incoming communications and initialed record copies of outgoing and interoffice correspondence arising from the functions, for which the Office of Information Technology exists.

Disposition: **TEMPORARY**. Maintain until one (1) year old, or when otherwise no longer required. Send to record center with destruction date of 3 years. NC1-403-79-1

2. Information (ADP) Systems Planning Documents Temporary

Descriptive documents required to initiate, develop, operate, and maintain specific applications.

Disposition: **TEMPORARY**. Annually reviews the Information (ADP) Systems Planning Documents and automatically destroys them upon completion of project or when data has served all useful purposes for which it was created. RCS, Item no. 12 (C) (1)

3. Information (ADP) Systems Processing Files

Work files, test data, input/output document flow data, publications and similar operational records.

For example, computer tapes and printouts of investigative material used as evidence in court proceedings or validation studies.

Disposition: **TEMPORARY**. When no longer needed, or when raw data is satisfactorily processed into final or reduced data, OIT automatically disposes of these files. RCS, Item no. 12 (C) (2)

4. Information (ADP) Systems Master Files

Record copies of the Information (ADP) Systems Master Files of the Commission regarding its financial management system and all other systems.

Disposition: **TEMPORARY**. OIT retains and disposes of the Information (ADP) Systems master files about the Commission's financial management system and all other

systems following the same retention requirements described in this matrix applicable to all Commission budget and finance records and other housekeeping systems (i.e., fiscal accountability, supply management, and payroll administration) paper based systems, or when the files no longer serve the purpose for which it was created. RCS, Item no. 12 C (3).

5. <u>Information (ADP) Systems Statistical Master File-Complaint Statistical Reporting System (CSRS) or successor system(s)</u>

Automated records containing informational on all persons filing complaints with EEOC which allege discrimination based on race, color, religion, sex, national origin, age, or disability in hiring, firing, wages, training, apprenticeship, and all other conditions of employment. The system includes the names and addresses of charging parties and respondents, descriptions of complaints, locations of complaints, administrative or legal actions taken regarding complaints, and the resolution of the complaints. Used as a reporting system by which EEOC district offices report discrimination complaints to Headquarters and provide the mechanism through which administrative control and statistics are maintained.

a. Master Tapes or Digital Media

Annually transfers the final Information (ADP) Systems Statistical Master File-Complaint Statistical Reporting System (CSRS) Master Tapes or NARA approved substitute digital media to NARA for permanent retention.

Disposition: **PERMANENT**. RCS, Item no. 12 C (3) (b) 1. b.

b. Security Back-up Files

OIT retains the system's security back-up files (mini-masters of charges data maintained in an EEOC tape or digital library) until they are two (2) years old when they are automatically disposed of by OIT if no longer needed for administrative or reference purposes.

Disposition: **TEMPORARY**. RCS, Item no. 12 C (3) (b) 1. c.

c. Edit Cycle

Reformatted data exported from the system including computer printout reports, retain by OIT for three (3) months and dispose of by OIT if no longer needed for other administrative purposes.

Disposition: **TEMPORARY**. RCS, item no.12 C (3) (b) 1. a.

6. <u>Communications Records- Communication General Files (Telecommunications)</u>

Communications Records- General Files (Telecommunications) -

a. Correspondence and related records pertaining to internal administration and operation.

Disposition: TEMPORARY. Destroy when 2 years old. GRS 12, item no. 2.

b. Telecommunications general files, including plans, reports, and other records pertaining to equipment requests, telephone service, and like matters.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 12, item no. 2.

c. Telecommunications statistical reports including cost and volume data.

Disposition: **TEMPORARY**. Destroy when 1 year old. GRS 12, item no. 2.

- d. Telecommunications voucher files.
 - 1. Reference copies of vouchers, bills, invoices, and related records.

Disposition: **TEMPORARY**. Destroy when 1 fiscal year old. GRS 12, item no. 2.

2. Records relating to installation, change, removal, and servicing of equipment.

Disposition: **TEMPORARY**. Destroy 1 year after audit or when 3 years old, whichever is sooner. GRS 12, item no. 2.

e. Copies of agreements with background data and other records relating to agreements for telecommunications services.

Disposition: **TEMPORARY**. Destroy 2 years after expiration or cancellation of agreement. GRS 12, item no. 2.

7. Telecommunications Operational Files

a. Message registers, logs, performance reports, daily load reports, and related and similar records.

Disposition: **TEMPORARY**. Destroy when 6 months old. GRS 12, item no. 3.

b. Copies of incoming and original copies of outgoing messages, including Standard Form (SF) 14, Telegraphic Message maintained by communications offices or centers, and EXCLUDING the copies maintained by the originating program office.

Disposition: TEMPORARY. Destroy when 2 months old. GRS 12, item no. 3.

NOTE: Master files and data bases created to supplement or replace the records covered by item 3 are not authorized for disposal under the GRS. Such files must be scheduled on an SF 115.

8. Telephone Use (Call Detail) Records

Initial reports of use of telephone lines (e.g., telephone calls, facsimile transmissions and electronic mail) during a specified period provided by a telephone company, the General Services Administration, the Defense Information Systems Agency, or a private sector exchange on an agency's premises, as well as records generated from initial reports from administrative, technical, or investigative follow-up. Included is such information as the originating number, destination number, destination city and state, date and time of use, duration of the use, and the estimated or actual cost of the use. EXCLUDED are records accumulated in connection with substantive investigations and audits that are covered by GRS 22, Inspector General Records or GRS 6, Accountable Officers' Accounts Records.

Initial reports may be destroyed earlier if the information needed to identify abuse has been captured in other records.

Disposition: TEMPORARY. Destroy when 3 years old. GRS 12, item no. 4

NOTE: Records for those numbers associated with e-mail transmission may be deleted or destroyed as indicated above if the agency has ensured that the transmission data that is necessary for the intelligibility of the e-mail is preserved elsewhere.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF INSPECTOR GENERAL

OFFICE OF INSPECTOR GENERAL

1. OFFICE OF INSPECTOR GENERAL INVESTIGATIVE CASE FILES

A. Significant Investigative Case Files

Case files resulting from Office of Inspector General investigations of alleged fraud, abuse, irregularities and violations of laws and regulations. These case files met on or more of the following criteria:

- The subject of the file is the agency chair, commissioners, chief operating officer, or an agency director, or the equivalent of these positions.
- The case attracts national or regional media attention.
- The case results in a Congressional investigation.
- The case resulted in substantive changes in agency policies and procedures.

Volume: approx. 2 cu. ft. per year.

Disposition: **PERMANENT.** Cut off at the end of the fiscal year in which cases are closed. Transfer to the Federal Records Center one (1) year after cut off. Transfer to NARA ten (10) years after cut off.

B. Routine Investigative Case Files

Case files developed during investigations of known or alleged fraud, abuse, and irregularities or violations of laws and regulations. Cases are related to agency personnel, programs, and operations administered or financed by the agency, including contractors and other having a relationship with the agency. Files consist of investigative reports and related documents such as correspondence, interviews and background files. Also included are files containing information or allegations of an investigative nature that do not result in the establishment of a formal case file.

Volume: approx 5 cu. ft. per year.

Disposition: **TEMPORARY.** Cut off at the end of the fiscal year in which cases are closed. Transfers to the Federal Records Center one (1) year after cut off. Destroy five (5) years after cut off.

2. OFFICE OF INSPECTOR GENERAL AUDIT CASE FILES

A. Record Copy of Semi-annual Report to Congress

Reports including audit of financial statements and other financial related audit work generated by the Office of Inspector General following evaluation of the agency's mission related programs, i.e. EEO charge processing, litigation or mediation programs, an audit of functions unique to the agency. Each report has value for documenting the effectiveness of the agency's management of operations in a particular office in terms of the agency's mission, as defined in the agency's statutory authority.

Volume: approx. 1 cu. ft. per year.

Disposition: **PERMANENT.** Cut off at the end of the fiscal year in which the Report was created. Transfer to the Federal Records Center one (1) year after cut off. Transfer to NARA ten (10) years after cut off.

(1) Semi-annual Report to Congress Background Materials

Other records generated in the course of conducting the evaluation, including working files.

Disposition: **TEMPORARY.** Destroy eight (8) years after the end of the fiscal year in which the final report was issued.

B. Significant Audit Case Files

Case files for recurring program evaluations that assist management in identifying, analyzing and resolving program and organizational performance/policy issues, studies of areas of specific concern, and internally generated study initiatives designed to achieve organizational improvement. During the course of an evaluation, work files (which can include survey questionnaires, rough draft proposals and correspondence) are used to prepare the final recommendations and report. The evaluation staff prepares a concise final report which is incorporated, along with the work files, into the case file on completion of each evaluation/ study/initiative.

(1) Final Reports

Volume: approx. 5 cu. ft. per year.

Disposition: **TEMPORARY.** Cut office closed cases at the end of the fiscal year in which final audit/evaluation reports are closed. Transfer to Federal Records Center two (2) years after cut off. Destroy ten (10) years after cut off.

(2) Background Materials

Disposition: **TEMPORARY.** Cut off at the end of the fiscal year in which the final audit/evaluation reports are closed. Transfer to the Federal Records Center one (1) year after cut off. Destroy five (5) years after cut off.

C. Routine Audit Case Files

Case files of internal audits and contractor related case files of agency programs that have no further administrative value after the record keeping copy is made. Includes records generated in the course of an evaluation and copies maintained by individuals in working files.

Disposition: **TEMPORARY.** Cut off at the end of the fiscal year in which the case is closed. Destroy eight (8) years after cut off.

STORE EMPLOYEE

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

All Headquarters and Field Offices

1. Office Administrative Files

Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the functions for which the office exists. In general, these records relate to the office organization, staffing, procedures, and communications, including facsimile machine logs; the expenditure of funds, including budget records; day-to-day administration of office personnel including training and travel; supplies and office services and equipment requests and receipts; and the use of office space and utilities. They may also include copies of internal activity and workload reports (including work progress, statistical, and narrative reports prepared in the office and forwarded to higher levels) and other materials that do not serve as unique documentation of the programs of the office.

Disposition: **TEMPORARY**. Destroy when 2 years old. GRS 23, Item 1.

NOTE: This schedule is not applicable to the record copies of organizational charts, functional statements, and related records that document the essential organization, staffing, and procedures of the office, which must be scheduled prior to disposition by submitting a Standard Form (SF) 115 to the National Archives and Records Administration (NARA).

2. Schedules of Daily Activities

Calendars, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities by Federal employees while serving in an official capacity, EXCLUDING materials determined to be personal.

a. Records containing substantive information relating to official activities, the substance of which has not been incorporated into official files, EXCLUDING records relating to the official activities of high Government officials. [See note after Item 5a.]

Disposition: **TEMPORARY**. Destroy or delete when 2 years old. GRS 23, Item 5.

NOTE: High level officials include the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in

equivalent or comparable positions. Unique substantive records relating to the activities of these individuals must be scheduled by submission of an SF 115 to NARA.

b. Records documenting routine activities containing no substantive information and records containing substantive information, the substance of which has been incorporated into organized files.

Disposition: TEMPORARY. Destroy or delete when no longer needed for convenience of reference. GRS 23, Item 5.

3. Suspense Files

Documents arranged in chronological order as a reminder that an action is required on a given date or that a reply to action is expected and, if not received, should be traced on a given date.

a. A note or other reminder to take action.

Disposition: TEMPORARY. Destroy after action is taken. GRS 23, Item 3.

b. The file copy or an extra copy of an outgoing communication, filed by the date on which a reply is expected.

Withdraw documents when reply is received.

- (1) If suspense copy is an extra copy, **Disposition: TEMPORARY**. Destroy immediately. GRS 23, Item 3.
- (2) If suspense copy is the file copy, incorporate it into the official files.

4. Transitory Files

Records of short-term (180 days or less) interest, including in electronic form (e.g., e-mail messages), which have minimal or no documentary or evidential value. Included are such records as:

- Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply;
- Originating office copies of letters of transmittal that do not add any information to that
 contained in the transmitted material, and receiving office copy if filed separately from
 transmitted material;
- Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond campaigns, and similar records;

- Records documenting routine activities containing no substantive information, such as routine notifications of meetings, scheduling of work-related trips and visits, and other scheduling related activities;
- Suspense and tickler files or "to-do" and task lists that serve as a reminder that an action is required on a given date or that a reply to action is expected, and if not received, should be traced on a given date.

Disposition: **TEMPORARY**. Destroy immediately, or when no longer needed for reference, or according to a predetermined time period or business rule (e.g., implementing the auto-delete feature of electronic mail systems). GRS 23, Item 7.

5 Tracking and Control Records

Logs, registers, and other records used to control or document the status of correspondence, reports, or other records that are authorized for destruction by the GRS or a NARA-approved SF 115.

Disposition: TEMPORARY. Destroy or delete when 2 years old, or 2 years after the date of the latest entry, whichever is applicable. GRS 23, Item 8.

6. Finding Aids (or Indexes)

Indexes, lists, registers, and other finding aids used only to provide access to records authorized for destruction by the GRS or a NARA-approved SF 115, EXCLUDING records containing abstracts or other information that can be used as an information source apart from the related records.

Disposition: TEMPORARY. Destroy or delete with the related records. GRS 23, Item 9.

EEOC

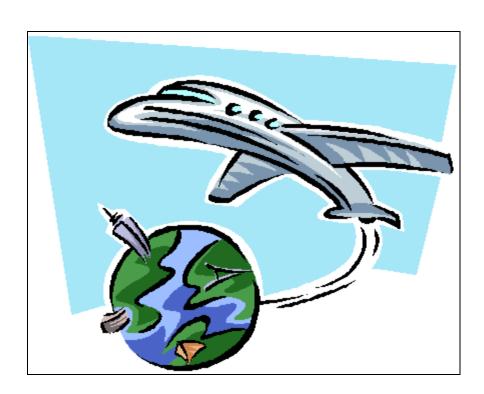
DIRECTIVES TRANSMITTAL

Number **345.001**

Date

05-27-2010

EEOC Order 345.001



Travel and Transportation
Administrative Policies & Procedures Manual
Revised May 2010

EEOC

DIRECTIVES TRANSMITTAL

Number **345.001** Date 05-27-2010

Summary of Travel Manual Updates (05/2010):

<u>Update</u>	Page No
Updated references to Travel Manager, the old travel system, to the new	Through out
system E2.	the document
Update References to Omega Travel, the old travel agent to the new travel	Through out
agent Sato Travel.	the document
Updated policyworks.gov web addresses to current GSA websites	Through out
	the document
Updates Lodging with Friends and Relatives section to reflect current	17
federal regulations.	
Updates transportation tickets method of payment to reflect diversion to	22
CBA accounts.	
Deleted references to Bank of America, the old travel card bank.	Through out
	the document
Added that vouchers should be submitted within 5 work days of the return	24
date.	
Added creating supplemental vouchers under challenging disallowed items	25
Inserted Chapter 5 - Travel Card Procedures to replace previously brief	31-60
instructions & incorporate procedures published on inSite into the Travel	
Handbook.	
Inserted Chapter 6 – Public Transportation and Fringe Benefits to replace	61-66
previously brief instruction	
Inserted Chapter 7 – Relocation Expenses to replace previously brief	67-82
instructions, update per diem rates & incorporate procedures published on	
inSite into the Travel Handbook.	
Updated that the Commission may pay to ship more than one POV based	77
on cost analysis for the employee and immediate family	

EEOC

DIRECTIVES TRANSMITTAL

Number **345.001**

Date

05-27-2010

SUBJECT: EEOC TRAVEL HANDBOOK

PURPOSE: This transmittal covers the re-issuance of the EEOC Travel Handbook, Order 345, as the authority, in conjunction with the Federal Travel Regulation (FTR) for Commission travel policies and procedures. The Handbook prescribes regulations and procedures for all Commission travelers.

EFFECTIVE DATE: 05-27-2010

DISTRIBUTION: W

CURRENT CHANGES: None.

OBSOLETE DATA: Remove EEOC Order 345.001, EEOC Travel Handbook, dated May 9, 2003, and subsequent changes to the basic order from the Directives Binder, and destroy.

Jeffrey A. Smith

Chief Financial Officer

05/2010 Order 345.001

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION EEOC ORDER NO. 345.001 WASHINGTON, D.C. 20507 May, 27 2010

ADMINISTRATIVE SERVICES Travel and Transportation

- 1. **SUBJECT**. EEOC TRAVEL HANDBOOK
- 2. **PURPOSE.** This order establishes the EEOC Travel Handbook, Order 345, as the sole authority in conjunction with the Federal Travel Regulation (FTR) for Commission travel policies and procedures. The Handbook prescribes regulation and procedures for all Commission travelers.
- 3. **EFFECTIVE DATE.** May, 27 2010
- 4. **ORIGINATOR:** Office of the Chief Financial Officer, Planning and Systems Services Division.
- 5. **RESPONSIBILITIES.** The responsibilities for recommending, approving, and authorizing travel and for reviewing and approving travel are detailed in the Handbook. However, all office heads, line supervisors, administrative officers and district resource managers should be knowledgeable of the Handbook's contents in order to advise employees who travel of the application of established policies and procedures to all official travel activities. Any changes and revisions to the Handbook should be brought to the immediate attention of all travelers as they occur.
- 6. **SUPPLY OF FORMS.** Forms prescribed in the EEOC Travel Handbook are available through Insite or normal supply channels.
- 7. **OBSOLETE DATA.** This Order supersedes EEOC Order 345.001, EEOC Travel Handbook, dated May 9, 2003, and subsequent changes, which will be removed from directives reference sets and destroyed.
- 8. DISTRIBUTION: Available on InSite under Directives/Orders/EEOC Orders.

Jeffrey A. Smith

Chief Financial Officer

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Chapter 1 - Introduction

Employees of the Equal Employment Opportunity Commission may be required to travel in fulfilling their official duties or attending seminars or other professional or educational activities benefiting the Commission. The Commission will reimburse employees for all prudent and necessary travel expenses within the limitations set forth within this handbook.

1. Applicable Travel Law

The Employee Travel Handbook should facilitate the timely reimbursement of employees for allowable travel expenses incurred during travel on official agency business. This handbook reflects the current travel policy according to the Federal Travel Regulation (FTR) and other prescribed travel laws and regulations. This handbook addresses the most common travel situations, but is not intended to be a substitute for the existing travel laws and regulations.

2. Administrative Officers / District Resources Managers - Responsibilities Overview

All Administrative Officers (AOs) and District Resources Managers (DRMs) are responsible for counseling employees on the interpretation of the travel entitlements. AOs and DRMs are the initial approving officials for all general travel requests, such as travel authorizations, travel advances, and travel vouchers. When travel is approved by an AO/DRM, they are indicating that to the best of their knowledge all facts set-forth on the voucher are correct, that all claims are made in accordance with this Handbook, all expenses are reasonable and necessary for conducting Government business and funds are available to pay the expenses.

3. Office Directors - Responsibilities Overview

Office Directors are considered authorizing officials. Authorizing officials shall authorize or approve travel necessary to accomplish the mission of the EEOC in the most effective and economical manner. They shall be aware of travel plans, including plans to take annual leave in conjunction with travel, and the most cost effective routing and means of accomplishing travel.

4. Department of Interior (DOI) - Responsibilities Overview

Department of Interior (DOI) is responsible for processing all travel claims within 30 days after receiving the travel vouchers. If Department of Interior (DOI) cannot process the voucher within the allotted time, they will be responsible for paying the employee interest on their claim. Department of Interior (DOI) must use the Federal Travel Regulation and the Commission's travel policy when processing claims.

5. Employee Travel Expense Reimbursement Overview

Employees are reimbursed for allowable travel expenses incurred by completing a prescribed travel voucher detailing the travel and expenses and submitting that form to the appropriate authority within the agency. All receipts and supporting documentation required by this handbook should be attached to the travel voucher. All travel vouchers should be submitted to the AO/DRM for review, before being submitted to

4

Department of Interior (DOI) for payment. Travel Vouchers (paper or electronic) (SF 1012) should be submitted to the Department of Interior (DOI), Products and Services Mail Stop D-2735, 7301 West Mansfield Avenue, Lakewood, within five working days of completing travel. Exceptions can be granted upon written request. **Employees should exercise good judgment and discretion in spending Commission funds.**

6. Government Travel Card Overview

- A. Prepaid expenses such as transportation tickets will be billed to the Commission's diversion account.
- B. Employees who have been issued a Government travel card are required to use the card for cash advances, lodging, meals, and incidental expenses when performing official duty for the Commission.
- C. The Government travel charge card is valid only while an individual is employed by the Commission, and may be canceled at the discretion of the Commission, or the Bank. The Government travel card must be relinquished to the AO/DRM upon termination of employment. Once a Government Travel Card has been canceled due to employee abuse, the Commission will not reissue another one to the employee.

Note: Any employee who does not have a Government Travel Card, may get an advance or use their personal funds to pay for their TDY trip.

Chapter 2- Definitions and Description of Travel Terms

Definitions

Actual expense -- Payment of authorized actual expenses incurred, up to the limit prescribed by the Administrator of General Services Administration (GSA), as appropriate. Entitlement to reimbursement is contingent upon entitlement to per diem, and is subject to the same definitions and rules governing per diem.

Approved accommodation -- Any place of public lodging that is listed on the national master list of approved accommodations. The national master list of all approved accommodations is compiled, periodically updated, and published in the Federal Register by the Federal Emergency Management Agency (FEMA). Additionally, the approved accommodation list is available on the U.S. Fire Administration's Internet site at http://www.usfa.fema.gov/hotel/index.htm.

Automated-Teller-Machine (ATM) services -- Government contractor-provided ATM services that allow cash withdrawals from participating ATMs to be charged to a Government travel card.

Common carrier -- Is a private sector supplier of air, rail or bus transportation.

Conference -- A meeting, retreat, seminar, symposium or event that involves attendee travel. The term "conference" also applies to training activities that are considered to be conferences under **5 CFR 410.404**.

Continental United States (CONUS) -- The 48 contiguous States and the District of Columbia.

Contract carriers -- U.S. certificated air carriers which are under contract with the Government to furnish Federal employees and other persons authorized to travel at Government expense with passenger transportation service. This also includes GSA's scheduled airline passenger service between selected U.S. cities/airports and between selected U.S. and international cities/airports at reduced fares.

Diversion Account – Current charge card holders will use their Government Travel Card to secure transportation tickets for official travel. Payment will be diverted from their Government travel card to the employee's office centrally billed account.

E2 -- A desktop web based Travel Management Program that will enable Commission employees who travel to prepare travel authorizations and vouchers for performing temporary duty and local travel for the Commission.

Employee with a disability (also see Special needs) -- is an employee who has a disability that is generally covered under the Rehabilitation Act of 1973, as amended (29 U.S.C. 701). For additional information see Federal Trade Regulation at 41 CFR 300-3.1.

Family --(see immediate family)

Foreign air carrier -- An air carrier who is not holding a certificate issued by the United States under 49 U.S.C. 41102.

Foreign area (see also Non-foreign area) -- Any area, including the Trust Territories of the Pacific Islands, situated both outside CONUS and the non-foreign areas.

Government aircraft -- Any aircraft owned, leased, chartered or rented and operated by an executive agency.

Government travel charge card -- A Government contractor-issued charge card used by authorized employees to pay for official travel related expenses for which the contractor bills the employee.

Government-furnished automobile -- An automobile (or "light truck," as defined in 41 CFR 101 including vans and pickup trucks) that is:

- (a) Owned by a Federal agency;
- (b) Assigned or dispatched to a Federal agency from the GSA Interagency Fleet Management System; or
- (c) Leased by the Government for a period of 60 days or longer from a commercial source.

Government-furnished vehicle -- is A Government-furnished automobile or a Government aircraft.

Immediate family -- Any of the following named members of the employee's household at the time he/she reports for duty at the new permanent duty station or performs other authorized travel involving family members:

- (a) Spouse;
- (b) Children of the employee who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support. (The term ``children" shall include natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the employee or employee's spouse; and an unborn child(ren);
- (c) Dependent parents (including step and legally adoptive parents) of the employee's spouse; and
- (d) Dependent brothers and sisters (including step and legally adopted brothers and sisters) of the employee or employee's spouse who are unmarried and less than 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

Interviewee -- is an individual who is being considered for employment by an agency. The individual may currently be a Government employee.

Invitational travel -- Authorized travel of individuals either not employed or employed (under **5 U.S.C. 5703**) intermittently in the Government service as consultants or experts and paid on a daily (when-actually-employed) basis and for individuals serving without pay or at \$1 a year when they are acting in a capacity that is directly related to, or in connection with, official activities of the Government. Travel allowances authorized for such persons are the same as those normally authorized for employees in connection with TDY.

Lodgings-plus per diem system -- The method of computing per diem allowances for official travel in which the per diem allowance for each travel day is established on the basis of the actual amount the traveler pays for lodging, plus an allowance for meals and incidental expenses (M&IE), the total of which does not exceed the applicable maximum per diem rate for the location concerned.

Mandatory mobility agreement -- Agreement requiring employee relocation to enhance career development and progression and/or achieve mission effectiveness.

Miscellaneous Expenses -- Fees for Miscellaneous expenses which are ordinary and necessary to accomplish official business of the Commission.

Non-foreign area -- The States of Alaska and Hawaii, the Commonwealths of Puerto Rico, Guam and the Northern Mariana Islands and the territories and possessions of the United States (excludes the Trust Territories of the Pacific Islands).

Non-Federal Source -- Is any person or entity that is not the Government of the United States. The term includes any individual, private or commercial entity, nonprofit organization or association or international or multinational organization (irrespective of whether an agency holds membership in the organization or association), or foreign, state, or local government (including the government of the District of Columbia).

On-line Reservation Booking System -- A web based on-line travel booking system. Travelers will be able to book their own airline, train, hotel, and rental reservations at their convenience, in a secure environment.

Official duty station -- The official duty station of an employee or invitational traveler (see FTR 301-1.2) is the location of the employee's or invitational traveler's permanent work assignment. The geographic limits of the official station are:

(a) For an employee:

- (1) The corporate limits of the city or town where stationed or if not in an incorporated city or town; or
- (2) The reservation, station, or other established area (including established subdivisions of large reservations) having definite boundaries where the employee is stationed.

(b) For an invitational traveler:

(1) The corporate limits of the city or town where the home or principal place of business exists or if not in an incorporated city or town; or

(2) The reservation, station, or other established area (including established subdivisions of large reservations) having definite boundaries where the home or principal place of business is located.

Payment in kind— Goods, services, or other benefits provided by a non-Federal source for travel, subsistence, and related expenses in lieu of funds paid to an agency by check or similar instrument for the same purpose.

Per Diem Allowance -- The per diem allowance (also referred to as subsistence allowance) is a daily payment instead of reimbursement for actual expenses for lodging (excluding taxes), meals, and related incidental expenses. The per diem allowance is separate from transportation expenses and other miscellaneous expenses. The per diem allowance covers all charges, including any service charges where applicable for:

- (a) **Lodging**. Includes expenses, except lodging taxes, for overnight sleeping facilities, baths, personal use of the room during daytime, telephone access fee, and service charges for fans, air conditioners, heaters and fires furnished in the room when such charges are not included in the room rate. Lodging does not include accommodations on airplanes, trains, buses, or ships. Such cost is included in the transportation cost and is not considered a lodging expense.
- (b) **Meals**. Expenses for breakfast, lunch, dinner and related tips and taxes (specifically excluded are alcoholic beverages and entertainment expenses, and any expenses incurred for other persons).

(c) Incidental expenses.

- (1) Fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants in foreign countries;
- (2) Transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the TDY site; and
- (3) Mailing cost associated with filing travel vouchers and payment of Government sponsored charge card billings.

Place of public accommodation--Any inn, hotel, or other establishment within a State that provides lodging to transient guests, excluding:

- (a) An establishment owned by the Federal Government;
- (b) An establishment treated as an apartment building by State or local law or regulation; or

(c) An establishment containing not more than 5 rooms for rent or hire that is also occupied as a residence by the proprietor of that establishment.

Post of Duty– An official duty station outside the United States.

Privately Owned Vehicle (POV)--Any vehicle such as an automobile, motorcycle, aircraft, or boat operated by an individual that is not owned or leased by a Government agency, and is not commercially leased or rented by an employee under a Government rental agreement for use in connection with official Government business.

Reduced per diem -- The Commission may authorize a reduced per diem rate when there are known reductions in lodging and meal costs or when your subsistence costs can be determined in advance and are lower than the prescribed per diem rate.

Special conveyance -- Commercially rented or hired vehicles other than a privately owned vehicle and other than those owned or under contract to an agency.

Special needs (also see Employee with a disability) -- Physical characteristics of a traveler not necessarily defined under disability. Such physical characteristics could include, but are not limited to, the weight or height of the traveler.

Temporary duty (TDY) location -- Is a place away from an employee's official station, where the employee is authorized to travel.

Travel advance -- Prepayment of estimated travel expenses paid to an employee.

Travel authorization (Orders) -- Written permission to travel on official business. The Commission authorizes trip-by-trip travel which is an authorization allowing an individual or group of individuals to take one or more specific official business trips, which must include specific purposes, itinerary, and estimated costs. Employees that are performing TDY can prepare their Travel Authorization through E2 Travel System.

Travel Voucher--A written request, supported by documentation and receipts where applicable, for reimbursement of expenses incurred in the performance of official travel, including permanent change of station (PCS) travel.

Chapter 3 – Temporary Duty (TDY) Allowable Travel Expenses

Transportation Expenses:

Transportation expenses shall be reimbursed based on the most economical mode of transportation and the most commonly traveled route consistent with the authorized purpose of the trip.

A. Allowable Transportation Expenses

Transportation expenses may include, when properly authorized, the following: charges for contracted carrier fares; travel agency fees, rental car fees, private vehicle mileage allowances, overnight and day parking, bridge and road tolls, tax and public transportation fares, and other charges for transportation services necessary to accomplish the purpose of the trip.

Authorized Methods of Transportation:

- (a) Common carrier transportation (e.g. aircraft, train, bus, ship or local transit system)
- (b) Government vehicle;
- (c) POV; and
- (d) Special conveyance (e.g., taxi or commercial automobile.)

B. Selecting Method of Transportation

As stated in Title **5 U.S.C. 5733**, travel must be by the most expeditious means of transportation. In addition, the Commission must consider energy conservation, total cost to the Government (including costs of per diem, overtime, lost work time, and actual transportation costs), total distance traveled, number of points visited, and number of travelers.

C. Most Advantageous Methods of Transportation

- (1) Common carrier Travel by common carrier is presumed to be the most advantageous method of transportation and must be used when reasonably available.
- **(2) Government automobile** If travel is to be performed by automobile, a Government automobile is presumed to be the most advantageous method of transportation.
- (3) **Routing Travel:** Employees must travel to the official destination by the usually traveled route unless a different route is approved by the Office Director.

Common carrier:

Travel may be authorized for airline, train, ship, bus, or local transit system.

A. Basic requirements for using airlines:

- (1) Using contract carriers, when available;
- (2) Using coach class service, unless premium class or first class service is authorized; and
- (3) Using U.S. flag air carrier or (ship) service, unless use of foreign air carrier or (ship) is authorized.

B. Airline Contracts:

Currently, the Commission has a contract with CWT Sato Travel. Employees are expected to use CWT Sato Travel when making travel arrangements.

C. Use of Government Contract City-Pair Fare:

Employees must use a contract city-pair fare, unless one or more of the following conditions exist(s):

- (1) Space or a scheduled contract flight is not available in time to accomplish the purpose of the trip, or use of contract service would require the employee to incur unnecessary overnight lodging costs which would increase the total cost of the trip; or
- (2) The contractor's flight schedule is inconsistent with explicit policies of the Commission with regard to scheduling travel during normal working hours; or
- (3) Rail service is available, and such service is cost effective and is consistent with mission requirements.

Note to paragraph (3): This exception does not apply if a contract carrier offers a comparable fare and has seats available at that fare, or if the lower fare offered by a non-contract carrier is restricted to Government and military travelers on official business and may only be purchased with a GTR, contractor-issued charge card or centrally billed account (e.g., YDG, MDG, ODG, VDG, and similar fares).

Airline Reservation Requirements:

- A. Coach Class Coach Class shall be used in the interest of the Commission.
- **B. Premium-class** -- Any class of accommodations above coach, e.g., first or business.

C. First-class--The highest class of accommodations on a multiple-class airline flight. When an airline flight only has two classes of accommodations, the higher-class, regardless of the term used for that class, is considered to be first class.

- **D.** Changing Reservations--Changes made in travel plans after the reservations have been booked or during the trip itself should be coordinated through CWT Sato Travel and not the airlines.
- **E.** Cancellation of Reservations--Employees who are unable to honor a reservation shall be responsible for canceling the reservation in compliance with the cancellation terms established by the hotel, airline, etc.

Charges or lost refunds resulting from failure to cancel reservations shall not be reimbursed unless the employee can show that such failure was the result of circumstances beyond the employee's control. The employee shall be responsible for promptly returning any unused or partially used airline or train tickets.

Use of Government and Personal Vehicles:

Government vehicles are more economical than privately owned vehicles (POV), and may be used when available. If an employee insists on using their POV when a Government vehicle is readily available, the employee's reimbursement will be limited to mileage (see 301-10.303) plus per diem, not to exceed the total cost of the authorized method of transportation, e.g., an airplane, train, bus, etc.

Employees may use their personal vehicle for official business only if it is less expensive than renting a car, taking a taxi, or using a Government vehicle.

Employees who are authorized to travel by automobile (e.g., when an automobile is the most economical mode of transportation) shall be reimbursed regular per diem rates for each day of travel calculated based on 300 miles a day by the most direct route (i.e., reimbursement up to a daily M&IE limit for each 300 miles of travel), plus cost of lodging, when appropriate.

Reimbursement for long distance travel by POV will generally be authorized under only one of the following circumstances:

- a. When common carrier service is not available without undue loss of time; or
- b. When two or more employees are eligible for similar travel and their driving together would mean an overall savings to the Commission (only the employee that is driving will be entitled to mileage reimbursement) or
- c. When use of an automobile will permit the employee to make stops en route and perform duties more effectively; or

d. When the use of an automobile will not require the employee to be away from duties for a substantially longer period than travel by common carrier.

Note: If use of a POV is advantageous to the Commission, the employee will be entitled to GSA published reimbursement per mile, which includes fuel, oil, insurance coverage, and depreciation of a vehicle. The employee is also entitled to miscellaneous expenses for bridge and road tolls and parking fees. <u>Visit http://www.gsa.gov for current mileage rates.</u>

Liability and Property Damage Insurance on POV - When an employee uses a POV for Government business, the employee is responsible for obtaining insurance at their cost on their POV. If an accident occurs while on official business, they shall file a claim with their insurance company.

Use of Rental Car and Other Modes of Transportation

A vehicle may be rented when renting would be more advantageous to the Government than other modes of transportation, such as using a taxi, and the Commission specifically authorizes such rental. Advance reservations should be made whenever possible and a **compact or economy model** must be requested. Office Directors are authorized to make special need exceptions to this policy. This mode should be used unless a no-cost upgrade or a special need exception is provided. Use of a higher cost upgrade requires an approval of the exception by the Office Director.

A. Liability and Property Damage Insurance

Employees will not be reimbursed for Collision Damage Wavier (CDW) or theft insurance for travel within CONUS because the Government is a self-insurer. Rental vehicles available under agreement(s) with the Government include full coverage insurance for damages resulting from an accident while performing official travel. Any deductible amount paid by you may be reimbursed directly to you or directly to the rental agency if the damage occurred while you were performing official business.

B. Exceptions

Employees will be reimbursed for collision damage waiver or theft insurance when you travel outside CONUS and such insurance is necessary because the rental or leasing agency requirements, foreign statute, or legal procedures could cause extreme difficulty for an employee involved in an accident. Employees are responsible for any additional cost resulting from the unauthorized use of a commercial rental vehicle for other than official travel-related purposes.

C. Rail and Bus

Rail or bus transportation may be used when required by the destination or business necessity. In cases of long distances, time considerations are often restrictive. Employees should use coach class unless pre-approved by the Office Director. Contact Amtrak for schedules and fares.

D. Local Public Transportation, Shuttle Service and Taxis

Local transportation fares (e.g., buses, subway) shall be allowed. The cost of shuttle service (including airport limousine service, if appropriate) to and from an airport or railroad station, plus reasonable tips (not to exceed 15%), is allowable to the extent such service is not included in air or rail fares. Taxi fare, including tips, shall be allowed only when the use of public transportation or airport shuttle service is impractical or not available. The cost must be reasonable in relation to a personal vehicle use costs, including parking, tolls, etc.

E. SPECIALLY AUTHORIZED FORMS OF TRANSPORTATION

The Commission may authorize other modes of transportation when deemed more advantageous to the Government. Other modes of transportation must be listed on the employees travel authorization and approved in advance by the Officer Director.

On-Line Reservation Booking Tool

Travelers can book their reservations through the E2 Travel System by using the on-line reservation booking tool which enables travelers to make travel arrangements over the Internet at their convenience, in a secure environment. Travelers get real-time booking capabilities for air, hotel, and rental car, and easy-to-use features such as live seat maps, and integrated fare and availability displays.

Per Diem Expenses

A per diem allowance is designed to offset the cost of lodging, meals, and incidental expenses incurred by an employee while performing travel, and/or Temporary Duty Assignment (TDY) away from the employee's Permanent Duty Station (PDS). A per diem allowance is payable for whole days, except for the departure day from and for the return day to the PDS, for which the employee will be reimbursed 75% of the authorized maximum per diem.

When is Per Diem Allowance Authorized?

A. Performing Temporary Duty at or near the Permanent Duty Station (PDS) or the Employee's Residence

An employee on temporary duty for the Commission may be entitled to per diem expenses if all of the following requirements are met:

- (1) The temporary duty station must be located at least 50 miles away from both the employee's permanent duty station and from their home;
- (2) The employee must actually incur per diem expense while performing the official travel; and

(3) The employee must be in travel status for more than 12 hours.

Office Directors may waive the 50 mile requirement for training programs, conference, court appearances and multiple-day investigative duties which require night sessions, "live in" availability for instructors or attendees, or preparation demands which render repetitive travel to the same location. When requesting such a waiver for training programs or conferences, the employee should attach a copy of the conference agenda, including dates and times of all activities, to his or her request for the waiver and that information should be attached to the travel voucher. When requesting a waiver for court hearings or multiple-day investigative duties, the employee should attach a typed explanation of why the demands and requirements of the assigned duties render per diem necessary to the effective performance of those duties. That explanation should also be attached to the travel voucher. Office Directors may also waive the 50 mile requirement to accommodate rare and unanticipated situations.

B. Reimbursement is authorized as follows:

- (1) Travel must be authorized in advance through the E2 travel system or in writing for manual authorizations by the Office Director or designee.
- (2) The authorization should be attached to the manual travel voucher when it is submitted to the Department of Interior for payment. E2 voucher reference the authorization electronically.

C. Maximum Per Diem Reimbursement Rate

The TDY location determines the per diem reimbursement rate. If the employee arrives at the lodging location after 12 midnight, the lodging claim cost is for the preceding calendar day. If no lodging is required, the applicable M&IE reimbursement rate is the rate for the TDY location. (See FTR 301-11.102.)

If lodging is not available at the TDY location the Office Director may authorize or approve the maximum per diem rate for the location where lodging is obtained. The approval must be in writing and submitted with the travel voucher upon requesting reimbursement. If E2 is used to voucher expenses, the memorandum should be faxed to DOI.

D. Employee Meal(s) Furnished or Reduced

The M&IE rate must be adjusted for meal(s) furnished to the employee (except as provided in **FTR 301-11.17**), with or without cost, by deducting the appropriate amount. If the employee pays for a meal that has been previously deducted, the Commission will reimburse the employee deducted amount. The total amount of deductions made will not cause the employee to receive less than the amount allowed for incidental expenses.

Visit GSA website for meal breakdown chart at http://www.gsa.gov

E. Calculation of Per Diem - Lodgings-plus Method

(1) Lodgings-plus per diem

When travel is more than 12 hours and overnight lodging is required the employee reimbursement for actual lodging cost should not exceed the maximum lodging rate for the TDY location or stopover point.

(2) Meals and Incidental Expenses (M&IE) under the Lodging-Plus Per Diem Method

- **A. Single Day Travel** If travel is less than 24 hours, the employee will be paid 75 percent of the applicable M&IE rate.
- **B.** Multiple Day Travel If travel is 24 hours or more, the employee will be paid 75 percent of the applicable M&IE the first and last day of travel, and 100 percent of the applicable M&IE rate for a full day of travel.

(3) Reduced Per Diem Rate

Per Diem will be reduced when the Commission determines in advance that the lodging and/or meals will be provided, and the cost will be lower than the per diem rate and the lowest authorized per diem must be stated on the employee's travel authorization in advance.

Note: Refer to GSA website http://www.gsa.gov to determine the amount of M&IE the employee is authorized when per diem is reduced.

Lodging Expenses:

Employees should stay at a preferred vendor facility that has been approved by FEMA as "approved accommodations," or attempt to secure the lowest, government rate available.

A. Room Sharing

When an employee shares a room with another Government employee on official travel, the allowable lodging cost is one half of the double occupancy rate. Please indicate the name of the employee you are sharing a room with on the travel authorization and travel voucher.

B. Lodging with Friends or Relatives

You may be reimbursed for additional costs your host incurs in accommodating you only if you are able to substantiate the costs and your agency determines them to be reasonable. You will not be reimbursed the cost of comparable conventional lodging in the area or a flat amount. The employee will be authorized M&IE.

C. Allowable Lodging Cost when Renting on a Long Term Basis

When the employee rents a room, apartment, house or other lodging on a long-term basis (e.g., weekly, monthly), he/she is entitled to the following expenses:

- (1) The rental cost (not to exceed the per diem rate or actual expenses);
- (2) If unfurnished, the rental cost of appropriate and necessary furniture and appliances (e.g., stove, refrigerator, chairs, tables, bed, sofa, television, and vacuum cleaner);
- (3) The cost of connecting/disconnecting and using utilities;
- (4) Cost of reasonable maid fees and cleaning charges;
- (5) Monthly telephone use fee (doesn't include installation and long-distance calls); and
- (6) If ordinarily included in the price of a hotel/motel room in the area concerned, the cost of special user fees (e.g., cable TV charges and plug-in charges for automobile head bolt heaters).

D. TDY at a Leave Point

An employee who is on leave away from the PDS, and who is asked to cut their leave short in order to perform TDY at the leave location, will be entitled to per diem expenses at the leave location until the TDY is completed. After the TDY is completed, the employee may elect to resume their leave.

E. Return Home or to the PDS non-workdays during the TDY assignment

Employees who voluntarily return home on non-workdays during a TDY assignment may be authorized per diem expenses for the round trip transportation period. The maximum reimbursement for round trip transportation, per diem or actual expense is limited to what would have been allowed had the employee remained at the TDY location.

F. Reimbursements

If employees use E2 to request reimbursement and scan/attach their receipts, the original hotel receipt and other related documents for accountability purposes shall be maintained in the office files for a period of 2 years, in accordance with NARA, record schedule chapter 7 available at the following link: http://www.archives.gov/about/records-schedule/chapter-07.html#trvl. Employees must submit the original lodging receipt with their manual travel voucher (SF 1012) in order to obtain reimbursement. Charge card billing may be used if the employee loses the lodging receipt.

Expenses such as laundry, cleaning and pressing of clothing at a TDY location are reimbursable as a miscellaneous travel expense. However, the employee must incur a minimum of 4 consecutive nights lodging on official travel to qualify for this reimbursement.

G. Tax Exemption Forms

Not all states exempt federal employees from state sales tax while on official business. Please check with the Transportation Program Manager for State Tax Exemption Certificates, or General Services Administration provides a list of some of the jurisdictional requirements. The list is published on GSA's website at http://www.gsa.gov/Portal/gsa/ep/contentView.do?P=MTT&contentId=16366&contentType=GSA_OVERVIEW. Any taxes incurred by the employee that are not tax exempted will be reimbursed by the Commission.

Actual Expenses:

A. Actual expenses are reimbursed

When:

- (1) Lodging and/or meals are procured at a prearranged place such as a hotel where a meeting, conference or training session is held; or
- (2) Costs have escalated because of special events (e.g., missile launching periods, sporting events, conventions, natural disasters); lodging and meal expenses within prescribed allowances cannot be obtained nearby; and costs to commute to/from the nearby location consume most or all of the savings achieved from occupying less expensive lodging; or
- (3) Because of mission requirements; or
- (4) Any other reason approved by the Commission.

The employee must have advance approval for actual expenses. A memorandum shall be prepared and signed by the Office Director.

B. Reimbursement of Actual Expenses

Request for authorization for reimbursement under actual expense should be made in advance before travel authorization has been issued. Actual expense reimbursement is limited to rare and extenuating circumstances. The Actual Reimbursement method should be selected for travel authorizations created in the E2 travel system. For manual authorizations, the memorandum must be attached to the manual travel voucher when requesting payment from DOI.

C. Maximum Reimbursable Actual Expense

The maximum amount that you may be reimbursed under actual expense is limited to 300 percent (rounded to the next higher dollar) of the applicable maximum per diem rate. If the actual expenses are less than the locality per diem rate or the authorized amount, reimbursement is limited to the expenses incurred.

D. Recording Actual Expenses for Reimbursement

The employee **must itemize** all expenses, including meals, (each meal must be itemized separately) for which you will be reimbursed under actual expense. However, expenses that do not accrue daily (e.g., laundry, dry cleaning, etc.) may be averaged over the number of days the Commission authorizes/approves actual expenses. Receipts are required for lodging, regardless of the amount and any individual meal and transport costs, when the cost is \$75 or more. The Commission may require receipts for other allowable per diem expenses, but the employee must be informed of the requirement in advance of travel e.g., AO/DRM must indicate requirement on the Travel Authorization.

Miscellaneous Expenses:

Miscellaneous expenses are:

- (a) Fees for traveler's checks, money orders, certified checks, and transaction fees associated with the use of the Government issued credit card.
- (b) Baggage expenses as described in FTR 301-12.2.
- (c) Services of guides, interpreters, taxi and or shuttle services drivers.
- (d) Use of business equipment and services such as computers, printers, faxing machines, scanners, and secretary services.
- (e) Hotel taxes.
- (f) Official telephone calls.
- (g) Limited personal telephone calls.

Employees are allowed brief personal telephone calls for necessary communication when:

They are on official business for one or more nights. The telephone call must be to the spouse, significant other, child, dependent care giver or anyone sharing the same residence. A call may also be placed to the local commuting area on the day of return for notification of a change in travel

arrangements. Personal calls should normally not exceed 15 minutes per day.

Calling cards are mandatory when performing TDY. If prepaid calling cards are used and the hotel charges an access fee, this fee will be reimbursed to the employee. Calling cards are available from Office of Information Technology (OIT) or the AO/DRM. The Commission can refuse to pay for telephone calls if the calling card is not used.

(h) Hotel parking.

Arranging Travel Services:

A. Reservations

Airline reservations should be made through the E2 travel system or the Travel Agent CWT Sato Travel. The AO/DRM can provide the employee with the telephone numbers of the approved travel agency. Employees will not be reimbursed if they procure services from another travel agency or with the airlines without prior approval. There are times when the airlines offer a fare that is less than the Government contracted fare, when this happens the Commission can authorize the use of a non-contracted fare.

B. Airline Upgrades

Upgrades at the Commission's expense are not authorized. Upgrades are at the employee's expense, or if the employee has frequent flier miles from previous Government trips the miles may be used to upgrade reservations.

C. Airline Frequent Flier Miles Program - FTR 301-53

Commission employees are now allowed to accumulate and use frequent flyer miles which they earn while flying on Commission business. All travelers are responsible for setting up and managing their own frequent flyer miles account. Any fees that are associated with the account are the sole responsibility of the employee. The Commission will not reimburse employees for fees associated with their frequent flyer miles account.

Frequent flyer miles may be used to upgrade coach class accommodations, hotel suites, etc. Please check with the airlines about their rules and regulations governing their Frequent Flyer Miles Program.

D. Lost Tickets

Service charges for tickets lost by the employee may be reimbursed, provided such occurrences are infrequent. Charges for re-ticketing, schedule changes, etc. are reimbursable if incurred for valid business reasons. The reason for the charge must be specified on the Travel Voucher.

E. Indirect or Interrupted Itineraries

Advance approval is required when an employee takes an indirect route or interrupts travel by a direct route, for non Commission business. Any additional expenses shall be borne by the employee. The reimbursement of expenses shall be limited to the actual costs incurred or the charges that would have been incurred via the usually traveled route, whichever is less. Any excess travel time will not be considered work time, and will be charged to the appropriate type of leave. The employee shall be responsible for accurate reporting of such leave time. The employee is not authorized to use a Government contracted fare for personal business.

Method of Payment:

A. Required Method of Payment

Government employees are required to use the Government travel card for all official travel expenses unless you have an exemption approved by the Office of the Chief Financial Officer.

B. Transportation Tickets

Airline and train tickets will be billed to the Commission's centrally billed account. Transportation charges billed to Individual Travel Card will be diverted to the office CBA card. The charges will show as memo items on the individual card statement, but will not be included in the balance due the cardholder.

C. Payment Methods that are considered the equivalent of cash

Use of one of the following payment methods of this section to procure common carrier transportation is considered the equivalent of cash and the employee must not use them consistent with the rules in 41 CFR 101-41.203-2 that limit the use of cash for such purposes. The following are considered cash and should not be used to purchase common carrier transportation.

- (1) Personal credit cards;
- (2) Cash withdrawals obtained from an ATM using a Government contractor- issued individually billed travel card; and
- (3) Checks, both personal and travelers (including those obtained through a travel payment system services program).

If a new employee, an invitational or infrequent traveler is unaware of proper procedures for purchasing common carrier transportation, the Commission may allow reimbursement for the full cost of the transportation. In all other instances, your reimbursement will be limited to the cost of such transportation using the authorized method of payment.

Travel Advances:

A. Cash Advances

(1) Issuance of Cash Advances

- (a) Cash advances must be obtained from the Commission or through the Government Travel Card through the use of the ATMs.
- (b) Cash Advances may be requested within 15 days of travel at the earliest. Employees who don't have a Government Travel Card must submit Advance of Funds Application and Account (SF 1038) to the Department of Interior. The SF 1038 may be faxed to (303) 969-6631. The amount requested cannot exceed 80% of the travel estimate.
- (c) Cash Advances should not be authorized under the following circumstances:
 - 1. The employee is 30 days delinquent in submitting a Travel Voucher for a prior trip;
 - 2. The Government travel card cannot be used due to the employee's failure to honor the payment terms of the card; or
 - 3. The Government travel card has been lost. (Lost cards should be reported to The Bank immediately and arrangements made for issuance of a replacement card.)

Note: Normally, the employee should have only one outstanding cash advance at a time per trip, each advance should be accounted for before another advance is granted.

(2) Eligibility

Employees who cannot obtain a Government travel card may request a cash advance from the Commission, under the following circumstances:

- (a) The employee is not eligible to participate in the credit card program;
- (b) The employee does not want a Government travel card; or
- (c) The employee has not been issued a Government travel card.

(3) ATM Cash Advances for Government Travel Card Holders

Employees are required to use their Government travel charge card to obtain cash advances

for expenses incurred in connection with official business. The current reimbursable cash advance ATM fee is 1.9% of the transaction amount. An additional ATM charge may be imposed if the ATM from which the cash is withdrawn is not the card issuing bank ATM. Any such fee is also reimbursable as long as the receipt is attached to the travel voucher.

(4) Cancelled or Postponed Trips

A cash advance must be returned immediately if an authorized trip is cancelled or indefinitely postponed.

(5) Un-recovered Advances

If a cash advance is not returned sixty days after a trip is completed, the Debt Manager may initiate proceedings for the recovery of any outstanding cash advances.

(6) Recovery Procedures

- (a) Offset against the employee's salary, a retirement credit, or other amount owed the employee; and
- (b) Deduction from an amount the Government owes the employee.

Claiming Reimbursement:

A. Submitting a travel claim

All travel claims must be submitted through the E2 system within 5 work days from the return date. Manual vouchers should be prepared on a Standard Form 1012 (Travel Voucher).

B. Required Documentation

- (1) An original copy of your Official TDY Travel Authorization (EEOC Form 564), including special authorizations; and
- (2) Completed copy of your Travel Voucher (SF 1012); and
- (3) Receipts for:
 - (a) All lodging expenses, and
 - (b) All expenses over \$75 or more.

Travel claims must be submitted to the AO/DRM for the required approving official's signature and to ensure that the travel claim is submitted to the Department of Interior (DOI). All claims must be made within five working days after you complete your trip; or every 30 days if the employee is in a continuous travel status.

C. Disallowance of Claims

The AO/DRM must review all travel claims, before submitting to DOI. The AO/DRM will notify the traveler if they think a claim will be disallowed by DOI. Travel claims may be disallowed if the employee does not provide proper itemization of an expense and/or receipts do not support claim, and claim is not authorized under the FTR. Employees will receive notice of the disallowance, and will be paid all claims that are not disallowed. All disallowed claims should be addressed to the National Business Center (NBC), 301-969-7362, or its' successor.

D. Challenging a Disallowed Amount

Disallowed claims may be challenged if the employee has documentation that will support his/her claim.

E2 Reclaim: Supplemental vouchers can be prepared through the E2 travel system for expenses disallowed or not included on the original voucher. **EEOC** is not set up for the reclaim function in E2 travel system, so you need to use the supplemental voucher function.

Manual reclaim voucher: a manual reclaim voucher should have the word "**RECLAIM**" written in block 12 of the Travel Voucher form.

The supplemental voucher should contain the following:

- (1) Full itemization for all disallowed items reclaimed;
- (2) Provide receipts for all disallowed items reclaimed that require a receipt;
- (3) Providing a Copy of the Disallowed Notice;
- (4) The employee must state the proper authority for the claim if they are challenging the Commission's application of the law or statute; and
- (5) Submit the claim to the AO/DRM for review. The claim will be paid or denied by the DOI, NBC.

If DOI, NBC or its' successor denies the claim, you may appeal the decision by requesting a review from the GSA Board of Contract Appeals (GSABOCA) through the Office of the Chief Financial Officer.

This appeal will be submitted by the CFO, to GSABOCA. The Board of Contract Appeals will inform the employee of their final decision.

E. Defrauding the Government

Any employee caught defrauding the Government will forfeit the reimbursement under **28 U.S.C. 2514** and may be subject under **18 U.S.C. 287** and **1001** to one, or both, of the following:

- a. A fine of not more than \$10,000; or
- b. Imprisonment for not more than 5 years.

Examples of Fraud:

- 1. Submitting travel vouchers that the employee knows is not valid; and
- 2. Manipulating receipts.

Employees should be told to keep a record of their expenses by the date the expenses are incurred to aid them in preparing their travel claim.

F. Identifying Travel Advances on Manual Travel Voucher

All travel advances must be identified in block 8 on the employee's travel voucher, and the advance should be subtracted from the amount the employee is claiming.

G. Unused tickets, coupons, or evidence of refund

Attach any unused tickets, coupons, or other evidence of the refund to the travel voucher, and advise the AO/DRM of the refund. The AO/DRM must contact the authorized travel agency so they can credit the centrally billed account.

H. Travel Claims

Under Commission policy, DOI will process all properly submitted travel vouchers within 10 working days after receiving the electronic or manual travel voucher. Manual vouchers should be sent to DOI Products and Services Mail Stop D-2735, 7301 West Mansfield Avenue, Lakewood, CO. The FTR, CFR, and 5 U.S.C. allow DOI up to 30 days after receiving the travel voucher. The Commission must notify the employee within seven days of any errors found on the travel claim. If the agency does not pay an employee's claim within 30 calendar days after receipt of a proper claim form, the Commission must pay the employee a late fee.

The DOI, NBC will:

(1) Calculate late payment fee using the prevailing Prompt Payment Act Interest rate beginning on the 31st day after submission of a proper travel claim and ending on the date on which payment is made.

(2) Reimburse the Travel Card late fee if they fail to process the travel claim within 30 calendar days after receipt of the travel claim form. Travel vouchers shall be submitted by the employee within five work days after the completion of the trip, and shall be processed by the designated Employer Representative within ten working days after the submission for reimbursement.

Exceptions to certain types of relocation allowances are exempt from this provision:

- (1) Transportation and storage of household goods and professional books, papers and equipment;
- (2) Transportation of a mobile home;
- (3) Transportation of a privately owned vehicle;
- (4) Temporary quarters subsistence expense, when not paid as lump sum;
- (5) Residence transaction expenses;
- (6) Relocation income tax allowance;
- (7) Use of a relocation services company;
- (8) Home marketing incentive payments; and
- (9) Allowance for property management services.

Travel of Employees with Special Needs (See FTR 301-13 for more information.)

The Government's policy in accordance with the Rehabilitation Act of 1973, as amended (29 U.S. C. 701), is to reasonably accommodate an employee with a disability. In addition, the Government may assist employees with special needs. Accommodation or assistance may involve payment of additional travel expenses that an employee may incur in performing official traveler other methods of assistance which may be deemed appropriate.

Allowable travel expenses

If an employee has a physical or mental impairment which is clearly visible and discernible or the disability is substantiated in writing by a competent medical authority, and additional travel expenses are necessary to accommodate the needs of the employee, the Commission may pay for allowable expenses, such as the following:

(1) Transportation and per diem expenses incurred by a family member or other attendant

who must travel with the employee to make the trip possible;

- (2) Specialized transportation to, from, and/or at the TDY duty location;
- (3) Specialized services provided by a common carrier to accommodate the special need;
- (4) Cost for handling the employee's baggage that is a direct result of the special need;
- (5) Renting and/or transporting a wheelchair; and
- (6) Premium-class accommodations when necessary to accommodate the employee's special need, under FTR, Subpart B of Part 301-10.

Emergency Travel: (See FTR 301-30.1 for additional information.)

If any employee on TDY must return home because:

- (a) The employee becomes incapacitated by illness or injury not due to his/her own misconduct; or
- (b) The death or serious illness of a member of the employee's family; or
- (c) A catastrophic occurrence or impending disaster, such as fire, flood, or act of God, directly affects the employee's home.

The Commission may pay:

- (1) Per Diem at the location where the incapacitating illness or injury was incurred for a reasonable period of time (generally 14 calendar days);
- (2) Transportation and per diem expense for travel to an alternate location to receive treatment; or
- (3) Transportation and per diem expense to the employee's official station.

The Commission will not be responsible for any expenses if the illness or injury occurred at the employee's permanent duty station.

Chapter 4 - Non-Federal Source Travel (FTR 304)

Section 1353 of Title 31, United States Code, and EEOC Order 680.002 (InSite), authorizes the acceptance by agencies of payments for travel, subsistence, and related expenses from non-Federal sources in connection with the attendance of employees at certain meetings or similar functions.

1. Authorizing Non-Federal Source Travel

Before the Commission can authorize non-Federal Source Travel for any employee, the Office of Legal Counsel (OLC) must clear the non-Federal source.

2. Authorized Purposes of Non-Federal Source Travel (FTR 304-1.2(c) (3)

Non-Federal Source Travel should be authorized for conferences, seminars, speaking engagements, symposiums, training courses, or similar events that take place away from the employee's official station, and is sponsored or cosponsored by a non-Federal source.

3. Unauthorized Purposes of Non-Federal Source Travel

The Commission cannot accept payment from a non-Federal source for investigations, inspections, audits, site visits, negotiations, litigations, promotional vendor training or other meetings held for the primary purpose of marketing the non-Federal source's products or services.

4. Processing Non-Federal Source Travel

The following procedures should be followed when processing Non-Federal Source Travel authorizations and travel vouchers:

- A. A statement in the comments section of the travel authorization indicating that a non-Federal source will pay all or a portion of the employee's expenses, the source of the payment, the event being attended, and the date of the event;
- B. A copy of the written clearance from the Office of Legal counsel to indicate that a determination was made that the source is either a non-conflicting source or an approved conflicting source;
- C. A copy of the written offer from the non-Federal source indicating the types and amounts of expenses that it will pay, and how they will be paid; and
- D. A copy of the letter from the approving official of the non-Federal source informing the source that payment must be made to **EEOC** by check. The employee must attach written clearance documentation and letter from approving official to travel voucher. If the employee uses E2 the paperwork should be attached to the travel authorization.

Note: See AO/DRM or Transportation Program Manager for Non-Federal Source Travel Handbook.

5. Acceptable Payment and Reimbursement of Expenses

The non-Federal source is not limited to the maximum per diem rates for subsistence, but if the non-Federal source does not reimburse the Commission, the employee's reimbursement is limited to the per diem rate.

Traveler may use their individual Government Travel Card when arranging travel with the non-Federal Source.

6. Reimbursement from the Non-Federal Source

If payment has been received by the Commission from the non-Federal source the employee will be reimbursed for all actual expenses incurred, even if they are in excess of the maximum prescribed by the FTR. If the reimbursement from the non-Federal source exceeds the employees expenses, the monies must be returned to the non-Federal source immediately.

It is of the utmost importance that the non-Federal source reimburses the Commission immediately because the employees' reimbursable expenses will be limited to the authorized per diem rate if the Commission does not receive payment from the non-Federal source in a timely manner. Any expenses in excess of the maximum per diem rates will be disallowed until the non-Federal source reimburses the Commission.

7. Non Payment from the Non-Federal Source

The AO/DRM must write the non-Federal source requesting reimbursement if the non-Federal source does not reimburse the Commission within 30 days after the employee completes the travel. If payment has not been received after 120 days, the monies owed to the Commission may be referred for debt collection. Check with the Director, Financial Operations Division for information.

Chapter 5 - Travel Card Procedures

Introduction

These are the procedures to be followed by all employees participating in the Equal Employment Opportunity Commission (EEOC) Government Travel Card Program. In addition, this issuance addresses responsibilities of the employee and the EEOC's new travel charge card vendor, Citibank®.

Any employee who expects to incur EEOC authorized travel expenses at least 3 times a year is eligible to participate in EEOC's Government Travel Card Program, including employees who did not automatically receive a new travel charge card from Citibank®. Employees not participating, or traveling less than 3 times a year, may continue to request travel advances by filing a SF-1038, Advance of Funds Application and Account.

The completed and signed SF 1038 should be filed with the requester's AO/DRM who will forward it, not later than seven (7) workdays before the employee travels, to the Department of the Interior (DOI), National Business Center (NBC) for direct deposit to the employee's bank account.

Employees can also use their Citibank® travel charge card to order/buy travelers' checks either directly from Citibank® by calling Citibank® toll free at 1-800-790-7206 or at any financial institution.

Definitions

APPLICANT – First time government charge cardholder and/or prospective employee.

A/OPC/COTR – Agency Organization Program Coordinator/Contracting Officer Technical Representative – This individual serves as the focal point for answering management, task order administration, establishing and maintaining accounts, and issuance and destruction of card. The A/OPC/COTR oversees the card program(s) for his or her Agency/Organization and establishes guidelines.

BEACON SCORE – Developed in association with Fair Isaac Corporation and predicts the likelihood that an existing account or potential credit customer will become a serious credit risk.

Citibank® - Citibank® issues charge cards to EEOC employees.

CCPM - Charge Card Program Manager - - The CCPM helps set up accounts; serves as liaison between the cardholder and the card contractor; provides on-going advice; audits accounts as required; and keeps necessary account information current.

CREDIT SCORE - A credit score is a rating used by a lender to help determine whether you qualify for a particular credit card, loan, or service. Credit scores are determined using the information in your credit report, which is analyzed using a complex mathematical model to yield your credit score (www.econsumer.equifax.com).

CREDITWORTHINESS - An assessment of a consumer's past credit behavior that allows a potential lender to decide whether or not to extend credit.

EQUIFAX – The contractor OPM has suggested Federal agencies use to conduct credit worthiness evaluations for first time government travel charge cardholders.

e-PORT – A web based Internet secure channel system through Equifax used to obtain credit scores.

FAIR CREDIT REPORTING ACT (FCRA) - Federal law that regulates how credit reporting agencies use your information, and restricts who has access to your credit information and how that information can be used.

FAIR ISAAC CORPORATION - The developer of the FICO® score, a credit scoring model used by many creditors.

FICO – Fair, Isaac Corporation. A numerical score provided by a credit reporting bureau that is used to make financial decisions about consumers.

OCFO - Office of the Chief Financial Officer

OHR - Office of Human Resources

OMB – Office of Management and Budget

OPM-CFIS – Office of Personnel Management – Center for Investigative Service

RESTRICTED CARD – is a charge card similar to a Standard Card in purpose and functionality. Restricted card accounts generally have lower credit limits and are subject to more restrictions as to their use.

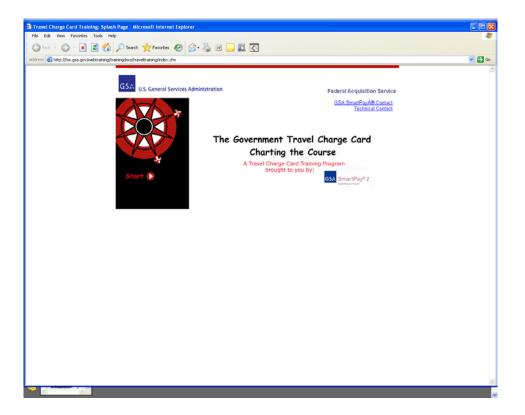
STANDARD CARD – An individually billed travel program charge card to be used for official travel-related services as specified in the GSA Master Contract and Agency/Organization travel directives.

How is a Citibank® Travel Card obtained?

The process for obtaining a Citibank® travel charge card under EEOC's Government Travel Card Program begins with the employee *completing* (emphasis added):

(1) GSA's online training on the use of travel charge card at

http://fss.gsa.gov/webtraining/trainingdocs/traveltraining/index.cfm;



- (2) An Employee Acknowledgment form to certify that you read, understood, agreed to abide by EEOC's Travel Card Program policies and procedures that are contained in this issuance;
- (3) The Fair Credit Reporting Act of 1970, as amended, Release Form; and
- (4) Citibank® Government Travel Card (Individually Billed Account) Setup Form, after reading the Citibank® Government Services Travel Card Program *Cardholder Account Agreement*.

The Employee Acknowledgment Form, Citibank® Government Travel Card (Individually Billed Account) Setup Form, Citibank® Government Services Travel Card Program *Cardholder Account Agreement*, and Fair Credit Reporting Act of 1970 release form are available as attachments to these procedures.

After completed and signed, the Employee Acknowledgment Form, Fair Credit Reporting Act release form, Citibank® Government Travel Card (Individually Billed Account) Setup Form, and copy of your certificate of completion of GSA's online *The Government Travel Charge Card Charting the Course* should be filed with your office's AO/DRM to forward to Landy Matson, DOI/NBC Charge Card Program Manager, fax: 303-969-7115, to have Citibank® issue you a Citibank® travel charge card.

[Note. Refresher Training. Section 3.4 of Chapter 3, Training, of Appendix B to OMB Circular A-123, requires, in pertinent part, cardholders must take refresher training, at a minimum, every 3 years. Circular A-123 further requires that this training must provide general information on traveling for the government and review how to use a travel card, including agency travel card policy and procedures, and proper card use. OMB further requires that training must also familiarize cardholders with the Federal Travel Regulation (FTR), specifically Part 301-51 – Paying Travel Expenses and Part 301-54 – Collection of

Undisputed Delinquent Amounts Owed to the Contractor Issuing the Individually Billed Travel Charge Card. If the approving official is not a travel cardholder, it is required that this individual take the same training as travel cardholders. Further information and instructions regarding EEOC's implementation of OMB's training requirement will be provided in a separate issuance.]

Creditworthiness

Introduction

The following describes the rules and responsibilities of EEOC officials involved in initiating, obtaining credit scores and evaluating the Credit Worthiness for all new government travel charge card applicants. The procedures describe the requirements for obtaining a credit score and provide options to applicants denied a charge card due to the outcome of their credit worthiness evaluation.

Objective

To provide means of credit worthiness that (a) are based on sound criteria for verifying an individual's credit score; (b) ensure the efficiency and integrity of charge card program by eliminating payment delinquencies, charge card misuse, fraud, and other forms of waste and abuse; (c) serve as an important internal control to ensure that charge cardholders are financially responsible; and (d) resist issuance of a charge card to applicants with a credit score lower than the minimum score of 660.

Background

The Executive Office of the President, Office of Management and Budget (OMB) issued Circular No. A-123 on August 5, 2005 to the Heads of Executive Departments and Establishments, to establish procedural guidance on management's responsibility for internal control and procedural guidance on specific control environments. OMB also provided guidance to Executive Branch agencies for implementing Section 639 of the Consolidated Appropriations Act, 2005 (P.L. 108-447), which requires agencies to conduct a credit worthiness assessment prior to issuing a government travel charge card.

Agencies have an ongoing requirement to evaluate the effectiveness of the actions taken to comply with the requirements of these procedures. Agencies must periodically evaluate the effectiveness of internal controls put in place to mitigate the risks of payment delinquencies and charge card misuse.

This document identifies procedures for obtaining credit scores (also referred to as BEACON Score) and evaluating the creditworthiness of applicants applying for government travel charge cards and defines the terms under which the Office of Personnel Management-Center for Investigative Service (OPM-CFIS) will assist EEOC in implementing credit worthiness requirements.

OPM-CFIS has established an agreement with Equifax (an OPM credit contractor) to provide a credit product that will meet the needs of OMB's mandate. Through this agreement, Equifax will provide credit risk results in the form of a BEACON Score, including reason codes describing the score. The BEACON Score was developed in association with the Fair Isaac Corporation (FICO).

References

OMB Circular No. A-123, Appendix B, August 5, 2005 Equifax – USOPM Credit Score Project, September 27, 2005 Section 639 of the Consolidated Appropriations Act, 2005 (P.L. 108-447) Federal Travel Regulation – Chapter 301 – Temporary Duty (TDY) Travel Allowances → §301-70.700 www.gsa.gov

Coverage

EEOC must assess the credit worthiness of all new government travel charge card applicants prior to issuing cards current cardholders (as of October 1, 2005, the effective date of Circular No. A-123, Chapter 6), are not subject to these requirements, except as stated below in the next paragraph.

A current cardholder who leaves government service and is reemployed is considered a new applicant for the purposes of credit worthiness requirements. A current cardholder who transfers from another agency and provides verification (bank statement, delegation of authority memorandum) of their cardholder status is exempt from this requirement. Cardholders with delinquent account balances from a previous government issued card will be required to satisfy their existing obligation before a new card can be issued.

Creditworthiness Assessment

Credit worthiness assessments are an important internal control to ensure that charge cardholders are financially responsible. Prior to EEOC initiation of a credit score search, each employee and/or prospective applicant is required to sign a Fair Credit Reporting Act (FCRA) release form authorizing EEOC to access the credit score. A credit worthiness assessment must be conducted for restricted cardholders before the cardholder is issued a renewed card. Applicants who were denied a charge card due to the outcome of their creditworthiness evaluations can be re-evaluated after six months or at a time deemed most appropriate by the agency. All cardholders are subject to a new creditworthiness assessment before any current restrictions are lifted.

Access to Credit Score Information

The EEOC Office of Human Resources (OHR) Personnel Security Officer will request credit score information through a web-based program offered by Equifax. The full credit file of the applicant will not be displayed or available for viewing. Once registered by OPM-CFIS, EEOC will have direct Internet access through Equifax's e-PORT system.

OPM-CFIS will establish an account in Equifax's e-PORT through a secure channel that will provide an identification number, user identification, and password. OPM-CFIS will serve as the primary account holder and EEOC will have its own accounts and identification numbers. Once OPM-CFIS has established the primary account, EEOC can establish its own unique identification and passwords. The OHR Personnel Security Officer will access credit scores for charge cardholders from Equifax's e-PORT system.

EEOC will have direct access to e-PORT and will establish its own user identifications and passwords under OPMC-CFIS sub-account. This will enable the OHR Personnel Security Officer to request credit scores independently and receive results instantaneously. The OHR Personnel Security Officer will place requests for credit scores by accessing e-PORT's customer login screen.

- (a) EEOC will enter its user identification and password.
- (b) Once logged in, EEOC will request to access a new report for the credit score.
- (c) EEOC will then be prompted to enter subject's search criteria information.
 - i. Subject's Last Name
 - ii. Subject's First Name
 - iii. Social Security Number
 - iv. Current Address Information

Processing and Filing Orders

E-PORT receives the requested information, conducts the search, and transmits the credit score information directly back to the agency instantaneously.

Roles and Responsibilities

The roles and responsibilities associated with the credit assessment and card issuance processes are defined below. These roles are intended to separate responsibilities to ensure that no individual office or individual has sole authority to conduct credit worthiness evaluations of an employee and/or prospective applicant. Individual roles and responsibilities are:

Office of the Chief Financial Officer (OCFO)

Manages EEOC's charge card programs.

The Charge Card Program Manager (CCPM)

- Verifies that authorized officials have approved all government travel charge card requests.
- Oversees and administers the established guidelines for the EEOC travel charge card program.
- Sets up accounts.
- Transmits requests to OHR.
- Provides program reports.
- Provides on-going advice and resolves operational issues.
- Audits travel card accounts.
- Keeps necessary account information current.
- Submits government travel charge card application to Citibank® for processing.
- Notifies employee of application process.
- Activate/Deactivate and close charge card accounts.

Office of Human Resources (OHR)

• Identifies positions with duties and responsibilities that require a government travel charge card.

- Verifies the identity of applicants requesting credit scores.
- Ensures that applicants have signed a credit release form before requesting a credit score.
- Assesses credit scores through OPM portal.
- Maintains the confidentiality of applicant's credit scores.
- Communicates type of card, "standard" or "restricted," to CCPM to issue.
- As applicable, verifies credit scores obtained that are less than 12 months old.
- Establishes and protects unique identification and passwords used for accessing credit scores.
- Maintain records of credit worthiness evaluations and charge card histories, consistent with the requirements of the Privacy Act.
- Serves as liaison between the credit card contractor OPM-Center for Investigative Services (OPM-CIS) and Equifax (an OPM credit contractor).

OPM-Center for Investigative Services (OPM-CFIS)

- Establishes an agreement with Equifax to provide a credit product that meets the needs of OMB's mandate. Equifax has a secure Internet access channel through e-PORT.
- Provides EEOC with an Equifax account that provides credit risk results in the form of a BEACON score.
- Serves as the primary account holder.
- OPM-CFIS assumes no responsibility for the results of the credit score. Applicant must deal directly with the appropriate credit bureau to resolve any issues.

Government Travel Charge Card Applicants

- Request internal office approval before requesting a government travel charge card.
- Complete and sign an application for government travel charge card.
- Complete and sign a Fair Credit Reporting Act (FCRA) release form and a Employee Acknowledgement form.
- Complete GSA online training "The Government Travel Charge Card Charting the Course" and print training certificate upon completion.
- Initiate requests for a standard card after restrictions are lifted.

Condition of Employment

As a condition of employment at the EEOC, employees and/or prospective applicants **SELECTED FOR** positions requiring a government travel charge card will be subject to a credit worthiness evaluation process. Existing employees who are first time applicants **must** have a credit worthiness evaluation prior to issuance of a government travel charge card. EEOC **positions subject to credit worthiness procedures**

include: Attorney – Examiners, Financial Analysts, District Directors, General Attorneys, Investigators, Supervisory Investigators, Mediators, Regional Attorneys, Office Directors, Paralegal Specialists, Program Analysts, Supervisory Trial Attorneys and Trial Attorneys.

Credit Worthiness Application Process

As part of the hiring process, applicants selected for employment with EEOC, and whose duties require travel, must apply for a government travel charge card and sign a release form (see attachment) permitting authorized EEOC officials to obtain a credit score. (This information can be obtained at www.gsa.gov Federal Travel Regulation - Chapter 301 - Temporary Duty (TDY) Travel Allowances \Rightarrow §301-70.700).

The following steps apply to applicants applying for a government travel charge card:

- Obtain internal office approval to obtain travel before requesting a charge card.
- Completed government travel charge card application, Employee Acknowledgement and FCRA release forms are forwarded to AO/DRM along with the GSA Government Travel Charge Card training completion certificate and cardholder agreement.
- CCPM provides OHR with travel card application and signed FCRA release form.
- OHR obtains credit score and notifies CCPM of card to be issued.
- CCPM submits application request to CITIBANK for processing.
- Citibank® issues plastic card to employee via mail, with a letter identifying the card type "standard" or "restricted."

The Citibank® charge card does not affect a cardholder's credit score. The cardholder should not disclose a government charge card on loan applications. Unless the account is charged off, the charge card will not show on a cardholder's credit report. Citibank® reports charged off accounts.

Standards for Issuing Government Travel Charge Card

In order for a first time applicant to receive a card to which standard restrictions apply, a credit score must be obtained for that employee. The numerical score indicates the credit risk level associated with a specific credit applicant. Credit scores obtained during any other process of background clearance that are less than 12 months old may also be used. Such restrictions may include one or more of the following actions:

- Reduce the overall dollar limit (\$1,500.00) for the card;
- Limit (or further limit, if applicable) the types of transactions allowed;
- Limit (or further limit, if applicable) the dollar amount of transactions that can be applied to the card within a particular time period;
- Limit (or further limit, if applicable) the length of time a card remains active, such as for the length of time in travel status only; and/or
- Restrict (or further restrict, if applicable) use at ATMs (cash limit of \$200.00).

When Credit Scores are Not Accessible

The following option is available if obtaining a credit score is not possible (e.g., the applicant refuses to provide consent or does not have a credit history) and the employee/applicant is not otherwise eligible for a charge card issued under these guidelines. Individual travelers may pay out-of-pocket for travel expenses and submit travel vouchers for reimbursement on return. Travel vouchers must be completed within five business days upon return from travel. Employees who cannot obtain a government travel charge card may request a travel advance. Travel claims must be submitted to the appropriate AO/DRM for the required approving official's signature. Travel Advances may be requested within 15 days of travel at the earliest. The amount requested cannot exceed 80% of the travel estimate, excluding airfare.

Denial of Government Travel Charge Card Based on Credit Scores and Credit Worthiness Evaluations

Applicants who are denied a charge card due to the outcome of their creditworthiness evaluations can be reevaluated no sooner than six month after their application has been denied. Requests for re-evaluation must be submitted to the Chief Financial Officer. Such requests contain an updated score showing acceptable credit scores, consistent with the implementation procedures for the creditworthiness for the travel card.

Disputes

OPM-CFIS is not responsible, and should not be contacted, for questions concerning the credit scores or any determinations that EEOC makes as a result of the credit scores obtained. Applicants who are denied a travel charge card based on credit scores obtained under these guidelines, and believe that the determination was made in error, may request a copy of their personal credit score from the corresponding credit bureau in the region where the applicant reside. As appropriate, cardholders or applicants may call: *Equifax* at 1-800-685-1111.

How is the travel card to be used?

Employees who participate in the EEOC Government Travel Card Program will, to the extent possible, utilize the charge card to pay for major expenses connected with all official government travel (e.g., lodging, meals, automobile rentals, and transportation tickets.)

Charges made to your Citibank® travel charge card account for transportation tickets will be diverted to the Equal Employment Opportunity Commission's (EEOC) Centrally Billed Account (CBA) for payment by the EEOC. This CBA is also known as a diversion account. You must continue to obtain prior approval and authorization of official travel in the same manner as you have in the past.

When making travel reservations contact the Travel Management Center (TMC) which is currently Carlson Wagonlit by telephone toll free at 866-654-5522 or use Carlson's online website at the following address: www.cwgt.com and provide them with your Citibank® travel charge card account number for airline or train tickets. Note: you cannot use the online site for train tickets.

We advise you to make reservations as soon as you are aware of your travel plans. Do not provide a travel order number to the TMC at the time you reserve the trip. A copy of the travel order must be faxed to the TMC with the travel order number. The TMC will issue tickets when the travel order number is received.

When the tickets are issued and charged against your account, the charges will be diverted to the EEOC's Diversion Account and will appear as "Memo Items" on your cardholder statement. The diverted charges will not be included in your balance to be paid by you. EEOC will pay for these charges. Unused or partially used tickets should be immediately returned to the issuing TMC for credit to EEOC. In addition, you must continue to follow other travel requirements such as the use of contract city-pair airlines, automobile rental contracts, etc.

Does issuance of the charge card mean a change to the current travel authorization procedures?

You must continue to obtain prior approval and authorization of official travel in the same manner as you have in the past. Other travel requirements such as the use of contract city-pair airlines, automobile rental contract, etc., also must continue to be observed fully. Continue to make travel arrangements through the TMC.

How will cardholders receive travel advances?

Employees participating in the EEOC Travel Card Program can receive travel advances through the ATM or Travelers Checks using their Citibank® travel charge card. Travel advances are to be used for meals and miscellaneous subsistence expenses. When it can be ascertained that the selected place of lodging does not accept the charge card, the amount advanced per day of travel should be increased in an amount equal to the cost of said lodging, not to exceed the statutory limit.

Travelers Check Advances must be approved on the Official TDY Travel Authorization. **Block 25** of the Official TDY Travel Authorization must state the amount of the travelers check advance authorized "example is **TC \$350.**" A SF-1038, Advance of Funds Application and Account, form is <u>not</u> necessary for travelers check advances. After the approval is given for the advance, the traveler's checks can be obtained by calling Citibank® toll free at 1-800-790-7206.

The traveler's checks will be mailed by Citibank® to the required address. If the traveler's checks are needed immediately, the cardholder can go to any financial institution, including Citibank® or Thomas Cook offices to purchase travelers checks with their Citibank® travel charge card to pay for the transaction.

Whether ordering by phone or purchasing in person, the amount of the travelers check advance and the purchasing or processing fees will be billed to the employee's Citibank® travel charge card account and will be payable as part thereof.

When you purchase travelers checks, you will receive a receipt for the purchase fee. Keep this receipt. When you prepare your travel voucher at the end of the trip, you will need to attach the receipt to receive reimbursement. If you do not receive a receipt, or lose the receipt, you must put a statement on the travel voucher explaining that you did not get a receipt or it was lost.

The Federal Travel Regulations, based on a contractual relationship between the Federal Government and Citibank®, specifically preclude reimbursement of travelers check fees associated with check withdrawals for official travel <u>except</u> when obtained by the Citibank® travel charge card. If you choose to use a personal bankcard to obtain travelers checks, any associated service fee <u>cannot</u> be reimbursed to you.

Since travelers checks are prepackaged, the total purchased can be rounded to the nearest denomination approved on the travel authorization.

ATM Travel advances must be approved on the Official TDY Travel Authorization. **Block 25** of the Official TDY Travel Authorization must state the amount of the ATM advance authorized "example is **ATM \$200."** A SF-1038, Advance of Funds Application and Account, form is <u>not</u> necessary for ATM advances.

Cash can be obtained at over 170,000 ATM's in the U.S., which accept Citibank® travel charge cards. Internationally, there are approximately 275,000 ATM's that accept the Citibank® travel charge card. The ATM locator service is available by dialing 1-800-VISA-911. The service is available 24 hours per day /7 days per week.

The EEOC ATM Dollar Limits for a standard issued travel card are as follows:

DAILY	\$500
WEEKLY	\$1000
MONTHLY	\$2500

ATM dollar limits can be increased for special circumstances. Requests should be forwarded to the Charge Card Program Manager (CCPM) at landy_V_Matson@nbc.gov. Requests for increases should include a justification and a copy of the approved TDY Travel Authorization.

ATM advances and service charges will be billed to the employee's Citibank® account and will be payable thereof. The only fee charged by Citibank® is 2.25 % transaction fee. Some financial institutions assess a surcharge for withdrawing cash from their ATM's. These fees will vary depending on the particular financial institution.

Since the Citibank® does not assess a surcharge, the additional fee is charged to the amount of your withdrawal at the time of the transaction and will appear on your statement as part of the advance, i.e., Advance \$200, and \$1 fee will be billed as \$201.

The Federal Travel Regulations, based on contractual relationships between the Federal Government and Citibank®, specifically preclude reimbursement of ATM fees associated with cash withdrawals for official travel <u>except</u> when obtained by the Citibank® travel charge card. If you choose to use a personal bankcard to obtain cash, any associated service fee <u>cannot</u> be reimbursed to you.

When you obtain a travel advance from an ATM, you will receive a receipt indicating the date, location of the ATM and the amount of the transaction. Keep the receipt. When you prepare your travel voucher at the end of the trip, you will need to attach the receipt to receive reimbursement.

If you lose your ATM receipt, you must put a statement on the Travel Voucher explaining that your receipt was lost. The statement must include the amount of the withdrawal, date of the withdrawal, and place of withdrawal (city, state, and bank).

If you obtain an ATM advance and the trip is canceled, you should send a check to Citibank® for the advance upon receipt of your bill. To be reimbursed for your ATM fee, you may submit an approved Claim for Reimbursement for Expenditures on Official Business (SF-1164) with an attached copy of the canceled Travel Authorization for reimbursement. ATM cash advances will appear with other travel expense transactions on your monthly Citibank® statement. Your entire card balance, including the cash advance is due upon receipt of the statement. You will be solely liable for the payment of both the amount of the withdrawal and the reimbursable transaction fee.

Employees are reminded that the burden is on them to notify Citibank® on 1-800-790-7206 concerning potential errors in ATM travel advance billings. Contact Landy Matson, CCPM via email at landy_V_Matson@nbc.gov if you cannot pay your bill due to a delay in receipt of your travel voucher reimbursement. The coordinator will contact Citibank® and research the reimbursement delay.

It is the policy of EEOC that access to cash via the Citibank® Cash Advance Program will be solely for the purpose of obtaining an advance of funds for officially approved travel. Therefore, the following are specifically **prohibited**:

- Withdrawals of cash for any other purpose other than a travel advance;
- Withdrawals of cash not supported by a properly signed Travel Authorization form, or an after-the-fact supervisory approval (on the Travel Voucher) of emergency withdrawals while on travel;
- *Withdrawals of cash in excess of the authorized travel advance amount on the Travel Authorization:
- Withdrawals of cash earlier than three (3) business days prior to the departure date or after the day travel end;
- Withdrawals of cash for a specific trip after the last day of travel; and
- Withdrawals of ATM funds to pay for lodging expenses or common carrier tickets are not allowed. Lodging should continue to be charged to the employee's Citibank® travel charge card, and common carrier tickets should continue to be purchased through the TMC.

What are the restrictions that apply to the use of the Citibank® Travel Cards?

You <u>may not use</u> the Citibank® travel charge card to pay for personal travel expenses or for any purpose that is not related to travel which you have been authorized to take in order to conduct <u>official</u> government business. The card should not be used at your permanent duty station. Reports of all card charges are sent to the CCPM and reviewed for proper utilization.

EEOC has established a standard issued card ceiling for each billing cycle of \$4,500. If it is determined that the ceiling is insufficient for an extended TDY assignment, the ceiling can be increased for the employee by office directors sending requests via email to CFO. The CFO will forward approved requests to the CCPM for processing. In some cases, it may be impossible to prevent a mixing of personal and government expenses appearing on the same bill (i.e., personal telephone calls appearing on a hotel bill). No problems would be created by use of the charge card for these types of expenses.

The only charges that will come under scrutiny will be those that appear clearly inappropriate (i.e., charges for restaurants at your official duty station). In these cases, the CCPM will ask the employee to provide an explanation for the items being questioned. Use of the card for personal expenses may result in cancellation of the card and/or disciplinary and adverse action, as appropriate. **Disciplinary or adverse actions involving a bargaining unit employee** shall be taken in accordance with the requirements of articles 38 and 39 of the Collective Bargaining Agreement. **For non-bargaining unit employees**, **disciplinary or adverse actions will be taken in accordance with EEOC Order 570.001, Disciplinary Actions (non-bargaining unit employees) and EEOC Order 570.002, Adverse Actions (non-bargaining unit employees.)**

Any debt with Citibank® will be considered a personal debt, and like other personal debts, should be paid in a proper and timely manner. A 2.5% late fee is applied to individually billed travel card accounts when balances go 120 days past due. The late fee will be charged every month until the account is paid. Disputed charges will not be considered overdue and would not be charged the late fee.

If a disputed charge is determined payable by the cardholder, the cardholder is responsible for paying the charge when the determination is made. EEOC will receive reports from Citibank® showing overdue individual account balances exceeding 56 days. The CCPM will forward memoranda to the individual overdue account cardholders, reminding them of their responsibility to clear their overdue balances.

How are cardholders billed?

A separate account is established in the name of each individual government cardholder. Each month on the **15th**, Citibank® will mail a statement directly to the cardholder. To remain current, the cardholder will be expected to send their payment to Citibank® <u>in full</u> within 30 days. The cardholder is liable for all charges that they have incurred, regardless of whether they exceed the amount that they are entitled to be reimbursed.

For example, if a cardholder charges \$70 in meals, but is only entitled to be reimbursed \$30, the cardholder is still responsible for paying in full the amount of the charges. Please note that all cardholders will receive a detailed statement on billing and paying procedures, as well as instructions on how to request billing adjustments and corrections with their card.

Disputed charges or other billing problems may be reported by calling the Citibank® Government Card Services toll-free number 1-800-790-7206.

The following sequence of Citibank® billing events is provided for your information:

1. The statement is mailed on the 15th of each month and is due within 30 days of the statement date.

- 2. On the 45th day the bill is considered past due if the undisputed principal amount has not been paid/received.
- 3. On the 55th day Citibank® will provide on-line to the EEOC A/OPC the Pre- Suspension/Pre-Cancellation Report.
- 4. On the 61st day the card is suspended.
- 5. On the 126th day the card is canceled if the undisputed principal amount has not been paid / received by Citibank®.

Credit Bureau Reporting for Individually Billed Accounts (IBAs)

Citibank® reports any individually billed travel account that is in a charged off (accounts with a past due balance that is 180+ days past the billing cycle date in which the charge first appeared) status. In addition, all canceled individually billed travel accounts may be reported as well. For both types of accounts, the reports will be sent to Equifax, Experian, and TransUnion consumer credit bureaus.

Keep in mind, a cardholder (regardless of agency) whose travel card account is canceled but has not yet charged off, can **AVOID** being reported to credit bureaus if the account is paid in full prior to charge off. The following criteria apply:

The account is in a canceled status, but has not yet charged off.

The account balance must be paid in full prior to the account being charged off. To clarify, Citibank® must receive and have posted the payment to the account via normal payment methods (cardholders should allow at least 10 business days mailing time).

There will be no extensions or exceptions to the bank's Credit Bureau Reporting policy.

Even though canceled accounts that meet the above criteria will not be reported to the credit bureaus, these cardholders will not be reissued new cards.

Are employees reimbursed on time to pay the Citibank® bill?

Each participating employee upon return from travel should submit a travel voucher. Vouchers should be submitted within 10 workdays after the employee returns to his or her permanent duty station. The preparation of travel vouchers may be completed during official duty hours of the employee. Vouchers should be completed as expeditiously as possible in order that payment may be facilitated.

EEOC will ensure prompt reimbursement to the participating employee of all authorized expenditures that have been claimed. In the event that an employee who has submitted a travel voucher in accordance with paragraph one above has not received such reimbursement within seven days before the charge card bill is due, he or she may inform either his or her supervisor or the CCPM.

If the employee informs the supervisor, the employee's supervisor should promptly notify the EEOC A/OPC of the delay. Upon receipt of such notification, EEOC will complete all agency processing of the employee's voucher within seven days of the notification so that the U.S. Treasury can make the direct deposit payment.

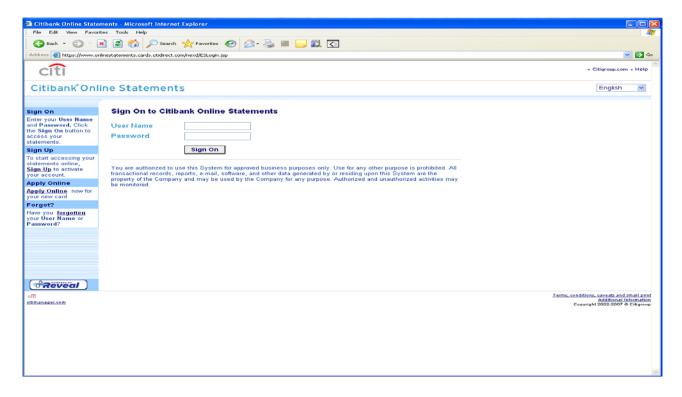
If an employee has submitted a travel voucher in accordance with paragraph one above and any portion of the voucher is disputed by EEOC, EEOC will promptly reimburse the employee the undisputed portion of the claim. Transportation charges improperly charged to the employees personal Government issued Travel Card are not disputable and should be paid promptly.

[Note: EEOC cannot reimburse an employee for purchase of transportation unless EEOC has received credit on previously purchased tickets for the same trip.]

If a bill is not paid on time, Citibank® will send the employee a series of reminder notices. Repeated failure to pay the bill on a timely basis after reimbursement from EEOC has been received may result in the charge card being canceled.

Can I pay my Citibank® bill online?

Yes. Citibank® travel card cardholders can make timely and secure payments online at https://www.onlinestatements.cards.citidirect.com anywhere at anytime, 24 x 7. (Below is a reduced depiction of Citibank's webpage for Citibank® cardholders to review their statements and make payments against their Citibank® account(s).)



A quick reference guide regarding reviewing and making payments online against your Citibank® travel card account is attached to these procedures.

What specific features and protections are available to Citibank® government travel charge card cardholders?

Citibank has agreed not to:

- Request or require any employee to divulge to the EEOC or the Contractor, any credit information or history;
- Release any information pertaining to or arising from the issuance, use, or cancellation of a
 contractor issued charge cards to other agency, private company, or individual without the written
 consent of the cardholder;
- Sell or otherwise provide employee names or addresses to other commercial interests;
- Charge membership fees;
- Include commercial advertisements or other forms of solicitation with monthly billing statements; or
- Issue or cancel employee cards without the acknowledgment given by Citibank® to authorized employing EEOC officials.

Can EEOC or Citibank® withdraw a card once issued?

Yes, a travel card can be withdrawn by EEOC or Citibank® if any employee fails to pay a valid bill or utilizes the card for personal expenses. The employee will be provided with a reasonable opportunity (NTE 44 days) to pay a valid bill placed on the charge card.

What happens to the card when an employee transfers within the Commission?

The employee should notify the CCPM in writing at immediately when they are transferred from one office to another. The CCPM e-mail address is landy_V_Matson@nbc.gov. The employee should also notify Citibank® toll free number 1-800-790-7206. The notification is necessary in order for internal management reports and mailing addresses to be kept current.

What happens to the card when an employee leaves, retires, or transfers to another government agency?

When a participating employee leaves the employ of EEOC, he or she will cut the charge card in half and return both halves to his or her immediate supervisor and/or servicing personnel officer.

Where can cardholders get answers to additional questions as they arise?

Any questions related to your account may be referred to the Citibank® toll free number 1-800-790-7206.

Travel Card Forms and Disclosures:

ADVANCE OF FUNDS APPLICATION AND ACCOUNT	1. TYPE OF ADV ANCE CASH	2. TYPE OF TRAVEL TEMPO- RARY PERMA- NENT	3. NAME (Lass 5. TELEPHON	at, first, middle initial) E NUMBER(S)	r		6. SOCIAL SECUR	4. ACCOUNT NO. TY ACCOUNT NO.
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information required suspension of your ad	may result in	delay or						DATE
10. APPROVAL	SIGNATURE AND	TITLE OF APPROV	ING OFFICIAL	DATE	APPROVED	11. APPR	OPRIATION TO BE O	CHARGED
12. REMARKS	3					3. CASH RECEIVED	PAYMENT	DATE
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			NAME			,	ACCOUNT NO.	
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DATE	FROM	то	voucher number)	VOUCHER TOTAL	AMOUNT PAID EMPLOYEE	ADVANCED	REPAID	BALANCE DU
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STANDARD FORM 1038 BACK (REV. 10-77





GOVERNMENT SERVICES TRAVEL CARD PROGRAM CARDHOLDER ACCOUNT AGREEMENT

MPORTANT: BEFORE YOU SIGN OR USE THE GOVERNMENT CARD. READ THIS AGREEMENT THOROUGHLY, PLEASE RETAIN THIS READ THIS AGREEMENT THOROUGHLY, PLEASE RETAIN THIS AGREEMENT FOR YOUR RECORDS. In this Agreement ("Agreement"), "Card" means the enclosed Citibanks "Government liqued Card (and all replacements) issued by Citibanks (South Diakota), NA (which will be referred to as the "Bank") under the General Services Administration (SSA) contract no. GS-29-10003 ("ESA Contract"). "Agency Organization" means the United States federal agency, bureau, division, office or other organizational entity that has requested authorized the Bank to open an account for me. The words "!", "me", "my" and "mine" refer to the Agency/Disparization employee named on the Card and who has agreed to be bound by this Agreement.

(1) THIS AGREEMENT

By activating, signing or using the Card or the account established in connection with it ("Account"), I am agreeing to the terms of this Agreement. I if I do not agree to the terms of this Agreement, I will just the card in half and return the pieces to the Bank before using the Card. I agree that I will be bound to the terms of this Agreement to the extent that I use the Card.

USE OF THE CARD

(2) USE OF THE CARD

Charging and cash advance privileges (if allowed) on the Card and Account are provided by the Bank pursuant to the CSA Contract and the task corder of my Agency/Organization and are subject to this Agreement. I agree to use the Card only for official travel and official travel related expenses away from my official station/duty station in accordance with my Agency/Organization policy. I agree not to use the Card for personal, family or household purposes. I understand that the Card for personal, family or household purposes. I understand that the Card for personal, family or household purposes. I understand that the Card is not transferable and will be used by me alone only after I have signed the Card on the back above the words "authorized signature." Unless canceled, the Card will be valid through the expiration date printed on its face. By agreeing to the terms of this Agreement, I am requesting that the Bank will continue to issue renewal Cards until my Agency/Organization or I tell the Bank to stop. Charging and cash advance privileges will be automatically withdrawn: (i) upon request of the U.S. Government; (ii) upon termination of my employment with my Agency/Organization; (iii) upon termination of my employment with my Agency/Organization; (iii) upon termination of the GSA Contract anglor task order between the Bank and the Agency/Organization; (ii) if the card is reported lost or stolen; or (v) as noted in Section 10 of this Agreement.

(3) LOSS, THEFT OR UNAUTHORIZED USE

I agree to notify the Bank and my Agency/Organization immediately of any loss, theft or unauthorized use of the Card or Account. I will notify the Bank, by phone at 1-800-700-7206, foll free in the Confinental United States, Hawaii, Alaska, Virgin Islands, Puerto Rico, or Canada, or collect at 004-964-7950 outside these areas. I will notify Agency/Organization if directed. If my Card is returned to me after I have notified the Bank, I agree not to use the Card. I will not be liable for unauthorized charges that are made on my Card.

(4) PAYMENT

(4) PAYMENT

The Bank will provide me monthly with a billing statement, which sets for th billing data with respect to all my charges, cash transactions and fees relating to the Card and Account. My billing statement is due and payable, in full, upon receipt of the statement but must be received by the Bank no later than 25 calendar days from the closing date on the statement in which the charge appeared. Certain charges may be billed directly to my Agency/Organization and will appear on my billing statement as a memorandum item only. In the event these charges are later billed to my Account, I agree to pay such charges in full. Payments must be made in U.S. currency, in electronic form or with a money order payable in U.S. dollars, or with a draft or a check drawn on a bank in the U.S. and payable in U.S. dollars. If the Bank decides to accept a payment made in some other form, payment will not be credited to my Account until my payment is converted into one of the forms just mentioned. The Bank may accept late payment in full or with other restrictive endorsements without losing any rights under this Agreement or under the law.

(5) CHARGES MADE IN FOREIGN CHERENCIES

CHARGES MADE IN FOREIGN CURRENCIES

A Information on Foreign Corrency Conversion Procedures: If I make a transaction in a foreign currency, other than a cash advance made at a branch or AIM of one of the Bank's Citical and the convertible of the same of the Bank's Citical and Visa will act in accordance with their operating regulations or foreign currency conversion procedures then in effect. MasterCard currently uses a conversion rate in effect one day prior to its transaction processing date. Such rate is either a wholesale market rate or the government-mandated rate. Visa currently uses a conversion rate in effect on its applicable central processing date. Such rate is either a rate it selects from the range of rates available in wholesale currency markets, which may vary from the rate it receives, or the government-mandated rate. If a cash advance is made in a foreign currency at a branch or AIM of one of the Bank's affiliates, the amount will be converted into U.S. dollars by a Chi affiliate in accordance with its foreign currency conversion procedures then in effect. The Bank's Citi affiliate currently uses a conversion rate in effect on its applicable processing date. Such rate is either a mid-point market rate or the government-mandated rate. The foreign currency conversion rate in effect on the sale or posting date on my billing statement.

B. Iransaction may differ from the rate in effect on the sale or posting date on my billing statement.

B. Iransaction free indicated in the accompanying Table of Fees and Charges. The total foreign currency transaction fee indicated in the accompanying Table of Fees and Charges. The total foreign currency transaction fee indicated in the accompanying Table of Fees and Charges. The total foreign currency transaction fee indicated in the accompanying Table of Fees and Charges. The total foreign currency transaction fee indicated in the accompanying Table of Fees and Charges. The total foreign currency transaction fee indicated in the accompanying Table of Fees and Ch

(6) DISHONORED CHECKS

If any money order, check or draft is delivered to the Bank and cannot be processed, or is not honored for its face amount when presented, I

agree that the Bank may impose as liquidated damages for its costs a charge of \$15.

BILLING INQUIRIES/PROBLEMS WITH GOODS AND SERVICES (7) BILLING INQUIRIES, PROBLEMS WITH GOODS AND SERVICES If I have any question, problem or dispute about the billing statement, I will notify the Bank in writing or by telephone, within 60 days of the billing date on the statement. The Bank will take all reasonable and appropriate steps to provide the information I request or resolve my dispute. I understand that I cannot hold the Bank accountable, and the Bank is not responsible, for problems such as malfunctions, failures due to lack of quality, or offer defects relating to the goods or services that I purchase with my Card or Account. In these types of disputes, I must pay the Bank the charge and settle my dispute with the establishment where the goods or services were purchased. The Bank will not be responsible if any establishment refuses to honor the Card, or for any other problem I may have with such establishment.

(8) PURCHASES AND CASH ADVANCES

PURCHASES AND CASH ADVANCES

A <u>Purchasees</u>: I understand that I may use the Card or Account for purchases: wherever the Card is honored, in accordance with my Agency (Degarization's policies and procedures.

B. <u>Cash Advance</u>: My Agency (Organization may approve my Card or Account for cash advance privileges. This will enable me to use my Card to obtain cash from automated teller machines ("AITMA") operated by a bank, other institutions, or a Cibbank branch teller, when authorized by my Agency (Persentation).

C. <u>Gash Advance Transaction Fee</u>: Each time I use my Card to obtain cash from an AIM, I will be assessed a transaction fee of 2.20% or lower. If my Agency/Organization has negotiated a lower fee, the lower amount will apply. The transaction fee

a lower fee, the lower amount will apply. The transaction fee will be billed to me on my billing statement. In some cases, a surcharge may be imposed by ATM operators.

D. Personal Identification Number. If I am approved for cash advance provinges, I will receive a confidential number code. This code is my personal identification number ("PIM"). To obtain cash from an ATM, my PIN must be entered into the ATM after I insert my Card. I agree to take all reasonable precautions to prevent any other person from learning my PIN or using card or on any material I keep with the Card. I agree that if I voluntarily give the Card and my PIN to say Card or on any material I keep with the Card. I agree that if I voluntarily give the Card and my PIN to someone else for any reason. I am authorizing all transactions made by that person.

E. My Athlite to Get Cash at an ATM or Citibank Branch Bank:

E. Ms Ability to Get Cash at an ATM or Citibank Branch Bank.
Any limits for obtaining cash are set by the Agency's/
Organization's policy. Limits on the number of and the dollar amount of transactions may be restricted by the operators of the ATM.

F. <u>Citibank (South Daketa)</u>. N.A. <u>Card Liability</u>. The Bank will not be liable for any losses or damages resulting from any use or attempted use of the cash advance privileges including, but not limited to, situations where:

ATMs or any computer systems, including Citibank systems, do not work properly;

ATMs do not have enough cash;
 Or circumstances beyond the control of the Bank.

(0) TRAVELLERS CHEQUES

A. <u>Purchases</u>: My Agency/Organization may approve my Account for travellers cheque purchases. This will enable me to make purchases of American Express travellers cheques through my Card or Account. A fee of 3% will be applied.

B. Loss. Theft or Unauthorized Use: I agree to notify American Express, immediately at 1-800-721-7292 free in the United States, Virgin Islands, Canada, and Puerto Rico these areas of any loss, theft or unauthorized use of my travellers cheques.

(10) SUSPENSION AND CANCELLATION

The Bank may suspend or cancel my Card or Account privileges as set forth in this Section 10.

Bank may suspend or cancel my Card or Account privileges as set the in this Section 10.

A Suspension: My Account is considered delinquent if payment for the undisputed principal amount has not been received 45 calendar days from the closing date on the billing statement in which the charge appeared. I will receive notification from the Bank requesting payment of the undisputed past due amount. If payment has not been received 55 calendar days from the closing date, my Agency/Organization and I will be notified that the suspension process will be initiated. My Agency/Organization and I will be notified of a point of consta-tio assist in resolving the past due account. If payment for the undisputed principal amount has not been received 61 calendar days from the closing date, my Account will be suspended, unless otherwise directed by my Agency/ Organization. My Agency/Organization or the GSA Contracting Officer has the nofit to suspend my Account to the Bank, my Account will be reinstated.

B. Cancellation: My Card or Account may be canceled it: (i) my Agency's/Organization's permission to cancel; (ii) my Account is past due for the undisputed amounts 100 calendar days past the closing date and all suspension procedures have been met by the Bank; (iii) my Account has been suspended two binnes during a 12-month period for undisputed amounts and is past due again. My Agency/ Organization and I will be notified that the cancellation process will be initiated. If payment for the undisputed amounts has been suspended they binnes during a 12-month period for undeputed amounts and is past due again. My Agency/ Organization and I will be notified that the cancellation process will be initiated. If payment for the undisputed amounts due to otherwise directed by my Agency/Urganization, or jury my Account has been pad with checks returned by my financial institution may be reported to credit reporting agencies if my incommended they be reported to credit reporting agencies if my







62132 7/14/08 11:21 AM Page 2



Account is canceled. I will surrender the Card upon request to my Agency/Organization. I understand that use of the Card or Account after its cancellation will be considered fraudulent and may cause the Bank to take legal action against me.

and may cause the Bank to take legal action against me.

Late Fee and Reinstattement of Canceled Accounts: The
Bank may reinstate canceled Accounts upon payment of the
Bank may reinstate canceled Accounts upon payment of the
undisputed principal amount and late fee. The late fee is 2.5%,
per month on the entire undisputed principal amount until my
payment is received by the Bank. The Bank may conduct a
credit worthiness check on me prior to reinstatement of my
canceled Account. If my Agency/Doganization has negotiated
a reinstatement fee. I will be charged that fee upon
reinstatement. Late fees are assessable against my cancelled
Account irrespective of whether the Bank reinstates it.

We have at Several to the procedure Bank reinstates it.

Account irrespective of whether the Bank feinstates it.

Wainver of Suspension/Cancellation Rights: If the Bank does not enforce its Suspension and Cancellation rights under this Agreement within 190 days of the closing date on the billing statement in which the charge first appeared, it will lose them.

Collections: The Bank may use a collection agency to collect against cancelled Accounts. Court costs and reasonable attorneys' fees, not to exceed fifteen percent (15%) of the amount owed, may be added to the Account if the Bank must refer all or any part of the Account to an outside attorney or agency for collection.

(11) CHANGING THIS AGREEMENT

The Bank may, upon written approval by the GSA and my Agency/Organization, change this Agreement. The Bank will notify me in writing at least 30 days prior to the date of the change. If I do not agree to the changes, I will out the cand in half and return the pieces to the Bank within 25 days of the date the change in terms becomes effective. I agree that I will be bound by the new terms if I use the Card after the effective date of the new terms.

(12) LIABILITY FOR CHARGES

I am responsible for all purchases, cash advances and fees charged to the Card issued to me, and the Bank will seek payment for all charges directly from me regardless of whether I have been reimbursed by my Agency/Organization.

(13) DISCLOSURE OF INFORMATION

(13) DISCLUSINE OF INFORMATION
In addition to noutrine uses under the Peivacy Act, I authorize the Bank
to: (i) provide information about my Account to the Bank's service
providers administering my Account under the GSA Contract; and (i)
disclose all necessary Account information to outside attorneys,
collection agencies or credit reporting agencies, if the Bank refers all
or part of my Account for collection in accordance with the GSA Contract
and my Agency/Organization's task order. I understand that past due
Accounts will be reported to my Agency/Organization. By signing this
Agreement, I am providing my writen consent to the disclosure of
information as provided in this Section 13.

(14) EXCHANGE OF INFORMATION

(14) EXCHANGE OF INFORMATION
The Bank may provide to my Agency/Organization monthly or as often as requested, any information obtained by the Bank about my Account. This information can include Account status, any Account delinguency information, and charge activity. The information can also include detailed information about specific terms or services purchased or paid for using my Account, including information from merchants that accept the card itemizing the components of my transaction with the merchant. The Bank may also confact my manager or other individual designated by my Account of the account of the purpose of assistance in managing my Account balance. My Agency/Organization is authorized to provide information about me to the Bank for the purpose of assisting the Bank in managing my Account. maging my Aco

(15) TELEPHONE MONITORING

I understand that from time to time the Bank may monitor and/or record telephone calls regarding my Account to assure the quality of its

(16) GOVERNING LAW

This Agreement and my Account are subject to the GSA Contract and shall be governed by South Dakota law and the laws of the United States.

(17) ARBITRATION
PLEASE READ THIS PROVISION OF THE AGREEMENT CAREFULLY, IT
PROVIDES THAT ANY DISPUTE MAY BE RESOLVED BY BINDING
ARBITRATION. ABBITRATION REPLACES THE RIGHT TO GO TO
COURT, INCLUDING THE RIGHT TO A JURY TRIAL AND THE RIGHT
TO PARTICIPATE IN A CLASS ACTION OR SIMILAR PROCEEDING, IN
ARBITRATION, A DISPUTE IS RESOLVED BY AN ARBITRATIOR
INSTEAD OF A JURGE OR JURY, ARBITRATION PROCEDURES ARE
MORE SIMPLE AND MORE LIMITED THAN COURT PROCEDURES.

Agreement to Arbitrate: Either the Bank or I may, without the other's sent, elect mandatory, binding arbitration for any claim, dispute, or stroversy between me and the Bank (called "Claims").

controversy between me and the Bank (called "Claims").

Claims Covered

- What Claims are subject to arbitration? All Claims relating to my Account, a prior related account, or the relationship between me and the Bank are subject to arbitration, including Claims regarding the application, enforceability, or interpretation of this Agreement and this arbitration, provision. All Claims are subject to arbitration, no matter what legal theory they are based on or what remedy (darranges, or injunctive or declaratory relief) they seek. This includes Claims based on contract, tort (including intentional tort), fraud, agency, my or the Bank's negligence, statutory or regulatory provisions, or any other sources of law; Claims made as counterdams, cross-claims, third-party claims, interpleaders or otherwise; and Claims made independently or with other claims. A party who initiates a proceeding in court may elect arbitration with respect to any Claims advanced in that proceeding by any other party. Claims and remedies sought as part of a class action, private attorney general or other representative basis, and the arbitrator may award relief only on an individual (non-class, non-representative) basis, and the arbitrator may award relief only on an individual (non-class, non-representative) basis, such as a coapplicant Bank's, but also Claims made by or against anyone connected with the Bank's, but also Claims made by or against anyone connected with the Bank or me or claiming through the Bank or me, such as a coapplicant

or authorized user of my Account, an employee, agent, representative, affiliated company, predecessor or successor, heir, assignee, or trustee

in bankruptoy.

What time frame applies to Claims subject to arbitration? Claims arising in the past, present, or future, including Claims arising before the opening of my Account, are subject to arbitration.

Account to the past whether Claims are

the opening of my Account, are subject to arbifration.

• Broadest interpretation. Any questions about whether Claims are subject to arbitration shall be resolved by interpreting this arbitration provision in the broadest way the law will allow it to be enforced. This arbitration provision is governed by the Federal Arbitration Act (the 'FAA').

• What about Claims filed in Small Claims Court? Claims filed in a small claims court are not subject to arbitration, so long as the matter remains in such court and advances only an individual (non-class, non-representative) Claim.

How Arbitration Works

How Arthration Works

- How does a party initiate arbitration? The party filing an arbitration must choose one of the following two arbitration firms and follow its rules and procedures for missing and pursuing an arbitration: American Arbitration Association or National Arbitration Fonam. Any arbitration heaving that I attend will be held at a place choses by the arbitration firm in the same city as the U.S. District Court closest to my then current billing address, or at some other place to which I and the Bank agree in writing. You may obtain copies of the current rules of each of the two arbitration firms and forms and instructions for initiating an arbitration by contacting them as follows:

American Arbitration Association 100.

335 Madison Avenue, Floor 10 New York, NY 10017-4605 Web site: www.adr.org National Arbitration Forum PO. Box 50101 Minneapolis, MN 55405

Who size: www.actorcom
National Architection Forum
Minneapolis, MM So405
Web size: www.actorcom
Minneapolis, MM So405
Web size: www.actorcom
At any time the Bank or I may ask an appropriate court to compel arbitration, even if such Claims, are part of a lawsuit, unless a trial has begin or a final judgment has been entered. Even if a party fails to secroise these rights at any particular line, or in connection with any particular claims, that party can still require arbitration at a later time.

- What procedures and law are applicable in arbitration at a later time.

- What procedures and law are applicable in arbitration from the arbitration will resolve Claims. The arbitrator will be either a lawyer with at least ten years experience or a retired or homes judge, selected in accordance with the rules of the arbitration firm. In effect on the date the arbitration is filed unless those procedures and rules are imponsistent with this Agreement, in which case this discovery available to me or the Bank. The arbitration will take enasonable steps to protect customer Account information will apply applicable substantive law consistent with the FAA and applicable statutes of limitations, will honor claims of privilege arbitration will apply applicable substantive law consistent with the FAA and applicable statutes of limitations, will honor claims of privilege or other relief provided for under applicable law. I or the Bank may choose to have a hearing and be represented by counsel. The Bank may choose to have a hearing and be represented by counsel. The Bank may choose to have a hearing and be represented by counsel. The Bank may choose to have a hearing and be represented by counsel. The Bank will provide a brief statement of the reasons for the award. An award in arbitration will apply any less that the Claims in arbitration for the Bank will provide a brief statement of the reasons for the award. An award in arbitration ashall determines there is the Claims in arbitration and arbitration of any other departs.

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Survival and Severability of Terms
This arbitration provision shall survive: (i) termination or changes in the Agreement, the Account, or the relationship between me and the Bank concerning the Account, (ii) the bankruptcy of any party; and (iii) any transfer, sale or assignment of my Account, or any amounts owed on your account, to any other person or entity. If any portion of this arbitration provision is deemed invalid or unentoreable, the entire arbitration provision shall not remain in force. No portion of this arbitration provision may be amended, severed, or waived absent a written agreement between me and the Bank.

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CITIBANK® GOVERNMENT TRAVEL CARD (INDIVIDUALLY BILLED ACCOUNT) SETUP FORM NOTE: This form should be completed by the Agency/Organization Program Coordinator with the required information input from the Cardholder SECTION I INSTRUCTIONS (please also see "Important Information" at the top of the next page.) To add a new account, Cardholder completes Section IV and signs in Section VI, AOPC completes Sections II, III, and V, then signs in Section VII. Maintain a copy in the Cardholder and Agency/Organization Program Coordinator's files.
Fax completed form to 605-357-2092 or mail to Citibank® Government Services, P.O. Box 6125, Sioux Falls, SD 57117-6125. SECTION II REPORTING PARAMETERS *Reporting Hierarchy: (1) Processing Unit ID#: (2) (maximum 5 characters) (3) *PLASTIC TYPE (Please check one of the following) SECTION III Government Standard Quasi-Generic Generic SECTION IV **CARDHOLDER INFORMATION** (Please Print) *First Name of Cardholder *Middle Initial *Last Name (maximum 20 characters) Agency/Organization Name (maximum 24 characters) *Home Phone 4th Line Embossing *Business Phone *Statement Mailing Address Line 1 (maximum 36 characters) Fax Number Statement Mailing Address Line 2 (maximum 36 characters) Country *City *State *Zip Code *Home Street Address Line 1- no PO Box (maximum 36 characters) *Social Security Number *Verification Information Home Street Address Line 2 - no PO Box (maximum 36 characters) *City *State *Zip Code Country (11)E-mail Address *Date of Birth (mm/dd/yy) Master Accounting Code (maximum 75 characters) Discretionary Code 1 (maximum 12 characters) Discretionary Code 2 (maximum 20 characters) Discretionary Code 3 (maximum 15 characters) SECTION V **AUTHORIZATION PARAMETERS** (15) Dollars per Cycle Limit (Card Limit): \$: ____ (17) ATM Access: Y □ N □ Cycle \$ ___ (16) Dollars per Transaction Limit \$: _ (18) Number of Transactions: Cycle: _____ SECTION VI (19) CARDHOLDER SIGNATURE By signing this application, I acknowledge I have read the Citibank® Government Services Travel Card Program Cardholder Account Agreement and agree to be bound by the terms and conditions as set forth in the Agreement. *Cardholder Signature Date SECTION VII (20) SUPERVISOR/AGENCY/ORGANIZATION PROGRAM COORDINATOR SIGNATURE AND PHONE NUMBER

Asterisked fields must be completed prior to submission.

Approving Agency/Organization Cardholder Supervisor Signature

*Approving Agency/Organization Program Coordinator's Signature_

Approving Agency/Organization Program Coordinator's Name (printed)

Numbers in parentheses correspond to numbers on guide sheet on next page.

Approving Agency/Organization Program Coordinator's Business Phone Number (with area code or country code) _
Approving Agency/Organization Program Coordinator's Fax Phone Number (with area code or country code)

Global Transaction Services

Date

Date

Date



CITIBANK® GOVERNMENT TRAVEL CARD (INDIVIDUALLY BILLED ACCOUNT) SETUP FORM

IMPORTANT INFORMATION about opening a new Citibank® Government Travel Card account:

To help the United States Government fight terrorism and money laundering, Federal law requires us to obtain, verify, and record information that identifies each person that opens an account. What this means for you: when you open an account, we will ask for your name, a street address, date of birth, and an identification number, such as a Social Security number, that Federal law requires us to obtain. We may also ask to see your driver's license or other identifying documents that will allow us to identify you. We appreciate your cooperation.

EMPLOYEES REQUESTING A TRAVEL CARD MUST COMPLETE THE FOLLOWING ITEMS IN SECTION IV & VI AND THE SUPERVISOR MUST SIGN IN SECTION VII. WE RECOMMEND THAT YOU TYPE THE REQUIRED INFORMATION USING MS_WORD. IF YOU WRITE IN THE INFORMATION, YOUR PENMANSHIP MUST BE LEGIBLE. IF PENMANSHIP IS NOT LEGIBLE, THE APPLICATION WILL BE REJECTED.

PLEASE REMEMBER TO KEEP A COPY OF THE APPLICATION FOR YOUR RECORDS.

Section IV - Cardholder Information

- 4. Name of Cardholder: Enter Full name of Cardholder First, Middle Initial and Last.
- 5. Agency/Organization Name: Enter EEOC and your Office, e.g., District, Field, Local, Area or Headquarters Office.
- 6. 4th Line Embossing: Enter EEOC
- 7. Statement Billing Mailing Address: Enter the address where the card and statements will be mailed. Cards can not be mailed to a P.O. Box.
- **8.** Home Mailing Street Address: Required Enter home street address. If home mailing address was input above as your Statement Billing Mailing Address, please include in the Home Mailing Street Address block as well.
- 9. Social Security Number: Used for card activation. Must be the Cardholder's complete nine digit Social Security Number.
- **10. Verification Information:** Identification code requested from the Cardholder when he/she contacts Citibank Customer Service for assistance. This can be a Benefit Compensation Date (BCD), mother's maiden name, etc.

Please make a copy of the application and keep in a safe place so that you have a record of this code.

- 11. E-mail Address: Business e-mail address.
- 12. Date of Birth: Cardholder's date of birth. Enter information in mm/dd/yy format.

Section VI - Cardholder Signature

19. Cardholder Signature: Cardholder signature required.

Section VII- Supervisor's Signature

20. Supervisor's Signature: The Cardholder's supervisor's signature is required.

FAX THE COMPLETED APPLICATION TO:

Landy Matson DOI/NBC CHARGE CARD PROGRAM MANAGER Fax: 303-969-7115

Any other questions regarding this application can be e-mail to: landy V Matson@nbc.gov

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF THE CHIEF FINANCIAL OFFICER EMPLOYEE ACKNOWLEDGEMENT

Travel Card Program Procedures

I certify that I read and understand the Equal Employmer policies and procedures; the Citibank® Government Serv Agreement; and that I will abide by the policies and proc Travel Charge Card that is to be issued to me for the purpose.	rices Travel Card Program Cardholder Account edures as they pertain to the use of the Citibank®
Employee's Signature and Date	-
Name (please print or type)	-
Title	-
Office Location	-

This acknowledgement should be filed along with the acknowledging employee travel card application. Any questions regarding this acknowledgement can be emailed to landy_V_Matson@nbc.gov

Fair Credit Reporting Act of 1970, as amended

This is a release for the Equal Employment Opportunity Commission (EEOC) to obtain one or more consumer/credit reports about you to assess your creditworthiness for a government travel charge card necessary in the course of your employment with the EEOC.

Information provided by you will be furnished to a consumer reporting agency in order to obtain information and may be redisclosed to other Federal agencies for the above purposes and in fulfillment of official responsibilities, to the extent that such disclosure is permitted by law.

A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent. Your signature authorizes the Equal Employment Opportunity Commission, Office of Human Resources, to obtain such report(s) from any consumer credit reporting agency for employment purposes.

(Print Name)	(SSN)	
(Signature)	(Date)	

Your Social Security Number is needed to keep records accurate, because other people may have the same name. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

AFFIDAVIT OF UNAUTHORIZED USE



(Please return this Affidavit only if you are reporting unauthorized charges appearing on your statement.)

7	My business address is			, in the City of
				mber
	Business Phone # ()			10/100010
8.	I HAVE INDICATED ON MY I	BILLING STATEMENT(S)	THOSE TRANSACTIONS	THAT ARE FRAUDULENT AND INCLUDED IT
	Neither I, nor anyone authoriz result of this transaction(s).	ted by me, nor anyone with	my knowledge or consent i	received or expect to receive any benefit or value as
5.	My account number was used	d in an unauthorized fashion	i. (Please describe):	
	a. Lost/Stolen. Date:	Location:		If Stolen Police Report Filed? ☐ Yes ☐ No
	If Yes: City	Precinct	Case #	
	b. Never received.	911111111111111111111111111111111111111	75	
	c. All card(s) were in my pos	session at the time of the fr	audulant usa	
	THE PARTY OF THE P		addulent ase.	
	Other Circumstances			
	Other Circumstances:			
3.				ount number without my authorization.
3.	I have reason to believe the fo	ollowing individual(s) utilized	d or had access to my acco	
3.	I have reason to believe the fo	ollowing individual(s) utilized	d or had access to my acco	unt number without my authorization.
3.	I have reason to believe the for Name(s)	ollowing individual(s) utilized	d or had access to my acco	ount number without my authorization.
3.	I have reason to believe the for Name(s)	ollowing individual(s) utilized	d or had access to my acco	
	I have reason to believe the for Name(s)	ollowing individual(s) utilized	d or had access to my acco	ount number without my authorization.
7.	I have reason to believe the for Name(s)	ollowing individual(s) utilized ecurity investigates alleged agency. I agree to coopera	fraudulent or unauthorized	hone #()Zip Codecredit card usage and may refer the same to the
7.	I have reason to believe the for Name(s)	ollowing individual(s) utilized ecurity investigates alleged agency. I agree to coopera	fraudulent or unauthorized	hone #()Zip Code credit card usage and may refer the same to the viduals charged with fraudulent or unauthorized
	I have reason to believe the for Name(s)	ecurity investigates alleged agency. I agree to coopera	fraudulent or unauthorized	credit card usage and may refer the same to the viduals charged with fraudulent or unauthorized this account (continue additional authorized user

Fax or mail this document and the billing statement(s), which clearly indicate disputed transactions to Citibank:

Fax: 605-330-6801

Mail: Citibank USA, N.A.

Security Services

P.O. Box 6125 Sioux Falls, SD 57117

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CB015 1/1 Final 11/14/08



CITIBANK® GOVERNMENT CARDHOLDER DISPUTE FORM

INQ	RER'S NAME: (1) DATE: (2)
CAR	HOLDER'S NAME: (3)
ACC	UNT NUMBER: (4)
This	HOLDER: PLEASE PROVIDE A COPY OF ANY INFORMATION/FORMS REQUESTED BELOW ALONG WITH THE STATEMENT THE DISPUTED CHARGE APPEARS ON. PLEASE FAX TO 605-357-2019 or MAIL TO Citibank® Government Services, P.O. Box 6125, Sloux Falls, SD 57117-6125. Immust be filled out completely and forwarded to Citibank and the appropriate Agency officials (as determined by your internal procedures) It calendar days of receipt of your invoice.
TRA	SACTION DATE: (5) DOLLAR AMOUNT OF CHARGE: \$ (6) MERCHANT: (7)
CAR	HOLDER SIGNATURE: (8)
prog have	e read carefully each of the following descriptions and check the one most appropriate to your particular dispute. Card am regulations require that you provide additional statements to document specific items, where indicated below. If you any questions, please contact us at 1-800-790-7206 (overseas call collect at 904-954-7850). We will be more than happy ise you in this matter.
	NAUTHORIZED TRANSACTION I have not authorized this charge to my account.
	ULTIPLE PROCESSING - THE DATE OF THE FIRST TRANSACTION WAS . The transaction listed above represents a multiple billing to my account. I only authorized one charge from this merchant for this amount. My card was in my possession at all times.
	ERCHANDISE NOT RECEIVED IN THE AMOUNT OF \$. ease enclose a separate statement detailing the merchant contact, and the expected date to receive merchandise. My account has been charged for the above transaction, but I have not received the merchandise. I have contacted the merchant, but the matter was not resolved.
	ANCELED TRANSACTION My account has been charged for the above listed transaction. I have contacted this merchant on (date) and canceled the order. I will refuse delivery should the merchandise still be received.
	ERCHANDISE RETURNED IN THE AMOUNT OF \$. ease enclose a separate statement detailing the merchant contact, date of the contact and the merchant response. My account has been charged for the above listed transaction, but the merchandise has since been returned. A copy of the postal or UPS receipt is enclosed.
	REDIT NOT RECEIVED I have received a credit voucher for the above listed charge, but it has not yet appeared on my account. A copy of the credit voucher is enclosed.
•	FFERENCE IN AMOUNT The amount of this charge has been altered since the time of purchase. Enclosed is a copy of my sales draft showing the amount for which I signed. The difference of amount is \$.
	OPY REQUEST I recognize this charge, but need a copy of the sales draft for my records.
	ERVICES NOT RECEIVED ease enclose a separate statement with the date of the merchant contact and response. I have been billed for this transaction; however, the merchant was unable to provide the services.
	AID FOR BY ANOTHER MEANS lease enclose a separate statement with the date of the merchant contact and response. My card number was used to secure this purchase; however, the final payment was made by check, cash, or another credit card. Enclosed is my receipt, canceled check (front and back), copy of credit card statement, or applicable documentation demonstrating that payment was made by other means.
	OT AS DESCRIBED The item(s) specified do not conform to what was agreed upon with the merchant. (The Cardholder must specify what goods, services, or things of value were received. The Cardholder must have attempted to return the merchandise and state so in his/her complaint.)
•	NONE OF THE ABOVE REASONS APPLY:

Provide a complete description of the problem, attempted resolution and outstanding issues. Use a separate sheet of paper and sign and date your description statement. Numbers in parentheses correspond to numbers on guide sheet on next page.

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C8003 1/2 Final 8/16/07



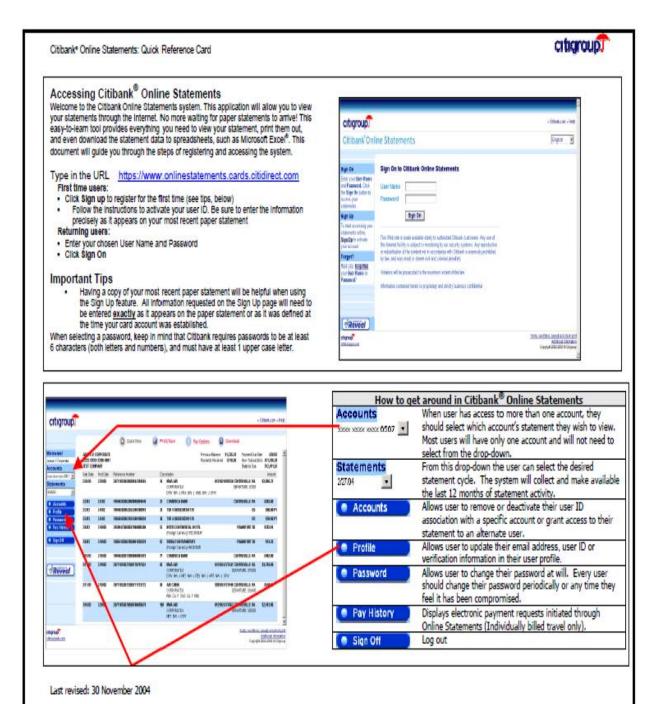
GUIDE TO CITIBANK® GOVERNMENT CARDHOLDER DISPUTE FORM

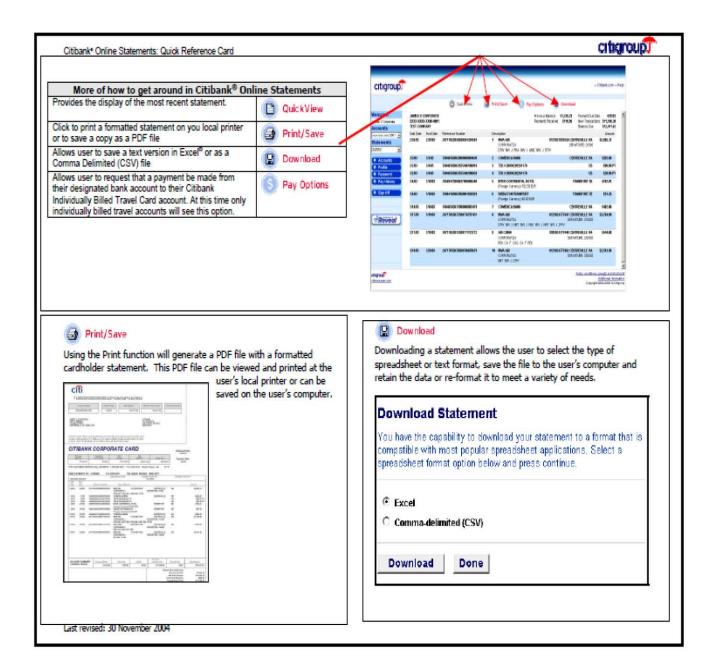
Form required when disputing a charge or charges.

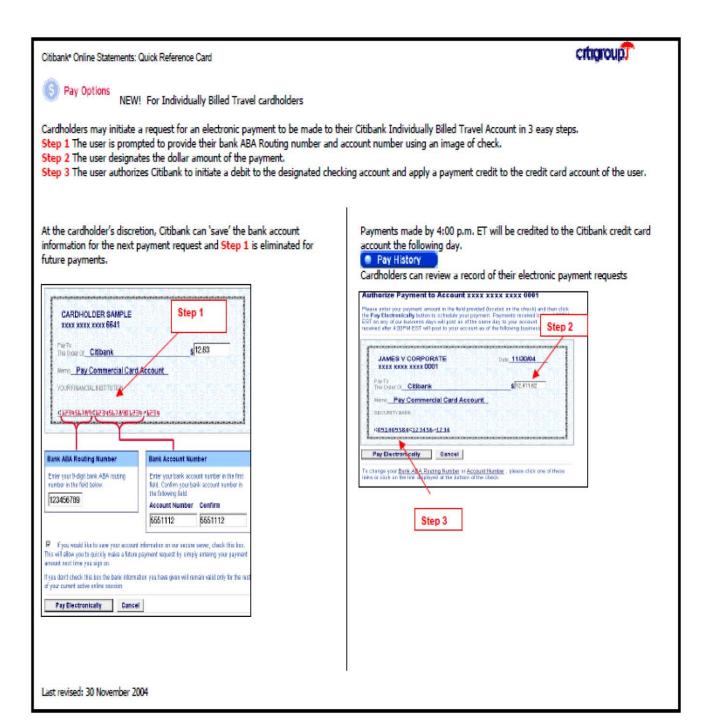
- Inquirer's Name: Name of individual submitting dispute, i.e., Dispute Officer or Cardholder.
- 2. Date: Day, month and year for the day the dispute is being filed (i.e., today's date).
- 3. Cardholder's Name: List the name that appears on the account where the charge in dispute resides.
- 4. Account Number: 16-digit account number.
- 5. Transaction Date: Indicate the date the transaction in dispute was made.
- 6. Dollar Amount of Charge: Indicate the dollar amount of the transaction in dispute.
- 7. Merchant: Provide the name of the merchant for the transaction in dispute.
- 8. Cardholder Signature: Cardholder must sign.
- Error Description: Check the box that most appropriately relates to your type of dispute. Card program regulations require that you provide additional statements to document specific items, where indicated on the front of this form.

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Chapter 6 – Public Transportation and Fringe Benefits

Background and Who Qualifies:

On April 21, 2000, President Bill Clinton signed Executive Order 13150, Federal Workforce Transportation, in order to reduce Federal employees' contribution to traffic congestion and air pollution and to expand their commuting alternatives. The Order stated that all federal agencies shall implement:

- 1. The Transportation Fringe Benefit Program, and
- 2. The Public Transportation Benefit Program (SmartBenefits Vouchers/fare media) for all qualified employees assigned in the National Capital Region (NCR*) no later than October 1, 2000. Coverage now applies to all qualified federal employees including those outside of the NCR. The NCR will be referred to as the Washington Metropolitan Area for purposes of this Procedure.

*"The NCR is defined as the District of Columbia, Montgomery, Prince George's, and Frederick Counties in Maryland; and Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined are of said counties."

Who Qualifies?

The EEOC public transit programs cover <u>all current General Schedule and Senior Executive Service</u> <u>permanent and temporary federal employees</u> who utilize mass transit for commuting to and from work on a regular basis in the Washington Metropolitan Area and EEOC's field. Participation is not authorized for employees who are listed on any federally sponsored work site parking facility or who do not qualify as participating in a carpool.

In addition, unpaid interns performing voluntary service qualify. The Commission is authorized to include unpaid student interns in its SmartBenefits Program. The statute which authorizes agencies to pay for transit passes in order to encourage employees to commute to work by means other than single-occupancy vehicles in 5 U.S.C. sec. 7905. That statute was amended in 2002 to include "a student who performs voluntary services under section 3111" as an employee for purposes of the transit program." NOTE: Where "employee" is stated in this Procedure it includes EEOC volunteer intern(s).

Employees who transfer within the federal government may keep their downloaded benefits until the end of the month for use under their new agency. These employees must first withdraw from their old agency's benefits program in order to participate in their new agency's program.

For DC commuters who use mass transportation there is the Guaranteed Ride Home (GRH) Program. This program is for commuters who regularly car pool, van pool, bike, walk, or take transit to work with a reliable ride home when one of life's unexpected emergencies arises. Commuters will be able to use this program to get home for unexpected personal emergencies and unscheduled overtime up to four times a year. Additional information is provided at www.mwcog.org/commute/Bdy-GRH or by calling 1-800-745-RIDE (7433).

Public Transportation Benefit Program:

Under the Public Transportation Benefit Program, the Commission provides electronic fare media to employees not to exceed the maximum level allowed by law. The Public Transportation Benefit Program is exempted from all federal, local, and state income taxes and therefore, not considered part of the participants' income. This program is open to all public transportation, including qualified van pools that participate in the Washington Metropolitan Area Transit Authority (WMATA) SmartBenefits Vouchers Program and those operations outside the Washington Metropolitan Area who have partnered with a local transit agency that accepts this Program.

Enrollment into the Public Transportation Benefit Program is open to all qualified employees anytime during the fiscal year. In order for employees to participate, an employee must complete and sign EEOC Form 654, Public Transportation Benefits Program Application. The form must be signed by the applicant and their supervisor and provided to the Agency Transit Benefits Coordinator in the Office of the Chief Financial Officer (OCFO). Employees must note on the application the type of SmartBenefits begin requested, i.e. Vouchers or SmartBenefits automatic payments. (Form 654 can be found on EEOC's InSite).

Fare Media

Washington Metropolitan Area:

Washington metropolitan area smart benefit vouchers are used for systems which do not accept the SmartBenefits automatic payments. Applications received by the Department of the Transportation by the 20th of the month, will be added to the Transit Benefit Program by the 5th of the following month. Those applications received after the 20th may not be added until the 25th of the following month which can affect when your benefits begin.

Employees in the Washington Metropolitan area receiving SmartBenefits Vouchers will receive an email notification referencing the date, location, and time of the quarterly distribution. It is imperative that the distribution date and time is noted. If you do not obtain your SmartBenefits on the day of distribution you will be required to go to the Department of Transportation's (DOT) Transit Benefit Office at 1200 New Jersey Avenue, SE, Plaza Level, Washington, DC. You must pick up your tickets within 30 days of the official distribution. When picking up your SmartBenefits Vouchers you must provide your valid employee photo identification.

SmartBenefits Vouchers are accepted by Dillon, EYRE, Keller, MARC Train, MARTZ, Metro Access, National Coach Works, and VRE. Participants need to contact these mass transportation entities for the details on how to use the SmartBenefits Vouchers for fare cards.

Offices Outside of the Washington Metropolitan Area:

Employees in the <u>field offices outside of the Washington metropolitan area</u> can expect their quarterly fare media from the DOT by FedEx about two weeks before each quarter commences; and, for those offices that receive benefits monthly from DOT they can be expected by FedEx two weeks before the month of activation.

Recertification:

Employees under the Public Transportation Benefits Program must recertify annually prior to July 31st, to allow processing to be completed by the DOT deadline of September 1st. Employees must recertify to continue receiving transit benefits. The Agency Transit Benefit Coordinator will send a reminder email to participants of the Public Transportation Benefit Program in the Washington Metropolitan Area, and the DRMs will send a reminder email to field participants. Anyone who does not submit a recertification application by the established date will be removed from the program until at which time a properly completed recertification application is submitted and their benefits are recertified.

SMARTrip Card (Headquarters and Washington Field Office)

For mass transportation entities in the Washington Metropolitan Area that accept the SmarTrip Card, it is mandatory for participants to purchase and register a SmarTrip Card to allow you to download your benefits either to the card itself, or to establish accounts to automatically have VRE or MARC train tickets sent to you prior to the month needed (details below).

SmarTrip Cards are available for \$5. You can purchase a SmarTrip Card from the Washington Metropolitan Area Transit Authority (WMATA) sales offices, through vending machines at all Metro stations where parking is available, and on online. The SmarTrip Card can also be purchased at some CVS Drug Stores and Giant Food Stores. For a complete listing of where you can purchase the SmarTrip Card go to www.wmata.com.

You must register your SmarTrip Card online at www.wmata.com. (The WMATA works with the Department of Transportation (DOT) to process SmartBenefits.) The website will guide you through the registration process. You should write down the serial number printed on the back of your card and keep it for your records should your SmarTrip Card become damaged, lost or stolen.

You must complete the EEOC SmartBenefits Application Form 654A along with a copy of the back of your registered SmarTrip Card, and submit to the Agency's Transit Benefits Coordinator in the Office of the Chief Financial Officer to establish your SmartBenefits Personal Account at the DOT. (Form 654A can be found on EEOC's InSite.)

For those in the Washington Metropolitan Area using the SmarTrip Card, SmartBenefits applications received by DOT by the 10th of the month will be processed and are guaranteed to begin downloading the following month provided the card is registered with WMATA. Those applications received after the 10th will not be guaranteed and most likely will not begin until the second month.

Lost SmarTrip Card

The SmarTrip Card provides protection against theft or loss through the card serial number registered to you. Presently, there is a charge of \$5 to have a new card reissued with the value in your account when it is reported lost or stolen. You must notify WMATA immediately so that your lost or stolen card can be cancelled, and the funds registered to you at that time can be placed on your new card. You must notify your Agency Transit Benefit Coordinator of the new identification number for it to be registered with the DOT by completing the revised Form 654A – SmartBenefits Application which can be found on EEOC's InSite.

When a SmarTrip Card needs to be replaced the reassignment can not be done immediately if there was no value remaining on the old card to enable a transfer of that value to the new card. The benefits will not be reassigned until the 1st of the following month to the new card.

The SmarTrip Card is directly accepted by Metro Rail, Metro Bus, Vanpools registered with WMATA, Arlington Transit, CUE Fairfax, DASH, DC Circulator, Fairfax Connector, Loudon Commuter Bus, Montgomery County Ride On, PRTC and the Bus.

A. Subway/Metro

After following the SmarTrip Card process above, you may use your SmarTrip Card to download your benefits and/or buy additional fare credits up to \$300, at any blue metro kiosks on or after the 1st of each month. If benefits are not downloaded within said month, benefits do not automatically carryover to the next month. Benefits must be downloaded on your SmarTrip card within said month or you lose that month's benefits.

B. MARC/VRE

SmartBenefits can be used to either create an order (either renewable or one time only) for the purchase of weekly or monthly train tickets through Commuter Direct at www.commuterpage.com/splash.cfm.

SmartBenefits Vouchers through Commuter Direct:

- 1. Submit your EEOC Form 654 to the Agency Transit Benefits Coordinator indicating Vouchers.
- 2. Create an account at www.commuterdirect.com. You will note whether you are establishing a renewable order or one time purchase, and that you are using your SmartBenefits Vouchers. You may also need to provide debit or credit card information to cover any amount for the ticket over your SmartBenefits allotment.
- 3. Within 10 days of the order your mailed SmartBenefits Vouchers must be received by Commuter Direct and as appropriate the cost difference if you do not want your debit or credit card applied. If Commuter Direct does not receive your SmartBenefits Vouchers and any other payment after 10 days of the order, they may charge your debit or credit card for the full purchase.
- 4. The renewable orders are usually processed approximately the 15th of the month. This processing date could vary if there are holidays in the month (with no mail service) or if the 15th falls on a weekend date. Normally this means that the orders would be processed slightly earlier in the month in order to ensure that the tickets are delivered to the employee in time. Your debit or credit accounts should only be charged if the SmartBenefits Vouchers are not received timely.

For SmartBenefits Direct Payments (without Vouchers):

1. You must purchase a SmarTrip Card and register it on line at www.wmata.com.

- 2. Complete the EEOC Registration Form 654A with a copy of the back of your SmarTrip Card, and submit it to the Agency Transit Benefits Coordinator in the Office of the Chief Financial Officer, to establish your SmartBenefits Personal Account.
- 3. Register with Commuter Direct at www.CommuterDirect.com, noting your ticket will be purchased by using your SmartBenefits and if necessary, your personal funds information such as a debit or credit card account for any amount over your SmartBenefits allotment. You may use part of your SmartBenefits or all. If you register only a portion of your transit benefits to your personalized account, the remaining amount should be downloaded to your SmarTrip Card. The portion downloaded to your SmarTrip Card will no longer be available for purchase toward VRE/MARC tickets. Please be advised that any SmartBenefits left in your account after 90 days will be forfeited. You may choose a weekly or month train pass.
- 4. VRE/MARC through Commuter Direct will automatically mail your ticket without cost about one to two weeks prior to the usage dates. In addition, you can request Commuter Direct send an email to let you know your ticket has been issued and mailed. If you wish, Commuter Direct will send your ticket by certified mail at your cost.

C. Buses

Many of the Washington Metropolitan Area bus transportation systems have begun to use the SmarTrip Card but there are still those who only accept the SmartBenefits Vouchers. At this time, the Vouchers are accepted by Dillon, EYRE, Keller, MARTZ, Metro Access, and National Coach Works. Participants need to contact these mass transportation entities for the details on how to use the SmartBenefits Vouchers for fare cards

D. Other

As this Program is open to all public transportation, including qualified van pools that participate in the WMATA SmartBenefits Vouchers Program and those operators outside the Washington Metropolitan Area who have partnered with a local transit agency that accepts this Program, participants will need to work with Vanpool operators to determine what type of transportation benefits apply.

Transportation Fringe Benefits Program:

The Transportation Fringe Benefit Program allows all qualified federal employees with an option to exclude commuting costs from his/her taxable wages and compensation that are consistent with applicable laws under Title 26 of the United States Code (U.S.C.), Section 132(f)(2). Under this section, employees are allowed to use some of their gross income to pay for commuting expenses before taxes are computed, up to the maximum amount allowed by law. The Transportation Fringe Benefit Program is open to all employees who use mass transportation anytime during the fiscal

year. Because this Program involves payroll processing, it is the responsibility of the Office of Human Resources.

Participation in the Program requires that an employee complete the Application for Transportation Fringe Benefits, EEOC Form 656, with both their signature and their supervisor's, and forward it to the Office of Human Resources, Personnel Operations Services Team for processing in the payroll system. (EEOC Form 656 can be found on InSite.)

OHR will review and then process the approved applications through its Payroll Agent to reflect the pre-tax deduction.

Recertification

Employees under this Program must re-certify annually prior to October 1st, in order to continue receiving transit benefits and/or the pre-tax transit benefit deduction. The Agency Transit Benefit Coordinator will send a reminder email to participants on behalf of the Office of Human Resources. Anyone who does not submit a recertification application by the established date will be removed from the program until at which time a properly completed recertification application is submitted and their benefits are recertified.

Parking

Under this Program parking costs at a mass transportation parking lot may be available <u>in addition</u> to the benefits for mass transportation. To see if you qualify for the pre-tax program for your parking cost in addition to your mass transportation benefits, you will need to complete EEOC Form 656, checking Box C – Qualified Parking, and file it with the Office of Human Resources. (Form 656 can be found on EEOC's InSite.)

The Office of Human Resources is responsible for the Transportation Fringe Benefit Program (pre-tax deduction requiring processing by a payroll representative). Applications are to be sent directly to OHR. Questions concerning pre tax benefits under this Program are to be addressed to the Office of Human Resources at 202/663-4337.

Chapter 7 – Relocation Expenses-Permanent Change of Station (PCS)

The purpose of this chapter is to answer some of the most commonly asked questions asked by employees relocating for the Equal Employment Opportunity Commission (EEOC). The material in this guide is limited to the most common relocation situations. Any questions or concerns regarding relocation may be addressed to Department of Interior, National Business Center on (303) 969-7426. Finally, this guide isn't a substitute for the Federal Travel Regulation (FTR), but is to be used in conjunction with the FTR and applicable travel laws and regulations.

A - Introduction

Employees are reimbursed for allowable travel expenses incurred by completing a travel voucher detailing the travel and expenses and submitting that form to the appropriate authority within the agency. All receipts and supporting documentation required by this handbook should be attached to the travel voucher. All travel vouchers should be submitted to the Administrative Staff for review. The Administrative Staff will submit the vouchers to Headquarters for signature/authorization. Upon authorization, Headquarters will then send the vouchers to the Department of Interior (DOI) for payment. All vouchers should be prepared and completed within 30 days of completing travel. Exceptions can be granted upon written request.

What is a "Temporary Change of Station (TCS)"?

TCS means the relocation of an employee to a new official station for a temporary period while the employee is performing a long-term assignment, and subsequent return of the employee to the previous official station upon completion of that assignment.

Employees who will be on a temporary assignment of 6 months, but not more than 30 months will be entitled to the TCS expenses. The employee may be authorized a return trip to the official duty station if the cost of the return trip does not exceed the amount that the Commission would normally pay for lodging and M&IE for that time period.

Expenses Allowed for a TCS:

- ✓En route Travel
- ✓ Shipment and Temporary of Household Goods
- ✓Extended storage when it is necessary as approved by your agency
- ✓Shipment of POV
- ✓ Miscellaneous Expense Allowance (Transferee Only)
- ✓ Relocation Income Tax Allowance (Transferee Only)

What is a Permanent Change of Station (PCS)?

PCS is the transfer of an employee in the interest of the Government from one duty station to another for permanent duty, and the new duty station is at least 50 miles distant from the old duty station

What relocation expenses will I be authorized for PCS?

Depending on if you are a transferee or new appointee, you may and/or your immediate family members may be authorized the following travel and transportation expenses:

- ✓En route Travel
- ✓ House Hunting Trip (Transferee Only)
- ✓ Temporary Subsistence Quarters Expense (Transferee Only)
- ✓ Shipment and Temporary of Household Goods
- ✓ Shipment of POV
- ✓ Residence Transaction Allowance (Transferee Only)
- ✓ Miscellaneous Expense Allowance (Transferee Only)
- ✓ Relocation Income Tax Allowance (Transferee Only)

B - General Relocation and Authorized Travel and Transportation Expenses:

I have been notified that I am entitled to a relocation move, what do I do?

Once you have received the official notification that you have been selected for a relocation move, you must contact the Administrative Staff of the gaining office to start your initial paperwork.

If you do not have a Government Travel Card and would like one, you may apply for your card by contacting your AO/DRM.

Now that I have contacted the gaining Administrative Staff, what's next?

The Administrative Staff will give you the required Employment Agreement, EEOC 103, for your signature. Once it has been signed by you, the Administrative Staff will instruct you to contact Cindy Osif (303) 969-7426 or Gina Bettale (303) 969-7219 of the Department of Interior, National Business Center (DOI/NBC).

NBC will send you the Employee Transfer and the Shipment of Household Goods Questionnaires, and an Employee Withholding Tax Allowance Agreement. Once this information has been analyzed to determine what relocation expenses you are entitled to receive, Cindy or Gina will provide the Administrative Staff with the information, so that your Travel Authorization (TA) may be prepared. Once the TA has been prepared, the Administrative Staff must submit the TA and your signed Service Agreement to the Office of the Chief Financial Officer for signatures.

May I start my relocation move prior to signing my service agreement or before receiving the signed travel authorization?

No. Any expenses incurred prior to completing the employment agreement and prior to receiving the signed/approved travel authorization will be borne by the employee.

What's the next step, once my relocation move has been approved?

Once your TA has been signed and approved, you may start making your travel and transportation arrangements. Such as listing your home for sale, starting your house hunting trip (if authorized), arranging your temporary quarters, and scheduling to have your household goods packed and picked up. DOI/NBC will assist you with scheduling to have your personal property packed and picked up.

The Travel Management Center (TMC), currently Carlson Wagonlit, can book the authorized mode of travel for you or you may book those reservations using Carlson Wagonlit's online booking tool. Before Carlson Wagonlit will issue you your tickets, you must provide them with a faxed copy of your signed TA. If Carlson does not receive the TA, they cannot issue you tickets. If you have a Citi Bank travel card, your airfare will be charged to your Travel card, and then diverted to the responsible (paying) office Centrally Billed Account (CBA). If you do not have a Travel card, the charges will go directly to the responsible office CBA.

May I use my Travel Card to pay for my lodging (Temporary Quarters Subsistence Expense) (TQSE) and Meals and Incidental Expenses (M&IE)?

Yes, but be aware that the reimbursement you will receive for lodging, meals, and incidental expenses are considered taxable income. Taxes will be withheld from the actual travel amount claimed by you. Even though, you will not receive the entire amount of your actual voucher, you are responsible for paying the entire amount charged to your BOA Card.

Can I Request and Receive an Advance of Funds for my lodging (Temporary Quarters Subsistence Expense) (TQSE) and Meals and Incidental Expenses (M&IE)?

Yes, you may be advanced up to 80% of your authorized Temporary Quarters Subsistence Expense (TQSE) and Meals and Incidental Expenses in 30 day increments. Your first advance may be requested within 5 days of your departure to your new official duty station. To receive additional advances after the first 30 days, you must prepare and submit a travel voucher for expenses already incurred.

C - En Route Travel and Per Diem:

What is En route Travel?

En route travel is the one-way travel you will perform from your old official duty station to your new official duty station.

Am I eligible for reimbursement for en route travel expenses to my new duty station for myself and members of my immediate family?

EEOC will reimburse you for the en route travel costs and per diem allowance for you and your immediate family, traveling together or separately, to your new duty station. EEOC will not pay per diem for travel of 12 hours or less. The expenses and per diem allowances are payable from the actual time of your departure until the time of your arrival at your new station, based on the most direct route and uninterrupted travel time. The maximum per diem rate authorized for en route travel within the continental United States (CONUS) between your old and new official stations is the standard CONUS rate (currently \$116.00 per day). Your spouse and family members age 12 or older are authorized three-fourths of your per diem rate. Children under the age of 12 are authorized one-half of your rate.

What eligibility requirements must I meet to travel by a Privately Owned Vehicle (POV) or use more than one POV for my en route travel?

The Commission may authorize you travel by POV or common carrier whichever is determined to be advantageous to the Commission, or you suffer from Aviation Phobia (fear of flying). If you have a fear of flying, you must provide the Commission with a certified statement from your doctor.

If more than one POV is used, it must be fully justified and indicated on the travel authorization. Use of more than one POV is authorized as advantageous to the Government only under the following special circumstances

- 1. There are more members of the immediate family, traveling together, than reasonably can be transported with luggage in one vehicle;
- 2. Because of age or physical condition, special accommodations are necessary in transporting a member of the immediate family in one vehicle;

3. Employee must report to the new official station in advance of the family who delay travel for acceptable reasons such as completion of school term, sale of property, settlement of personal business affairs; or

4. In advance of the employee's reporting date, immediate family members must travel to the official station for acceptable reasons such as to enroll children in school at the beginning of the term.

What if travel by POV isn't advantageous to the Commission, may I travel to my new official duty station by POV anyway?

Yes, however, your reimbursement will be limited to 1) the actual cost of airfare from your old official duty station to your new official duty station, plus 2) mileage reimbursement or taxi fare from your old residence to the airport and from the airport to your temporary lodging or new residence.

What if my spouse travels the same day as I do, but in a separate POV, is my spouse considered unaccompanied?

No. For per diem purposes, you and your spouse are considered traveling together if you travel on the same day on the same general route by using more than one POV. Your spouse will receive three-fourths of the authorized per diem and authorized mileage. Other dependents 12 and over will receive three-fourths of your authorized per diem rate, and children under 12 receive one-half of your authorized per diem rate.

Example: Your authorized standard per diem rate is \$116 per day, your accompanied spouse and dependent children age 12 and over will receive \$87.00 per day and dependents under 12 will receive \$58.00.

What if I drive more than one POV without prior authorization, will I be reimbursed?

No, you must get prior approval for use of more than one POV before the Commission will authorize reimbursement. The use of more than one POV must be listed on your travel authorization.

What are the POV mileage rates for en route travel?

The rate for relocation is the same as the moving expense deduction determined by the IRS which is currently \$ 00.165 per mile.

*Note: This rate may change. Please check www.gsa.gov for the current rate.

How are my en route travel days and per diem calculated?

Per diem allowances for employees and immediate family will be paid on the basis of a required driving distance of 300 miles per day. Per diem is not allowable when total travel time is less than 12 hours. An exception to the daily minimum driving distance may result when the employee is delayed due to reasons beyond his/her control; such as acts of God, employee or family members becomes ill while en route, or any employee who is physically handicapped; or for reasons that are acceptable to the Commission.

Per diem is based on the standard CONUS rate of \$46 M&IE plus lodging costs not to exceed \$70 for a maximum per diem rate of \$116 per day. Calculations of per diem are the same as for Temporary Duty travel, three-fourths per diem rate for the first and last day of travel. The standard CONUS rate is subject to change so be sure and verify the rate in effect at the time of travel.

Employee – M&IE plus actual lodging cost not to exceed \$116.00 Spouse (not accompanying employee) – entitled to employees rate as above

Spouse (accompanying employee) & children 12 years and older – will be ¾ of the employee's rate \$87.00. Children under 12 years – one-half of the employee's rate \$58.00

If there are days when no lodging costs are incurred, the employee is entitled to the \$46.00 M&IE rate and family member's rate would be appropriate percentages as indicated above.

Lodging and common carrier (when authorized) receipts must be submitted with travel claim.

D - House Hunting Trip:

What is a house hunting trip and under what circumstances will the Commission authorize me and/or my spouse house hunting expenses?

The term "house hunting trip" refers to a trip made by you and/or your spouse to your new official duty station to find permanent housing to either rent or purchase. The house hunting trip expense allowance is intended to facilitate and expedite your move and to lower the government's overall cost for your relocation.

The Commission may authorize a house hunting trip when you have completed your service agreement, you have been informed of your reporting date, and the Commission has decided that the house hunting is in the best interest of the Commission.

Note: House hunting trips will only be approved when the old and new official duty stations are 75 miles or more apart.

Who is eligible for a house hunting trip expense?

Only transferees will be authorized a house hunting trip. You are not eligible if you are a new appointee or an employee assigned under the Government Employees Training Act (5 U.S.C. 4109).

Is it mandatory that the Commission authorize me and/or my spouse a house hunting trip?

No, the Commission will authorize house hunting expenses only when it has been determined that a house hunting trip is in the best interest of the Government.

How soon may I and/or my spouse begin our house hunting trip?

You may begin your house hunting trip as soon as your service agreement has been signed and your travel authorization has been issued. If you are selling your residence at your old official station, you should not begin your house hunting trip until you have a current appraisal of the value of the residence so that you can more accurately determine the appropriate price range of residences to consider during your house hunting trip.

What should I know before performing a house hunting trip?

You should have some familiarity with your new official station area (e.g., housing market conditions, school locations, etc.). If you currently have a home that you need to sell before you purchase a home in your new location, you may want to consider the estimated value of selling your home as this will assist you with how much home you can afford to purchase at your new locale.

How much time will the Commission allow for a house hunting trip?

The Commission may authorize you up to ten calendar days for house hunting. The number of days authorized for temporary quarters will be reduced by the number of days spent house hunting.

When must I complete my house hunting trip?

You must complete your trip one day before you report to your new official duty station, and your spouse must complete his/her trip the day before the immediate family relocates to the new duty station, or the day before the maximum time of your travel expense expire, which is generally two years from the date that you report to your new official duty station.

Must I perform roundtrip travel for my house hunting trip?

Yes, you must complete your house hunting trip in advance of your en route travel.

Example: You are authorized seven calendar days of house hunting. You start your trip on Monday and you complete your house hunting trip on a Sunday but you or your spouse do not return to the old official station. Your travel time would be considered en route and the time spent house hunting will be considered days in temporary quarters.

What methods may the Commission use to reimburse me for my house hunting trip?

The Commission will reimburse your house hunting trip expense as indicated in the following table:

For	You are reimbursed
You and/or your spouse's transportation expenses.	Your actual transportation costs at the standard actual per diem rate.
You and/or your spouse's subsistence expenses.	One of the following: *(a) Actual lodging costs not to exceed the maximum lodging rate for TDY location or stopover point; or (b) A fixed amount option, and:
	(1) Both you and your spouse perform a house hunting trip either together or separately, a single amount determined by multiplying the applicable locality rate by 6.25 or (2) Only one of you performs a house hunting trip, an amount determined by multiplying the applicable locality rate by 5.

^{*}Note: Currently the Commission only authorizes the standard actual per diem rate for house hunting trips, the fixed rate may be considered on a case by case basis.

What transportation expenses will the Commission pay?

Once authorized that a house hunting trip is advantageous to the Commission, you will be authorized travel for you and/or spouse by the mode of transportation (air, train, or privately owned vehicle). If you travel by a mode of transportation that is not authorized by the Commission you will be responsible for transportation costs that exceed the authorized amount.

Must I document my house hunting trip expenses to receive reimbursement?

In order to receive reimbursement you must itemize your transportation and per diem expenses and provide receipts for lodging regardless of the amount and any meal that exceeds \$75. If the agency authorizes the **fixed amount** for your house hunting trip, you **do not** need to document your subsistence expenses.

Note: If authorized the fixed rate, you must submit a travel voucher for the reminder of your benefits, or forfeit the entire amount.

Will I be charged annual leave when I perform my house hunting trip?

No, you are not charged annual leave when performing a house hunting trip. Your old official duty station should authorize administrative leave to perform your house hunting trip.

If I select the fixed rate for my house hunting trip and I do not use the entire amount, may I retain the balance?

Yes, if the fixed rate for your house hunting is more than adequate to cover your house hunting expenses, you may retain the balance. But keep in mind; you must submit a voucher for auditing purposes.

E - Temporary Quarters Subsistence Expenses (TQSE)

What are temporary quarters?

"Temporary quarters" is lodging obtained for the purpose of temporary occupancy from a private or commercial source that is in conjunction with an authorized permanent change of station move.

Is it mandatory that the Commission authorize me and/or my spouse temporary quarters subsistence expenses (TQSE)?

No, the Commission will authorize TQSE only when it has been determined that it is in the best interest of the Government.

What are temporary quarters subsistence expenses (TQSE)?

TQSE are subsistence expenses that you and/or your dependents will incur while occupying temporary quarters either at your old official duty station or at your new official duty station. Your TQSE does not include local transportation expenses incurred during the occupancy.

Note: Once you arrive at your new official duty station and you do not have transportation, you **will not** be reimbursed or authorized the use of a rental car or receive reimbursement for taxi, shuttle, etc.

What is the purpose of the TQSE allowance?

The TQSE allowance is intended to reimburse you for reasonable expense while you and/or your immediate family occupy temporary quarters, while trying to secure permanent housing.

How soon may I begin occupying temporary quarters at Government expense?

You may begin occupying temporary quarters after you have signed the service agreement, your TA has been approved, and you have received your reporting date.

Who may occupy temporary quarters at Government expense?

TQSE is authorized for you and your immediate family members.

May I and/or my dependents occupy temporary quarters anywhere I choose?

You and/or your dependents may select temporary quarters anywhere within close proximity of your old and/or new official stations. If you and/or your dependents occupy temporary quarters at any other location you will not be reimbursed.

What happens if my dependents remain behind and request temporary quarters at my previous duty station?

The Commission will authorize TQSE for your dependents while they occupy temporary quarters at your old duty station and while you occupy temporary quarters at the new duty station. The TQSE cannot exceed the amount you would have incurred if TQSE was authorized at the new official duty station.

What methods may the Commission use to reimburse me for TQSE?

The Commission may authorize you TQSE at the actual expense method or the "fixed" amount reimbursement.

What is the actual expense method?

The actual expense method is based on actual expenses not to exceed the standard per diem rate for lodging, meals and laundry/dry cleaning. Family members are authorized per diem benefits at a reduced rate. The per diem rate for everyone is reduced after the first 30 days. See chart below.

TQSE allowances are authorized in increments of 30 days or less, not to exceed 60 consecutive days. If the Commission determines that there is a compelling reason for you to continue occupying temporary quarters after 60 consecutive days, it may authorize an extension of up to 60 additional consecutive days. Under no circumstances may you be authorized for more than a total of 120 consecutive days.

Must I submit documents for the actual expense method?

Yes, for the Commission to reimburse you for the actual method, you must complete SF 1012 (Travel Voucher) by itemizing each expense and providing receipts for all lodging and any expense you incur that exceeds \$75.

	Maximum daily TQSE authorized under the actual method (Standard)			
For	Employee and/or unaccompanied spouse may receive	Accompanied spouse or authorized family member(s) over 12 yrs of age	Family member(s) under 12 years of age may receive	
First 30 days	Applicable per diem rate of \$116	75% times employee's applicable per diem rate. 75% of \$116 = \$87.00	50% of the employee's applicable per diem rate 50% of \$116 = \$58.00	
31 thru 120 days	75% of the applicable per diem rate of \$116.00 x 75% = \$87.00	50% of the applicable per diem rate of \$116.00 \$116 x 50% = \$58.00	40% of the applicable per diem rate of \$99 \$116 x 40% = \$46.40	

Note: Currently, the standard per diem rate is \$116. To verify the current standard rate, please check at the GSA

website: www.gsa.gov.

What is the fixed amount reimbursement and how is it calculated?

Employees who select the fixed amount reimbursement may receive 75% of the maximum locality per diem rate (i.e., lodging plus meals and incidental expenses) for the employee and is reduced to 25% for authorized dependents. Your payment will be the sum of these calculations. This allowance cannot exceed 30 days, regardless of any circumstances beyond the employees' control, and the Commission cannot grant extension requests when you are authorized the fixed amount reimbursement. See the chart below.

	Maximum daily TQSE authorized under the actual method (Fixed)				
For	Employee	Spouse and/or family member(s) or 12 years of age	Family member(s) under 12 years of age		
Commission may authorize per diem up to 30 days at the fixed per diem rate	75% of the authorized locality per diem rate multiplied by the authorized number of days	25% of the employee's authorized per diem rate multiplied by the authorized number of days	25% of the employee's authorized per diem rate multiplied by the authorized number of days		
Locality per diem rate for Atlanta, GA	\$164 x 75% = \$123 x 30 days = \$3690	\$164 x 25% = \$41 x 30 days = \$1230	\$164 x 25% = \$41 x 30 days = \$1230		

Must I submit documents for the fixed amount reimbursement?

You must submit a travel voucher to be reimbursed for the fixed rate amount, no receipts or other documentation need to be included.

Can the Commission reduce the allowable per diem rate?

Yes, if it has been determined in advance that your daily per diem rate will be lower than the 75% locality rate the Commission may reduce your daily amount.

What if I request 30 days TQSE at the fixed reimbursement amount, and I only stay in temporary quarters for a few days, and I have a balance left over from the TQSE payment, may I keep the balance?

Yes, if the fixed TQSE amount is more than adequate to cover your TQSE expenses and you have a balance left over, the balance is yours to keep.

Who makes the decision on which TOSE I will be authorized?

If it has been determined that authorizing TQSE is in the best interest of the Government, you have the right to select the TQSE method that is appropriate for you.

May I receive an advance to pay for my temporary quarters?

Yes, the Commission may advance you 80% of your authorized TQSE, and subsequently advances may be authorized every 30 days. But in order to get the additional advances you must submit a voucher every 30 days.

What happens if I did not initially request TQSE, but due to circumstances beyond my control I had to secure temporary quarters, will the Commission authorize TQSE for me and my dependents?

No, if you do not request TQSE up front and obtain approval on your TA, your request will not be granted.

F - Transportation and Temporary Storage of Household Goods:

Who is eligible for the transportation and temporary storage of household goods (HHG) at Government expense?

You are authorized transportation and temporary storage of household goods if you are a transferred employee, new appointee, or an employee who is authorized a temporary change of station (TCS), whose new official duty stations are at least 75 miles away from your old official duty station.

What is the maximum household goods weight limit and how long can my household goods remain in temporary storage?

By law you are entitled to ship up to 18,000lbs of household goods and you may store your household goods up to 90 days, either at your old or new official duty station. If you need to store your household goods beyond the initial 90 days, you may request an additional 90 days not to exceed 180 days.

Will my professional books, papers, and equipment (PBP&E), count against my 18,000lbs?

Yes, your PBP&E will count against your authorize weight, but if your PBP&E cause your shipment to exceed the 18,000lbs, the PBP&E may be transported to your new duty station as an administrative expense at the discretion of the Commission.

What Household Goods Items may I ship?

You may ship personal property items that belong to you and your immediate family to include items such as: outdoor structures if disassembled by you, waterbeds if drained and refilled by you or a third party.

How do I arrange to have my HHG shipped to my new official duty station?

Once your travel authorization has been approved and signed, you must contact the DOI/NBC to have your HHG arranged. All you need to do is provide DOI with your required pack and pickup dates.

Will I be authorized temporary storage if I do not have a permanent residence when I arrive at my new official duty station?

Yes, you could be authorized up to 90 days of temporary storage at the Commission's expense, this may be extended if you need more than the initial 90 day limit. Any temporary storage after the first 30 days is taxable income to the employee.

What are the requirements to get an extension up to the maximum limit of 180 days of temporary storage?

With a written request, you may be extended an additional 90 days for the following reasons:

- (a) An intervening temporary duty or long-term training;
- (b) Non-availability of suitable housing;
- (c) Completion of residence under construction;
- (d) Serious illness of employee or illness or death of dependent;
- (e) Acts of God, or other circumstances beyond your control;
- (f) Any reason the Commission deems is necessary

What happens if I leave my property in storage beyond the authorized 180 days, will the Commission pay for the storage?

No, the Commission will not pay for temporary storage that exceeds 180 days, any charges after 180 days will be paid directly to the storage company by you.

G - Shipment of Privately Owned Vehicle (POV)

When am I eligible for shipment of a POV at the Commission's expense?

You are eligible for transportation of your POV when:

- 1. Your transfer is in the interest of the Commission; or
- 2. You are a new appointee or student trainee relocating to your first official duty station.

Under what conditions may the Commission authorize shipment of my POV?

The Commission will authorize shipment of your POV when:

- a. It has been determined that use of your POV to transport you and/or your family member(s) from your old official duty station to the new official duty station would be advantageous to the government; and
- b. The Commission determines that after a cost comparison that it would be advantageous to ship your POV and to pay you airfare rather than paying you mileage and per diem for driving to your new official duty station.

I have more than one vehicle, which I will drive one, will the Commission pay to ship the other vehicle or may I ship both vehicles at the Commission's expense?

The Commission may authorize you to ship one or both vehicles at the Commission's expense provided it is determined that such transportation is advantageous and cost effective to the Government based on cost analysis for shipping a POV for you and your immediate family.

How does the Commission determine if shipping a POV is advantageous to the Commission?

The Commission will determine if shipping a POV is advantageous by preparing a cost analysis and comparing the following:

- 1. Cost of traveling by POV;
- 2. Cost of shipping the POV;
- 3. Cost of travel if the POV is shipped;
- 4. Lost productivity

May my vehicle originate and end from a location that is not related to my old and/or new official duty station or my place of residence?

No, your vehicle can only be shipped from your old duty station or actual place of residence to your new official duty station.

What if I have scheduled leave and my POV will arrive before I do, will the Commission pay the storage of my vehicle until I arrive?

No.

H - Residence Transaction Allowance:

What is the purpose of residence transaction reimbursement?

The purpose of this allowance is to assist you with a portion of your settlement costs that are associated with the sale and purchase (including construction) at your old and new official duty stations. This allowance may also be used to reimburse you for expenses you incurred for breaking an unexpired lease.

What is the eligibility for this expense?

You are eligible for this allowance if your old and new official duty stations are more than 50 miles apart from each other. You are not eligible if you are a new appointee.

Currently, I don't own a home, but I plan to purchase a home at my new location, will I be entitled to a residence transaction allowance?

Yes, you do not need to be a current homeowner to get this allowance.

By accepting a relocation assignment I had to break my lease with my landlord and will incur a fee, will the Commission reimburse me this fee?

Yes, the Commission will reimburse you for breaking your lease early. However, if this fee can be avoided by providing the landlord with an appropriate lease termination notice after you have been notified of the assignment, the Commission will not reimburse the fee.

What are my residential reimbursements for selling and/or purchasing a residence at my old and/or new official duty station?

You may be reimbursed fees that are customarily paid to a seller up to 10% in settlement costs for the sale of a home and up to 5% in settlement costs for the purchase of a new home at your new official duty station.

What expenses will the Commission reimburse?

The Commission will reimburse the following customarily paid expenses:

- a) Broker's fee or real estate commission (sale only);
- b) Cost of an appraisal;
- c) Advertising for sale of residence at old duty station that is not included in the broker's fee (sale only);
- d) Appraisal fee (sale only;
- e) Cost of title insurance policy costs of preparing conveyances, other instruments, and contracts, and related notary fees and recording fees; cost of making surveys, preparing drawings or plats when required for legal or financing purposes; and similar expense incurred for selling your residence.
- f) Inspections (radon and pest), and others if required by lender
- g) Credit Report
- h) Mortgage title insurance policy if required by lender

- i) FHA and VA application fees;
- j) Loan origination fees not to exceed1 percent
- k) Mortgage and transfer taxes
- 1) State revenue stamps
- m) Charge for prepayment penalty (may not exceed 3 months' interest on loan balance) (sale only)
- n) Mortgage title policy (purchase only)
- o) Escrow Agent's fee
- p) Owner's title insurance if a prerequisite to financing;
- q) Or other customarily paid fees of the sale or purchase of a residence.

Are there expenses the Commission will not pay?

Yes, the Commission will not pay the following:

- 1. Any fees that have been inflated;
- 2. Interest on loans, point, and mortgage discounts;
- 3. Property taxes;
- 4. Operating or maintenance costs;
- 5. Homeowner association fees;
- 6. Finance charges;
- 7. Any losses that you incurred from the sale of your residence.

What documentation must I submit to request reimbursement?

You must provide the National Business Center (NBC) with the following:

- a. Travel voucher;
- b. EEOC Form 622 (Application for Reimbursement of Real Estate Expenses Related to Change of Official Station)
- c. Copies of your Settlement Statement (HUD 1) for sale and purchase of residence
- d. Purchase or Sales Contract/Agreement

What is the latest date by which I must sell my home and buy a home at my new duty station?

Settlement of the sale and/or purchase of your residence must be 2 years from the date you reported to your new duty station. You may be granted a 2 year extension, upon written request to the Chief Financial Officer. You should submit the request as soon as you are aware of the need for an extension, but not later than 30 calendar days after your initial expiration date.

Under what conditions will the Commission extend the 2-year limitation?

You may receive an extension to sale or purchase a residence if you meet the following conditions:

- (a) Employee has extenuating circumstances which have prevented him/her from completing his/her sale and purchase or lease termination transactions in the initial authorized time frame of two years; and
 - (b) Employee's residence transactions are reasonably related to his/her transfer of official station.

May I receive an advance for residence expenses?

No.

I - Miscellaneous Expense Allowance (MEA):

What are miscellaneous expenses?

Miscellaneous expenses are reimbursable costs associate with discontinuing your residence at your old official station and/or establish residence at your new official station. The MEA is used to help defray some of the costs associated with relocating.

What types of costs are covered?

You may claim miscellaneous expenses for:

- a. The disconnecting/connecting of appliances;
- b. Deposits or fees associated with utilities (these fees must not be refundable)
- c. Driver's license, registration, and taxes for POV; and
- d. Transportation costs associated with cats and dogs.

How much will I be authorized for miscellaneous expenses?

If you have dependents you will be authorized the standard amount of \$1,000 or two weeks basic pay whichever is less, or if you do not have any dependents you are authorized \$500 or one weeks' gross pay whichever is less.

Note: You do not need receipts to claim the authorized amount.

What if my expenses exceed the standard authorized amounts, may I claim more?

Yes, you may claim miscellaneous expenses that exceed the authorized amount with supporting documentation/receipts. The maximum amount you may claim that are supported by receipts may not exceed the maximum rate of a grade GS-13 step 10's basic salary.

How do I claim my entitlement?

You must provide a travel voucher (SF 1012) to the Chief Financial Officer (CFO) for signature. After signature, the CFO will forward to DOI for payment. If you claim the standard amount you do not need to provide supporting documentation. Documentation will only be required when you exceed the standard amount. If you need assistance with completing this voucher, you may contact Cindy Osif at (303) 969-7426.

May I receive an advance for the allowance?

No.

J - Withholding Tax Allowance (WTA) and Relocation Income Tax Allowance:

What is a Withholding Tax Allowance (WTA) and its purpose?

The withholding tax allowance is an allowance established to assist employees with the additional Federal, State and or local income tax liability incurred as a result of a move. The allowances are developed by General Services Administration in conjunction with the IRS. The WTA is actually an advance estimate of the RITA. To defray the employee's out-of-pocket expenses, a WTA will be added to travel vouchers. Each time covered taxable moving expenses are paid to the employee, the paying office will calculate the WTA and add it to the voucher. The WTA only covers the estimated Federal withholding tax amount.

The reimbursement amount the employee will receive will be the amount claimed less deductions for non-reimbursable items and the estimated amounts withheld for State taxes and FICA/Medicare. The WTA is considered taxable income, and is subject to tax withholding. The total amount of an employee's WTA paid during a calendar year, as well as the total of all other allowable moving expenses, is included on the W-2 as wages, tips, and other compensation.

What is a Relocation Income Tax Allowance (RITA) and its purpose?

The RITA, is a form of payment to reimburse you for substantially all of the additional Federal, State, and local income taxes incurred by you, or by your spouse if you file a joint tax return, as a result of incurring certain travel and transportation expenses and relocation allowances which are furnished in kind, or for which reimbursement or an allowance is provided by the Government.

The RITA is calculated the year after the reimbursements involving taxable moving expenses along with WTA are received. For each year in which the employee receives a payment of covered taxable moving expenses and WTA, the following year the employee must file a RITA travel voucher. Like the WTA, the RITA is considered taxable income; it is subject to tax withholding and must be included in the W'2.

Which of my relocation expenses will be taxed?

The following expenses or allowances listed below are considered taxable income that is covered by the Withholding Tax Allowance (WTA) and the Relocation Income Tax Allowance (RITA). Any taxable payments made to a third party service on the employee's behalf, are still considered taxable income and could affect the employee's Leave and Earnings statement.

- (a) *En route travel*. En route M&IE and POV mileage over 18 cents per mile incurred during travel to the new official station.
- (b) *Household goods storage*. Temporary storage of household goods over 30 days are taxable. The shipment and first 30 days of storage are non-taxable.
- (c) *House hunting trip.* Travel (including per diem) and transportation expenses of the employee and spouse for one round trip to the new official station to seek permanent residence quarters.
- (d) *Temporary quarters (TQSE)*. Subsistence expenses of the employee and immediate family during occupancy of temporary quarters.
- (e) **Real estate expenses.** Allowable expenses for the sale of the residence (or expenses of settlement of an unexpired lease) at the old official station and for purchase of a home at the new official station for which reimbursement is received by the employee.
- (f) *Miscellaneous expense allowance (MEA)*. A miscellaneous expense allowance for the purpose of defraying certain expenses associated with discontinuing a residence at one location and establishing a residence at the new location in connection with an authorized or approved permanent change of station move.
- (g) With holding Tax Allowance (WTA). An allowance to assist employee's with any additional Federal, State and local income tax liability.

How and when should I claim my RITA?

Claims for payment of the RITA shall be submitted by the employee in Year 2 on an SF 1012 (Travel Voucher). When claiming payment for the RITA, the employee shall furnish and certify to certain tax information that has been or will be shown on his/her actually prepared tax returns. The spouse must also sign a statement if joint filing status is claimed and spouse's income is included on statement. Please see the Federal Travel Regulations §302-17.10 for additional information on what is needed. The SF 1012 and copies of your W-2's must be forwarded to the CFO for signature. The CFO will forward to DOI/NBC for payment. Any questions related to the RITA and what is required can be directed to NBC, at (303) 969-7426.

EEOC

DIRECTIVES TRANSMITTAL

Number 370.003

Date: 10/21/2011

SUBJECT: Equal Employment Opportunity Commission (EEOC) Safety Program

PURPOSE: This transmittal covers revisions to EEOC Order 370.003, EEOC Safety Program

dated, January 25, 2002, which sets forth the policies and procedures regarding

the implementation of the EEOC Safety Program.

EFFECTIVE DATE: October 21, 2011

DISTRIBUTION: EEOC Order 370.003 is available on the EEOC intranet, inSite, on the

Directive/Order page.

CURRENT CHANGES: The major changes to this order include:

(1) EEOC POWER Initiative (Presidential Memorandum, dated July 19, 2010).

- (2) EEOC Office Safety/Security Inspection Checklist, Headquarters/Field Offices.
- (3) Vehicle Safety (Executive Order (EO) 13513 and Federal Management Regulation 102-34).
- (4) Organizational titles of the Offices of the Chief Financial Officer and Administrative Services (OCFOAS) to the Office of the Chief Financial Officer (OCFO).
- (5) Organization titles of Resource Management Division (RMD) to Central Services Division (CSD).

OBSOLETE DATA AND FILING INSTRUCTIONS: EEOC Order 370.003, Safety Program dated January 25, 2002, including all changes and supplements will be removed from inSite and destroyed.

offrey A. Smith

Chief Financial Officer

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION EEOC ORDER NO. 370.003 WASHINGTON, DC 20507 DATE 10/21/2011

ADMINISTRATIVE SERVICES SAFETY PROGRAM

- 1. **SUBJECT.** EEOC SAFETY PROGRAM
- 2. **PURPOSE.** This Directive provides policy and assigns responsibilities for a comprehensive program to create and maintain a safe work environment within the U.S. Equal Employment Opportunity Commission (EEOC).
- 3. **SCOPE.** This Directive provides policy for matters pertaining to safety of all EEOC employees at the Headquarters and nation-wide field offices.
- 4. **POLICY.** It is the policy of EEOC to provide each employee, contractor and visitor a safe environment by maintaining a comprehensive and effective safety program that meets the requirements of Section 19 of the Occupational Safety and Health Act of 1970, as amended, Executive Orders (EO) 12196 and 13153, as amended, 29 CFR 1960, as amended, applicable parts of 29 CFR 1910; FMR 102-34; and EEOC Security Plan Order 370.002, as amended.

On July 19, 2010, President Obama established a 4 year *Protecting Our Workers and Ensuring Reemployment (POWER) Initiative* covering Fiscal Year 2011 through 2014, under Presidential Memorandum, dated July 19, 2010. In addition to improving the health and safety of EEOC employees, the POWER Initiative is implemented to reduce workers' compensation costs.

- 5. **EFFECTIVE DATE.** October 21, 2011
- 6. **ORIGINATOR.** Office of the Chief Financial Officer (OCFO), Central Services Division (CSD).
- 7. **DEFINITIONS.**
 - a. <u>Establishment</u> A single physical location building where EEOC operations are performed, i.e., the EEOC Headquarters Building (including the EEOC warehouse), each District, Field, Area and Local Office, and any other separate physical facility where EEOC employees are assigned to work on a day-to-day basis.
 - **b.** <u>Fatal Accident</u> An accident that results in the death of one or more individuals, regardless of EEOC affiliation.
 - c. <u>Reporting Year</u> For the purpose of this Order, reporting year refers to July 1 through June 30, which coincides with the Occupational Safety and Health Administration (OSHA) and the Office of Workers' Compensation Programs (OWCP) reporting requirements.
 - d. <u>Hazard</u> Any unsafe working condition and/or safety violation.

e. <u>Imminent Danger</u> – A condition or practice in a workplace which is such that a situation exists that could reasonably be expected to cause death or serious physical harm immediately or before the situation can be eliminated through normal procedures.

f. <u>Serious Hazard</u> – A description of a hazard, violation or condition in the workplace where there is a substantial probability that death or severe physical harm could result.

8. **RESPONSIBILITIES.**

- a. <u>Safety Official</u> provides overall policy guidance for the EEOC Safety Program, assuring compliance with the OSHA regulations, rules, and standards and reporting requirements and ensuring that funds are available for administering the EEOC Safety Program and correcting identified safety hazards or violations. The Chief Financial Officer serves as the Safety Official.
- b. <u>Safety Officer</u> administers the EEOC Safety Program in accordance with this Order, providing advice and assistance on safety issues to EEOC managers, supervisors, safety officials and/or Agency and Office Safety/Security Representatives and employees. Ensures that all aspects of the Safety Program consider and address the special needs of individuals with disabilities and who are pregnant; prepares periodic and special reports on the EEOC Safety Program to the EEOC Safety Official and designated Agency Safety Representatives; serves as the EEOC representative at meetings with Senior officials of the Department of Labor, OSHA, the Public Health Service and other agencies on matters of safety, ensures that physical safety violations or hazards relating to buildings, facilities and equipment are promptly corrected or eliminated and arranges for alternate work space or determines that none is available for employees located in a work space where a situation of imminent danger or serious hazard has been identified. The Director, Central Services Division serves as the Safety Officer.
- c. <u>Deputy Safety Officer</u> is responsible for monitoring the effectiveness of the EEOC Safety Program; reviews safety representatives' and supervisors' investigations/reports of unsafe working conditions or practices, prepares special reports regarding the EEOC Safety Program; plans and implements special safety activities and provides safety guidance to EEOC managers, supervisors and employees and disseminates work assignments to the Security Specialists. The Supervisory Management Specialist, Central Services Division serves as the Deputy Safety Officer.
- d. Agency Safety Representatives report directly to the Deputy Safety Officer and are responsible for ensuring that inspections of EEOC workplaces are conducted; identify unsafe or hazardous conditions and practices; investigate reports of unsafe or hazardous working conditions or practices; coordinate and monitor corrections of or the elimination of hazards and unsafe work practices; investigate injuries and accidents in order to identify possible safety hazards; coordinate with Office Safety/Security Representatives, District Resources Manager (DRM) or District Resources Manager Assistant (DRMA), General Services Administration (GSA) Fire, Safety, Environmental Branch and other agencies, develop and deliver safety awareness training and education to Headquarters and field office personnel on safe work practices and techniques; and conduct annual training for designated Agency officials. Agency Security Specialists serve as Agency Safety Representatives.

e. <u>Chief Human Capital Officer</u> administers the Injury Compensation Program (ICP) both at Headquarters and in the District Offices.

- f. <u>District</u>, <u>Field</u>, <u>Area and Local Directors</u> ensures that safe work practices are followed by their respective offices. They represent EEOC at meetings with the building managers of their establishments to ensure the correction or the elimination of physical hazards in the facilities, assuring that an Office Safety Program is established and implemented in accordance with this Order and the POWER Initiative, ensuring that safe work practices are followed by all employees at their offices; assuring the elimination of unsafe work practices identified at their offices; and providing management support to activities designed to promote employee safety, coordinating with local GSA points of contacts and Agency Safety Representatives to report and resolve safety issues, and disseminate safety information to their office employees. The Office Director may serve as Office Safety/Security Representative or he or she may delegate this responsibility to a subordinate.
- g. <u>Headquarters Office Safety/Security Representatives</u> ensure that safe work practices are followed by their office employees in the office areas. Office Safety/Security Representative identifies unsafe work practices in the work areas he or she manages and support Agency activities designed to promote employees' safety. Headquarters Office Directors or their designee can serve as Office Safety/Security Representatives.
- h. <u>Supervisors</u> ensure that immediate assistance is provided to injured individuals in their work area; complete all required reports regarding injuries and accidents occurring at their work place or involving employees under their supervision as required under paragraph 9a of EEOC Order 570.006 (EEOC Injury Compensation Program); identify and eliminate or correct safety hazards in the workplace they supervise; ensure that the employees under their supervision receive annual safety awareness training; follow safe work practices and adhere to all safety rules and standards; investigate reports of unsafe or hazardous working conditions or practices received from subordinate employees; provide written reports to the Deputy Safety Officer on the results of their investigations of subordinate employees' reports of unsafe or hazardous working conditions and take or initiate appropriate disciplinary action against subordinate employees who violate safety rules and standards. Also, Supervisors ensure employee rights are not violated or that reprisal does not occur for employees who report unsafe work conditions.
- i. <u>Field Office Safety/Security Representatives</u> who represent Management and the Union shall jointly conduct inspections of EEOC workplaces or areas to identify unsafe or hazardous conditions and practices, initiate reports of unsafe or hazardous working conditions or practices to Office Director and/or Agency Safety Representatives; and provide written reports to the appropriate supervisor. The representative may be the Office Director.
- j. <u>EEOC Employees</u> notify their supervisors, immediately, of any unsafe or hazardous working condition, practice or situation, adhere to EEOC safety rules and requirements, conduct themselves in a manner that does not create a potential hazard/danger of injury to others; identify individual safety-related needs; complete and submit required reports of their injuries and accidents to an Office Safety/Security Representative, Supervisor, and/or Agency Safety Representative.

9. PROGRAM MAINTENANCE.

Each Field Office Director will designate in writing a Management Safety/Security Representative and will notify the Agency Safety Representatives of the selection. Likewise, the EEOC National Union President will designate in writing a Union Safety/Security Representative for each field office and will notify the Agency Safety Representatives of the selection. With the Director and Union President's consent, one person may be designated to represent both Management and the Union. The Safety Officer may designate additional Safety/Security Representatives to assist with the Safety Program (with the concurrence of the employee's Office Director). The Safety Officer will oversee the distribution of copies of the EEOC Occupational Safety and Health Protection Poster and guidance for establishing the local Safety Program to each field office's Safety/Security Representative. The poster shall be posted in a conspicuous place where employees and applicants for employment can see it.

10. TRAINING.

- a. The Safety Officer through designated staff will arrange for or coordinate the development and provision of training designed to accomplish the following goals:
 - (1) Train senior-level managers on their responsibilities under this Order;
 - (2) Train Safety/Security Representatives on safety inspection techniques, safety standards, hazard abatement, safety program management and other similar areas to ensure they have the technical skills necessary to carry out their responsibilities under this Order.
 - (3) Train supervisors on hazard identification, safety rules and standards and safe work practices; and
 - (4) In conjunction with the Office of Human Resources (OHR), train all employees on Federal employee rights and responsibilities; safe work practices and techniques through annual safety awareness presentation or as needed.
- b. Supervisors must ensure employees are afforded duty time to participate in annual training.
- c. Safety/Security Representatives will ensure that all staff located in the field office or area of responsibility receive annual safety awareness training and are familiar with the contents of this Order and the mission of the POWER Initiative.

11. INJURY AND OCCUPATIONAL ILLNESS REPORTING REQUIREMENTS.

OHR is responsible for the reporting requirements under this section. Please refer to EEOC Order 570.006, EEOC Injury Compensation Program.

12. RULES AND REGULATIONS.

a. The Safety Officer will publish as necessary EEOC-wide safety rules and requirements.

- b. The Agency Safety Representative will, when necessary, (after consultation with the Safety Official, Safety Officer and Office Director) issue safety guidance which apply to the office, assigned areas or to specific equipment located in the office.
- c. The Safety Officer will ensure that guidance is provided on the identification of hazards and the development of safety rules to decrease the potential for injury.
- d. Prior to issuing any new rules or requirements, the safety staff will consult with the OHR to ascertain collective bargaining requirements.

13. INSPECTIONS.

- a. Safety inspections will be carried out, as necessary, in collaboration between Field Office Safety/Security Representatives (Management and Union officials) at all EEOC field offices and Agency Safety Representatives utilizing EEOC Safety/Security Inspection Checklist (Appendix A).
- b. Annual inspections beginning the third quarter of each year will be conducted by Safety/Security Representatives in accordance with Appendix A on the following:
 - (1) The identification of work site-related hazards such as loose carpeting, blocked exits or electric cords in aisles, exposed electrical wires, ungrounded equipment or sharp projections on equipment or furniture, and
 - (2) The identification of office practice hazards such as the unsafe operation of equipment, the improper stacking of boxes or the defeating of safety devices on equipment.
- c. Unannounced inspections may be conducted by the Safety Officer or designated officials in selected areas to ensure continued adherence to safety requirements.
- d. Inspection Checklist (Appendix A), will be prepared by the Agency or Office Safety/Security Representatives who conducted the inspection. Office Safety/Security Representatives will send the inspection checklist to the Office Director for corrective action, as required, unless the Office Director conducted the inspection. The Office Director will send a copy of the inspection checklist to the District Resources Manager. At Headquarters, the Agency Safety Representatives will send the inspection checklist to the Headquarters Office Director. The report will include the following:
 - (1) A description of hazards and unsafe work practices identified during the inspection;
 - (2) The actions required to eliminate or diminish the hazards and/or unsafe work practices;

- (3) A time frame when the area will be re-inspected for compliance; and
- (4) Any other subjects the Agency Safety Representative or Office Safety/Security Representative conducting the inspection determines to be necessary to improve the safety environment of the work site.
- e. The Agency Safety Representative, upon receiving an inspection report, will review the findings and coordinate with the affected office for resolution of all identified hazards and report the results of his or her actions through the appropriate Director to the Safety Officer.

14. EMERGENCY SITUATIONS.

- a. When a situation of imminent danger or serious hazard (*i.e.*, fire, gas leak, etc.) has been identified at a work site, the person discovering the hazard will notify a supervisor, Safety/Security Representative, building manager or security officer as soon as possible. The building Designated Official (senior government official-lead tenant) will evaluate the emergency condition and determine courses of action to follow (*i.e.*, give the order to evacuate the building, etc.).
- b. If the situation will be of considerable duration (*i.e.*, several hours or longer) the Office Director, (for Headquarters, the Safety Officer) will coordinate to arrange for alternate work space.
- c. If alternate work space is not available, the Office Director (after consultation with the EEOC Safety Official, District Office Director (if applicable), and Director, OFP) may place the affected employees in excused leave status or telework status until the situation is corrected or until alternate work space is made available.

NOTE: Call 911 for emergency assistance.

15. HAZARD REPORTING AND INVESTIGATIONS.

All employees are responsible for identifying and reporting suspected safety hazards to their supervisors. EEOC Form 614, EEOC Report of Safety Hazard is used to report safety hazards.

- a. Upon receipt of a report of a safety hazard, supervisors will investigate the reported hazard and determine if a hazard exists (the designated Safety/Security Representative will provide assistance, if requested).
 - (1) If the Supervisor or Safety/Security Representative determines that no hazard exists, he or she will inform the employee, and Director if applicable. Likewise, if the Office Director is the Safety/Security Representative, he or she will inform the employee that no hazard exists.

(2) If the Supervisor or Safety/Security Representative determines that a hazard exists, he or she will immediately take steps to correct the hazard if it is within the scope of his or her authority; otherwise, the Supervisor or Safety/Security Representative will notify the Director. The Safety/Security Representative will complete a report of the hazard and submit it to the Director. The Director will notify the Agency Safety Representatives as soon as feasible if a serious hazard or imminent danger situation exists and send a report of the serious hazard or imminent danger to Headquarters, OCFO Attn: Safety Official.

- b. Safety/Security Representatives will investigate all reports of safety hazards; ensure that no hazard exists or that appropriate steps have been taken to correct the hazard, and maintain a record of hazards and corrective actions. Agency Safety Representatives will provide assistance, as requested.
- c. Safety/Security Representatives will also investigate all accidents, injuries and cases of occupational illness in order to identify and correct any hazards involved with the incidents. Please refer to EEOC Order 570.006, EEOC Injury Compensation Program.
- d. Safety/Security Representatives are required to maintain a file throughout the year and to report serious hazards and imminent danger situations as they occur to the Agency Safety Representatives using EEOC Form 614. A summary of all reports of safety hazards and investigations will be included in the Annual Safety and Occupational Health Report prepared by the Agency's Workers' Compensation Specialist and Agency Safety Representatives. The Annual Safety and Occupational Health Report summary will include the following:
 - (1) The effectiveness of any special EEOC accident prevention or safety initiatives;
 - (2) A description of any special activities conducted by the establishment and results of the activities;
 - (3) A comparison of the accident and injury rate within the previous year; and
 - (4) A description of any initiatives planned for the forthcoming year.

16. VEHICLE SAFETY.

- a. Motor Vehicle Requirements. Guidelines pertaining to the effective vehicle control system and operation of Government-owned or leased vehicles are listed in the EEOC Administrative Manual. These guidelines are general in nature and should be followed in addition to local and state motor vehicle laws.
- b. Distracted Driving. Distracted driving has increased the risk of motor vehicle crashes. Employees who operate a Government-owned or leased vehicle should refrain from the following:
 - (1) Using a cell phone (calling, receiving or texting);

- (2) Eating, drinking, reading, smoking and applying makeup;
- (3) Driving beyond normal working hours; and
- (4) Driving if feeling fatigue.
- c. Employees should complete an annual defensive driving awareness course prior to operating a Government-owned or leased vehicle.
- 17. **PROGRAM EVALUATION.** OCFO and OHR will develop and implement an evaluation protocol and evaluation report required by 29 CFR 1960.79.
- 18. **APPENDIX.** Appendix A EEOC Safety/Security Inspection Checklist Headquarters/Field Offices.
- 19. **FORM.** EEOC Form 614 prescribed in this Order is available on the Commission's Intranet, inSite, under the EEOC Forms page.
- 20. **OBSOLETE DATA.** This Order supersedes EEOC Order 370.003, Safety Program dated January 25, 2002, including all changes and supplements which will be removed from directive reference sets and destroyed.

Jeffrey A. Smith

Chief Financial Officer

Print Name:	Location Inspected:		
Signature:	Date:	Phone Numbers/E-mails:	
	INSTRUC	TIONS	

Occupational Safety and Health Act of 1970, Executive Order 12196 and 29 CFR 1960 requires Federal agencies to conduct annual inspections of workplaces for hazardous conditions. Prompt action is to be taken to ensure that hazardous conditions are eliminated and imminent danger conditions are corrected immediately.

On July 19, 2010, President Obama established a 4-year *Protecting Our Workers and Ensuring Reemployment (POWER) Initiative* covering Fiscal Year 2011 through 2014. The Office of Human Resources (OHR), in partnership with the Office of the Chief Financial Officer (OCFO), an appointed Deputy Director Representative of EEOC's Field Offices and an appointed Union Representative have developed a Safety and Health action plan to aggressively address on-the-job injuries at EEOC. In addition to improving the health and safety of EEOC employees, the POWER Initiative is implemented to positively impact EEOC's Workers' Compensation Program.

This Safety/Security Inspection Checklist covers general office safety and security items and is intended to help identify potentially hazardous conditions and practices. Inspections must be conducted annually in the third quarter. Safety/Security Representatives will ensure notices are posited near each place an unresolved hazardous condition is found until the hazard is corrected. Completed and signed inspection checklists will be provided to the Field Director by the local Safety/Security Representatives, and after reviewing the checklist, the Field Director will then send it to the DRM. The DRM will review the checklist with the District Director prior to forwarding them to the Agency Security Specialists no later than June 30. Headquarters support will be provided for corrective action on any deficiencies which cannot be resolved at the field office level.

Role and Responsibilities:

District, Field, Area and Local Office Directors will provide oversight for implementation of the Safety/Security Inspection Checklist at their respective offices. Each District, Field, Area and Local Office Director will designate a Management Safety/Security Representative. A Union Safety/Security Representative will be designated by the Union President. The Director will review the completed checklist with the local representatives prior to forwarding it to the DRM.

District Resources Managers (DRMs) will coordinate with Safety/Security Representatives in the District to ensure timely conduct of the annual inspections. DRMs will receive all completed checklists from Field Directors and after review with the District Director; the DRMs will forward (electronically or by fax) completed inspection checklists to Agency Security Specialists no later than June 30 of each year.

Office Safety/Security Representatives will conduct during the third quarter an annual inspection of EEOC workplaces and areas to identify unsafe office conditions and practices. If corrective action is taken to address identified problems, they will document the date it was completed on the checklist. Completed checklists should be signed and dated by the Safety/Security Representatives and provided to the Field Director for review. The Field Director will forward the completed checklist to the DRM with sufficient time for additional corrective action(s) to be completed if they cannot be completed at the field office level.

Agency Security Specialists will conduct during the third quarter an annual inspection of EEOC Headquarters and address any identified problems. Agency Security Specialists will review completed Headquarters and field office checklists and coordinate directly with Headquarters Supervisory Management Specialist, District, Field, Area and Local Office Directors and DRMs or their designated representative for an action plan to correct any unsolved identified hazards. Agency Security Specialists will provide initial feedback to field offices by September 30. An Annual Report will be disseminated to OFP which confirms field office compliance with regulatory guidance in the areas of safety and security, no later than January 20.

Should you have questions concerning the material in this checklist or the requirements, please contact Agency Security Specialists, Jill Lewis, at jill.lewis@eeoc.gov, (202) 663-4268, or James Tillman, at james.tillman@eeoc.gov, (202) 663-4268, or James Tillman, at james.tillman@eeoc.gov, (202) 663-4268.

Complete all items, typing or printing clearly. A"NO" response on the checklist indicates an area of safety or security concern and requires an explanation of action to correct the condition. If corrective action cannot be taken, explain why not. (Use additional sheets, if necessary). Where a question is not applicable, check "N/A". Where a question requires a written response, insert the answer after the question. If there are any workplace hazards that are not listed, provide a brief description in the "COMMENTS" section.

	Items Inspected	Yes	No	N/A	Explanation of Unsatisfactory Item and Corrective Action Plan	Dated Corrected
1.0	General – All Areas					
1.1	Are all light bulbs working?					
1.2	Are all ceiling tiles in place and in good condition?					
1.3	Are there any ceiling leaks?					
1.4	Are all walking surfaces free of tripping/slipping hazards?					
2.0	Exits/Egress – Evacuation					
2.1	Are all corridors unobstructed?					
2.2	Are all exit doors unobstructed?					
2.3	Are exists properly marked and illuminated?					
2.4	Are exit doors able to be opened from the inside without special keys?					
3.0	Stairways					
3.1	Are stairways free of obstructions and treads in good condition?					
3.2	Are Handrails in good condition?					
4.0	Electrical					
4.1	Is there at least three (3) feet clearance in front of electrical panels/breaker boxes?					
4.2	Are extension cords, power strips plugged directly into wall, workstation systems outlet and not into other extension cords or power strips?					
4.3	Are extension cords, cables, electric and telephone cords properly routed or covered to avoid trip and fall hazards?	1				

	Items Inspected	Yes	No	N/A	Explanation of Unsatisfactory Item and Corrective Action Plan	Dated Corrected
4.4	Are electrical cords free from damage and deterioration?					
4.5	Do outlets have appropriate cover plates?					
4.6	Are electrical outlets free of overloads?					
5.0	Fire Prevention					
5.1	Are fire extinguishers clearly visible?					
5.2	Is access to fire extinguishers clear and unobstructed?					
5.3	Are fire extinguishers properly maintained and inspected (annually)?					
5.4	Are sprinkler heads unobstructed and objects are at least a minimum of 18" or more below sprinklers?					
6.0	Emergency Preparedness					
6.1	Is there an office Occupant Emergency Plan (OEP) in place? Last OEP date?					
6.2	Are employees trained on what to do in the event of an emergency evacuation? Last training date?					
6.3	Has an annual fire drill been conducted? Last drill date?					
6.4	Are internal staging areas established for persons with limited mobility who require evacuation assistance?					
6.5	Has the fire department approved the internal staging areas?					
6.6	Is a list maintained of persons with limited mobility who opt to stage in building to wait for evacuation assistance?					

	Items Inspected	Yes	No	N/A	Explanation of Unsatisfactory Item and Corrective Action Plan	Dated Corrected
6.7	Are external staging areas established at least 300 feet from building?					
6.8	Has an annual Shelter-In- Place (SIP) drill been conducted? Last drill date?					
6.9	Are permanent and contract employees issued SIP kits?					
6.10	Is each permanent and contract employee assigned to a SIP location?					
6.11	Is the office Floor Captain and Area Monitor roster current? Last roster update?					
6.12	Are Emergency lights tested? Last test date?					
6.13	Are Emergency phone numbers clearly posted in a visible area?					
7.0	Safety and Security Administration					
7.1	Is the office Occupational Safety and Health (OSH) Poster displayed in a place where employees and applicants for employment can see it?					
7.2	Does the office participate in the building Facility Security Committee (FSC)? Last FSC meeting date?					
7.3	Does the office have a copy of the last Facility Security Assessment (FSA) conducted by Federal Protective Services (FPS) for your office?					
7.4	Does the office have the name of the local FPS Inspector? Inspector's Name:					

	Items Inspected	Yes	No	N/A	Explanation of Unsatisfactory Item and Corrective Action Plan	Dated Corrected
7.5	Does the office building have contract security guards?					
7.6	Does the office have current copy of the building's Guard Post Orders? Date of current Post Orders?					
7.7	Are x-ray machines and magnetometers used as part of daily security screening?					
7.8	Does the office currently have a duress alarm system? Number of alarm buttons?					
7.9	Is the duress alarm system operational?					
7.10	Is the duress alarm system wireless?					
7.11	Is the duress alarm system connected to FPS MegaCenter?					
7.12	Does the office conduct semi-annual duress alarm test with FPS MegaCenter? Last test date?					
7.13	Are there any problems with the duress alarm system?					
7.14	Are there any areas that require but are lacking duress alarms? Location?					
7.15	Does the office conduct annual Safety/Security Awareness training? Last training date?					
7.16	Are Weapons Warning Signs posted at each office entrance?					

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HUMAN RESOURCES

Training Programs

- 1. **SUBJECT.** TRAINING FOR SUPERVISORS, MANAGERS, AND EXECUTIVES.
- 2. **PURPOSE.** This Order sets forth Commission policies and responsibilities for training and development of EEOC supervisors, managers, and executives. Operating guidance and procedures are contained in memoranda issued periodically by the Chief Human Capital Officer (CHCO) or the Agency Training Officer and in the EEOC Administrative Manual.

Supervisory training is the foundation for the strategic development of EEOC's leadership cadre and is a key element of an effective leadership succession management plan. This policy is intended to promote the development of competencies needed by supervisors, managers and executives in order to carry out their responsibilities and accomplish the agency's mission.

3. **APPLICABILITY.** This order applies to all EEOC employees who are incumbents of, and candidates for, supervisory, managerial, and executive positions in the General Schedule and the Senior Executive Service.

4. **REFERENCES.**

- A. 5 U.S.C., Section 3396, Development for and within the Senior Executive Service;
- B. The Workforce Flexibility Act of 2004 (Public Law 108-411, Sec.201);
- C. 5 C.F.R., Part 412, Supervisory, Management, and Executive Development;
- D. Executive Order 11348, dated April 20, 1967
- 5. **EFFECTIVE DATE.** September 30, 2011
- 6. **EXPIRATION DATE.** No expiration.
- 7. **ORIGINATOR.** Office of Human Resources

8. **RESPONSIBILITIES.**

A. The Chair:

- 1) ensures development and implementation of a management succession program to fill agency supervisory, managerial and executive positions;
- 2) ensures that systematic training and development programs are provided for incumbent and candidate supervisors, managers and career senior executives;
- 3) ensures that information on the EEOC Employee Performance and Evaluation System is provided to managers, supervisors and employees, and that supervisors and managers are provided initial training and retraining in the implementation and operation of performance management;
- 4) ensures that mandatory training requirements are reflected in performance plans and appraisals; and
- 5) selects members of the senior executive service and high performing GS-15s to attend the OPM Federal Executive Institute (FEI) or comparable executive development programs.

B. The Executive Resources Board (ERB):

- identifies executive training needs and provides for the overall planning of EEOC's program for continuing development of executives and senior managers;
- 2) identifies budget levels to meet the developmental needs of executives and senior managers; and
- 3) recommends selection of participants for executive development programs, including the Federal Executive Institute, to the Chair.

C. The Chief Human Capital Officer:

- 1) sits as a member of the ERB and serves as chief training coordinator for development of executives and senior managers;
- 2) provides oversight and guidance for the subject matter of this issuance and periodic updates as required;
- sends an annual reminder to all supervisory employees advising them of their obligation to attend mandatory training and of the consequences for failing to fulfill that obligation; and

4) approves/disapproves exceptions to compliance with this policy and notifies the Chair accordingly.

D. The Agency Training Officer:

- 1) is the Director, Training and Employee Development Division (TEDD), Office of Human Resources:
- 2) coordinates supervisory, management, and executive development programs/activities for the Agency;
- 3) plans, develops and delivers instructional programs designed to improve competencies of agency supervisors, managers, and executives;
- 4) manages the operation of the EEOC Management Development Institute (MDI) and ensures that training programs address required competency development;
- 5) evaluates the effectiveness of leadership training; and
- 6) ensures that information about mandatory training requirements is disseminated and included in relevant training programs.

E. The Managers and Executives:

- 1) ensure periodic assessment of subordinate supervisors' individual development needs in order to support accomplishment of agency goals;
- 2) ensure preparation of Individual Development Plans (IDPs) and Executive Development Plans (EDPs) of subordinate supervisors to address identified competency gaps;
- 3) ensure that subordinate new supervisors have completed required new manager training within one year of selection to a supervisory position;
- 4) ensure that experienced subordinate supervisors complete required leadership/supervisory training;
- 5) document failures to complete required supervisory training and ensure the appropriate performance rating on the Performance Management Record (PMR); and
- 6) identify requests for exceptions under Compliance section.

- F. The employees in supervisory, managerial and career senior executive positions:
 - 1) assess their own learning needs at least annually through selected assessment methods and prepare IDPs and EDPs to address competency gaps;
 - 2) complete mandatory training within required timeframes;
 - 3) ensure the accuracy of their training records and that documentation is in order to verify compliance with this policy;
 - 4) consult with their immediate supervisors regarding any training record inaccuracies and provide a certificate of completion or other documentation to prove attendance at training in question; and
 - 5) provide documentation to the EEOC Training Officer to correct the record in the Agency's Electronic Training Data Collection System, if appropriate.

9. **DEFINITIONS.**

- A. <u>Candidate</u>. An individual who possesses the qualifications and competencies necessary to successfully perform the duties of a supervisor, manager or executive in the agency and the Federal government.
- B. <u>Competency</u>. An observable, measurable pattern of skills, knowledge, abilities, behaviors and characteristics needed to successfully produce required outcomes directly related to job performance.
- C. <u>Executives</u>. Employees appointed to positions of the Senior Executive Service who lead the Agency and are responsible for establishing and/or achieving agency/organizational goals.
- D. <u>Managers</u>. Employees in management positions who typically supervise one or more supervisors and who accomplish work by directing the duties of an organizational unit with accountability for the success of specific line or staff functions. Managers also monitor and evaluate the progress of the organizational unit toward meeting goals and making adjustments in objectives, work plans, schedules, and commitment of resources.
- E. <u>Supervisors.</u> Employees who accomplish work by directing others. Duties involve such activities and responsibilities as selecting employees, assigning work, coaching, assessing accomplishments, conducting performance reviews, approving training, approving leave, and rewarding and disciplining employees. Supervisors are permanent, full-time Federal employees who have input into at least one employee's performance review.

- Acting Supervisors. Employees who have been temporarily assigned to a supervisory position. This action must be supported by use of a Standard Form-50, Notification of Personnel Action, and is for a specific period of time.
- 2) <u>Probationary Supervisors</u>. Newly appointed supervisors who are serving in a mandated one-year probationary period.
- 3) New Supervisor. An employee who is promoted or hired into a supervisory position and who has not previously had at least 12 consecutive months of permanent supervisory experience with the EEOC.
- F. <u>Potential Candidates</u>. Individuals whom the agency identifies as possessing or capable of developing the competencies necessary to successfully perform in supervisory, managerial or executive positions based on the agency's succession plans.
- G. <u>Training</u>. Learning that results in growth, development or proficiency gained through a variety of methods. Training activities can include formal classroom training, on-the-job training, job details, distance learning, EEOC's Employee Development Center (EDC) and other computer-based training, etc.

10. POLICY FOR TRAINING AGENCY SUPERVISORS, MANAGERS, AND EXECUTIVES.

A. Leadership Competencies

The agency will develop and assess its supervisors, managers, and executives against the leadership competencies established by OPM under its Executive Core Qualifications (ECQs). Periodic assessments will be conducted to identify competency gaps in order to help individuals focus their developmental activities as well as support the design of appropriate organization-wide leadership development programs and activities. The Commission will provide learning opportunities which foster a broad agency and Government perspective to help develop leadership competencies in individuals in order to provide a sufficient number of well-prepared and qualified candidates for EEOC leadership positions.

B. Training Emphasis Areas

EEOC will periodically identify leadership "emphasis areas" based on results from employee surveys, Administration or agency initiatives, OPM mandates, input from executives, managers and supervisors as well as other resources and guidance. As needed, EEOC may require additional training for supervisory personnel.

C. Selection for Training

The agency will select employees for training and developmental opportunities fairly and equitably based on merit and other appropriate considerations in accordance with established procedures and policies.

D. Newly Appointed Supervisors and Supervisors Hired from Outside EEOC:

During the one-year supervisory probationary period required upon their first appointment to a supervisory position, the employee must complete new manager training requirements as identified by the Chief Human Capital Officer. Regardless of their previous supervisory experience in other organizations, all newly appointed supervisors and managers, through grade level GS-15, must complete this training requirement within one year of their appointment.

E. Experienced Supervisors:

Employees in a supervisory position at the EEOC are responsible for remaining current in topics covered by initial mandatory classes and for continuing to develop their own leadership competencies. To support this goal, all experienced supervisors must complete leadership/supervisory training every three years which addresses at least the following mandatory topics:

- 1) Mentoring employees,
- 2) Improving employee performance and productivity, and
- 3) Conducting employee performance appraisals and dealing with unacceptable performance.

Other topics which are considered important to effective development of leadership competencies include, but are not limited to, the following: labor/management relations, performance based interviewing, coaching skills, performance management, managing individuals with disabilities, goal setting, critical thinking, and conflict management. All such training must be documented, when successfully completed, through the agency's electronic training data collection system.

F. Executive Development

All EEOC members of the Senior Executive Service (SES) will prepare, implement and annually update his/her Executive Development Plan (EDP) which will:

1) function as a detailed guide of developmental experiences to help SES members, through participation in short-term and long-term experiences, meet

- organizational needs for leadership, managerial improvement, and organizational results;
- 2) address enhancement of existing executive competencies and such other competencies as will strengthen the executives' performance;
- 3) outline developmental opportunities and assignments to allow the individual to develop a broader perspective in the agency as well as Governmentwide; and
- 4) be reviewed annually and revised as appropriate by the ERB or similar body designated to oversee executive development, using input from the performance evaluation cycle.

G. Compliance

- 1) Office Directors must ensure that completion of mandatory training is part of each manager's and supervisor's performance plan.
- 2) Managers and executives will monitor completion of mandatory training requirements for all subordinate supervisors during mid-year and end-of-year performance discussions.
- 3) New supervisors serving a supervisory probationary period must complete mandatory training during their one-year probationary period. Failure to complete mandated training means the individual will not have completed the probationary period and cannot receive an outstanding rating in element two (2) of their performance plan unless an exception has been granted.
- 4) Experienced supervisors who fail to complete mandatory supervisory training cannot receive an outstanding rating in element two of their performance plan unless an exception is granted.
- 5) Requests for exceptions to this section must be submitted by headquarters and office directors to the Chief Human Capital Officer for review and decision.
- 11. **FORMS.** Forms prescribed in this Order are available on InSite.
- 12. **APPENDICES. None**

Lisa M. Williams, Chief Human Capital Officer Office of Human Resources



DIRECTIVES TRANSMITTAL

Number 510.001 Date 09/11

SUBJECT: Employee Training and Development

PURPOSE: This transmittal "re-establishes" the Commission's Order on the policies and responsibilities for the training and development of agency employees. It implements applicable requirements found in OPM's Title 5, Code of Federal Regulations, Part 410, Training, as well as additional policies affecting the agency's training program.

EFFECTIVE DATE: September 30, 2011.

DISTRIBUTION: This order is available on the EEOC intranet site, inSite.

CURRENT CHANGES: None

OBSOLETE DATA AND FILING INSTRUCTIONS: None

isa M. Williams

Chief Human Capital Officer

HUMAN RESOURCES

Training and Development

- 1. **SUBJECT.** EMPLOYEE TRAINING AND DEVELOPMENT
- 2. **PURPOSE.** This Order "re-establishes" the Commission's Order on the policies and responsibilities for the training and development of agency employees. Operating guidance and procedures are contained in memoranda issued periodically by the Chief Human Capital Officer or the Agency Training Officer and in the EEOC Administrative Manual.
- 3. **APPLICABILITY.** This order applies to all employees of the Equal Employment Opportunity Commission.
- 4. **REFERENCES.**
 - A. Chapter 41 of Title 5, United States Code;
 - B. Part 410 of Title 5, Code of Federal Regulations;
 - C. Executive Order 11348, dated April 20, 1967; and
 - D. The Workforce Flexibility Act of 2004 (Public law 108-411, Sec. 201).
- 5. **EFFECTIVE DATE.** September 30, 2011.
- 6. **EXPIRATION DATE.** No expiration.
- 7. **ORIGINATOR.** Office of Human Resources
- 8. **RESPONSIBILITIES.**
 - A. The Chair:
 - 1) establishes policies ensuring alignment of employee training and development with agency strategic goals;
 - 2) sets overall training agenda, identifying annual goals and priorities from which training needs are derived;

- 3) establishes budget for training agency employees; and
- 4) determines whether to authorize training for officials appointed by the President and when authorized, ensures maintenance of required training records.

B. The Chief Human Capital Officer:

- 1) provides overall direction and administration of the Commission's training program;
- 2) integrates the agency's training program with other human resource functions;
- 3) addresses critical success factors to help eliminate gaps and deficiencies in the competencies of employees in mission-critical occupations in the current and future workforce; and
- 4) establishes minimum requirements for continued service agreements including identification of obligated service.

C. The Headquarters and District Office Directors:

- in collaboration with their managers and supervisors, determine the short and long-term training needs of their respective offices;
- 2) develop, with employee input, a written annual office training plan;
- 3) encourage development and career enhancement activities for office staff, including subordinate managers;
- 4) ensure and monitor preparation of Individual Development Plans (IDPs) and Executive Development Plans (EDPs) for office staff, including subordinate managers;
- 5) provide internal training within their offices as resources permit;
- 6) recommend employees for training, as necessary and appropriate;
- 7) ensure that managers and supervisors fully understand their employee development and program training responsibilities and are provided with timely information and training necessary to help them carry out these responsibilities;
- 8) encourage dissemination of information to staff regarding training opportunities;

- 9) monitor and manage training budget allocations;
- 10) ensure accurate and timely submission of office training data to the Office of Human Resources for inclusion in the agency's Electronic Data Collection System; and
- assist in identifying trainers and curriculum developers in response to requests from the Office of Human Resources, Office of Field Programs, Office of General Counsel, Office of Federal Operations, and others.

D. The Agency Training Officer:

- 1) is the Director, Training and Employee Development Division, Office of Human Resources;
- 2) develops, recommends, and manages the agency's training budget based on strategic objectives;
- 3) prepares annual training plan which supports agency strategic goals and priorities;
- 4) prioritizes agency training activities based on Commission needs and objectives and ensures their delivery considering resource availability and return on investment (ROI);
- 5) directs planning, development, and delivery of mission-related training programs designed to improve competencies of agency executives, managers, supervisors and employees;
- 6) develops and issues training guidance and procedures;
- 7) provides guidance on agency-wide training needs assessments, as necessary;
- 8) works with managers and supervisors to help identify and correct employees' skill deficiencies and competency gaps;
- 9) ensures quality control of training programs using evaluative processes;
- 10) maintains administrative records for agency training activities and submits required reports;
- oversees administration of the Commission's special development programs such as those at the Federal Executive Institute, new employee training, career enhancement, internship programs, etc.; and

- in coordination with the Office of the Chief Financial Officer, establishes procedures for re-capturing training funds.
- E. The District Resources Managers and Headquarters Administrative Officers:
 - serve as office authorizing officials for the purpose of verifying that training funds are available for obligation to cover costs entered on individual SF-182s (Authorization, Agreement, and Certification of Training) and similar training and training-related obligation documents such as travel authorizations and purchase orders;
 - 2) enroll employees in training approved through the SF-182 process;
 - 3) serve as office authorizing officials for the purpose of verifying that employees completed training for which training funds were obligated;
 - 4) ensure accurate preparation and submission of office training data for inclusion in the agency's electronic data collection system; and
 - 5) track obligations and expenditures of local training funds.

F. The Supervisors:

- provide on-the-job training and recommend appropriate development activities to meet both the organization's and the individual employee's needs;
- 2) ensure that effective on-going orientation is provided to new employees and that employees complete federally mandated training including the No FEAR Act, Government ethics, US Constitution Initiative, Security Awareness Training, etc.;
- 3) counsel employees at least annually regarding their career goals and performance requirements and assist them in assessing their competencies and completing/revising IDPs;
- remain informed regarding Commission training policy, regulations and procedures; and
- 5) ensure that employees attend and complete training for which they have been approved while considering work priorities and employees' personal needs.

G. The Employees:

- 1) exercise initiative in identifying and completing self-development activities and transferring learning to the workplace;
- 2) complete annual IDPs and EDPs, as appropriate, in consultation with their supervisors, which include, at a minimum, federally mandated training as well as other mandated training for their position;
- 3) submit completed SF-182, Authorization, Agreement, and Certification of Training, vendor registration form (if applicable), and any other required document(s) to their supervisor and District Resources Manager or Administrative Officer to request training requiring funding, as appropriate;
- 4) attend and successfully complete training which has been approved and funded by the Commission;
- 5) provide an evaluation of their training and discuss the impact and transfer of learning to the workplace with their supervisor following completion of a training activity;
- 6) fulfill requirements identified in continued service agreements; and
- 7) notify their supervisor and Administrative Officer or District Resources Manager and other designated office staff and vendor (if appropriate) immediately when exigencies prevent attendance at an approved training event.

9. **DEFINITIONS.**

- A. <u>Authorizing Official</u>. Headquarters Administrative Officers (AOs) and field District Resources Managers (DRMs) serve in this function. This individual authorizes an outside training assignment upon assurance that the contemplated expenses are necessary and proper and that related legal and administrative requirements are met.
- B. <u>Career Development</u>. A lifelong process where individuals assess their competencies and talents through personal observation and reflection as well as considering feedback and guidance from supervisors, colleagues, mentors, learning professionals, and others. They explore, plan, and create their future at work by designing an individual development plan (IDP) which identifies short and long term career goals.

- C. <u>Competency</u>. An observable, measurable pattern of skills, knowledge, abilities, behaviors and characteristics needed to successfully produce required outcomes directly related to job performance.
- D. <u>Continued Service Agreement</u>. A written agreement with an employee that he/she will continue in service to the agency after the end of the training period for a period at least equal to three times the length of the training period. This applies to long term training activities which are defined as exceeding 160 hours.
- E. <u>Expenses of Training</u>. Normally expenditures for tuition, fees (such as registration or laboratory fees), necessary books and materials (only if integral to course costs), per diem and transportation costs, as appropriate.
- F. <u>Individual Development Plan (EEOC Form 640)</u>. A plan of action determined to be appropriate to help employees improve current job performance as well as reach short and long-term career goals. This plan is required for all employees including members of the Senior Executive Service (Executive Development Plans), managers, and supervisors as well as those in EEOC development programs.
- G. <u>Long Term Training Program</u>. Training which occurs over a period of more than 160 hours.
- H. <u>Mission Critical Occupations (MCOs)</u>. Job positions which are essential to accomplishing the mission of the agency and its strategic goals.
- I. <u>Mission Related Training</u>. Training that supports agency goals by improving organizational performance at any level in the agency. This includes training that:
 - 1) supports the agency's strategic plan and performance objectives;
 - 2) improves an employee's current job performance;
 - 3) allows for expansion or enhancement of an employee's current job;
 - 4) enables an employee to perform needed or potentially needed duties outside the current job at the same level of responsibility; or
 - 5) meets organizational needs in response to human resource plans and reengineering, downsizing, restructuring, and/or program changes.
- J. <u>Obligated Service</u>. The length of time an employee agrees to remain in the employ of EEOC after a long term training program, the cost of which has been borne in whole or in part by the EEOC. A Continuing Service Agreement must be signed by the nominee prior to the commencement of training for which the

Federal Government approves payment of associated training costs. The obligated service will be a period at least equal to three times the length of the training period.

- K. <u>Return on Investment (ROI)</u>. The expected measurable benefit that the agency would derive from alternative approaches to meeting training needs considering costs of the alternatives e.g. internal versus external training.
- L. <u>Training</u>. Learning that results in growth, development or proficiency gained through a variety of methods. Training activities can include formal classroom training, on-the-job training, job details, distance learning, EEOC's Employee Development Center (EDC) and other computer-based training, etc.

10. TRAINING POLICY.

A. <u>Leadership and Collaboration</u>.

Broad oversight of training and employee development resides with the Training and Employee Development Division (TEDD), Office of Human Resources, with on-going support and collaboration by staff from other headquarters and field offices.

B. <u>Training Priorities</u>.

Priorities for allocating resources for training employees will be:

- 1) training mandated by law, regulation or collective bargaining agreement;
- 2) training which supports the achievement of agency strategic goals and objectives and promote organizational excellence; and,
- 3) training which supports individual development to enhance employees' long term skill and career development.

C. Training Plan, Program, and Budget.

- 1) Annual training plans will:
 - a) identify mission-critical occupations and competencies;
 - b) identify workforce competency gaps; and
 - c) assess the overall agency talent management program to identify training needs within the agency.
- 2) An agency training budget will be developed which supports the Commission's annual and strategic goals.

- 3) Headquarters and district offices will prepare annual training plans to support accomplishment of their goals.
- 4) Training Project Funding and Evaluation Procedures prepared by OHR will be used when establishing and approving training plans and activities.
- Agency training and development needs will be identified by considering various resources and documents which provide assessment, analysis and forecasts of employee competencies and talent pools. These documents include at a minimum: the Human Capital Strategic Plan, Workforce Plan and Leadership Succession Management Plan.

D. Training Environment

The agency will foster a training environment which:

- 1) promotes the sharing and exchange of knowledge, training materials, information and techniques within the agency and across the government;
- 2) provides training and orientation to new EEOC employees to help them become effective members of the Commission workforce as early as possible and fosters an on-going commitment to achieving the Commission's mission;
- 3) places ultimate responsibility for training success with the individual employee with recognition that one of a supervisor's primary responsibilities is to identify and address employee competency and skill gaps and to promote the development and retention of his/her high performing staff;
- 4) encourages a partnership between the agency and the employee to assure that opportunities for development are identified, training is successfully completed, and transfer of learning occurs in the workplace which benefits both the individual and the organization; and
- 5) encourages and supports training and development of its workforce to the greatest extent possible in order to achieve EEOC's mission and strategic goals.

E. Integration of Training with Other Personnel Functions.

Training will be integrated with other personnel management and operating activities/functions/topics including recruitment, new employee orientation, and performance management (such as performance improvement plans (PIPs)),

labor/management relations, employee rights and responsibilities, retirement planning, etc.

F. Individual Development Plans (IDPs) and Executive Development Plans (EDPs)

- 1) IDPs and EDPs will be prepared for employees which, at a minimum, identify activities intended to close competency gaps, enhance performance, and meet federal and EEOC mandated training requirements. IDPs should track to office training plans which support the agency's national training plan.
- SF-182's (Authorization, Agreement and Certification of Training) will be submitted to request funds to cover the cost of training and development activities identified on IDPs.
- 3) Copies of the SF-182s will be retained in the respective District or Headquarters office to be used in support of training data submission to the OPM Government wide electronic data collection system.

G. Academic Training.

Normally the agency does not fund training for the purpose of obtaining a degree. However, employees may be reimbursed for academic training if it can be linked to job requirements. Tuition reimbursement may be requested but must be approved <u>prior</u> to payment of the tuition by the individual.

H. Conferences.

The agency may sponsor an employee's attendance at a conference as a developmental assignment when:

- 1) the announced purpose of the conference is educational or instructional;
- 2) more than half of the time is scheduled for a planned, organized exchange of information between presenters and audience which meets the definition of training in section 4101 of title 5, United States Code;
- 3) the content of the conference is germane to improving individual and/organizational performance; and
- 4) activities can be linked to the development of a specific competency or set of competencies necessary to the successful accomplishment of the employee's job or the agency's mission.

I. Continuing Legal Education (CLE)

Employees may apply for funding or administrative leave to attend training that addresses requirements for CLEs. Approval of such requests will be contingent upon:

- 1) whether the developmental activity supports the mission of the agency and their job requirements; and
- the criteria set forth in the agency's Training Project Funding and Evaluation Procedures.

J. Interagency Training.

The agency may provide or share training programs developed for its employees with other agencies when this would result in better training, improved service, or savings to the government. The agency may also receive training from other agencies when this would result in better training, improved service or savings to the government.

K. Training Selection Process.

The agency will select employees for training and developmental opportunities fairly and equitably based on merit and other appropriate considerations in accordance with established procedures and policies.

L. Training Attendance and Completion.

Employees will fulfill their responsibilities to attend and complete all sessions of training activities for which they are selected.

M. Use of Training Facilities and Materials.

The agency will only use training facilities and curriculum which meet accessibility requirements set forth in the Americans with Disabilities Act. When procuring training materials from vendors or other sources, agency staff will assure that training materials and room setups are accessible to those with stated disabilities.

The agency will make every reasonable effort to assure that training it delivers or which EEOC employees attend, will not occur in facilities that unlawfully discriminate in the admission or treatment of students.

N. Training of Bargaining Unit Employees.

Where applicable and not specifically stated in this Order, the agency will assure that training it provides for bargaining unit employees is consistent with the provisions of the agency's collective bargaining agreement.

O. <u>Continued Service Agreements (CSAs).</u>

Employees are required to complete a CSA prior to assignment to training for programs which are longer than 160 hours. The following requirements apply:

- 1) Commitment for service following successful completion of the activity is a period at least equal to three times the length of the training period.
- 2) If the employee voluntarily separates from the agency before the CSA expires, the agency has an obligation to recover training costs for the amount of time not served. The employee is not obligated to repay training costs attributable to the uncompleted period of service if he or she is involuntarily separated from the agency for reasons other than misconduct or unsatisfactory performance. If the employee transfers to another Federal agency before completing the required period of service, the agency transfers the service obligation to the gaining agency.
- The agency will recover amounts owed by an employee in accordance with agency procedures for employee debt collection and recovery. The Chair, or upon delegation to the Chief Financial Officer, may waive the right of recovery of an employee's debt, in whole or in part, if he or she determines that recovery is not fair and in good conscience.

P. Collection of Training Data.

The agency will submit a record of training activities, as required, to the Office of Personnel Management through the OPM Governmentwide Electronic Data Collection System. These records originate and are maintained at the headquarters and field office level and will be considered when assessing accomplishment of training goals and preparation of training plans.

Q. <u>Evaluation of Agency Training Program</u>.

Annual evaluation of the agency's training program will be conducted to determine how well it contributed to mission accomplishment and met organizational performance goals. The following actions will support this process:

1) Analysis of training data gathered through the OPM Government-Wide Electronic Data Collection System, employee surveys, focus groups,

- course feedback, supervisory post-training comparison of gap assessment results, etc.;
- 2) Evaluation of group training activities to determine their effectiveness and return on investment to the individual, office and agency; and
- 3) Interaction between the employee and his/her supervisor before training or developmental activities in order to identify expected results and after training in order to consider how learning will be transferred to the workplace.
- 11. **FORMS.** Forms prescribed in this Order are available on inSite.

Lisa M. Williams, Chief Human Capital Officer
Office of Human Resources



DIRECTIVES TRANSMITTAL

Number 530.004 Date 05/10

SUBJECT: EEOC Merit Staffing Plan

PURPOSE: This transmittal covers revisions to EEOC Order 530.004, Merit Promotion Plan (Non-Bargaining Unit Positions), dated April 25, 1989. This revision is an update to include application of new Executive Orders, use of on-line technology for recruitment and staffing, and use of current terminology and "plain language" to streamline this former guidance.

EFFECTIVE DATE:

This revision is effective immediately.

DISTRIBUTION:

This revision is available on the EEOC intranet site, inSite.

OBSOLETE DATA AND FILING INSTRUCTIONS: EEOC Order 530.004, Merit Promotion Plan (Non-Bargaining Unit Positions), dated April 25, 1989 is obsolete and should be removed from inSite.

Lisa M. Williams

Chief Human Capital Officer

HUMAN RESOURCES

Employment (Recruitment and Staffing)

1. SUBJECT. EEOC MERIT STAFFING PLAN

2. **PURPOSE.** This Order contains policy and guidance for managing the Equal Employment Opportunity Commission's (EEOC) Merit Staffing Plan (MSP) formerly known as Merit Promotion Plan (MPP), EEOC Order 530.004 dated April 25, 1989. The MSP supports the competitive and non-competitive placement of qualified individuals based on merit principles and implements the policies and procedural requirements contained in Title 5, Code of Federal Regulations (CFR), Part 335: Promotion and Internal Placement.

The Plan applies to positions in the competitive service, except those who are covered by the collective bargaining agreement with provisions that supersede portions of this Plan.

3. POLICY - HIRING THE RIGHT PERSON FOR THE JOB.

- a. It is management's responsibility to seek the best individuals for vacant positions. In the exercise of this responsibility, managers may elect to fill positions with qualified individuals from recruitment sources that best meet the needs of the agency in terms of productivity, short and long term staffing plans, including affirmative action and equal employment opportunity.
- b. The provisions of this Plan will be applied based on merit principles without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, gender, national origin, non-disqualifying mental or physical disability, genetic information, sexual orientation, parenthood, or age, and will be based solely on jobrelated criteria. (Ref 5 CFR 335.103(b), Executive Order, and Appendix A).
- c. The provisions of this Plan describe one recruitment source of filling a vacancy and, within applicable laws and Government-wide regulations, management has the right to determine the method by which vacant or newly established positions will be filled. Other recruitment sources, therefore, can be used in filling vacancies through or to the exclusion of this Plan.
- 4. **DEFINITIONS**. Appendix B contains the definitions for the terms used in the Plan.

5. RESPONSIBILITIES.

a. Management Official:

(1) Observes merit principles in this plan.

- (2) Ensures that selecting officials and Subject Matter Experts (SME) provide Human Resources Management Representatives (HRMRs) with thorough position information to identify merit staffing requirements.
- (3) Assumes responsibility for any actions under their jurisdiction (including violation of law, regulation, or agency policy).

b. Chief Human Capital Officer (or his/her designee)

- (1) Develops, issues, and implements policies, standards and procedures concerning the Agency's MSP.
- (2) Assesses the effectiveness and efficiency of the MSP.
- (3) Approves all exceptions to the MSP; and monitors program administration for regulatory compliance.
- c. Human Resources Management Representatives (HRMRs) (Human Resources Specialists/the servicing human resource office and District Resources Managers):
 - (1) Ensure all merit promotion and staffing procedures are conducted in conformance with merit principles; that crediting plans are job-related, objective, and measurable; and that all candidates are treated fairly.
 - (2) Establish and maintain necessary recruitment files and records to permit reconstruction of actions at a later date and to answer inquiries.
 - (3) Ensure that employees affected by reduction-in-force under ICTAP and CTAP, and other special priority candidates receive consideration initially when filling a position.
 - (4) Counsel employees regarding merit staffing procedures, promotion opportunities, qualification requirements, and results of merit staffing actions.
 - (5) Find, certify and refer the best available candidates.
 - (6) Give managers and employees comprehensive and technically sound guidance and assistance regarding merit staffing matters.

d. Selecting Officials:

- (1) Observe merit principles in all aspects of the recruitment and selection process.
- (2) Ensure that their role in the merit staffing process, as well as selection decisions are in compliance with the MSP, merit principles, prohibited personnel practices and other applicable rules, laws and regulations.

- (3) Act promptly on referral certificates and make selections timely within established metrics, such as with the 80-day hiring goal in the federal government.
- (4) Work with HRMRs to provide accurate position descriptions, thorough job analysis information and well-qualified Subject Matter Experts (SMEs). Make selection decisions based on job-related criteria and according to merit principles.

e. Employees:

- (1) Comply with merit staffing policies and procedures as outlined in this Plan.
- (2) Assume responsibility for their own self-development.
- (3) Remain alert to, and apply for job opportunities for which they are interested and qualified, including during periods when they are temporarily absent for legitimate reasons (e.g., on detail, or on leave, or at military training courses in the military service); and apply for positions in a timely manner and provide all required documentation (Note: Vacancy announcements under this Plan are posted on-line with OPM's USAJOBS).

f. Panel Members:

- (1) If assembled, assess the degree to which qualified candidates possess the competencies that will enhance successful performance in the position based on written documentation, not on personal knowledge or attribution.
- (2) Observe the merit principles of this Plan and consider only job-related information provided by the candidates screened by the HRMR.
- (3) Disqualify themselves from serving on a merit staffing panel if, for any reason, they cannot be completely objective. Under no circumstances may an employee serve on a panel when a relative or an individual sharing a domicile with a panel member is an applicant for the vacancy.

6. SCOPE.

- a. The provisions of this plan apply to all positions in the competitive service within EEOC, with the exception for those covered by the collective bargaining agreement, excepted service and Senior Executive Service positions.
- b. Where provisions of this plan differ from the existing negotiated labor agreement, the provisions of the negotiated agreement will apply. When provisions of this plan differ from changes in law, rule, regulation, or Agency directive, the changes in law, rule, regulation, or Agency directive will apply.
- c. Where this plan is silent, the flexibilities provided by law, rule, or regulation are preserved.

7. **COVERAGE**. Positions/Employees Covered. This Plan covers positions in the competitive service, except those who are covered by the collective bargaining agreement with provisions that supersede portions of this Plan.

a. Competitive Actions.

(1) Promotions

- (a) A personnel action that changes an employee (1) to a position at a higher grade level within the same pay system or (2) to a position with a higher rate of basic pay in a different job pay system.
- (b) A time-limited promotion over 120 calendar days. (Any prior service during the preceding 12 months under a detail to a higher graded positions is considered a time-limited promotion, whether competitive or non-competitive, and is included in determining the 120-day restriction.)
- (c) Promotion by transfer from another Federal agency or by change of appointment.

(2) Assignments

- (a) Selection for a detail of more than 120 calendar days to (1) a higher graded position or (2) a position with greater known promotion potential.
- (b) Selection for formal training which is part of an authorized training agreement, part of a promotion program, or required by regulation before an employee may be considered for a promotion. This includes the Staff Development Enhancement Program (which uses a training agreement as authority for EEOC employees to compete and train for positions which they would not otherwise qualify), internships, mobility programs, apprenticeships, and other short or long-term programs leading to promotion—unless the training is associated with a promotion not covered by the agency's merit promotion procedures.
- (c) Transfer from another Federal agency, reassignment or change to lower graded position with greater promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-inforce regulations).
- (d) Reinstatement to a permanent or temporary position with greater promotion potential than a position previously held on a permanent basis in the competitive service.

b. Non-competitive Actions.

(1) Career Promotions.

- (a) A career ladder promotion without current competition when at an earlier stage the employee was selected from an Applicant Referral Certificate under competitive procedures for a position with known promotion potential through competitive examining, or through merit promotion/staffing procedures for an assignment intended to prepare the employee for the full performance level of the position being filled. The intent must be made a matter of record and the maximum grade of the career ladder must be documented in the merit staffing file. The employee must demonstrate the ability and readiness to perform at the next higher level. Although advancement to the full performance level is the intent and expectation of the career ladder system, promotions within career ladders are neither automatic nor mandatory. There is no guarantee that an employee in a career ladder will be promoted, nor a commitment that a promotion will be made at a set time. (See Appendix C for a partial list of approved EEOC career ladder positions.)
- (b) A promotion to a target or full performance level position from an apprentice, trainee, or understudy position.
- (c) A promotion to a position filled below its full performance level for such reasons for recruitment.
- (d) A promotion of an employee who satisfactorily completes training under a formal training agreement.
- (2) Accretion of Duties: A promotion of an employee whose position is reclassified at a higher grade by the servicing human resource office because of additional duties and responsibilities performed by the employee. Such a non-competitive promotion may be made if: (1) the former position has been absorbed into the new position; and (2) the employee continues to perform the same basic functions and the duties represent an outgrowth of the former position over a significant period of time; or (3) where a program change requires the immediate performance of new duties that only one employee is capable of performing. An accretion of duties cannot be used for promotions from a non-supervisory position to a supervisory or lead position. Noncompetitive promotions are strongly discouraged across career paths or from one-grade interval to two-grade interval positions, and are subject to close review and validation by the servicing human resource office. Written documentation is required for each promotion granted under this paragraph. Repeated accretion of duty promotions are highly unlikely and considered a very rare circumstance.
- (3) Implementation of New Classification Standards or Correction of a Classification Error. A promotion of an employee resulting from the upgrading of a position without significant change in the duties and responsibilities due to the issuance of a new classification standard or the correction of an initial classification error.
- (4) Time-Limited Promotions:

- (a) A time-limited promotion made permanent (without further competition) provided it was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known to all potential candidates.
- (b) A time-limited promotion of 120 calendar days or less. (Any prior service during the preceding 12 months under a detail to a higher graded positions is considered a time-limited promotion, whether competitive or non-competitive, and is included in determining the 120-day restriction.)
- (5) **Previously Held Position with No Promotion Potential.** A promotion of an employee to a position having no more promotion potential than a position previously held on a permanent basis in the competitive service provided the employee was not separated or demoted for performance or conduct reasons.
- (6) Settlement of an Equal Employment Opportunity Complaint or Other Negotiated Settlements. Action involving statutory, regulatory or administrative placement, to include arbitration decisions, court decisions, Merit System Protection Board (MSPB) decisions, settlements, and discrimination complaint decisions.

(7) Other Actions.

- (a) Position change (includes reassignment, change to lower grade, and conversion to reinstatement actions) of a EEOC employee, or transfer of a status employee from another Federal agency, from a position having known promotion potential to a position having no more promotion potential than a position previously held on a permanent basis in the competitive service (or in an other merit system that has an OPM Interchange Agreement). (See 5 CFR 335.103(c) (2) (IV) or (v)).
- (b) Non-competitive conversion actions of employees in the Student Career Experience Program, Veterans' Readjustment Appointment, veterans who are 30% or more disabled, Presidential Management Fellow, Federal Career Intern and other authorized programs, and their subsequent promotions in career ladder positions.
- (c) Selection of an employee affected by reduction-in-force and other special priority placement.
- (d) Selection for detail to a higher graded position or to a position with known promotion potential for 120 days or less.
- (e) Reinstatement to a position having no more promotion potential than a position previously held on a permanent basis in the competitive service.
- (f) Reassignment from a non-supervisory position to a supervisory position.
- (g) Positions excepted by this Plan to allow for increased publicity or competition.

(h) Other types of actions not specified above and exceptions to the requirements of this Plan which are permitted by rule or regulation, consistent with the spirit and intent of the merit system principles delineated in Title 5, United States Code, and approved by the Chief Human Capital Officer, Office of Human Resources.

8. AREAS OF CONSIDERATION AND LOCATING CANDIDATES.

- a. The area of consideration (AOC) for a vacancy should be broad enough to ensure the availability of a sufficient number of high quality candidates, but narrow enough that an excessive number of applicants will not result. In determining the AOC, managers should consider such things as:
 - -The source for candidates based on nature and level of the position to be filled;
 - -Merit system principles;
 - -EEOC goals and objectives;
 - -The infusion of new ideas and talent into the organization;
 - -Past experience in previous hiring efforts; and
 - -Budgetary constraints and cost-effectiveness.
- b. Prior to making this determination, the selecting official may discuss a suitable AOC with the appropriate HRMR. The minimum AOC is the organizational or geographical area expected to provide at least three highly qualified candidates and which will assist in efforts to fulfill affirmative employment program goals established by law, regulation or the EEOC.
- c. To provide EEOC employees with the maximum opportunity for career advancement, selecting officials are encouraged to have the widest practical AOC. Selecting officials will decide whether or not to include VRA, 30 percent (or more) disabled veterans, reinstatement, or transfer eligibles in the AOC. A narrower AOC may be used for competitive details or temporary promotions of more than 120 days when there is no intention to later make the promotion permanent without further competition.
- d. The minimum area of consideration for permanent positions at GS-13 and above set by the agency is EEOC-wide. For positions at GS-12 and below, the minimum area of consideration set by the agency is the local commuting area of the EEOC office in which the vacancy exists.
- e. Upward Mobility (i.e., Staff Development Enhancement Program) trainees will be selected on a competitive basis in accordance with merit staffing guidelines. The area of consideration must be set to promote fair and open competition and to enhance the development of a diverse work force.

9. VACANCY ANNOUNCEMENTS.

- a. Vacancy announcements will be posted on OPM's USAJOBS to advertise positions that require competitive procedures described in this Plan. See Appendix D for a description of the information to be included in vacancy announcements.
- b. The minimum open period for vacancy announcements is five business days under the automated application procedures. Business days are Monday through Friday (excluding holidays).
- c. Vacancy announcements may be posted without specific closing dates to advertise recurring vacancies or where recruitment is expected to be difficult. These are identified as open-until-filled announcements clearly posted in the vacancy announcement. When a sufficient number of candidates apply for consideration, the HRMRs may refer candidates for applicable vacancies.
- d. **JOB APPLICATIONS**. Candidates wishing to be considered for positions announced must apply on-line (via the Internet) through USAJOBS in accordance with the application procedures explained in the vacancy announcement. Failure to submit all required documents (e.g., a resume) will result in loss in consideration.

11. QUALIFICATION STANDARDS.

- a. Applicants must meet all eligibility requirements (e.g., time-in-grade and qualification requirements) by the closing date specified in the vacancy announcement. Applicants who apply under open-until-filled announcements must meet all eligibility requirements by the date the certificate is issued.
- b. The minimum qualification standards prescribed by OPM will be used to determine basic eligibility of candidates for merit staffing consideration. Candidates may review the standards contained in the Qualification Standards Operating Manual and any other official references. When appropriate, identification of an additional "selective" factor, representing qualifications essential for successful performance in a position, becomes part of the minimum qualification standards. The selective factor must be documented in and made a part of the vacancy announcement file.

12 EVALUATION AND RANKING.

- a. The MSP requires that job applicants subject to competitive procedures be evaluated using job-related criteria to determine the ranking and referral of eligible candidates. Such criteria are determined by a job analysis that demonstrates the relationship of the duties to the position.
- b. The HRMRs will complete initial review of each applicant's work experience, education and/or answers to the experience questions to determine basic eligibility. When reviewing experience questions in the automated system, the HRMRs will verify that answers provided support the specific work experience in the application. In situations where supporting work experience cannot be identified, the servicing human resource office will

- select the appropriate code and disqualify the applicant from further consideration. When this occurs, the HRMR will denote the reason/rationale on the appropriate screen that can be viewed by the applicant.
- c. Candidates meeting basic eligibility are further evaluated on such factors as experience, education and training, self-development, outside activities, performance, panel interviews, written tests (when authorized), and special recognition (e.g., commendations, awards, publications, and significant suggestions). Candidates will be evaluated as follows:
 - (1) Under EEOC's automated application system, the candidate's scores are based on established evaluation criteria. The HRMRs will review self-supporting evidence when evaluating the best-qualified candidates' experience, education and training. In situations where work experience, education and training cannot be identified to support the candidate's responses to the experience questions, the servicing human resource office has the authority to annotate this on the applicants' application and disqualify the candidate from consideration. The best candidates will be determined by evaluating meaningful ranges in scores to job-related questions.
 - (2) When necessary, a panel may be convened to assist in the review of self-supporting evidence when evaluating the best candidates' experience/education and/or training. The HRMR will determine a meaningful range in scores and make a referral of candidates accordingly. A panel should consist of three or more members considered experts in the subject matter of the vacant position, with the HRMR serving as technical advisor. The HRMR must be present or readily available throughout the review process. The selecting official cannot serve as a panel member or be present during the panel's deliberations.
 - (3) A simplified screening process may be used when there is a small number of qualified applicants. If there are ten (10) or fewer candidates for an internal merit promotion vacancy, the candidates will not be ranked. However the HRMR will, at a minimum (a) screen all candidates to ensure they meet basic qualification requirements, including any selective factors, and (b) identify job-related criteria to distinguish well-qualified candidates from those who only meet the minimum qualification requirements.
 - (4) The HRMR will evaluate all candidates applying under the selection priority provisions of CTAP and ICTAP to determine whether or not they are well qualified, requiring initial referral for a given position vacancy. The HRMR will annotate the Applicant Referral Certificate to reflect the referred candidates are well-qualified for the position. All promotion candidates in MSP cases subject to competitive staffing procedures of the Plan will be evaluated on the factors applied to a particular vacancy announcement. The candidates rated best are referred to the selecting official.

d. Candidates not subject to competitive procedures, e.g., through reassignment or transfer to a position with no greater promotion potential than the candidate's current position and those eligible for other non-competitive appointing authorities, need not be rated and ranked before selecting official consideration. The names of all of these qualified candidates can be referred on the certificate with a remark indicating candidates can be given selection consideration outside competitive procedures.

13. REFERRAL AND SELECTION.

a. Referral

- (1) The servicing human resource office will issue an automated Applicant Referral Certificate or equivalent hard copy documentation to refer candidates. Materials include the candidate's resume and self-assessment information.
- (2) Well-qualified candidates affected by reduction-in-force under CTAP and ICTAP will be referred to the selecting official BEFORE any other candidates. In instances where there is more than one well-qualified CTAP/ICTAP candidate, the entire complement of CTAP/ICTAP candidates are referred to the selecting official. The servicing human resource office must annotate the Applicant Referral Certificate to reflect that the referred candidates are well-qualified for the position. Well-qualified CTAP/ICTAP candidates have a mandatory selection status.
- (3) No other candidates may be referred to the selecting official for consideration until all CTAP/ICTAP candidates either decline consideration or are determined to be not well-qualified for the position. If determined to be not well-qualified, CTAP/ICTAP candidates must be notified in writing.
- (4) A certificate will list the names of the best-qualified competitive candidates for the vacancy to be filled. An Applicant Referral Certificate is valid for 45 calendar days from the date of issuance. The certificate may be extended beyond 45 calendar days on a case-by-case basis with the approval of the Chief Human Capital Officer or his/her designee. Extensions will be documented in the MSP case file. The HRMR may re-issue an Applicant Referral Certificate upon the request of the selecting official without re-advertising as long as the vacancy announcement stated this possibility and whenever another vacancy becomes available for the same position, duties, qualifications, and duty location, within a reasonable timeframe of the initial date of issuance of the certificate.

b. Lost Consideration.

When a candidate was not referred to the selecting official, due to an administrative error, the following procedures will take place:

- (1) If a selection has not been made, the selecting official is notified immediately and the certificate is amended; or
- (2) If a selection has been made, the candidate will receive consideration on the next available certificate for the same grade, title and series and location. This procedure is only required if the candidate was determined to be among the "best qualified" group of candidates originally certified to the selecting official. Candidates get this consideration concurrently with any other candidate with similar entitlement as an exception to the competitive procedures in the Plan before other action is taken to fill the vacancy with the exception of CTAP and ICTAP as referenced in Paragraph 13 (a) (2). The selecting official is not required to select these candidates, but must consider them. A candidate is entitled to only one instance of priority consideration for each instance where the failure to refer was the result of administrative error. The candidate's eligibility for such referral will expire after one referral or after 1 year from the date in which he/she lost consideration, whichever comes first.

c. Selection

- (1) Interviewing candidates is not mandatory but encouraged. However, the selection of candidates to be interviewed must be based on valid job-related criteria. To preserve the merit principles of this Plan, all applicants interviewed will be asked the same questions. Interviews may be conducted by telephone where necessary. An interview panel is typically comprised of current Federal employees at or above the grade level of the position to be filled. In some cases, lower-graded or non-Federal employees may be used on the interview panel when that expertise would provide valuable information to the selection determination.
- (2) The selecting official is not required to make a selection from the list of candidates provided on an Applicant Referral Certificate. Additional recruitment efforts or other personnel actions may be initiated to fill a vacancy, e.g., from OPM or Delegated Examining (DE) (non-status applicants) certificate, or by reinstatement or transfer eligible, etc.
- (3) The selecting official's decision to select a particular candidate is subject to review by the HRMR to ensure legal and regulatory requirements are met. All selections are subject to the candidate satisfactorily completing any pre-employment requirements. (e.g., drug tests, security clearances, physicals, etc).
- (4) The HRMR will make offers of employment and will arrange for release of the selected candidate from the current employing organization. Normally, employees should be released within one full pay period (two weeks) of receipt of the request for release. Supervisors may hold an employee for up to 30 days, particularly on a lateral grade (non-promotion) release. This date may be extended if the selection involves relocation or other extenuating circumstances.
- (5) Verbal and/or written job offers may be revoked in emergency situations, such as

hiring freezes, when selected candidates have not yet begun work. Revocation of offers may only be made by the servicing human resource office.

14. RELEASE OF INFORMATION.

- a. **Information to Candidates**. A candidate may check the outcome of the application to a specific vacancy announcement through the automated system. The HRMR will notify all candidates who apply under a vacancy announcement of the outcome of their consideration.
- b. Information to Employees, Unions and Others. When a request for information on the outcome of a vacancy announcement is received, it must be reviewed per the provisions of the Civil Service Reform Act (Section 7114), the appropriate negotiated agreement, regulation, and other appropriate law (i.e. Freedom of Information Act, Privacy Act, etc.). Requests for information should be made through the HRMR. The following information about specific selections for positions will be available to employees at their request:
 - (1) Whether the employee was found basically eligible for the position and what the minimum qualification requirements were;
 - (2) Whether the employee was best-qualified; and
 - (3) Name of whom was selected for the position.
- 15. **DOCUMENTATION AND RECORDS**. The HRMR will document each staffing action (or group or actions from a merit program certificate) affected under this Plan. The records maintained must be sufficient to allow reconstruction of the case. The recruitment case file may be a hard copy and/or electronic. At a minimum, each case file will include the following documents:
 - -Vacancy announcement
 - -Resume and/or application of each applicant
 - -Documentation on how candidates were rated and ranked
 - -Certificate of Eligibles (merit)
 - -Request for Personnel Action (SF-52)
 - -Job/KSA Analysis
 - -Reemployed Priority List (RPL) clearance
 - -Position Description

A merit staffing program file will be retained for two (2) years from the effective date of the selection, or until an OPM audit is completed, whichever comes first, but only if the time limit for filing a grievance or complaint has lapsed.

14. **COMPLAINTS AND CORRECTIVE ACTIONS**. Complaints regarding this Plan fall under the administrative grievance procedures and any related internal instructions. Negotiated labor union grievance procedures, where applicable, will apply to complaints

arising out of the operation of this Plan. EEOC employees and applicants can contact the Office of Equal Opportunity for assistance and counseling. Non-selection from among a group of properly ranked and certified competitors is not a grievable matter. When there is a failure to adhere strictly to the provisions of 5 CFR Part 335 or this Plan, the servicing human resource office will initiate the required corrective measures promptly.

Appendix A

Merit Principles and Law

Merit Principle or Law	Expected Results
"Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a work force from all segments of society and selection and advancement should be determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition which assures that all receive equal opportunity." 5 U.S.C.2301(b)(1)	 Selectees are qualified. Recruitment activities yield a diverse pool of qualified applicants. Recruitment Issue of diversity manifest imbalance in the work force or (past) applicant pools are considered in planning recruitment. Valid selection criteria are documented and applied to each recruitment action. Competition is open: the application process complies with Merit System Principles and other related legal requirements. Qualification requirements used are jobrelated and are applied equitably. Applicants with comparable qualifications receive comparable treatment: the examining process does not introduce or reinforce inappropriate biases in rating, referral, selection, placement, or compensation. Application acceptance, candidate referral, and interview and placement practices are "neutral" and do not arbitrarily favor or disfavor specific candidates or types of applicants.
"All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, genetic information, or handicapping condition, and with proper regard for their privacy and constitutional rights." 5 U.S.C. 2301(b)(2)	 •Individuals with Veterans preference are afforded their legal rights in recruitment, referral, consideration, and selection. •Information is released under the Freedom of Information and Privacy Acts in a way that does not violate the privacy, of any employee or applicant. •Information is maintained in a way that does not violate the privacy of any employee or applicant. •The process is monitored to ensure applicants who are entitled to lost consideration benefits, due to erroneous certification or out-of-order selection, receive the priority considerations to which they are entitled.
"The Federal work force should be used efficiently and effectively." 5 U.S.C. 2301(b)(5)	 The process produces quality candidates in a timely manner at a reasonable cost. Activities support public policy on placement of surplus and displaced employees.

Appendix B

DEFINITIONS

- a. Accretion. A non-competitive promotion of an employee whose position is reclassified at a higher grade level because of additional duties and responsibilities. An accretion promotion may be made if: the duties of the former position have been absorbed into the new position, the employee continues to perform the same basic functions, and the duties represent an outgrowth of the former position; or where a program change requires the immediate performance of new duties that only one employee is capable of performing.
- b. **Applicant Referral Certificate**. The form (electronic or paper) used to submit the names of the candidates for consideration by a selecting official and to document selection decisions
- c. **Appraisal**. Evaluation of an individual's demonstrated performance and/or potential to perform in a position.
- d. Area of Consideration. The area(s) (i.e., geographic and/or organization) in which a search is made for eligible candidates for consideration for a specific vacancy.
- e. **Best-Qualified**. The certification given to those who rank at the top of the scale after being ranked against job-related criteria.
- f. Career Ladder. A group of progressively responsible positions within an occupational series from entry level to the grade established as the full performance level to which all employees may be promoted noncompetitively. (See Appendix C for a list of approved EEOC career ladder positions.)
- g. Career Promotion. A career ladder promotion without competition when an employee was selected previously from an Applicant Referral Certificate under competitive procedures for a position with known promotion potential. Employees in a career ladder position may be promoted as they demonstrate the ability and readiness to perform at the next higher level and when legal requirements are met, e.g., time-in-grade.
- h. Career Transition Assistance Program (CTAP) Eligible. A well-qualified candidate who is a permanent, current EEOC employee in receipt of a specific reduction-in-force notice, notice of proposed removal for declining a directed reassignment, or transfer of function outside of the local commuting area or surplus notice and has been determined to be well-qualified by meeting or exceeding the fully successful level for critical quality ranking factors or critical experience questions.
- i. Change to Lower Grade. The change of an employee from one grade to a lower grade under the same pay plan/career path or to a position with a lower rate of pay.

- j. Crediting Plan. The document identifying specific criteria for making consistent and job-related determinations about the relative qualifications of applicants for a position.
- k. **Detail.** The temporary assignment of an employee to a different position for a specified period of time with the employee returning to his/her former position at the end of the assignment. During the detail, the employee's permanent position is considered the position of record.
- 1. **Human Resources Management Representative (HRMR)**. A Human Resources Specialist, District Resources Manager or the Servicing Human Resources Office.
- m. Interagency Career Transition Assistance Program (ICTAP) Eligible. A well-qualified candidate or former permanent Federal status employee, who has received a specific reduction-in-force notice and has been determined to be well-qualified by meeting or exceeding the fully successful level (or equivalent) for the critical quality ranking factors or critical experience questions.
- n. **Job Analysis**. The process of assessing the duties and responsibilities of a position to determine the knowledge, skills, and abilities that are essential to the position or to enhance performance in the position.
- o. **Merit Staffing Plan Vacancy Announcement**. The method used to publicize the grade, location, and qualifications required for a position.
- p. **Panel Interview**. A structured interview of candidates, conducted by more than one interviewer (i.e., a panel of individuals) to assess the qualifications of candidates as they relate to the qualifications and performance requirements of the position to be filled. All interviewers are deemed to be panel members.
- q. Promotion. The advancement of an employee to a higher graded position.
- r. **Qualified**. Those applicants who meet established qualification and legal requirements, which may include selective factor(s) for particular positions.
- s. **Quality Ranking Factors**. Knowledge, skills, and abilities that could be expected to significantly enhance performance in a position, but unlike selective factors, are not essential for satisfactory performance.
- t. **Reassignment**. The change of an employee from one position to another without a change in grade.
- u. Selecting Official. A management official who has authority to select a candidate for assignment to a position, subject to the final approval of a servicing human resource office official with appointing authority.

- v. **Selective Factor**. A specific knowledge, skill, or ability that is absolutely required or essential for satisfactory job performance. Failure to meet a selective factor will result in an applicant's ineligibility for consideration.
- w. **Status Applicant**. An individual's basic eligibility for noncompetitive staffing to a competitive position (e.g., by transfer, promotion, reassignment, demotion or reinstatement) in the competitive service without having to compete externally with members of the general public in an open-competitive examination. A person on a career or career-conditional appointment acquires competitive status upon satisfactory completion of a probationary period under a career-conditional or career appointment to a position in the competitive service. Status can also be granted by statute, Executive Order, or the civil service rules without competitive examination.
- x. Subject Matter Expert(s) (SME). An individual or group of individuals knowledgeable about the duties and responsibilities of the position.
- y. **Time-limited Promotion**. The promotion of an employee for a period having a specific time limitation.
- z. USAJOBS. OPM's on-line job posting system used by the human resources specialist, district resources manager or servicing human resource offices to post all EEOC vacancy announcements. All job applicants are responsible for completing their application as described in the vacancy announcement. For vacancy announcements using on-line application procedures, instructions will be specified in the vacancy announcement for job applicants to follow.
- aa. Well-Qualified. The rating given to qualified candidates who have been determined to exceed the minimum qualifications, and who rank at the top when compared with other qualified candidates and are placed on an Applicant Referral Certificate for consideration by the selecting official. This rating criteria is used for applications received from one or more qualified eligibles under the provisions of the Career Transition Assistance Program (CTAP) or the Interagency Career Transition Assistance Program (ICTAP).

Appendix C

ESTABLISHED EEOC CAREER LADDERS

The table below reflects the career ladder for major (but not all) occupations in EEOC. It does not include:

- a. Supervisory positions.
- b. Series with 10 or fewer incumbents Agency-wide.
- c. Positions in the GS-303 general clerical series (since a wide variety of positions can be classified in this series).

Promotion potential of positions not shown in the chart is documented in the employee's position description and in the vacancy announcement when the position is advertised.

Promotions within a career ladder are not subject to the requirement for competition because the competition occurred upon initial entry into the career ladder. Although every employee occupying a position within an established career ladder is expected to advance to the top of that ladder, promotions within career ladders are neither automatic nor mandatory. Employees must demonstrate ability and readiness to perform at the next higher-grade level and there must be sufficient work and funds available to warrant promotion. There is neither guarantee that an employee in a career ladder will be promoted, nor commitment that a promotion will be made at a set time.

SERIES	POSITION TITLE	LADDER GRADE TO	LOCATION
0201	Human Resources Specialist	13	Headquarters
0260	Equal Employment Specialist	13	Headquarters
0301	Mediator	13	Field
0318	Secretary	09	Headquarters
		08	Field
0326	Office Automation Assistant	05	Field
0341	Administrative Officer	11	Headquarters
0343	Program Analyst	13	Field
0501	Financial Analyst	13	Headquarters
0360	Equal Opportunity Specialist	13	Field
0950	Paralegal Specialist	11	Field
0986	Legal Technician	06	Field
1802	Investigator Support Assistant	07	Field
1860	EEO Investigator	12	Field
2210	Information Technology	13	Headquarters
	Specialist	12	Field

Appendix D

INFORMATION CONTAINED IN VACANCY ANNOUNCEMENTS

- 1. Vacancy announcement number, and the opening and closing dates.
- 2. Position pay plan, title, series, grade (to include full performance level, if appropriate), salary, organization, and location.
- 3. Promotion potential (if applicable).
- 4. Information on who may apply, i.e., the area of consideration.
- 5. A summary of the position's duties and responsibilities.
- 6. Conditions of employment, such as tour of duty, travel requirements, government charge card requirements, drug testing or security requirements, and whether the position is subject to mobility or rotation.
- 7. A statement of the minimum qualification requirements for the position established or approved by OPM to include example of general or specialized experience and education requirements.
- 8. Statement that applicants must submit required forms.
- 9. A description of any modification of established qualifications requirements.
- 10. A statement that basic eligibility requirements, such as time-in-grade and minimum qualifications, must be met by the closing date of the announcement.
- 11. The competencies determined to be essential to successful performance in the position.
- 12. Any selective placement or quality ranking factors.
- 13. Evaluation methods to be used to determine the highly qualified candidates.
- 14. Statement that candidates under final selection consideration must complete form OF-306 before hire.
- 15. Instructions on how and where to apply, including the submission of required forms (performance appraisals and narrative statements addressing the knowledge, skills, and abilities identified for the position to enhance their prospects for inclusion in the well-qualified group from which selection maybe made).
- 16. The statement: "The Equal Employment Opportunity Commission" is an equal employment opportunity employer."
- 17. Statement on reasonable accommodation.
- 18. Statement concerning the payment of moving expenses, if applicable. The decision to pay or not pay moving and related expenses is to be made prior to issuing the vacancy announcement. Decisions regarding payment of relocation costs should consider the effect on attracting quality candidates, past practices, and opportunities to diversify the workforce.
- 19. Statement regarding the bargaining unit status of the position.

- 20. Statement that selectee for the position will be required to provide proof of any education claimed in their job application.
- 21. Statement that temporary promotions made from this announcement may be made permanent without further competition (if applicable).
- 22. A statement regarding the requirement to serve a probationary period for managerial/supervisory positions.
- 23. Length of temporary promotion or detail (if appropriate).



DIRECTIVES TRANSMITTAL

Number 530.006 Date June 25, 2010

SUBJECT: EMPLOYMENT OF RELATIVES

PURPOSE: This transmittal covers EEOC Order 530.006, Employment of Relatives, which is a revision of EEOC Order 530.006, dated November 12, 1987 and prescribes the policy of the Equal Employment Opportunity Commission with respect to the employment of relatives.

EFFECTIVE DATE:

July 26, 2010

DISTRIBUTION:

All Headquarters Offices

CURRENT CHANGES:

EEOC Order 530.006 has been updated and revised to reflect changes in organizational titles and in the definition of relative to reflect President Obama's Memorandum for the Heads of Executive Departments and Agencies, Extension of Benefits to Same-Sex Domestic Partners of Federal Employees, dated June 2, 2010; and Office of Personnel Management Director John Berry's Memorandum for Heads of Executive Departments and Agencies, Implementation of the President's Memorandum Regarding Extension of Benefits to Same-Sex Domestic Partners of Federal Employees, dated

June 2, 2010.

OBSOLETE DATA AND FILING INSTRUCTIONS: EEOC Order 530.006, dated November 12, 1987 is hereby superseded and will be removed from the directives reference files and destroyed.

Lisa M. Williams

Chief Human Capital Officer

Office of Human Resources Employment

- 1. SUBJECT. EMPLOYMENT OF RELATIVES
- 2. PURPOSE. This Order prescribes the policy of the Equal Employment Opportunity Commission (EEOC) with respect to the employment of relatives. This Order implements 5 United States Code (U.S.C.) 3110.

3. EFFECTIVE DATE.

July 26, 2010

4. ORIGINATOR.

Office of Human Resources

- 5. DEFINITIONS.
 - a. <u>Public Official</u>. Any employee and any other individual, who has been delegated the authority to appoint, promote, or recommend the appointment or promotion of employees supervised by him or her.
 - b. <u>Relative</u>. An Individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, spouse, domestic partner, father-in-law, mother-in-law stepfather, stepmother, stepson, stepdaughter, stepbrother, half brother, or half sister.
 - c. <u>Domestic Partner</u>. A committed relationship between two adults of the same sex in which the partners are each other's sole domestic partner and intend to remain so indefinitely.
 - d. <u>Chain of Command</u>. The line of supervisory personnel that runs from a public official to the head of the agency.
 - e. <u>Jurisdiction</u>. An area where the public official exercises direct control over some or all of the agency's operation.
- 6. OFFICE OF PERSONNEL MANAGEMENT (OPM) RESTRICTIONS.
 - a. <u>Advocacy</u>. OPM regulations specify that a public official <u>shall</u> <u>not</u> advocate a relative's appointment, employment, promotion, or advancement in his or her agency. This includes not:
 - (1) Recommending, either verbally or in writing, the appointment or advancement of a relative anywhere in EEOC; or
 - (2) Referring or transmitting the application of a relative for consideration to a personnel official, a subordinate, or otherwise indicate to the subordinate any interest in the appointment, employment, promotion, or advancement of a relative to the subordinate. A public official may reply to written or oral employment inquiries about the qualifications and suitability of a relative who has applied for employment in EEOC. However, the public official must not answer or make any statement that could be construed as advocacy of their relative's appointment.

- b. <u>Personnel Action</u>. A public official shall not appoint, employ, promote, or advance in his or her agency where he or she exercises jurisdiction of (a) one of his or her own relatives or (b) the relative of any other public official in the agency if that official has advocated the action.
- c. <u>Selections from Certificate of Eligibles</u>. The restrictions in this Order do not prevent a public official from appointing his or her own relative if that relative is preference eligible, and if:
 - (1) The relative's name is within reach for selection from an appropriate certificate of eligibles; and
 - (2) An alternate selection cannot be made from the certificate without passing over the preference eligible and selecting another individual who is not a preference eligible. This action would occur only when the preference eligible is first on a certificate of three and both lower ranking eligibles are nonpreference eligibles.

A PUBLIC OFFICIAL CANNOT LATER PROMOTE OR ADVOCATE THE PROMOTION OF A RELATIVE WHO IS APPOINTED UNDER THIS PROVISION. THE PROVISION ONLY APPLIES TO APPOINTMENTS.

7. EEOC RESTRICTIONS.

- a. <u>Supervisor-Employee Relationship</u>. Relatives <u>may not</u> be assigned in a supervisor-employee relationship, including beyond the immediate supervisor to anywhere in the same chain of command.
- b. <u>Travel</u>. No personnel action may be taken to permit a relative not employed with the EEOC to accompany an employee in travel (for business or training purposes) at EEOC expense except as provided by law, rule, or regulation (e.g., permanent change of station, to accompany qualified handicapped individuals and disabled veterans).

8. EXCEPTIONS.

When necessary to meet urgent needs resulting from an emergency posing an immediate threat to life or property or a natural emergency as defined in 5 C.F.R. 230.402(a)(1), the EEOC may employ relatives to meet these needs without regard to the restrictions in this Order. Appointments under these conditions are temporary not-to-exceed one month, but may be extended for a second month if the emergency need still exists.

9. PENALTIES.

- a. An individual appointed, employed, promoted, or advanced in violation of 5 U.S.C. 3110 is not entitled to pay which would result from such an action, and money may not be paid from U.S. Treasury funds.
- b. Payments made in violation of Section 9(a) above are subject to recovery. In addition, public officials who violate OPM regulations governing employment of relatives are subject to applicable penalties on this account.

10. OBSOLETE DATA. This Order supersedes EEOC ORDER NO. 530.006, dated November 12, 1987, which will be removed from the directives binder and destroyed.

APPROVED

Lisa M. Williams

Chief Human Capital Officer

HUMAN RESOURCES Performance Management

- 1. **SUBJECT.** PERFORMANCE-BASED REDUCTION IN-GRADE AND REMOVAL ACTIONS (NON-BARGAINING UNIT EMPLOYEES)
- 2. **PURPOSE**. This Order establishes EEOC policy and procedures applicable to reductions-in-grade, and removals taken under Chapter 43 of Title 5, United States Code against non-bargaining unit employees. This Order complies with 5 U.S.C. 4301-4303 and 4305 and 5 CFR Part 432.
- 3. **EFFECTIVE DATE**. August 1, 2010
- 4. **ORIGINATOR**. Office of Human Resources
- 5. **RESPONSIBILITIES.**
 - a. <u>Director, Office of Human Resources (Chief Human Capital Officer)</u> (or designee):

Develop, implement, and evaluate the performance-based actions program;

Provide ongoing policy direction on the performance-based actions program;

Provide technical assistance to supervisors and managers in the taking of performance-based actions via the technical assistance officials;

Request the Office of Personnel Management (OPM) to extend an advance notice period of a proposed action when the OPM must approve such an extension; and

Ensure records are maintained in accordance with paragraph 20 of this Order.

b. <u>Technical Assistance Official</u> (Human Resources Specialist or Attorney-Advisor in the Office of Human Resources):

Provide procedural and technical advice to officials proposing and deciding performance-based actions;

Review proposals and decisions of performance-based actions prior to delivery to employees to ensure that proposals and decisions conform to law, regulations and EEOC policy and procedures contained in this Order;

Monitor proposed performance-based actions to ensure that decisions are made within the required timeframes; and

Advise employees of their rights under this Order.

c. Proposing Official:

- (1) Propose a performance-based action, when necessary;
- (2) Ensure that the performance-based action is proposed in accordance with this Order;
- (3) Obtain procedural or technical advice from the technical assistance official before issuing the notice of proposed performance-based action; and
- (4) Sign the notice of proposed performance-based action.

d. Oral Reply Official:

- (1) Obtain procedural and technical advice from the technical assistance official, if necessary;
- (2) Receive the oral answer to a proposed performance-based action;
- (3) Ensure that a written summary of the oral answer is prepared unless a verbatim or full transcript of the oral answer is taken; and
- (4) Make a recommendation on the proposed performance-based action to the deciding official.

e. Deciding Official:

Extend the advance notice period for the proposed reduction in grade or removal in accordance with paragraph 13 of this Order;

Receive an oral answer to the notice of proposed reduction in grade or removal, unless an oral reply official has been designated;

Ensure that a written summary and/or a verbatim or full transcript of an oral answer is made and that, if an oral reply official was designated, he or she made a recommendation on the proposed action;

Consider the proposed performance-based action, including any oral and/or written answers made by the employee and/or the employee's representative;

Decide the proposed performance-based action in accordance with this Order:

Obtain procedural or technical advice from the technical assistance official before issuing the performance-based action decision; and

Sign the performance-based action decision.

- f. <u>General Counsel (or designee)</u>: provide legal advice on performance-based actions when requested and appoint an Agency representative to represent the EEOC on an appeal or EEO complaint involving a performance-based action under this Order.
- g. <u>Agency representative</u>, as assigned, shall represent the EEOC on an appeal or EEO complaint which involves a performance-based action under this Order.

6. **DEFINITIONS**.

- a. <u>Acceptable Performance</u> means performance that is at the fully successful level or above in the critical element(s) at issue.
- b. <u>Critical Element</u> [primary] means critical performance element as defined in EEOC Order 540.008.
- c. <u>Current Continuous Employment</u> means a period of employment or service immediately preceding an action under this Order in the same or similar positions without a break in Federal civilian employment of a workday.
- d. Day means calendar day.
- e. <u>Deciding Official</u> means a manager or supervisor authorized by this Order or EEOC Order 130.009, Delegation of Personnel Authority, to decide a proposed reduction in grade or removal. The deciding official must be in a higher position than the proposing official, unless the proposing official is the Chairman. When the Chairman is the deciding official, he or she may delegate authority to an EEOC executive or other top official to serve as deciding official, but such an official must also be in a higher position than the proposing official.
- f. <u>Duty Time</u> means time during work hours without charge to leave or loss of pay. It does not include overtime, holiday pay, or time for which premium pay is normally authorized.
- g. <u>Employee</u> means non-bargaining unit employee.
- h. <u>Employee Representative</u> means an attorney or other person designated by the employee, in writing, who is willing to act on the employee's behalf in matters involving a reduction in grade or removal action. An employee's representative may not be an individual whose activities as a representative would cause a

- conflict of interest or position or an employee whose release from his or her official duties could give rise to unreasonable costs to the Government or whose priority work assignment precludes his or her release.
- i. <u>Harmful Error</u> means an error by the EEOC in the application of its procedures that is likely to have caused the EEOC to reach a conclusion different from the one it would have reached in the absence or cure of the error. The burden is upon the employee to show the error was harmful, i.e., caused substantial harm or prejudice to his or her rights. This definition applies only to reductions in grade and removals.
- j. <u>Medical Condition</u> means a health impairment which results from injury or disease, including psychiatric disease (5 CFR §339.104).
- k. <u>Medical Documentation</u> means a statement from a licensed physician or other appropriate practitioner which provides information the EEOC considers necessary to enable it to make an employment decision and which meets the requirements of 5 CFR §339.104.
- 1. Opportunity to Demonstrate Acceptable Performance means a reasonable chance for an employee whose performance has been determined to be less than acceptable in one or more critical elements to demonstrate acceptable performance in the critical element(s) at issue. The opportunity to demonstrate acceptable performance is accomplished by means of a Performance Improvement Plan (PIP).
- m. Oral Reply Official means an employee other than the deciding official who is designated by the deciding official to receive an oral answer to a proposed performance-based action and to make a recommendation on the proposed action to the deciding official.
- n. <u>Performance</u> means an employee's accomplishment of assigned duties and responsibilities as specified in the critical performance elements of the employee's position.
- o. <u>PIP</u> means the performance improvement plan which must be afforded to an employee whose performance in one or more critical elements has been determined to be less than acceptable. Employees must be notified of less than successful performance as set forth in EEOC Order 540.008.
- p. <u>Preponderance of Evidence</u> means that degree of relevant evidence that a reasonable person, considering the record as a whole, would accept as sufficient to find that a contested fact is more likely to be true than untrue. This is a higher standard of proof than substantial evidence.

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- q. <u>Proposing Official</u> means a manager or supervisor authorized by this Order or EEOC Order 130.009 to propose a reduction in grade or removal. Unless prohibited by EEOC Order 130.009, this Order authorizes the appraising official as defined by EEOC Order 540.008 to propose a reduction in grade or removal.
- r. <u>Reduction-in-Grade</u> means for purposes of this Order the involuntary assignment of an employee to a position at a lower classification or job-grading level.
- s. <u>Removal</u> means the involuntary separation of an employee from employment with the EEOC and the Federal service, except when taken as a reduction-in-force action under 5 CFR Part 351.
- t. <u>Similar Positions</u> means positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbents could be interchanged without significant training or undue interruption to the work.
- u. <u>Substantial Evidence</u> means that degree of relevant evidence which a reasonable person, considering the record as a whole, might accept as adequate to support a conclusion, even though other reasonable persons might disagree. This is a lower standard of proof than preponderance of the evidence. This definition applies only to reductions in grade and removals.
- v. <u>Technical Assistance Official</u> means a Human Resources Specialist or an Attorney-Advisor in the Office of Human Resources in Headquarters, or an employee in the field who is assigned the personnel function, such as the District Resources Manager.
- w. <u>Unacceptable Performance</u> means unacceptable performance as defined at 5 U.S.C. §4301(3). That is, it is the performance of an employee that fails to meet established performance standards in one or more critical elements of such employee's position.
- 7. **RELATED EEOC DIRECTIVES**. The following EEOC Orders are related to this Order and should be consulted, as applicable, when taking an action under this Order.
 - a. EEOC Order 130.009, Delegation of Personnel Authority;
 - b. EEOC Orders 370.002, Appendix B (EEOC Security Plan) and 570.008, EEOC Drug-Free Workplace Plan;
 - c. EEOC Order 501.002, Courtesy in Dealing with the Public;

- d. EEOC Order 501.004, Prohibition Against Discrimination on the Basis of Conduct that Does Not Affect Adversely the Performance of Employees or Applicants;
- e. EEOC Order 540.008, Performance Appraisal System;
- f. EEOC Order 560.001, Equal Employment Opportunity;
- g. EEOC Order 560.003, EEOC Procedures for Providing Reasonable Accommodations for Individuals with Disabilities;
- h. EEOC Order 570.001, Disciplinary Actions and Adverse Actions; and
- i. EEOC Order 570.003, Administrative Grievance System Handbook.

8. APPLICABILITY.

- a. <u>Employees Covered</u>. This Order is applicable to all employees, except those employees listed in subparagraph (b) below.
- b. <u>Employees Not Covered</u>. This Order does not apply to the following employees:
 - (1) An employee in the competitive service who is serving a probationary or trial period under an initial appointment;
 - (2) An employee in the competitive service serving in an appointment that requires no probationary or trial period, who has not completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less;
 - (3) An employee in the excepted service who has not completed 1 year of current continuous employment in the same or similar positions;
 - (4) An employee occupying a position in Schedule C as authorized under 5 CFR Part 213;
 - (5) An individual in the Senior Executive Service;
 - (6) An individual appointed by the President,
 - (7) An individual occupying a position filled by Non-career Executive Assignment under 5 CFR Part 305;
 - (8) An individual occupying a position in the excepted service for which employment is not reasonably expected to exceed 120 days in a consecutive 12-month period;

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- (9) A manager or supervisor returned to his or her previously held grade or reassigned pursuant to EEOC Order 530.009, Probationary Period for Newly Appointed Supervisors and Managers; and
- (10) A reemployed annuitant.
- c. Actions Covered. This Order covers the reduction in grade or removal of an employee based solely on less than acceptable performance, unless the action is excluded under subparagraph (d) below. Performance-based actions may be taken using the procedures of EEOC Order 570.001, Disciplinary and Adverse Actions for Non-Bargaining Unit Employees. Note that under 5 CFR Part 752, a higher evidentiary standard or burden of proof is required, *i.e.*, preponderance of the evidence, and the Agency's action may be subject to mitigation. Before initiating a performance-based disciplinary action, the policy and procedural requirements of the Order must be considered in consultation with Office of Human Resources staff, and in certain situations, the District Resources Manager in field offices.

9. GENERAL PROVISIONS

- a. Taking a Performance-Based Action. A removal or reduction in grade based solely on performance normally shall be taken under this Order. A removal or reduction in grade based on performance may be taken under EEOC Order 570.001, Disciplinary Actions and Adverse Actions (Non-Bargaining Unit Employees), if the action is taken for "such cause as will promote the efficiency of the service" and can meet the preponderance of the evidence standard.
- b. <u>Nondiscrimination</u>. A performance-based action may not be taken against an employee on the basis of any reasons prohibited by 5 U.S.C. Part 2302, e.g., prohibited discrimination, reprisal for whistle blowing activity, or the exercise of any appeal right granted by law, rule, or regulations, etc.
- c. <u>Disabling Condition</u>. The EEOC shall be aware of the affirmative obligation of the provisions of 29 CFR §§ 1613.704 and 1630 which require reasonable accommodation of a qualified employee who is disabled (*see* EEOC Order 560.003).
- d. <u>Alcohol, Drug, or Emotional/Behavioral Problems</u>. If poor performance may be attributable to an alcohol, drug, or emotional or behavioral problem, the employee should be offered or referred for rehabilitative assistance to the agency's Employee Assistance Program (EEOC Order 570.008).
- e. <u>EEOC's Burden of Proof.</u> A reduction in grade or removal under this Order against an employee must be supported by substantial evidence. However, where a performance-based action has been appealed and it has been determined that

- whistleblowing activity was a contributing factor in the decision to take the performance-based action, the action must be supported by clear and convincing evidence that it would have been taken even if whistleblowing activity had not occurred.
- f. <u>Use of Harmful Error</u>. An EEOC decision on a removal or reduction in grade taken under this Order may not be sustained if the employee shows harmful error in the application of the procedures set forth in this Order.
- g. <u>Disallowance of Employee Representative</u>. When the employee notifies either the proposing official or the deciding official of his or her choice of a representative which does not conform to this Order, or when the EEOC becomes aware of a conflict of interest or position, the proposing official or deciding official, as applicable, after consultation with the servicing personnel office and, if necessary, Office of Legal Counsel, shall issue to the employee a notice of disallowance of the representative promptly after receipt of the designation of representative or after becoming aware of a conflict of interest or position. The disallowance notice shall contain the specific reasons for the disallowance, e.g., if the disallowance is made for reasons of conflict of interest or position, the notice must state how the conflict exists. The employee should be allowed a reasonable time to designate a proper representative, since he or she may encounter some legitimate difficulties in securing a representative.
- 10. **TIMING OF ACTIONS**. Under this Order, a removal or reduction in grade may be proposed at any time during the performance appraisal cycle that the employee's performance in one or more critical elements of the job is determined to be less than acceptable, but only after the employee has been afforded an opportunity to demonstrate acceptable performance in accordance with EEOC Order 540.008. If the employee failed to improve his or her performance to an acceptable level or improves performance to the acceptable level, but fails to sustain acceptable performance for one year from the beginning date of the PIP period (in the employee's critical elements and performance standards for which he or she was afforded an opportunity to demonstrate acceptable performance), he or she may be reassigned, reduced in grade, or removed without being afforded an additional PIP period.

11. ACTIONS BASED ON LESS THAN ACCEPTABLE PERFORMANCE.

- a. <u>Reduction in Grade or Removal</u>. The employee must be given an advance notice of proposed action and a decision to be reduced in grade or removed (see paragraphs 12 and 16 below).
- 12. **NOTICE OF PROPOSED REDUCTION-IN-GRADE OR REMOVAL.** A notice shall meet the following requirements:
 - a. Be in writing;

- b. Give the employee at least 30 full days advance notice of the proposed action;
- c. State specifically the action proposed;
- d. State the specific instances of less than acceptable performance by the employee on which the proposed action is based (the proposed action may be based only on those instances of less than acceptable performance which occurred during the one year period ending on the date of the notice);
- e. State the critical elements of the employee's position involved in each instance of less than acceptable performance cited;
- f. Reference the opportunity to demonstrate acceptable performance or PIP period afforded the employee;
- g. Inform the employee of material relied upon; his or her right to review the material relied upon;
- h. Advise the employee where the material relied on in proposing the action, as well as the regulation and procedures on which the proposal is based, may be reviewed (a copy of this Order may be included with the notice);
- i. State that the employee has a right to answer orally and in writing (the right to answer orally does not include the right to a formal hearing with examination of witnesses);
- j. State that the employee has a right to furnish affidavits and other documentary evidence in support of the answer;
- k. Identify the management official(s) who will receive any oral and/or written answers;
- 1. State that the employee's oral and/or written answers submitted will be considered before a decision is reached;
- m. State the right to a reasonable amount of time (normally not less than 10 days) for the employee to answer the notice and to furnish affidavits and other documentary evidence in support of the answer;
- n. State that a request for an extension of time to answer will be considered, if it is made in writing and received by the deciding official before the time period to answer has expired and if it sets forth the reason(s) for the request;
- o. State the amount of duty time (normally up to 8 hours) allowed for the employee, if the employee is in an active duty status, to review the material relied upon, to secure affidavits and other documentary evidence in support of the answer and to prepare an answer to the proposed performance-based action;

- p. Identify the person (normally the immediate supervisor) with whom to make arrangements for the use of duty time;
- q. Advise the employee that he or she may be represented by an attorney or other representative;
- r. State that a written decision shall be made within 30 days after the date of the expiration of the advance notice period or any extensions thereof; and
- s. State that the employee shall remain in an active duty and pay status during the advance notice period, if applicable.

13. EXTENSION OF 30-DAY ADVANCE NOTICE PERIOD.

- a. The deciding official may extend the 30-day advance notice period up to 30 days when deemed appropriate. The deciding official may extend this notice period further without prior OPM approval for the following reasons:
 - To obtain and/or evaluate medical information when the employee has raised a medical issue in the answer to a proposed reduction in grade or removal;
 - To arrange for the employee's travel to make an oral reply to the deciding official or oral reply official, or the travel of the deciding official or oral reply official to hear the employee's oral reply;
 - To consider the employee's answer if any extension to the period for an answer has been granted (e. g., because of the employee's illness or incapacitation);
 - To consider reasonable accommodation of a disabling condition; or
 - To comply with a stay ordered by a member of the MSPB under 5 U.S.C. 1214 or 1221 (provisions of the Whistleblower Protection Act of 1989).

The deciding official should promptly notify the employee in writing of his or her decision to extend the notice period and the reason for the extension. He or she shall provide a copy of the notice to the servicing personnel office.

b. If a further extension of the advance notice period is necessary for a reason other than one set forth under paragraph 13a above, prior approval must be obtained from OPM. A request for such an extension shall be made by the Director, Office of Human Resources (Chief Human Capital Officer), based on the reason and justification provided by the deciding official.

- 14. **EMPLOYEE'S ANSWER**. An employee covered by this Order has the right to make oral and/or written answers to the notice of proposed reduction in grade or removal and to furnish affidavits and other documentary evidence in support of his or her answers. If an employee or his or her representative requests an opportunity to make an oral answer, he or she must be given an opportunity to make any reasonable response he or she believes may influence the decision in the employee's favor or reduce the penalty. The EEOC may not restrict the answer solely to matters relating to the reason cited in the proposed performance-based action.
- 15. **MEDICAL CONSIDERATION**. If the employee provides medical documentation regarding a disabling condition, whether it was previously known or new information, management must try to provide reasonable accommodation for the employee, as appropriate. The medical documentation should provide information on the employee's functional limitation and appropriate accommodation for successful employment. (See paragraph 9c.)

If the employee submits medical documentation, the EEOC may require or offer a medical examination in accordance with the criteria and procedures of 5 CFR Part 339. A supervisor or manager should closely coordinate with his or her technical assistance official before offering or requiring an employee to undergo a medical examination. If the employee who raises a medical condition has the requisite years of service under the Civil Service Retirement System (CSRS) or the Federal Employee Retirement System (FERS), the EEOC shall provide information concerning application for disability retirement prior to or in the decision on the proposed performance-based action. If the employee files an application for disability retirement, it shall not preclude or delay an appropriate performance-based action.

16. NOTICE OF DECISION OF REDUCTION-IN-GRADE OR REMOVAL.

A notice shall meet the following requirements:

- a. Be in writing;
- b. Be issued within 30 days after the date of expiration of the notice period, including any extensions thereof (this timeframe has been established in 5 U. S.C §4303(c)(1);
- c. Make reference to the notice of proposed reduction in grade or removal, citing the date of the notice;
- d. Specify the instances of less than acceptable performance by the employee on which the reduction in grade or removal is based (it is sufficient to indicate which critical elements are supported and to make reference to the instances of less than acceptable performance cited in the notice of proposed reduction in grade or removal);

- e. Identify any critical elements and/or specific instances of less than acceptable performance by the employee which are set forth in the notice of proposed reduction in grade or removal that were not relied upon;
- f. Be based only on those instances of less than acceptable performance by the employee which occurred during the one year period ending on the date of the notice under paragraph 12 and for which the notice and other requirements of this Order are complied with;
- g. State that the employee answered in writing and/or orally, and that the EEOC considered the answer(s), or that the employee did not answer;
- h. If applicable, state that the employee submitted medical documentation and that such documentation was considered;
- i. State the action being taken;
- j. If the employee submitted medical documentation and he or she has the requisite years of service under CSRS or FERS, and, if the EEOC has not already done so, advise the employee that he or she may be eligible for disability retirement and identify the contact person from whom he or she may obtain further information thereon:
- k. Advise the employee that he or she may be represented by an Attorney or other representative;
- 1. Advise the employee of his or her MSPB appeal rights and, if applicable, mixed case appeal/complaint rights (see paragraph 17);
- m. State the effective date of the action; and
- n. Be delivered to the employee at or before the time the action will be effective. If actions are effected on the delivery date, diligence must be taken to ensure the decision notice cites the <u>exact time</u> of the effected action. This time must be earlier than the end of the employee's tour of duty on that given day. Consequently, the employee's work schedule is an important factor.

17. APPEAL, EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT, AND GRIEVANCE RIGHTS.

a. Right of Appeal

An employee who has the right to appeal a reduction in grade or removal under this Order to the MSPB is:

- (a) An employee in the competitive service;
- (b) An employee who is a preference eligible; or
- (c) An employee who is in the excepted service (other than a preference eligible); and
 - 1. Who is not serving a probationary or trial period under an initial appointment pending conversion to the competitive service; or
 - 2. Who has completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less.

The Employee must be:

- (a) Advised that any appeal to the MSPB must be filed during the period beginning with the day after the effective date of the action being appealed until no later than 20 days after the effective date of the action;
- (b) Advised that, if he or she does not submit an appeal within the time set by statute, regulation, or order of a judge, it will be dismissed as untimely filed unless a good reason for the delay is shown;
- (c) Provided the address of the appropriate MSPB office for filing an appeal;
- (d) Provided a copy, or access to a copy, of the MSPB's regulations; and
- (e) Provided a copy of the MSPB appeal form.
- b. Mixed Case. If the employee has a right to appeal to the MSPB and believes that he or she has been discriminated against, in whole or in part, because of race, color, religion, sex, national origin, disabling condition, or age (provided the employee is at least 40 years old as of the effective date of the action) in connection with the performance-based action, or believes that he or she is subject to the performance-based action because of opposition to such discrimination, he or she may file an equal employment opportunity (EEO) mixed case complaint in accordance with EEOC Order 560.001 or a mixed case appeal with the MSPB in accordance with paragraph 17(a) above of this Order. The employee must be advised that he or she may not initially file both a complaint and an appeal and that whichever is filed first shall be considered an election to proceed in that

forum. If the employee has raised the issue of discrimination either orally or in writing, during the processing of the action, he or she must be advised of these mixed case rights.

- c. Right to File an EEO Complaint. If an employee does not have a right to appeal to the MSPB and believes that he or she has been discriminated against on the basis of race, color, religion, sex, national origin, disabling condition, or age (provided the employee is at least 40 years old as of the effective date of the action) in connection with the performance-based action, or believes that he or she is subject to the performance-based action because of opposition to such discrimination, he or she may file an EEO complaint in accordance with EEOC Order 560.001. Probationary non-bargaining unit employees may file EEO complaints under this Order.
- d. <u>Right to Grieve</u>. If an employee does not have a right to appeal a performance-based action to the MSPB, he or she may be entitled to grieve the action under the Administrative Grievance Procedure Handbook, EEOC Order 570.003, if the grievance system does not specifically exclude the matter. A grievance must be filed in accordance with EEOC Order 570.003.
- 18. **DELIVERY OF NOTICE AND DECISION**. Where feasible, a notice of proposed reduction in grade or removal or a decision to remove or reduce in grade should be delivered personally and a written acknowledgement of receipt should be obtained from the employee. Otherwise, the original of a notice or decision should normally be sent by return receipt mail with another copy being sent by regular first class mail.

19. IMPLEMENTATION OF PERFORMANCE-BASED DECISION.

- a. The deciding official on a proposed removal or reduction in grade or the official who makes a decision to reassign an employee under this Order shall take necessary action to implement a decision, e.g., submit a Request for Personnel Action, SF-52, to the servicing personnel office.
- b. The servicing personnel office shall process the SF-52 and ensure that a copy of the official document implementing a removal or reduction in grade is filed in the performance-based action file.

20. RECORDKEEPING REQUIREMENTS

- a. A copy of a notice of reassignment issued under this Order shall be maintained in the employee's electronic Official Personnel File, in accordance with the OPM/GOVT-2 Privacy Act system of records.
- b. Any relevant documentation on a proposed removal or reduction in grade or a consummated removal or reduction in grade under this Order shall be kept in a

performance-based action file. The file shall be made available for review by the employee or his or her representative. At a minimum, the file shall include:

- (1) A copy of the notice of proposed action;
- (2) The answer of the employee when it is in writing;
- (3) A summary or verbatim or full transcript of the employee's oral answer when the employee makes an oral reply;
- (4) The notice of decision which includes the reason(s) for the decision;
- (5) Any supporting material including documentation regarding the opportunity afforded the employee to demonstrate acceptable performance; and/or
- (6) A copy of the Official document implementing the decision.

The reduction in grade and removal files shall be maintained and disposed of in accordance with the OPM/GOVT-3 Privacy Act system of records and EEOC Order 201.001, EEOC Records Management. The files shall be maintained by the Office of Human Resources or the local District Resource Manager.

c. Where a notice of proposed removal or reduction in grade is issued, but not effected because of performance improvement by the employee during the advance notice period, and the employee's performance continues to be acceptable for 1 year from the date of the advance written notice of the proposed removal or reduction in grade, any significant entry or other notation of the unacceptable performance for which the action was proposed shall be removed from any records relating to the employee.

21. PERFORMANCE-BASED ACTIONS APPEALED OR GRIEVED.

- a. Receipt of Appeal. If a District Director or the Director of the Office of Human Resources receives notification from the MSPB that a performance-based action has been appealed, the District Office or Office of Human Resources, as applicable, must:
 - (1) Immediately notify the Office of General Counsel (or designee) of the appeal; and
 - (2) As applicable, send the appeal and the performance-based action file to the Office of General Counsel.

- b. Receipt of a Grievance or an EEO Complaint. A grievance must be processed in accordance with EEOC Order 570.003, if applicable, and an EEO complaint must be processed in accordance with EEOC Order 560.001.
- c. <u>Appointment of Agency Representative</u>. When the EEOC is notified of an appeal to the MSPB or, when requested, the Office of General Counsel shall designate a representative to represent the EEOC.
- d. <u>Coordination of Appeal or EEO Complaint.</u> When representing the EEOC on a performance-based action under this Order, the Agency Representative shall coordinate the appeal, administrative grievance, or EEO complaint with appropriate officials in the Office of Human Resources to ensure adherence to personnel policies, regulations, and procedures.
- 22. **OBSOLETE DATA**. EEOC Order 540.007, Reassignment, Reduction in Grade and Removal Based on Unacceptable Performance (Non-Bargaining Unit Positions), dated May 27, 1991, is obsolete and should be removed from the directives binder.

Lisa M. Williams

Chief Human Capital Officer Office of Human Resources

EEOC

DIRECTIVES TRANSMITTAL

Number 550.007

Date

01-12-2006

SUBJECT: Leave Policies and Procedures (Change 5).

PURPOSE: This transmittal covers revisions to EEOC Order 550.007, Leave

Policies and Procedures, dated March 1, 1986. This revised order

consolidates updated leave regulations since this order was

published to reflect the enactment of certain laws and amendments.

EFFECTIVE DATE: December 20,2005.

DISTRIBUTION: EEOC Order 550.007 is distributed and available electronically on

the Commission's intranet website, InSite, Directives/Order page.

CURRENT CHANGES: None.

OBSOLETE DATA AND FILING

INSTRUCTIONS: This Order supersedes EEOC Order 550.007, Leave Policies and

Procedures, dated March 1, 1986; Change 1, effective June 17, 1990; Change 2, effective May 4,1994; Change 3, effective December 2, 1994; and Change 4, effective September 21, 1995.

Angelica E. Ibarguen

Chief Human Capital Officer Office of Human Resources

HUMAN RESOURCES

Compensation and Leave

1. SUBJECT. LEAVE POLICIES AND PROCEDURES

- 2. **PURPOSE.** This Order provides policy and procedures related to leave administration at the EEOC. Specific guidance for eligibility and procedures for payment of lump sum annual leave as well as restoration of annual leave is also contained herein. The applicable Federal authorities for leave are found in 5 U.S.C. chapter 63, sub-chapters I and IV, 5 C.F.R. 351.606, and 5 C.F.R. part 630. The provisions of this order are also in compliance with 5 U.S.C. 6323, 5 U.S.C. 3401, 32 U.S.C. 502-505, the Federal Employees Family Friendly Leave Act, 5 U.S.C. 6307, and the Family and Medical Leave Act of 1993, 5 U.S.C. 6381, *et. seq.*
- **3. POLICY.** Both bargaining unit and non-bargaining unit employees are subject to the guidance provided in this Order. It is critical that leave related policy and procedures are consistently applied across the agency in accordance with applicable regulations and internal procedures.
- **4. EFFECTIVE DATE**. December 20, 2005.
- **5. ORIGINATOR**. Office of Human Resources.
- 6. RESPONSIBILITIES.
 - a. **The Chair** retains authority to review and approve the use of leave and associated procedures in EEOC offices. This authority may be delegated to Office Directors and senior managers at the Chair's discretion. The Chair is responsible for:
 - (1) Approving Leave Without Pay requests exceeding six months in duration; and
 - (2) Approving Excused absences in excess of 30 days.
 - b. **The Chief Human Capital Officer** is responsible for:

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(1) Developing policy and overall technical guidance and direction, monitoring compliance, and making recommendations to the Chair regarding leave policy and usage in the agency;

- (2) Issuing an annual notice to employees regarding use or lose leave;
- (3) Approving or disapproving requests for restoration of annual leave;
- (4) Approving or disapproving requests for extended leave-without-pay in excess of 30 days up to 6 months in accordance with the provisions of Appendix F of this order;
- (5) Approving or disapproving requests for excused absences from 6 to 30 days.
- (6) Providing guidance and advisory services to managers, supervisors, field Human Resource Specialists and employees on their responsibilities on leave issues under this Order.
- c. **Field Human Resource Specialists/Administrative Officers** are responsible for providing advice and guidance to managers and supervisors in their Offices on the provisions of this Order.
- d. **District and Office Directors** are responsible for oversight of leave usage in their respective organizations, the documentation and certification of any exigency of the public business for their subordinate employees, and review and approval of:
 - (1) Advance annual leave not to exceed the amount of such leave that will be earned during the current leave year;
 - (2) Advance sick leave, up to a maximum cumulative total of 240 hours in accordance with Appendix C, 6;
 - (3) LWOP of more than 10 work days and extensions thereof not to exceed a total 30 days in accordance with the provisions of Appendix F of this order;
 - (4) Excused absences not to exceed 5 days in accordance with of Appendix H below;

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- (5) Military leave; and
- (6) Court leave.

Office and District Directors may assign responsibility in writing for all or part of the above responsibilities to subordinate supervisors.

e. **Supervisors** are responsible for:

- (1) Adhering to the policies outlined in this Order, and for bargaining unit employees, as described in the Collective Bargaining Agreement;
- (2) Promptly notifying or making every attempt to notify employees of any cancellation of approved leave in sufficient time to allow the employee to reschedule use of his/her leave, and
- (3) Reviewing and approving/denying:
 - (a) All accrued and accumulated annual leave:
 - (b) All accrued and accumulated sick leave;
 - (c) LWOP not to exceed 10 workdays; and
 - (d) Excused absences for short periods of less than 4 hours.
- (4) Assuring the accuracy of all time and attendance records and supporting documents of their employees.

f. **Timekeepers** are responsible for:

- (1) Maintaining all time and attendance records and backup materials of serviced employees for five leave years;
- (2) Notifying the supervisor when an employee's leave balances are low to avoid erroneous leave advancements:
- (3) Assuring all leave is properly coded and that required supporting documentation is present;

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(4) Transferring all leave records of reassigned employees, after the supervisor's certification, to the new supervisor; and

- (5) Verifying the completeness and accuracy of records received for reassigned or transferred employees.
- g. **Employees** are responsible for:
 - (1) Following the policies in this Order, the Collective Bargaining Agreement as it applies to bargaining unit employees, and the procedures for requesting and using leave described herein; and
 - (2) Monitoring and scheduling their use of annual leave to avoid its forfeiture.
- **7. COVERAGE.** The provisions of the Order apply to all EEOC employees except:
 - a. The Chair, Vice Chair, Commissioners, and General Counsel;
 - b. Employees serving on an intermittent tour of duty; and
 - c. Employees serving without compensation or on a fee basis.
- 8. PLACEMENT ON LEAVE. Generally a supervisor may not place an employee on sick or annual leave or LWOP without his or her consent. For this reason, the supervisor, as well as the employee, must know whether the employee has sufficient accrued leave for the category of leave (sick or annual) requested. However, an employee may be placed on LWOP if he or she does not have sufficient sick or annual leave to cover an absence approved for illness or an emergency. If there is any doubt as to the employee's request for leave, the supervisor will place the employee on Absence Without Leave (AWOL) until the category of leave usage is determined and subsequent adjustments made to the category of leave charged for the absence, as appropriate.
- **9. APPLICATION AND APPROVAL OF LEAVE.** All leave requests will be made using OPM Form 71 (previously SF-71), Request for Leave. Documentation for specific categories of leave will be provided by the employee as indicated by the applicable guidance to the situation.
- **10. RECORDS.** The OPM Form 71, Application for Leave, and associated documentation for each leave period will be retained by the Timekeeper. Records will be maintained for five leave years, after which they will be destroyed.

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11. LIST OF APPENDICES.

<u>Appendix</u>	<u>Title</u>
A	Definitions
В	Annual Leave
C	Sick Leave
D	Military Leave
E	Court Leave
F	Leave Without Pay (LWOP)
G	Leave for Parental and Family Responsibilities including the Family Medical Leave Act
н	Excused Absences
I	Absence Without Leave (AWOL)
J	Voluntary Leave Transfer Program
· K	Legal Holidays and Religious Observances

- **12.** SUPPLY OF FORMS. The forms prescribed in this Order are available electronically on the Commission's intranet website, InSite, forms page.
- **13.** OBSOLETE DATA. This Order supersedes EEOC No. 550.007, EEOC Leave Policies, dated March 1, 1986; Change 1, effective June 17, 1990; Change 2, effective May 4, 1994, Change 3, effective December 2, 1994; and Change 4, effective September 21, 1995 which will be removed from directives reference sets and destroyed when no longer needed.

Angelica E. Ibarguen Chief Human Capital Officer Office of Human Resources Order 550.007 01/06

APPENDIX A

DEFINITIONS.

1. **Accrued Leave.** Leave earned by an employee during the current leave year that is unused at any given time in that leave year.

- 2. **Accumulated Leave.** Unused leave remaining to the credit of an employee at the beginning of a leave year.
- 3. **Administrative Workweek.** A period of seven consecutive calendar days that includes the basic workweek.
- 4. **Advance Leave.** Leave requested and granted before it is earned that must be repaid from future leave earnings or by cash refund.
- 5. **Basic Workweek.** Normally, this is a period of five consecutive eight-hour days, Monday through Friday.
- 6. **Break in Service.** A period of interrupted Federal employment of one or more workdays.
- 7. **Compressed Work Schedule.** This is an approved alternative to the basic workweek wherein the employee requests and is approved to work a schedule totaling eighty (80) hours of work within nine (9) or less workdays of a pay period (Note: this includes the 4/9/4 schedule).
- 8. **Communicable Disease.** A disease, as determined by authorities having jurisdiction or by a health care provider, that due to exposure to it would jeopardize the health of others by the employee's presence on the job.
- 9. **Credit Hours.** Hours worked by an employee in excess of his or her daily tour of duty under a flexible work schedule. Credit hours must be approved by the supervisor prior to being worked. The earning of credit hours is voluntary on the part of the employee, is distinct from, and should not be confused with overtime or compensatory time. Credit hours are not available to employees working a compressed work schedule.
- 10. **Excused Absence (Administrative Leave).** An absence from duty administratively authorized without loss of pay or charge to leave.

- 11. **Exigency of the Public Business.** A bona fide operational emergency of such magnitude or significance that the public business cannot be effectively conducted or accomplished by the EEOC. A determination of an Exigency of the Public Business may be made by an Office or District Director for his or her subordinate employees, but may not, with the exception of the Chair, include the official making such a determination. Such determination must be in writing, define the exigency and include the starting and ending date of the exigency.
- 12. **Family Member**. Two definitions apply to this term:
 - a. For purposes of the Family Medical Leave Act a family member is a:
 - (1) **Spouse**. An individual who is a husband or wife pursuant to a marriage that is a legal union between one man and one woman, including common law marriage between one man and one woman in States where it is recognized,
 - (2) **Son or daughter.** A biological, adopted, or foster child; a step child; a legal ward; or a child of a person standing *in loco parentis* who is:
 - (a) Under 18 years of age; or
 - (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.
 - (3) **Parent**. A biological parent or an individual who stands or stood in *loco parentis* to an employee when the employee was a son or daughter. This term does not include parents "in law."
 - b. **For other than the FMLA** a family member is a spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

- 13. Flexible Work Schedule. Sometimes called Flexitour, this is a regularly scheduled tour of duty of 5 eight-hour days and a 40-hour work week that enables an employee to request and, upon supervisory approval, implement a starting and stopping time within authorized time bands.
- **14. Full-time.** A regularly scheduled tour of duty that requires the employee to be on duty for eighty hours in each pay period.
- **15. Intermittent.** An unscheduled, irregular tour of duty when the employee works as needed and receives pay only for the hours worked.
- **16. Leave Without Pay (LWOP).** A temporary non-pay status and absence from duty granted upon the employee's request.
- 17. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

18. Medical Certificate.

- **a. For an employee**, a written statement signed by a registered practicing physician or health care provider, certifying to the incapacitation, examination, or treatment of an employee, the period of disability while the employee was receiving professional treatment, and the time the employee is expected to return to full or limited duty; or
- **b. For an employee's family member**, a written statement signed by a registered practicing physician or health care provider, certifying to the incapacitation, examination, or treatment, the anticipated period of incapacitation and the need for caregiving services of a family member of the employee.

- **19. Part-time.** A regularly scheduled tour of duty that requires the employee to be on duty less than eighty hours in each pay period. Part-time schedules allow a maximum of 32 hours in a workweek.
- **20. Regular Tour of Duty.** The schedule of hours an employee is expected to be on duty during a workweek
- **21**. **Serious Health Condition.** An illness, injury, impairment, or physical or mental condition that involves:
 - **a.** Inpatient care in a medical care facility, including any period of incapacity or any subsequent treatment in connection with such care; or
 - **b.** Continuing treatment by a health care provider that includes examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists.

Health conditions not considered as serious include routine physical, eye, or dental examinations; a regimen of continuing treatment that includes the taking of over-the-counter medications, bed-rest, exercise, and other similar activities that can be initiated without a visit to the health care provider; a condition for which cosmetic treatments are administered, unless inpatient hospital care is required or unless complications develop; or an absence because of an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider.

Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, and periodontal disease are not serious health conditions. Allergies, restorative dental or plastic surgery after an injury, removals of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.

22. Terminal Leave. Leave granted prior to separation from federal service when it is known that the employee will not return from leave prior to separation.

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APPENDIX B

ANNUAL LEAVE

1. **PURPOSE.** This appendix covers all aspects of the management and usage of annual leave in EEOC. Directions on restoration of annual leave and lump sum payments for annual leave are also included.

- **2. POLICY.** Annual leave is the earned right of each employee. It is the employee's option to select the amount and time he or she wishes to take annual leave, subject to the approval of the immediate supervisor.
- **3. REQUESTING ANNUAL LEAVE**. Employees should request annual leave through use of OPM Form 71, Application for Leave. Whenever possible, annual leave should be requested at least one (1) week in advance.

4. GRANTING ANNUAL LEAVE.

- **a.** Annual leave is provided and used for two general purposes:
 - (1) To allow every employee an annual vacation period of extended leave for rest and recreation; and
 - (2) To provide periods of time off for personal and emergency purposes.
- **A supervisor** will act on an employee's leave request in a timely manner, normally within three (3) workdays of receipt. Employee requests for emergency leave shall normally be acted upon immediately by the supervisor. In such instances, the supervisor may inquire into the nature of the emergency.
 - (1) Supervisors shall grant disabled veterans annual leave, sick leave, as is available to them, or leave without pay as needed, when they are absent from duty for medical treatment. Granting of such leave is *required* when the disabled veteran:

- (a) Presents an official statement from a medical officer of a government hospital or a medical certificate from a private authority that treatment is required; and
- (b) Give prior notice to his or her supervisor whenever possible of the specific days and hours required for medical treatment so that the supervisor can arrange to cover the employee's work in his or her absence.
- **c. When denying annual leave requests,** the supervisor shall notify the employee as soon as possible. Denial of annual leave must be accomplished by a completed OPM Form 71 setting forth the reason(s) for denial.
- **d. An employee on approved leave** shall not be called back to work except in cases where unforeseen emergencies arise and the supervisor has made every effort to avoid such a change. Leave reimbursement will be in accordance with applicable law.
- **5. QUALIFYING FOR LEAVE ACCRUAL**. Employees accrue leave under the following conditions:
 - **a. Permanent employees** with regularly scheduled tours of duty are entitled to earn annual leave upon completion of the first biweekly pay period. Annual leave may be used as soon as it is earned and credited to the employee's account.
 - **b.** Temporary (including Term) employees with regularly scheduled tours of duty and current appointments for periods of 90 days or more begin to earn annual leave upon completion of the first biweekly pay period. Annual leave may be used when earned and credited.
 - c. If an appointment is for less than 90 days, employees are not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service.

- (1) A break in service is one (1) workday or more when the employee is not on the Government's employment rolls.
- (2) If employees are initially appointed for less than 90 days and the appointment is subsequently converted to more than 90 days, e.g., temporary appointment not-to-exceed 30 days and then converted to career-conditional appointment on the 29th day, they are entitled to leave credit from the beginning date of the initial appointment and may begin using the leave immediately upon conversion to the unlimited appointment.
- **d.** Employees may use any annual leave earned under previous appointments that has been re-credited to their account.

6. EARNING RATES.

a. Full-time Employees.

- (1) Full-time employees with less than three (3) years of service earn four (4) hours of annual leave for each pay period;
- (2) Those with three (3) years but less than fifteen (15) years of service earn six (6) hours of annual leave for each pay period except for the last full pay period of the calendar year when they earn ten (10) hours of annual leave; and
- (3) Those with fifteen (15) or more years of service earn eight (8) hours of annual leave for each full pay period.

b. Part-time Employees.

(1) To earn annual leave, part-time employees must have a regularly scheduled tour of duty on at least one day of each week in the pay period;

- (2) Part-time employees with less than three (3) years of service earn one (1) hour of annual leave for each twenty (20) hours in a pay status;
- (3) Those with three (3) but less than fifteen (15) years of service earn one (1) hour of annual leave for each thirteen (13) hours in a pay status; and
- (4) Those with fifteen (15) or more years of service earn one (1) hour of annual leave for each ten (10) hours in a pay status.
- **c. Intermittent employees** have no regularly scheduled tour of duty, and therefore, do not accrue leave.
- **d. Accrual Reductions Because of Non-pay Absence**. When the number of hours of non-pay status in a full-time employee's leave year equals the number of base-pay hours in a pay period, the agency shall reduce his or her credits for leave by an amount equal to the amount of leave the employee earns during the pay period.
- 7. ADVANCING ANNUAL LEAVE. An employee may be permitted to take annual leave to his or her credit plus the leave that will accrue during the current leave year or the employee's anticipated date of separation from employment if within the current leave year, whichever comes first. Annual leave may be advanced at the discretion of the approving official in consideration of the needs of the work unit. Annual leave may be advanced only when there are no reasons known to the approving official why the employee will not be able to earn the advanced leave. Requests will be submitted by way of memorandum or use of OPM-71, Application for Leave, with appropriate rationale attached in support of the request.
- **8. ANNUAL LEAVE IN LIEU OF SICK LEAVE.** Annual leave may be granted, at an employee's request, for absence due to illness or other authorized sick leave purposes.

9. MAXIMUM ACCUMULATION OF ANNUAL LEAVE.

- **a. Accumulated annual leave** is that leave which remains to an employee's credit at the end of a leave year. Limits are imposed by law on the total hours of annual leave that an employee may carry over from one leave year to the next. The following limits apply to EEOC employees:
 - (1) **General Schedule (GS)** employees a maximum 30 days (240 hours)
 - (2) **Senior Executive Service (SES)** employees a maximum of 90 days (720 hours), SES employees who, as of the first pay period beginning after October 13, 1994, had accumulated annual leave in excess of 90 days are entitled to retain that leave as a personal leave ceiling.
- **b.** Reserved.
- **10. RESTORATION OF FORFEITED ANNUAL LEAVE.** A summary of the requirements and procedures governing the scheduling and restoration of annual leave follows:
 - a. Scheduling Annual Leave Subject to Forfeiture. Employees who have annual leave subject to forfeiture *must* request in writing the scheduling of that annual leave at least three pay periods (before pay period 24) prior to the end of the leave year. Requests to schedule the leave are made by use of the OPM -71, Application for Leave. EEOC may consider only annual leave scheduled by this deadline for restoration because of sickness of the employee or exigency of the public service.
 - **b. Conditions for Restoration**. An employee may have forfeited annual leave restored only under one of the following conditions:
 - (1) An administrative error caused the loss of annual leave;

- (2) Sickness of the employee when the annual leave was requested in writing by the employee and approved at least three pay periods (before pay period 24) prior to the end of the leave year and the period of absence due to the sickness occurred too late in the leave year or was of such duration that the annual leave could not be rescheduled for use before the end of the leave year.
- (3) An exigency of the public business occurred *and* the annual leave was requested in writing by the employee and approved at least three pay periods (before pay period 24) prior to the end of the leave year.
 - (a) Only a bona fide operational emergency of such magnitude or significance that the public business cannot be effectively conducted or accomplished will support the restoration of an employee's annual leave.
 - (b) Mere inconvenience by the absence of an employee during a peak workload period does not meet the standard of a public exigency.
 - (c) Determination of exigencies of the public business must be documented in writing by the Chair, or by an Office or District Director for their subordinate employees.
 - (d) Failure to obtain approval of the exigency determination will result in the inability of the EEOC to restore any forfeited leave.
 - (e) The exigency must have a specific beginning date and ending date fixed in advance, unless the suddenness or uncertainty of the circumstances prevents advance decision. These dates must establish the specific time period within which employees were prevented from using scheduled leave and thus subsequently forfeited annual leave.

- (f) Supervisors and employees should note that approval of an exigency determination requiring cancellation of scheduled annual leave does not absolve them of the need to try to reschedule the leave for use before the end of the leave year, if at all possible.
- (g) Requests for restoration of forfeited leave based on an approved exigency determination may not be approved if sufficient time was available to reschedule and use the canceled leave during the remainder of the leave year.
- c. Requesting Restoration of Forfeited Annual Leave. Requests must be initiated after the end of the leave year by the employee through his or her supervisor to his or her Office Director. The Office Director will review the request, certify its accuracy, attach the required information, and submit it prior to April 1 of the following leave year to the Chief Human Capital Officer for review and decision. Documentation must include:
 - (1) A statement as to the reason for the forfeited annual leave;
 - 2) Copies of the leave request OPM Form 71 and any other approval documents for all periods of scheduled leave;
 - (3) An explanation of rescheduling attempts of the cancelled leave, if appropriate; and
 - (4) Copies of medical statements, explanations of administrative errors, determinations of exigencies of the public business etc., to support the requested leave restoration.
- 11. TIME LIMIT FOR USE OF RESTORED ANNUAL LEAVE. Except as otherwise authorized by regulation, restored annual leave must be scheduled and used not later than the end of the leave year ending two years after:

- **a.** The date of restoration of the annual leave forfeited because of administrative error:
- **b.** The date fixed as the termination date of the exigency of the public business that resulted in forfeiture of the annual leave; or
- **c.** The date the employee is determined to be recovered and able to return to duty if the leave was forfeited because of sickness.

12. DISPOSITION OF UNUSED ANNUAL LEAVE.

- **a. Upon Separation**. Sub-chapter VI of chapter 55 of title 5, United States Code, provides for payment in a lump sum for annual leave to the credit of an employee at the time he or she separates from Federal service.
- b. Upon Transfer to Another Federal Agency with the Same Leave System. When an employee transfers to a position outside the Service but under the same leave system, the servicing personnel office will certify his or her annual leave account to the gaining agency for credit or charge.
- c. Upon Transfer to Another Federal Agency with a Different Leave System. When annual leave is transferred between different leave systems under section 6308 of title 5, United States Code, or is re-credited under a different leave system as a result of a refund under section 6303 of that title, seven (7) calendar days of annual leave are deemed equal to five (5) workdays of annual leave.
- 13. LUMP SUM PAYMENT OF ANNUAL LEAVE. Lump sum payment for unused annual leave may be made in accordance with 5 U.S.C. 5551 and 6306, and 5 C.F.R. part 550, subpart L.
 - **a. Entitlement.** An employee will receive a lump-sum payment for any unused annual leave when he or she separates from Federal service or enters on active duty in the armed forces and elects to receive a lump-sum payment. Generally, a

lump-sum payment will equal the pay the employee would have received had he or she remained employed until expiration of the period covered by the annual leave.

- **b.** Calculating a Lump-Sum Payment. A lump-sum payment is calculated by multiplying the number of hours of accumulated and accrued annual leave by the employee's applicable hourly rate of pay, plus other types of pay the employee would have received while on annual leave, excluding any allowances that are paid for the sole purpose of retaining a Federal employee in Government service, e.g., retention allowances. Types of pay included in a lump-sum payment include:
 - (1) Rate of basic pay;
 - (2) Locality pay or other similar geographic adjustment;
 - (3) Within-grade increase (if the waiting period is met on date of separation);
 - (4) Across-the-board annual adjustments;
 - (5) Administratively uncontrollable overtime pay, availability pay, and standby duty pay;
 - (6) Regularly scheduled overtime pay under the Fair Labor Standards Act for employees on uncommon tours of duty;
 - (7) Supervisory differentials; and
 - (8) Non-foreign area cost-of-living allowances and post differentials.

In calculating a lump-sum payment, the employee's annual leave for all workdays the employee would have worked if he or she had remained in Federal service is projected forward. By law, holidays are counted as workdays in projecting the lump-sum leave period.

c. Return to Federal Service. If an employee is re-employed in the Federal service prior to the expiration of the period of annual leave (i.e., the lump-sum leave period), he or she must refund the portion of the lump-sum payment that represents the period between the date of re-employment and the expiration of the lump-sum period. The amount of annual leave equal to the days or hours of work remaining between the date of re-employment and the expiration of the lump-sum leave period is re-credited to the employee's leave account.

APPENDIX C

SICK LEAVE

PURPOSE. This appendix covers all aspects of the management and usage of sick leave in EEOC.

2. USES OF SICK LEAVE

- **a.** Sick leave shall be granted to an eligible employee when the employee:
 - (1) Receives medical, dental, or optical treatment or examination;
 - (2) Is incapacitated for the performance of duties by illness, injury, pregnancy or childbirth;
 - (3) Is absent for reasons related to the adoption of a child;
 - (4) Would, as determined by the health authorities having jurisdiction or by a health care provider, jeopardize the health of others by his or her presence at his or her post of duty because of exposure to a communicable disease; and
 - (5) Provides care to a family member as a result of:
 - (a) a serious health condition, including, physical or mental illness, injury, pregnancy or childbirth; or
 - (b) medical, optical or dental examinations or treatments.
 - (6) Is absent for reasons relating to making arrangements necessitated by the death of a family member or attending the funeral of a family member. (Additional benefits are available involving military funerals, see Appendix H)

- **b.** The Federal Employees Family Friendly Leave Act, 5 U. S. C. § 6307, limits the amount of sick leave an employee may use for caring for a family member as follows:
 - (1) Medical, optical or dental examinations or treatments and for funeral attendance and arrangements, a total of 13 days (104 hours) for full-time employees; or for part-time employees, the number of hours normally accrued during the leave year. The supervisor may approve such requests provided the amount used allows the full-time employee to retain a minimum balance of 80 hours of sick leave in his or her account, and the part-time employee, the average number of hours in his or her regularly scheduled administrative 2 week pay period. Otherwise the total amount of leave available is limited to 5 days (40 hours), or for part-time employees, the average number of hours in his or her regularly scheduled work week.
 - (2) Care of a family member with a serious health condition, a full-time employee may use up to 12 weeks of sick leave (minus any of the 13 days used for other purposes under the Act in a leave year as described in (1) above) for the care of the family member. For part-time employees, the amount of leave used for this purpose is equal to 12 times the average number of hours in his or her scheduled weekly tour of duty. Satisfactory medical documentation must be provided to the supervisor. A request for leave for these purposes is considered to be covered under this Act regardless of whether the request for leave was made before or after the beginning of the leave event.

3. REQUIREMENTS FOR GRANTING SICK LEAVE

- **a. The approval of sick leave** is a responsibility of the supervisor. When granting sick leave, the supervisor shall determine that:
 - (1) the notice of the need for sick leave (generally, an OPM 71) was provided in a timely manner by the employee except for emergency situations; and

- (2) when required, medical documentation submitted by the employee which supports charging the absence to sick leave.
- (3) Supervisors shall grant disabled veterans sick leave, annual leave, as is available to them, or leave without pay as needed, when they are absent from duty for medical treatment. Granting of such leave is *required* when the disabled veteran:
 - (a) Presents an official statement from a medical officer of a government hospital or a medical certificate from a private authority that treatment is required; and
 - (b) Gives prior notice to his or her supervisor whenever possible of the specific days and hours required for medical treatment so that the supervisor can arrange to cover the employee's work in his or her absence.
- **b.** When possible, an employee shall submit medical documentation in support of sick leave within the pay period in which the illness occurs.
 - (1) *OPM Form 71*. Employees not under leave restrictions, may support sick leave of three days or less by completing an OPM Form 71.
 - (2) *Medical Certificate*. Employees shall submit a medical certificate, or other administratively acceptable evidence, covering periods of absence:
 - (a) In excess of three workdays. Normally, a doctor's certificate shall be submitted. In cases when the employee did not consult a physician or health care provider and the employee is not under a written notice of leave restriction, a signed written statement by the employee giving the facts about the illness, the treatment used, and the reason that a physician or health care provider was not consulted may be accepted at the supervisor's discretion in lieu of a medical certificate.

- (b) Of three workdays or less. Required in cases when the employee is currently under a written notice of leave restriction for the abuse of sick leave which includes the requirement that a medical certificate is required for absences.
- **c.** Failure to provide the required medical documentation may result in the denial of the sick leave request.

4. SICK LEAVE ACCRUAL.

a. Accrual Rates

- (1) Full-time employees earn sick leave at the rate of four hours for each full pay period, or 13 days each year.
- (2) Part-time employees who have a regularly established tour of duty earn sick leave at the rate of one hour of sick leave for each 20 hours in pay status. Credit may not be given for more than 40 hours of pay status in one week. Hours in pay status during a pay period which total less than 20 hours shall be carried over for credit in the next pay period.
- (3) Intermittent employees do not earn sick leave.

b. Full Pay Period Accruals

- (1) Full and part-time employees earn sick leave from the beginning of the first full pay period of employment, regardless of the type of appointment or length of service.
- (2) Full and part-time employees complete a full pay period of employment when they are in pay status, or any combination of pay and nonpay status, for all of the work hours and workdays of the pay period that fall within their basic workweek.

5. NOTICE OF ILLNESS AND SUBMISSION OF REQUESTS FOR SICK LEAVE

a. Employee.

- (1) Employees should request sick leave in advance when possible (such as for medical and dental appointments, leave for maternity purposes, etc.).
- (2) When advance notice is not possible. On the first day of illness or other incapacitation, an employee must notify his or her supervisor promptly, generally, within the first hour of the office core hours. If the employee is too ill to notify the supervisor, he or she should have a family member or friend, as appropriate, notify the supervisor. Failure to give notice may result in denial of sick leave for the absence.
- (3) Employees should provide an estimated date of return, or notify their supervisor on the second and subsequent day(s) of illness as to when they reasonably expect to return to duty. Where the employee does so, subject to supervisory approval, the employee need not notify the supervisor each workday if the employee's incapacitation will require him or her to be absent longer than one (1) day. However, updates should be provided to the supervisor when the employee is examined by his or her treating physician and if his or her medical condition changes.
- (4) Requests for sick leave for dental, optical, or medical examinations or non-emergency treatment must be made and approved prior to taking sick leave.
- (5) If an employee's sick leave is exhausted, he or she may request advanced sick leave, if appropriate, or the absence may be charged to annual leave at the employee's request. LWOP may be charged at the employees request with the concurrence of the supervisor.

b. Supervisors.

(1) Supervisors may establish internal procedures with the employee for continued notification during the course of the illness.

(2) Supervisors must ensure that any charges to the employee's leave accounts are concurred with by the employee prior to entry into the time and attendance system.

6. ADVANCE SICK LEAVE

a. When Authorized.

- (1) Advance sick leave may be granted when an employee with a serious health condition or for purposes related to adoption has exhausted his or her sick leave, has requested the advanced sick leave and has provided a medical certificate or other administrative evidence to support his or her need.
- When necessary, under the Federal Employees Family Friendly Leave Act, an employee may be advance *d up to* 5 days (40 hours) (for part-time employees and those with an uncommon tour of duty, a proportional amount) to care for a family member, or for bereavement purposes.

b. Restrictions and limitations.

- (1) A total of up to 30 days (240 hours) sick leave may be advanced to an employee with a serious medical condition, upon the approval of a request for advanced sick leave (see paragraph d. below) The maximum negative balance an employee may carry in his or her sick leave account is 240 hours.
- When an employee is serving under a limited appointment or one that will be terminated on a specified date, sick leave may only be advanced up to the total sick leave that the employee would otherwise earn during the term of the appointment.
- (3) When the employee has a negative sick leave balance from a previous advancement of sick leave, the amount of sick leave that may be advanced is limited to the difference between the negative balance and the 240 hour maximum;

- **c. When Not Authorized.** Advance sick leave may not be granted in the following cases:
 - (1) When the absence is for the care of a family member, except as specified in 6.a.(2) above;
 - (2) When all sick leave has been exhausted and the employee's physician or health care provider has not verified that the leave is necessary;
 - (3) When the employee is under a notice of leave restriction;
 - (4) If it is known that the employee does not contemplate a return to duty. This prohibition is not applicable in those cases when application for disability retirement has been made, but notice of official approval by the Office of Personnel Management has not been received.
 - (5) After disability retirement has been approved by the Office of Personnel Management and official notice has been received by the agency. The employee may use any sick leave already advanced before approval, but no additional sick leave may be advanced;
 - (6) After an employee has received a notice of separation or furlough or has submitted a resignation; or
 - (7) When for other reasons, there is not a reasonable expectation that the employee will be able to repay the advanced sick leave through leave accruals.
- d. Requests for Advance Sick Leave. Employee requests for advance sick leave shall be submitted in writing to the immediate supervisor and shall include a completed OPM Form 71 and a medical certificate from the employee's physician or health care provider which includes a diagnosis supporting the amount of advance sick leave requested and a prognosis that the employee will be able return to work on a permanent basis. If insufficient information is provided the supervisor may require additional documentation prior to making a determination

on the request. Following concurrence of the OPM Form 71 by the immediate supervisor, the employee's request will be forwarded to the Office or District Director for approval. The approved advance sick leave request shall be promptly forwarded to the employee's Timekeeper.

- **e. Refunds for Advance Sick Leave**. A refund for any unliquidated advance sick leave is required when an employee separates from the Federal Service, except in cases of:
 - (a) Death;
 - (b) Disability retirement;
 - (c) Resignation or separation based on a disability which, according to medical evidence, prevents the employee from returning to or continuing his or her duties; or
 - (d) Separation or furlough to enter active military service with restoration rights.

Advanced leave is charged at the hourly salary rate of the employee at the time the leave was used.

- 7. SUBSTITUTION OF ANNUAL LEAVE FOR SICK LEAVE. Annual leave may be substituted retroactively for advance sick leave if the employee requests the substitution far enough in advance to have been able to have used the substituted hours as annual leave prior to the end of the leave year.
- **8. PROLONGED ABSENCE DUE TO ILLNESS**. Supervisors must ensure that approval of extended periods of sick leave meet regulatory requirements.
 - **a.** An employee on prolonged sick leave may be required to furnish the supervisor with periodic updates from his or her attending physician or health care provider which supports the continued granting of sick leave.

- b. If the employee is on extended sick leave for a medical condition that appears to be a permanent disability, he or she should be advised of the procedures for filing a disability retirement application. The employee's supervisor should consult with the servicing Human Resource Specialist regarding the procedures.
- **c.** Employees on extended sick leave are not relieved of the responsibility to schedule excess annual leave to prevent its forfeiture;
- **9. MAXIMUM ACCUMULATION**. The sick leave that is not used by an employee during the year in which it accrues shall accumulate and be available for use in succeeding years. There is no limitation on the amount of sick leave that may be accumulated.
- **10. RECREDIT OF UNUSED SICK LEAVE**. Except when the employee's sick leave is used to compute an annuity, an employee is entitled to the recredit of sick leave without regard to the date of his or her separation, if he or she returns to Federal employment on or after December 2, 1994.
- 11. TRANSFER OF SICK LEAVE. When an employee transfers to another federal agency with a formal leave system, his or her sick leave is transferred to the new agency. An employee's sick leave is transferred for credit or charge when he or she moves without a break in service between positions covered by the same leave system. If he or she moves to a position under a different leave system, transferred leave shall be adjusted on the basis of seven calendar days equaling five workdays.

APPENDIX D

MILITARY LEAVE

1. **GENERAL**

- **a. Employees** who are ordered to report for military training or duty shall be released from their civilian positions for any period of military leave to which they are entitled by law. An employee granted military leave must be restored to the position and grade held at the time he or she began military leave.
- **Supervisors** shall be liberal in granting annual leave or LWOP for military duty or training after the employee's military leave has been exhausted.
- **2. REQUIREMENTS FOR APPROVING MILITARY LEAVE.** The following requirements must be met before military leave may be approved:
 - **a. Permanent Employment Status.** The employee must have permanent status. The term "permanent" includes probationary and indefinite employees in both competitive and excepted service. Employees serving under appointments limited to one year or less, and those who are intermittent, are ineligible for military leave; and
 - **b. Military Status as Reservist or National Guardsman.** The employee must be a reservist or a member of the National Guard. The reserve components of the armed forces include the reserves of the Army, Navy, Air Force, Marine Corps, Coast Guard and the National Guards of the Army and the Air Force.
 - c. Types of Military Duty Requirement.
 - (1) Military Duty that entitles an eligible employee to military leave includes:
 - (a) Military training and duty under 5 U.S.C. 6323(a) (see paragraph 3a below);

- (b) Military service for which the employee is to be furloughed or separated; and
- (c) Military service for active duty in aid of law enforcement under 5 U.S.C. 6323(c) (see paragraph 3c below).
- (2) Military leave may not be approved for:
 - (a) Summer training as a member of the Reserve Officers Training Corps (ROTC);
 - (b) Temporary Coast Guard Reserve;
 - (c) Participation in parades of state National Guards;
 - (d) Training with a state Guard or other state military unit; and
 - (e) Civil Air Patrol activities.
- (3) **Supporting Evidence.** An application for military leave must be supported by a copy of the employee's orders or other written notice from the military, directing him or her to report for active duty or training.
- (4) **Pay Status.** Pay status either immediately before or immediately after military duty is required for granting military leave, otherwise, civilian pay would be lost. The primary test for entitlement to leave is: "Would the employee, except for the military duty, have been in a civilian pay status?"

3. TYPES OF MILITARY LEAVE

- a. Military Leave Under 5 U.S.C. 6323(a) Armed Forces Reserve and members of the National Guard.
 - (1) Subject to paragraph 3.a (2) of this Appendix, an employee, is entitled to leave without loss of pay, time, or performance or efficiency rating for active duty, active duty training, inactive duty training or engaging in field or coast defense training under section 502-505 of Title 32 as a Reserve of the Armed Forces or member of the National Guard. Leave under this paragraph accrues for an employee or individual at the rate of 15 days per *fiscal year* and, to the extent that it is not used in a fiscal year, accumulates to a maximum of 15 days carryover to the next fiscal year.
 - (2) In the case of an employee on a part-time career employment basis (as defined in section 3401(2) of Title 5 U.S.C.), the rate at which leave accrues under this paragraph shall be the percentage of the rate which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.
- b. Military Leave Under 5 U.S.C. 6323(b). Armed Forces Reserve and members of the National Guard.

Except as provided by 5 U.S.C. 5519, an employee who performs for the purpose of providing military aid to enforce the law or performs full-time military service in support of a contingency operation (as described in 10 U.S.C. 101(a)(13)) is entitled, during and because of such service to leave without loss of or reduction in pay, leave to which he or she is entitled, credit for time or service, or performance or efficiency rating. Leave shall not exceed 22 workdays in a calendar year.

c. Military Leave Under 5 U.S.C. 6323(c). - Members of the National Guard of the District of Columbia.

An employee is entitled to leave without loss in pay or time for each day of a parade or encampment ordered or authorized under Title 39 District of Columbia Code. This paragraph covers each day of service the National Guard, or a portion thereof, is ordered to perform by the commanding general.

d. Military Leave Under 5 U.S.C. 6323(d). - Reserve or National Guard Technicians.

An employee is *only* is entitled to 44 workdays in a calendar year of military leave in which such employee is on active duty without pay (other than active duty during a war or national emergency declared by the President or Congress) for participation in operations outside the United States, its territories and possessions. An employee may request and be granted annual leave or compensatory time to which the employee is entitled, for a period in which the employee would be entitled to military leave, under 5 U.S.C.6323(d)

APPENDIX E

COURT LEAVE

- **1. PURPOSE.** Court leave is the authorized absence, without charge to leave or loss of pay, of an employee from work status for:
 - a. Jury duty, or
 - **b. Attending judicial proceedings** in a nonofficial capacity as a witness in a proceeding in which the Federal, a state or local government is a party.
- **PER DIEM** is paid by some courts to compensate for travel and meal expenses. When compensation is identified in this category, it is not considered a fee or allowance and may be kept by the employee.
- **3. JURY DUTY.** When an employee is summoned for jury service, he or she should appear in accordance with the terms of the summons. If the jury service will interfere with the employee's work in a manner which will have a serious impact upon the EEOC's program goals, the court should be so informed by the employee's Office or District Director and requested to excuse the employee. The advice and assistance of the Legal Counsel may be sought for this purpose:
 - **a.** Court leave for jury duty is granted to permanent and temporary employees, both full-time and part-time, except for those employed on an intermittent or when-actually-employed basis.
 - **b.** When an employee who is otherwise eligible for court leave is called for jury duty during a period of absence on annual leave, court leave is substituted for the amount of annual leave that is affected by the jury service.
 - c. Jury fees and allowances paid to an employee called to jury duty in a state or local court should be collected and forwarded to The Office of the Chief Financial Officer and Administrative Services. The EEOC shall apply these jury fees against the amount that would otherwise be due the employee for the period of absence on jury duty. Any excess of jury duty fee over the amount of compensation due can be retained by the employee.

- **d**. If an employee is excused or discharged from jury service for one workday or for a substantial portion of a workday, he or she shall return to duty. If he or she does not return to duty, he or she shall be charged with annual leave or leave without pay for the number of hours involved, unless it is not practical to return to duty because of the distance between the court and the place of duty.
- **e.** If an employee's date of separation or furlough has been fixed by notice to him or her, his or her pay status shall not be extended for the purpose of granting court leave for jury service.
- **f.** An employee on LWOP may not be granted court leave when called to jury duty.
- g. The period of jury duty is calculated from the time and date stated in the summons, on which the employee is required to report to the court to the time he or she is discharged by the court (both dates inclusive), regardless of the number of hours per day or days per week he or she actually serves on the jury during the period.
- h. The court certificate for jury duty showing the employee's name, days of jury service, the rate of pay per day, and the total fee paid to the employee must be attached to the office copy of the T&A Report for the pay period in which the employee returns to duty.

4. SERVICE AS A WITNESS.

a. Witness in an Official Capacity. An employee who testifies in an official capacity or on behalf of the United States Government is considered to be in an official duty status and is entitled to his or her regular pay without regard to any entitlement to court leave. If an employee testifies in his or her official capacity or produces official records in a case involving a state or local government or a private party, he or she is required to collect the authorized witness fees and allowances for expenses and subsistence and all amounts payable to him or her for remission to EEOC.

b. Witness in an Unofficial Capacity.

- (1) An employee summoned (or assigned by EEOC) to testify in an unofficial capacity when a party is the United States Government, the government of the District of Columbia, or a State or local government is in an official duty status and is entitled to his or her regular pay without regard to any entitlement to court leave. If an employee testifies or is summoned as a witness in a non-official capacity in a case involving a state or local government, he or she is required to collect the authorized witness fees and allowances for expenses and subsistence and all amounts payable to him or her for remission to EEOC.
- (2) If the witness service in a non-official capacity is performed in a case involving *private parties only*, the employee's absence from duty must be charged as either *annual leave or LWOP*. The employee is entitled to the usual fees and expenses related to witness service.

APPENDIX F

LEAVE WITHOUT PAY

1. **GENERAL.** Leave without pay is a temporary, non-pay status and absence from duty that may be granted upon an employee's request. LWOP may be granted only for those hours of duty that comprise an employee's basic workweek. The permissive nature of LWOP distinguishes it from absence without leave (AWOL), which is an absence from duty that is not authorized or approved (including leave not approved until required documentation is submitted), or for which a leave request has been denied.

2. REQUESTING LWOP.

- a. Authorization of leave without pay is a matter of administrative discretion. Except for disabled veterans needing medical treatment and reservists, National Guardsmen requiring leave for military training, and employees properly invoking the Family and Medical Leave Act (See Appendix G), employees may not demand LWOP as a matter of right.
- **b.** Employees should submit an OPM Form 71 to their supervisor with the reason for the request stated in the "Remarks" space and, if illness, disability or injury is the reason, a doctor's certificate shall accompany the request. Requests for extensions include the same requirements.

3. GRANTING LWOP.

a. Generally, LWOP is granted in the amounts prescribed below, and only when the employee is reasonably expected to return to duty after expiration of the LWOP. Requests for approval of LWOP or extensions thereof that result in LWOP in excess of six months, except for approved Office of Workers' Compensation Programs (OWCP) claims, must be approved by the Chair or his or her designee. Extensions of LWOP will be carefully scrutinized.

- b. When LWOP is requested the appproving official should consider the employee's fulfillment of parental or family responsibilities, increased job ability, protection or improvement of the employee's health, retention of a desirable employee, or furtherance of a program of interest to the Government (e.g., Peace Corps volunteers). Other matters to consider are the Agency's mission, its obligation to continue payments for benefits, the difficulty in locating a replacement for a limited period, and the obligation to provide employment upon the employee's return to duty.
- c. If LWOP is approved, the Office of Human Resources or field Human Resources Specialist or Administrative Officer will notify the employee of the effect of the non-pay status on his or her health insurance, life insurance, and creditable service for retirement.
- **d.** LWOP will not be granted for the purpose of private employment.
- e. Unless unusual circumstances exist or the reason for the LWOP is to further a program of interest to the Government, LWOP will not be authorized initially for any period in excess of 1 year.

4. APPROVAL.

- a. Brief absences for LWOP not in excess of 10 calendar days may be approved by supervisors. Application will be made on an OPM Form 71, *Application for Leave*. Requests for LWOP in excess of 10 days and up to and including 30 days require the approval of the appropriate Office or District Director, except in the case described in paragraph 4b below.
- b. Once OWCP has approved an employee's claim and the employee is disabled for work, he or she is placed in an LWOP status. A SF-52, Request for Personnel Action, must be submitted when the LWOP is expected to extend beyond 80 hours. If medical evidence and OWCP approval substantiate the time frame, an employee is entitled to up to one year of LWOP. Headquarters and District Office Directors may approve such requests for LWOP up to one year. After the one year period, LWOP may only be approved in six month increments by the appropriate Director in consultation with OHR. When the employee returns to work the supervisor will prepare a "Return to Duty" SF-52 and forward it through supervisory channels to OHR for processing.

- c. Absences for LWOP in excess of 30 days but less than six months require the approval of the Chief Human Capital Officer. Those requests in excess of 6 months require the approval of the Chair or his or her designee. Requests for approval of all LWOP in excess of thirty days shall be forwarded to the Chief Human Capital Officer by the appropriate Director, with the Director's recommendation based upon the criteria provided in paragraph 3, above. Requests should be made 30 days in advance of the need when possible.
- **d.** Requests for a period in excess of 30 days require the supervisor submit a SF-52 prepared stating the justification for the action. The supervisor shall forward the SF-52 with the OPM Form 71 through supervisory channels for approval or disapproval. If approved, the SF-52 is then transmitted to OHR for processing.
- **e.** When an employee returns to duty from LWOP in excess of 30 days, the supervisor will prepare a "Return to Duty" SF-52 and forward it through supervisory channels to OHR for processing.

LWOP Approval Authority	
Amount	Approval required
Ten days or less	Immediate Supervisor
Eleven to Thirty days	District or Office Director
Thirty-one days to six months	Chief Human Capital Officer
Over six months	Chair or designee

APPENDIX G

LEAVE FOR PARENTAL AND FAMILY RESPONSIBILITIES.

1. **GENERAL.** Supervisors and managers will administer leave policy equitably and reasonably. Appropriate forms of leave will be granted to the extent possible to assist employees with parental and family obligations such as childbirth and care, adoption and foster care, and absence to attend to family needs.

2. SUPERVISOR RESPONSIBILITY. Consistent with mission priorities, supervisors will extend consideration to granting sick leave, annual leave or leave without pay in personally tailored and flexible ways when necessary to fulfill family needs. Additionally, consideration may be given to special temporary work schedules, Flexiplace, and other similar arrangements as well as the specific provisions of the Family and Medical Leave Act.

3. EMPLOYEE RESPONSIBILITY.

- **a.** An employee should request leave as far in advance as possible, particularly if the absence is to be prolonged, as is usually the case in leave for childbirth, for the care of a newborn child, or adoption of a child.
- b. The employee should inform his or her supervisor of the type of leave, approximate dates, and anticipated duration if he or she intends to request leave for parental purposes. Leave requests should be submitted, in the form of a memorandum, through the supervisor to the Office or District Director and shall include the following:
 - (1) A completed OPM Form 71 approved by the supervisor; and
 - (2) As applicable, a medical certificate pertaining to the purpose of the leave.

4. FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA).

- **a. Entitlements.** Under the provisions of this Act, eligible employees are entitled to a total of 12 weeks of unpaid leave during a 12 month period for one or more of the following reasons:
 - (1) The birth of a son or daughter of the employee and the care of such son or daughter;
 - (2) The placement of a son or daughter with the employee for adoption or foster care;
 - (3) The care for a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter or parent has a serious health condition (see Appendix A); or
 - (4) The employee has a serious health condition (see Appendix A) that makes the employee unable to perform one or more of the essential functions of his or her job.

b. Requests for FMLA Leave.

- (1) When an employee requests leave under FMLA, LWOP shall be granted and used provided that the notification, medical certification and other requirements are met.
- (2) The employee may elect to substitute paid time off, e.g., annual leave, sick leave, compensatory time off or credit hours, consistent with the current law and regulations governing the use of such leave, for leave without pay under the FMLA. The employee must notify his or her supervisor of this election prior to the date leave commences.

- (3) An employee must request leave under the FMLA 30 calendar days before the date leave is to begin. When unforeseeable circumstances prevent 30 days notice, the employee must contact the supervisor as soon as possible. In any event, once a request for leave is made under the FMLA, the Act is invoked for this purpose.
- (4) A request for FMLA leave for the birth of a son or daughter of the employee and care of such son or daughter or for adoption or foster care must be supported by appropriate documentation.
- (5) A request for FMLA leave must be supported by medical certification of the employee's or the family member's health care provider, consistent with 5 C.F.R. 630.1207. Generally, the certificate will cover:
 - (a) The date the serious health condition commenced;
 - (b) The nature of the employee's incapacitation or treatment;
 - (c) The probable duration of the condition; and
 - (d) When invoked for a family member, an explanation of the need for the employee's presence or assistance with a spouse, son, daughter, or parent under treatment or care.

Any other questions concerning FMLA leave will be covered by 5 C.F.R. §§630.1202 *et. seq.* and other applicable laws, government wide rules and regulations.

- **5. LEAVE WITHOUT PAY FOR FAMILY REASONS.** An employee may request leave without pay for the following:
 - (1) To participate in school activities directly related to the educational advancement of a child;
 - (2) To accompany his or her child to routine medical or dental appointments; or

(3) To accompany his or her elderly relatives to routine medical or dental appointments or other professional services related to the care of the elderly relative, such as making arrangements for housing, meal, telephones, banking services and other similar activities.

The LWOP must be requested in advance on an OPM Form 71, and approved by the employee's supervisor. The employee must provide documentation on the OPM Form 71 for the purpose of the leave. While supervisors have discretion, they are encouraged to grant such leave requests for up to 24 hours in a leave year. The leave may be requested intermittently, and employees may request to schedule paid time off, e.g., annual leave, compensatory time off, or credit hours when such leave leave is available to these employees. The supervisor may grant additional amounts in consideration of the needs of the agency.

APPENDIX H

EXCUSED ABSENCES

1. GENERAL. Excused absence, also referred to as administrative leave, is time off without loss of pay and without charge to annual or sick leave. Excused leave shall be granted to eligible EEOC employees for the activities and within the limitations specified in this section. Excused absence will not be used in situations for which other types of leave are specified; for example, military leave, court leave, annual leave, et cetera. The granting of excused absence is not an employee right but a discretionary exercise of management's authority. Unless specifically authorized below, supervisors are restricted to excusing absences of less than 4 hours. The Office Director may approve up to 5 workdays. Excused absences in excess of 5 workdays up to 30 days require the prior approval of the Chief Human Capital Officer. Excused absences in excess of 30 days require the approval of the Chair.

2. VOTING AND REGISTRATION.

- **a.** Employees in pay status may be granted official leave to register or to vote in an election or referendum on a civic matter.
- b. When the polls are not open at least three hours either before or after an employee's regular hours of work, an employee may be granted an amount of excused absence which will permit him/her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off. When polls are open on weekends, non-work days, or allow remote voting, official leave shall not be granted.
- **c.** An employee may be excused for such additional time as may be needed to enable him/her to vote, depending upon the particular circumstances in his or her individual case, but not to exceed a full day.
- d. If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off to make the trip to the voting place to cast his or her ballot. Where more than 1 day is required to make the trip to the voting place, a liberal policy in granting the

- necessary leave for this purpose will be observed. Time off in excess of 1 day will be charged to annual leave or LWOP.
- e. An employee who votes in a jurisdiction that requires registration in person may be granted time off to register on substantially the same basis as for voting, except that no such time will be granted if registration can be accomplished on a non-workday and the place of registration is within a reasonable 1 day, round-trip travel distance of the employee's place of residence.

3. MILITARY FUNERALS.

- **a.** Employees who are veterans of declared wars, who served in a campaign or expedition for which a campaign badge has been authorized, or who are members of an honor or ceremonial group of those veterans, may be granted excused absence for up to 4 hours in any 1 day to participate as an active pallbearer or as a member of a firing squad or guard of honor in a funeral ceremony for a member of the Armed Services whose remains are returned from abroad for final interment in the United States (5 U.S.C. 6321).
- **b.** An employee is entitled to not more than 3 days official leave to make arrangements for or to attend the funeral or memorial service for a member of the Armed Forces, provided the deceased:
 - (1) Was an immediate relative of the employee (Immediate relative includes spouse and parents thereof; children, including adopted children and spouses thereof; parents; brothers and sisters and spouses thereof; or an person related by blood or affinity whose close association with the deceased was such as to have been the equivalent of a family relationship.); and
 - (2) Died as a result of a wound, disease, or injury incurred or aggravated while serving in the Armed Forces in a combat zone.
- **c.** Leave for attendance at funerals for relatives other than those cited in paragraphs 3a and b must be charged to annual leave, sick leave or LWOP.

- **4. BLOOD DONATION.** Employees who donate blood during blood drives may be granted up to a maximum of four (4) hours of excused absence for recuperative purposes commencing immediately after the donation. If necessary, additional recuperative time may be provided; however, the total administrative leave will be limited to the remaining scheduled hours of duty for the day of donation.
- **ORGAN DONATION.** An employee is entitled to seven (7) days of excused absence each calendar year, without loss of pay, to serve as a bone marrow or organ donor. An employee also may use up to 30 days of paid leave each calendar year to serve as an organ donor. Leave for bone marrow and organ donation is a separate category of leave that is in addition to annual and sick leave.

6. EXAMINATIONS.

- **a. Job Qualification Examination**. Employees may be given official time off to take job qualification examinations or to obtain professional licenses. Leave for examinations shall be authorized when:
 - (1) Required for the position the employee currently occupies;
 - (2) For a position to which the agency has recommended the employee be transferred, promoted, or reassigned; or
 - (3) Required for a professional license or certification which is considered advantageous to EEOC. Time will *not* be authorized for exam study, preparation or travel.
- **b. Physical Examination.** Employees shall be given official leave to take the following types of physical examinations:
 - (1) At EEOC's Request. If EEOC requires an employee to take a physical examination or he or she voluntarily participates in the Health Maintenance Program administered by EEOC's Health Units, the employee shall be given official leave for the time necessary to complete the examination.

- (2) **For Military Duty.** An employee who is required to take a physical examination in connection with induction or enlistment in, or disability retirement from, the Armed Forces shall be given official leave to complete the examination.
- 7. TARDINESS AND BRIEF ABSENCES. Absence from duty and tardiness of less than 15 minutes may be excused by the supervisor when reasons appear to be adequate to him/her. Otherwise, the absence may be compensated for by additional work time or may be charged against any earned compensatory time, annual leave, or LWOP with the employee's consent, or absence without leave, as appropriate.
- **8. LEAVE FOR CIVIL DEFENSE ACTIVITIES.** An employee who is assigned to state or local civil defense activities in pre-emergency training programs and test exercises may be granted official leave not to exceed 40 work hours in a calendar year.
- **9. CONFERENCES OR CONVENTIONS.** Employees may be granted excused absence to attend conferences or conventions when attendance will serve the best interests of the federal service. When the employee is an official representative of EEOC, the employee is considered in official duty status and no leave will be charged.
- **10. PHYSICAL FITNESS.** Employees may be excused for short periods of time to participate in officially sponsored and administered activities, such as a Federal Fitness Day event or EEOC-sponsored health screenings. Excused absences will not be granted for physical exercise purposes.
- 11. **LEAVE FOR JOB-RELATED TRAUMATIC INJURY**. Excused absence shall be granted for initial emergency treatment or examination or for disabling medical condition due to work injuries for the remainder of the day of the injury.
- **12. TIME SPENT IN EEOC HEALTH UNITS**. An employee who becomes ill while on duty and is treated by an EEOC Health Unit, will be allowed up to two hours to obtain such medical attention if the facility is on site, or up to three hours, if the facility is not on site, without charge to leave.

- **14. LEAVE IN CONNECTION WITH OFFICIAL TRAVEL.** An employee may be excused for a maximum of two hours official leave before or after a period of travel, if the time of departure from or arrival at his or her duty station is such that it is administratively determined that official leave is necessary.
- 13. LEAVE FOR FIRST AID OR EMERGENCY MEDICAL TRAINING. An employee who has been officially designated by his or her supervisor to take first aid training or is participating in an EEOC-sponsored or approved First Aid or Emergency Medical Training shall be given official leave to attend such training.
- 15. LEAVE IN CONNECTION WITH A PERMANENT CHANGE OF STATION. Nontemporary employees who are making a permanent change of official station may be granted official leave, not to exceed 40 hours, to enable them to make the necessary pre and post-moving arrangements. The maximum of 40 hours of official leave includes the approved round trip period of absence for which travel expenses are reimbursable. The 40 hours may be granted only for a move to or within EEOC in the interest of EEOC's needs and programs. The official leave is not affected by any leave granted by another agency from which the employee is transferring.
- 16. LEAVE FOR PARTICIPATION IN EMERGENCY RESCUE OR PROTECTIVE WORK. Employees may be excused from work without charge of leave to help in emergency rescue or protective work during official working hours. Emergency situations include, but are not limited to, extreme weather conditions, civil disturbances, and disasters such as fire, flood, or other disaster situations.
- 17. FOR HEALTH SCREENINGS. An employee with less that eighty (80) hours of sick leave may take up to 4 hours of administrative leave in a leave year for the purpose of health screenings for a mammogram, prostate screening, pap smear, and blood pressure and cholesterol checks. The administrative leave must be requested in advance on an OPM Form 71 and approved by the employee's supervisor. The employee must provide documentation of the screening to the supervisor.
- **18. ADMINISTRATIVE DISMISSAL OF EMPLOYEES (GROUP DISMISSALS).** Regular employees may be relieved from duty without charge leave to the extent warranted by good administration for short periods of time when one or more of the following conditions exists:

- **a. Normal operations** of an office are interrupted by events beyond the control of management or employees;
- **b. For managerial reasons,** the closing of an office or building is required for short periods; or
- **c. It is in the public interest** to relieve employees from work to participate in civil service activities which the Government is interested in encouraging; and
- **d. For field offices**, such action has been determined appropriate by the District Director. The Director, Office of Field Programs will be notified of the closing.
- **e. For Headquarters**, the action will be recommended by the Chief Human Capital Officer to the Chair or his or her designee, who will approve or disapprove the request.

19. LEAVE FOR HAZARDOUS WEATHER AND SIMILAR HAZARDOUS CONDITIONS AND EMERGENCIES.

- **a. Dismissal Policy.** EEOC will excuse employees from duty during hazardous weather or other emergencies which disrupt travel, unless the employees have been designated as essential employees and have been notified that they must report to work during hazardous weather or other emergency situations.
 - (1) Washington Metropolitan Area. When emergency conditions occur, EEOC will act in accordance with the decision of the Chair, which must be based on a finding by the District of Columbia government or the U.S. Office Personnel Management that conditions are, or will be such, that dismissal of government employees is necessary to reduce the probability of extremely serious and hazardous traffic congestion and driving conditions.

- Outside the Washington Metropolitan Area. When a state or local authority publicly declares that weather conditions in an employee's residential area or the office area are extremely hazardous and that driving should be limited to that which is absolutely necessary, the District, Area or Local Office Director may grant employees excused absence. This action shall be taken in consultation with any Federal Executive Board in the area. This policy applies only to employees stationed outside the Washington metropolitan area and who are not on scheduled leave.
- **b. Policy on Excusing Tardiness.** When unusually severe weather or traffic-conditions exist, supervisors may excuse tardiness not reasonably avoidable by employees. This constitutes an exception to the 15 minute limitation on the amount of tardiness which can be excused without charge to leave.
- c. Notifying Employees of Early Dismissals.
 - (1) **Washington, D.C.** The Chief Human Capital Officer upon receipt of dismissal notice from the Chair or his or her designee, will notify Office Directors who in turn will notify nonessential employees.
 - (2) **Field Office Locations**. District Directors and/or Area or Local Office Directors shall notify their employees.

d. Notifying Employees of Closings Before Regular Opening Hours

(1) **Washington Metropolitan Area.** Announcements of the closing of government offices are made over local radio and television stations and by the press. These announcements shall excuse all EEOC employees from reporting for duty except those who have been advised in advance by their offices that they are essential employees and will be expected to be at work regardless of emergency conditions.

(2) **Field Office Locations.** When a District, Area or Local Office Director decides during non-work hours to excuse employees from duty, he or she shall arrange for announcement of this fact on local radio and/or television stations if the action has not already been taken by the Federal Executive Board or another Federal authority. If a public announcement is not possible, the District, Area or local Office Director may determine retroactively that employees who could not report for duty because of the emergency shall be granted official leave for their absence. The Director, Office of Field Programs will be notified prior to the announcement if possible, or as soon as possible thereafter.

e. Rules for Granting and Charging Leave.

- (1) **Prior to Regular Opening Hours.** When Federal offices are closed before the 5th hour after scheduled opening during mass emergency situations, the following shall apply:
 - (a) Employees on scheduled leave shall be charged leave for the full day;
 - (b) Employees referred to as critical employees, who do not report for duty shall be charged leave for the full day; and
 - (c) Employees not identified as critical, who are not on scheduled leave, shall not be charged leave for any part of the day.
- (2) **Dismissal Prior to Regular Closing Hours.** Employees on duty at time of dismissal will be excused without charge to leave (except those referred to in paragraph 18f below). Employees not on duty at the time of dismissal will be charged leave as follows:
 - (a) Employees on scheduled leave with no expectation of return to duty before the close of the workday shall be charged leave from the beginning of the scheduled leave to the close of their regular workday;

- (b) Employees not on scheduled leave who do not report for duty shall be charged AWOL for the full day. The employee may be allowed to request annual leave, sick leave, or LWOP, as appropriate;
- (c) Employees on scheduled leave with the expectation that they will return to duty before the close of the day shall be charged leave from the beginning of the scheduled leave absence to the time of dismissal; and
- (d) Employees who are on duty when notified of scheduled early dismissal, and who request and are granted annual leave between the notice of dismissal and the actual dismissal shall not be charged leave from the time of actual dismissal to the end of the workday.
- General Offices Are Closed Or To Remain On The Job Regardless Of Conditions. Under certain conditions, some employees may be required to report for duty or to remain on the job when employees generally are excused. As the occasion arises, individual notifications of the need for their services will be given by supervisors to any such "essential employees." The Office or District Director will first consider the necessity of the duty to be performed. In addition, he or she will ensure insofar as possible in the time allowed that, in selecting the employee, the availability and convenience to the employee, the accessibility to the facility to and from his or her home, and the safest means of transportation available are fully considered. There is no authority to pay premium compensation of any kind or to grant compensatory time to employees who, under certain weather conditions, are required to report for duty or to remain on the job during hours constituting their regular workweek.

20. LEAVE DURING FULL-TIME OUTSIDE TRAINING.

a. During full-time outside training which an employee is directed to attend or when the training is at the expense of the Government, biweekly accruals of annual and sick leave shall be credited and charged and the employee will be considered in official duty status with no charge to leave, except as set forth in paragraph b. below.

b. Special Provisions for Charging Leave.

- (1) When to Charge Leave. If an employee does not attend a scheduled class on a day when class is held, one hour of annual or sick leave, as appropriate, shall be charged for each class hour not attended.
- (2) When Not To Charge Leave. Leave shall not be charged:
 - (a) If an employee is unable to attend a class because of the closing of the training institution for other than extended periods. Extended periods include Christmas and Easter holidays, semester breaks, etc.;
 - (b) Unless there is an agreement between EEOC and the employee which states that the employee's service will be utilized during such periods as Christmas and Easter holidays, spring vacation, semester breaks, etc. If the employee justifies to the supervisor the need to utilize the time for study, no leave shall be charged.

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APPENDIX I

ABSENCE WITHOUT LEAVE.

- 1. **GENERAL.** Absence without leave (AWOL) is an absence from duty that is not authorized or for which a request for leave has been denied. It is not a penalty although it may be the basis for disciplinary action. The employee receives no pay for the period of the absence.
- 2. WHEN TO CHARGE. A supervisor may not charge an employee leave in the absence of a leave request (verbal or written) from the employee. Therefore, when an employee is absent from work, without approved leave, the supervisor shall place the employee in AWOL status.
- **3. CHANGES**. If the absence is later excused because the circumstances surrounding the absence are such that the absence would have been approved, the charge to AWOL may be changed to the appropriate approved leave account. Absence without leave is charged in exact minutes and/or hours.

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APPENDIX J

VOLUNTARY LEAVE TRANSFER PROGRAM

1. **PURPOSE.** This appendix describes the policy and procedures for the EEOC Voluntary Leave Transfer Program as authorized by 5 C.F.R. 630. This Program allows an employee with a medical emergency or with a family member who has a medical emergency requiring care by the employee, the duration of which will result in the employee being in a LWOP status for at least 24 hours, to receive annual leave donations from other Federal employees. It also allows for Federal employees to donate annual leave to employees approved for the Program.

2. REQUESTS TO PARTICIPATE IN THE PROGRAM.

- a. The requesting employee or his or her representative shall prepare a request to participate in the Program and submit it to their respective District or Office Director. If the employee is not capable of making the request, a Union representative or another employee may serve as the employee's representative. If requested by the employee or a member of the employee's immediate family, a staff member of the Office of Human Resources or field office Human Resource Specialist/Administrative Officer shall serve as the employee's representative.
- **b.** The request may be made by memorandum, on OPM Form 630, or a similar form. It must include the following information:
 - (1) The employee's full name;
 - (2) Social Security Number;
 - (3) Position title, series, grade, step and annual salary;
 - (4) Organization location;
 - (5) A brief description of the nature, severity and anticipated duration of the medical emergency;

- (6) An estimate of the amount of leave required;
- (7) The employee's current sick and annual leave balances as shown on the most current Pay and Leave Statement; and
- (8) Appropriate medical documentation.
- **3. REQUEST REVIEW AND APPROVAL**. Upon receipt of the request and attached documentation, the Office or District Director will:
 - **a.** Verify the accuracy of the contents of the request including:
 - (1) Leave balances; and
 - (2) The nature of the emergency requiring the employee to be absent from work at least 24 hours without available paid leave disregarding any advanced leave.
 - **b.** Verify the medical situation or condition involving the employee or the employee's family member.
 - **c.** Approve or disapprove the employee's request and notify the employee in writing within 10 work days.
 - **d.** If approved, forward the decision to the Chief Human Capital Officer for processing.
 - **e.** If disapproved, provide the reason for the denial in the notification to the employee and notice of the right to request a review of the disapproval by the Chief Human Capital Officer.

4. REQUEST FOR REVIEW OF DISAPPROVALS.

- **a.** Employees may request in writing that a disapproval of their application for voluntary leave transfer be reviewed by the Chief Human Capital Officer. The request must include a copy of the disapproval notice.
- b. The Chief Human Capital Officer must render a decision on the request within 10 work days after its receipt. It the request is disapproved, the employee must be provided the specific reasons for the denial.

5. LEAVE DONORS.

- **a. Within EEOC.** A donating employee shall prepare an OPM Form 630A or similar request and submit it through his or her timekeeper to the Office of Human Resources. The timekeeper will keep a copy of the request and verify that the donation is made.
- **b. From another Federal Agency.** A donating employee shall prepare an OPM Form 630B, an equivalent federal agency form, or similar request and route it according to his or her Agency's procedures to the EEOC Office of Human Resources.
- **c.** The request shall include:
 - (1) The employee's full name, position title, series, grade, step level and salary, social security number; and
 - (2) The name of the specific employee for which the donation is intended;
 - (3) If it is a non-specific donation, a statement to this effect must be included;
 - (4) The amount of leave to be donated; and

- (5) The donating employee's current annual leave balances as shown on the current Pay and Leave Statement.
- **d.** The Office of Human Resources will verify the donor's employment and leave information, and if it is in concurrence with the criteria for donation as shown in 6 below, will arrange for transfer of the leave as designated in the donation request.
- **e.** Donations by EEOC employees to employees of other Federal agencies will be done in accordance with the recipient's agency's policies and procedures.

6. CRITERIA FOR LEAVE TRANSFER.

- **a.** Only accrued Annual Leave may be transferred from the donor to the recipient.
- **b.** The recipient must:
 - (1) Be expecting a period of absence from duty without pay of 24 or more hours due to a medical emergency; and
 - (2) The medical emergency involves a medical condition of the employee or the employee's spouse, children, parents, siblings, in-laws, and any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- **c.** The donor:
 - (1) May not donate leave to his or her immediate supervisor;
 - (2) In one year, may not donate more than one half of the amount of annual leave the employee would accrue in the year in which the donation is made;

- (3) If the employee is projected to have annual leave that would otherwise be subject to forfeiture at the end of the leave year, may donate no more than the number of hours remaining in the leave year; and
- (4) The criteria in (3) and (4) above may be waived in unusual circumstances upon written request to the appropriate District or Office Director who will review the request and approve or disapprove as appropriate.
- **7. CONFIDENTIALITY.** Although the purpose of this program is to allow EEOC and other Federal employees to assist an employee with a personal emergency, the manner in which this is conducted must acknowledge the confidential nature of the situation. Therefore, all publicity associated with the leave transfer program will adhere to the following procedures:
 - **a.** The leave recipient must request the publication of his or her need for leave;
 - **b.** Announcements will be in the form of a memorandum sent to the leave recipient's office or to a larger EEOC audience via mail and/or electronic means. It does not have to identify the recipient;
- **8. USE OF TRANSFERRED LEAVE**. The EEOC payroll system automatically credits donated leave against periods of leave without pay or advanced sick leave that is coded as used for the medical emergency. It is the supervisor's responsibility to assure that the employee's timekeeper is coding the leave correctly.
 - **a**. The transferred leave may be used to retroactively cover periods of LWOP which were the result of the medical emergency, and to liquidate the indebtedness for advanced leave granted (sick and annual) after the beginning of the medical emergency.
 - **b.** The limitation of annual leave carryover to 30 days does *not* apply to transferred leave.

9. RESTRICTIONS ON TRANSFERRED LEAVE.

- **a.** Transferred leave may not be transferred from the account of one leave recipient to another leave recipient.
- **b.** Transferred leave is not considered in any lump-sum payments.
- **c.** Transferred leave is not available for recredit if the employee leaves federal employment and is subsequently reemployed.

10. DURATION OF THE MEDICAL EMERGENCY.

a. The beginning of the medical emergency will be determined at the time the leave request is approved and will be based on the events or projected events associated with the first 24 or more hours in a non-pay status, or in the case of a part-time employee, at least 30 percent of the average number of hours in the employee's weekly scheduled tour of duty.

b. The medical emergency will be terminated:

- (1) On the date the leave recipient's federal service is terminated (transferred leave may be transferred to another Federal agency); or
- (2) At the end of the pay period when the appropriate District or Office Director determines that the leave recipient is no longer affected by the events leading to the medical emergency. The Director will promptly notify OHR of this determination; or
- (3) At the end of the pay period in which EEOC is notified by OPM of the approval of the leave recipient's application for disability retirement.

11. RESTORATION OF TRANSFERRED ANNUAL LEAVE

- **a.** Upon determination of the end of the medical emergency, any remaining donated leave will be returned to the donors.
- **b. In cases of multiple donors,** the amount of leave restored to each donor will be determined proportionately as follows:
 - (1) Divide the number of hours of unused transferred annual leave by the total number of hours of annual leave transferred to the leave recipient;
 - (2) Multiply the ratio obtained in step (1) by the number of hours of annual leave transferred by each donor currently employed in EEOC; and
 - (3) Round the results obtained to the nearest 10 minute period (leave unit).
 - (4) If the total number of eligible donors exceeds the total number of leave units to be restored, no unused transferred leave shall be restored. Excess leave left over after applying the above formula will not be restored. However, the leave shall be removed from the leave recipient's account.
- **c.** Restored transferred annual leave will not be credited in excess of the amount of the leave the leave donor originally transferred to the leave recipient.
- **d.** At the election of the leave donor, the restored transferred leave shall be:
 - (1) Credited to the leave donor's annual leave account in the current leave year; or
 - (2) Donated whole or in part to another leave recipient. If it is a partial donation, the remaining balance may be credited as described in 11.a.

e. If the leave donor retires or is otherwise separated from Federal service, the unused leave will not be restored.

12. ACCRUAL OF ANNUAL AND SICK LEAVE

- **a.** The leave recipient will continue to earn annual and sick leave at the same rate when using the transferred leave as when using annual or sick leave.
- b. The maximum amount of leave that may be accrued by a leave recipient is 40 hours of annual leave and 40 hours of sick leave. For part-time employees or employees with uncommon tours of duty, the maximum amount of annual or sick leave that may be accrued is the average number of hours of work in the employee's weekly scheduled tour of duty. The limitation on sick leave does not apply when the sick leave is not available for the employee's use, i.e., the medical emergency does not meet the criteria for the use of sick leave or the employee's accumulated sick leave is in excess of the amount of sick leave allowed by law or regulations for use.
- c. The annual and, if appropriate, sick leave accrued under Section 12. b. above shall be credited in accounts separate from the leave recipient's regular leave accounts, and shall become available for use:
 - (1) At the beginning of the first pay period beginning on or after the date of the termination of the leave recipient's medical emergency; or
 - (2) If the medical emergency has not yet terminated, once the leave recipient has exhausted all transferred leave made available to him or her.
- **d.** If the leave recipient's federal service is terminated, the leave accrued under section 12.b. above will *not* be credited to the leave recipient's regular leave account.
- **e.** Annual leave and, if appropriate, sick leave in excess of the amounts placed in separate accounts shall be used as accrued prior to the use of transferred leave.

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APPENDIX K

LEGAL HOLIDAYS AND RELIGIOUS OBSERVANCES

1. **DESIGNATED LEGAL HOLIDAYS** are:

New Year's Day January 1

Martin Luther King's Birthday Third Monday in January

President's Day Third Monday in February

Memorial Day Last Monday in May

Independence Day July 4

Labor Day First Monday in September

Columbus Day Second Monday in October

Veterans Day November 11

Thanksgiving Day Fourth Thursday in November

Christmas Day December 25

Inauguration Day Washington Metropolitan area only

2. OBSERVATION OF HOLIDAYS.

a. For employees working a regular five-day, forty-hour workweek:

(1) If a legal holiday occurs on a Saturday, the holiday is observed on the preceding Friday; and

- (2) If a legal holiday occurs on a Sunday, the holiday is observed on the following Monday.
- **b.** For employees working a 5-4/9 compressed workweek, if a legal holiday occurs on a day that the employee is not scheduled to work, they shall observe the holiday on the next workday, except as follows in 2.c. below.
- **c.** When an employee has three consecutive non-workdays off (i.e., Friday or Monday, and Saturday and Sunday) and the holiday occurs on one of these non-workdays, the following rules apply:
 - (1) When the holiday falls on the employee's first or second non-workday, the preceding workday shall be designated as the employee's holiday (i.e., Thursday if the employee is off on Friday, Saturday and Sunday, or Friday if the employee is off on Saturday, Sunday and Monday); and
 - (2) When the holiday falls on the third non-workday, the next workday shall be designated as the employee's holiday (i.e., Monday if the employee is off on Friday, Saturday and Sunday, or Tuesday if the employee is off on Saturday, Sunday and Monday). District and Office Directors may allow variations of this rule, with the concurrence of the impacted employees, when the work of the Office would suffer.
- **3. RELIGIOUS OBSERVANCES.** Employees whose personal religious beliefs require time off from work during certain periods may, at their option and with their supervisor's permission, make up the time by working compensatory time before or after the time off.
 - **a.** An employee who elects to work compensatory time for this purpose is entitled to an equal amount of compensatory time off (hour for hour) from his or her scheduled tour of duty.
 - **b.** A grant of advanced compensatory time off must be repaid by the appropriate amount of compensatory time within a mutually agreed upon time with the employee's supervisor.

c. An employee's request to work compensatory time or to take compensatory time off for this purpose may be disapproved by his or her supervisor if such modifications to work schedules would interfere with the efficient accomplishment of the agency's mission.

DIRECTIVES TRANSMITTAL

Number 0-560.003 Date July 19, 2010

SUBJECT:

Procedures for Providing Reasonable Accommodation for

Individuals with Disabilities

PURPOSE:

This procedure replaces current EEOC Order No. 560.003,

Procedures for Providing Reasonable Accommodation for

Individuals with Disabilities.

EFFECTIVE DATE:

Immediately

DISTRIBUTION:

All Headquarters Offices

CURRENT CHANGES:

EEOC has designated a Disability Program Manager (DPM) to oversee the Reasonable Accommodation Program agency wide. All requests for reasonable accommodation will be handled by the DPM. If a request is given to a manager or supervisor rather than directly to the DPM, that individual should forward the request immediately and must do so within two (2) business days.

The DPM will contact the individual within 10 days after the request is made to begin discussing the accommodation request and notify the supervisor that a request for accommodation has

been made.

The DPM will request medical information to support the need for accommodation, if necessary. Only the DPM may determine whether medical information is needed and, if so, may request such information from the requestor and/or the appropriate health

professional.

OBSOLETE DATA AND FILING **INSTRUCTIONS:**

Remove and destroy current EEOC Order No. 560.003, dated February 7, 2001, Procedures for Providing Reasonable Accommodation for Individuals with Disabilities.

CONTACT:

Contact Kendra Duckworth, Disability Program Manager, in the Office of Human Resources, with questions at (202) 663-4339.

PROCEDURES FOR PROVIDING REASONABLE ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES TABLE OF CONTENTS

I.	EEOC Policy on Reasonable Accommodation.
II.	Reasonable Accommodation Procedures
	A. Requesting Reasonable Accommodation
	B. Processing the Request
	C. The Interactive Process
	D. Requests for Medical Information
	E. Confidentiality Requirements
	F. Time Frame for Processing Requests and Providing Reasonable Accommodations (including expedited processing and extenuating circumstances)
	G. Resolution of the Reasonable Accommodation Request
	H. Informal Dispute Resolution
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	K. Inquiries and Distribution

Appendix A/Confirmation of Request for Reasonable Accommodation Form

Appendix B/ Resolution of Reasonable Accommodation Request Form

Appendix C/Reasonable Accommodation Information Reporting Form

Appendix D/Utilizing Sign Language Interpreters at Headquarters

Appendix E/Staff Assistant Slots

Appendix F/Selected Reasonable Accommodation Resources

I. EEOC Policy on Reasonable Accommodation

Executive Order 13164 requires all Federal Agencies to establish procedures on handling requests for reasonable accommodation. These Procedures replace those issued in February 2001.

EEOC's Procedures fully comply with the requirements of the Rehabilitation Act of 1973. Under the law, EEOC must provide reasonable accommodation to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. The EEOC is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities. EEOC provides reasonable accommodations:

- when an applicant with a disability needs an accommodation to have an equal opportunity to compete for a job;
- when an employee with a disability needs an accommodation to perform the essential functions of the job or to gain access to the workplace; and
- when an employee with a disability needs an accommodation to enjoy equal access to benefits and privileges of employment (<u>e.g.</u>, details, trainings, officesponsored events).

A reasonable accommodation is any change in the workplace or the way things are customarily done that provides an equal employment opportunity to an individual with a disability. While there are some things that are not considered reasonable accommodations (e.g., removal of an essential job function or personal use items such as a hearing aid that is needed on and off the job), reasonable accommodations can cover most things that enable an individual to apply for a job, perform a job, or have equal access to the workplace and employee benefits such as kitchens, parking lots, and office events.

Common types of accommodations include:

- modifying work schedules or supervisory methods
- granting breaks or providing leave
- altering how or when job duties are performed
- removing and/or substituting a marginal function
- moving to different office space
- providing telework beyond that provided by the collective bargaining agreement or the

All references to "disability" in these Procedures refer only to those impairments that meet the ADA/Rehabilitation Act definition of "disability" as amended by the ADA Amendments Act of 2008 (ADAAA). The expanded definition of "disability" is to be interpreted broadly and does not require an extensive analysis.

The Rehabilitation Act, as amended by the ADAAA, does not require an employer to provide reasonable accommodation to an individual who only meets the "regarded as" definition of disability. An applicant or employee must meet either the "actual" definition (i.e., person has an impairment that substantially limits a major life activity) or the "record of" definition (i.e., person has a record of an impairment that substantially limited a major life activity) to be eligible for reasonable accommodation.

relevant MOU.

- making changes in workplace policies
- providing assistive technology, including information technology and communications equipment or specially designed furniture
- providing a reader or other staff assistant to enable employees to perform their job functions, where the accommodation cannot be provided by current staff (See Appendix E for information on hiring staff assistants.)
- removing an architectural barrier, including reconfiguring work spaces
- providing accessible parking
- providing materials in alternative formats (<u>e.g.</u>, Braille, large print)
- providing a reassignment to another job.

EEOC will process requests for reasonable accommodation and will provide reasonable accommodations where appropriate, in a prompt and efficient manner in accordance with the time frames set forth in these Procedures.

EEOC has designated a **Disability Program Manager** (**DPM**) to oversee the reasonable accommodation program agency-wide.² All requests for reasonable accommodation will be handled by the DPM. If a request is given to a manager or supervisor rather than directly to the DPM, that individual should forward the request immediately and must do so within 2 business days. When an employee makes a request for reasonable accommodation that involves performance of the job, the DPM will work with the employee's supervisor to ensure that an appropriate accommodation is provided that meets the individual's disability-related needs and enables the individual to perform the essential functions of the position. **See Section II.K. on how to contact the DPM.**

As part of the reasonable accommodation interactive process, the DPM will obtain and evaluate documentation supporting an accommodation request (such as medical documentation demonstrating that the requestor is an individual with a disability), whenever the disability or need for accommodation is not obvious.

Sometimes EEOC may be able to address an employee's impairment-related needs outside the reasonable accommodation process. For example, EEOC has an ergonomic program available to all employees who may require special equipment to address or prevent various ailments. Under the ergonomic program, for instance, an employee with carpal tunnel syndrome may request a specialized chair or wrist pad. Requests under these procedures, as well as requests under the ergonomic program, should be directed to the DPM.

While the DPM will handle all requests for reasonable accommodations, supervisors, managers, and office directors often will need to be consulted about specific requests. Therefore, all management personnel must be familiar with these Procedures and the Commission's "Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the

² EEOC has an agency-wide budget, administered by the DPM, to cover all costs associated with providing reasonable accommodations, including sign language interpreters, furniture, technology, and other significant purchases.

Americans with Disabilities Act" (rev. Oct. 17, 2002), which contains significant information on the responsibilities of agency personnel involved in responding to a request for reasonable accommodation, as well as the rights and responsibilities of those requesting accommodation. (This document is available at http://www.eeoc.gov/policy/docs/accommodation.html, and on EEOC's intranet site,

http://insite.eeoc.gov/insite/Enforcement/Compliance_Manual_and_Enforcem/rabarnett_1.pdf.). Applicants and employees may wish to consult this Guidance to better understand the reasonable accommodation process.

EEOC *may* take steps, solely at the agency's discretion, beyond those required by section 501 of the Rehabilitation Act of 1973.

II. Reasonable Accommodation Procedures

A. Requesting Reasonable Accommodation

Generally, an applicant or employee must let the EEOC know that he needs an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a medical condition.³ An **applicant or employee** may request a reasonable accommodation at any time, **orally or in writing**. An individual should request a reasonable accommodation from the Disability Program Manager (DPM).⁴ For applicants, information about contacting the DPM will be in the vacancy announcement and the letter of appointment. (See also Section II.K. on how to contact the DPM.)

If an employee makes a reasonable accommodation request to someone other than the DPM, such as her supervisor, office director, district director, or regional attorney, these supervisors/managers should forward the request to the DPM immediately and must do so within 2 business days. The reasonable accommodation process begins as soon as the oral or written request for accommodation is made to any manager in an employee's chain of command, so it is imperative that the request be forwarded to the DPM within 2 business days.

An individual's receipt or denial of an accommodation does not prevent the individual from making another request at a later time if circumstances change and she believes that an accommodation is needed due to limitations from a disability (e.g., the disability worsens or an employee is assigned new duties that require an additional or different reasonable accommodation). Additionally, the DPM may not refuse to process a request for reasonable accommodation, and a reasonable accommodation may not be denied, based on a belief that the accommodation should have been requested earlier (e.g., during the application process).

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If an EEOC official knows that a disability, such as an intellectual disability (formerly referred to as "mental retardation"), prevents a person from asking for a reasonable accommodation, and it appears that one may be needed, the official should ask whether accommodation is needed. The time frame for processing a request begins when the official makes the inquiry.

See Appendix D for information on how employees may directly schedule sign language interpreters without going through a supervisor or other manager.

A request does not have to include any special words, such as "reasonable accommodation," "disability," or "Rehabilitation Act." A request is any communication in which an individual asks or states that she needs EEOC to provide or to change something because of a medical condition. A supervisor, manager, or the DPM should ask an individual whether she is requesting a reasonable accommodation if the nature of the initial communication is unclear.

A family member, health professional, or other representative may request an accommodation on behalf of an EEOC employee or applicant. For example, a doctor's note outlining medical restrictions for an employee constitutes a request for reasonable accommodation.

When an individual (or third party) makes an **oral request**, the DPM must ensure that the "Confirmation of Request" form is filled out (see Appendix A). The DPM must fill out the Form if the requestor does not.

An employee needing a reasonable accommodation on a recurring basis, such as the assistance of a sign language interpreter, must submit the "Confirmation" form only for the first request. However, the employee requesting accommodation must give appropriate advance notice each subsequent time the accommodation is needed. If the accommodation is needed on a regular basis (e.g., a weekly staff meeting), the DPM should ensure that an employee's supervisor makes the appropriate arrangements without requiring a request in advance of each occasion. (See Appendix D for information on requesting sign language interpreters.)

B. Processing the Request

The Disability Program Manager (DPM) is responsible for processing requests for reasonable accommodation. The Director of Human Resources will designate another OHR staff member to act as a back-up for the DPM to process requests when the DPM is unavailable for any length of time (e.g., the DPM is on vacation or out on extended leave).

While the DPM has responsibility for processing requests for reasonable accommodation, the DPM may work closely with an employee's supervisor or office director in responding to the request, particularly those involving performance of the job. The DPM will need to consult with an employee's supervisor and/or office director to gather relevant information necessary to respond to a request and to assess whether a particular accommodation will be effective. No reasonable accommodation involving performance of the job will be provided without first informing an employee's supervisor or, as appropriate, an office director.

C. The Interactive Process

1. <u>Generally</u>

After a request for accommodation has been made, the next step is for the parties to begin the interactive process to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the DPM must communicate with each other about the request, the precise nature of the problem that is generating the request, how a

disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting an individual's needs.

The DPM will contact the applicant or employee within 10 business days after the request is made (even if the request is initially made to someone else) to begin discussing the accommodation request. In some instances, the DPM may need to get information to determine if an individual's impairment is a "disability" under the Rehabilitation Act or to determine what would be an effective accommodation. Such information may not be necessary if an effective accommodation is obvious, if the disability is obvious (e.g., the requestor is blind or has paraplegia) or if the disability is already known to the EEOC (e.g., the requestor previously asked for an accommodation and information submitted at that time showed a disability existed and that there would be no change in the individual's medical condition).

Communication is a priority throughout the entire process, but particularly where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different forms of reasonable accommodation. Both the individual making the request and the decision maker should work together to identify effective accommodations. Appendix F lists some suggested resources for identifying accommodations.

When a third party (e.g., an individual's doctor) requests accommodation on behalf of an applicant or employee, the DPM should, if possible, confirm with the applicant or employee that he wants a reasonable accommodation before proceeding. Where this is not possible, for example, because the employee has been hospitalized in an acute condition, the DPM will process the third party's request if it seems appropriate (e.g., by granting immediate leave) and will consult directly with the individual needing the accommodation as soon as practicable.

The DPM may need to consult with other EEOC personnel (e.g., an employee's supervisor, Information Technology staff) or outside sources to obtain information necessary to make a determination about the request. The EEOC expects that all agency personnel will give a high priority to responding quickly to a DPM's request for information or assistance. Any delays by EEOC personnel may result in the agency's failing to meet the required time frame.

2. Reassignment

There are specific considerations in the interactive process when an employee needs, or may need, a reassignment.

- Generally, reassignment will only be considered if no accommodations are available to enable the individual to perform the essential functions of his or her current job, or if the only effective accommodation would cause undue hardship.
- In considering whether there are positions available for reassignment, the DPM will work with both the Office of Human Resources (OHR) and the employee requesting the reassignment to identify: (1) vacant positions within the agency for which the employee

may be qualified, with or without reasonable accommodation; and (2) positions which OHR has reason to believe will become vacant within **60 days** from the date the search is initiated and for which the employee may be qualified.

EXAMPLE

If a search begins on May 1, then the DPM will inquire about any positions that are currently vacant or will become vacant between May 1 and June 30. The DPM does not have to hold open the search until July 1; if she finishes her search on May 15 and learns that no vacancies are currently available or anticipated by June 30, then the search is over and the results should be conveyed to the employee.

Reassignment may be made to a vacant position outside of the employee's commuting
area if the employee is willing to relocate. As with other transfers not required by
management, EEOC will not pay for the employee's relocation costs.

D. Requests for Medical Information

If a requestor's disability and/or need for accommodation are not obvious or already known, EEOC (specifically the DPM) is entitled to ask for and receive medical information showing that the requestor has a covered disability that requires accommodation. A disability is obvious or already known when it is clearly visible or the individual previously provided medical information showing that the condition met the Rehabilitation Act definition. It is the responsibility of the applicant/employee to provide appropriate medical information requested by EEOC where the disability and/or need for accommodation are not obvious or already known.

Only the DPM may determine whether medical information is needed and, if so, may

request such information from the requestor and/or the appropriate health professional. Even if medical information is needed to process a request, the DPM does not necessarily have to request medical documentation from a health care provider; in many instances the requestor may be able to provide sufficient information that can substantiate the existence of a "disability" and/or need for a reasonable accommodation. (See Section II.E. about the confidentiality of all medical information obtained in processing a request for accommodation.) If an individual has already submitted medical documentation in connection with a previous request for

accommodation, the individual should immediately inform the DPM of this fact. The DPM will then determine whether additional medical information is needed to process the current request.

If the initial information provided by the health professional or volunteered by the requestor is insufficient to enable the DPM to determine whether the individual has a "disability" and/or that an accommodation is needed, the DPM will explain what additional information is needed. If necessary, the individual should then ask his/her health care provider or other appropriate professional to provide the missing information. The DPM may also give the individual a list of questions to give to the health care provider or other appropriate professional to answer. If

sufficient medical information is not provided by the individual after several attempts, the DPM may ask the individual requesting accommodation to sign a limited release permitting the DPM to contact the provider for additional information. The DPM may have the medical information reviewed by a doctor of the agency's choosing, at the agency's expense.

In determining whether documentation is necessary to support a request for reasonable accommodation and whether an applicant or employee has a disability within the meaning of the Rehabilitation Act, the DPM will be guided by principles set forth in the ADA Amendments Act of 2008. Specifically, the ADA Amendments Act directs that the definition of "disability" be construed broadly and that the determination of whether an individual has a "disability" generally should not require extensive analysis. Notwithstanding, the DPM may require medical information in order to design an appropriate and effective accommodation.

A supervisor or office director who believes that an employee may no longer need a reasonable accommodation should contact the DPM. The DPM will decide if there is a reason to contact the employee to discuss whether s/he has a continuing need for reasonable accommodation.

E. Confidentiality Requirements

Under the Rehabilitation Act, medical information obtained in connection with the reasonable accommodation process must be kept confidential. This means that all medical information that EEOC obtains in connection with a request for reasonable accommodation must be kept in files separate from the individual's personnel file. This includes the fact that an accommodation has been requested or approved and information about functional limitations. It also means that any EEOC employee who obtains or receives such information is strictly bound by these confidentiality requirements.

The DPM may share certain information with an employee's supervisor or other agency official(s) as necessary to make appropriate determinations on a reasonable accommodation request. Under these circumstances, the DPM will inform the recipients about these confidentiality requirements. The information disclosed will be no more than is necessary to process the request. In certain situations, the DPM will not necessarily need to reveal the name of the requestor and/or the office in which the requestor works, or even the name of the disability.

EXAMPLE

The Office of Information Technology (OIT) generally will be consulted in connection with requests for assistive technology for computers. While OIT needs to know the employee's functional limitations, it typically has no need to know the employee's specific disability.

In addition to disclosures of information needed to process a request for accommodation, other disclosures of medical information are permitted as follows:

- supervisors and managers are entitled to whatever information is necessary to implement restrictions on the work or duties of the employee or to provide a reasonable accommodation;
- first aid and safety personnel may be informed, when appropriate, *if* the disability might require emergency treatment or assistance in evacuation; and
- government officials may be given information necessary to investigate the agency's compliance with the Rehabilitation Act.

F. Time Frame for Processing Requests and Providing Reasonable Accommodations

1. Generally

The time frame for processing a request (including providing accommodation, if approved) is as soon as possible but no later than **30 business days from the date the request is made**. This 30-day period includes the 10-day time frame in which the DPM must contact the requestor after a request for reasonable accommodation is made. (See Section II.C.1.)

EEOC will process requests and, where appropriate, provide accommodations in as short a period as reasonably possible. The time frame above indicates the maximum amount of time it should generally take to process a request and provide a reasonable accommodation. The DPM will strive to process the request and provide an accommodation sooner, if possible. Unnecessary delays can result in a violation of the Rehabilitation Act.

The time frame begins when an oral or written request for reasonable accommodation is made, and not necessarily when it is received by the DPM. Therefore, everyone involved in processing a request should respond as quickly as possible. This includes referring a request to the DPM, contacting a doctor if medical information or documentation is needed, and providing technical assistance to the DPM regarding issues raised by a request (e.g., information from a supervisor regarding the essential functions of an employee's position, information from OIT regarding compatibility of certain adaptive equipment with EEOC's technology).

If the DPM must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the DPM makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the DPM.

If the disability is obvious or already known to the DPM, if it is clear why reasonable accommodation is needed, and if an accommodation can be provided quickly, then the DPM should not require the full 30 business days to process the request. The following are examples of situations where the disability is obvious or already known and an accommodation can be provided in less than the allotted time frame:

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See footnote 2 that explains when the time frame begins if an EEOC official must inquire if reasonable accommodation is needed when an individual's disability, <u>e.g.</u>, an intellectual disability (formerly called "mental retardation") prevents him from asking for one.

- An employee with insulin-dependent diabetes who sits in an open area asks for three breaks a day to test her blood sugar levels in private.
- An employee with clinical depression who takes medication which makes it hard for her to get up in time to get to the office at 9:00 a.m., requests that she be allowed to start work at 10:00 a.m. and still work an eight and a half hour day.
- A supervisor distributes a detailed agenda at the beginning of each staff meeting. An
 employee with a serious learning disability asks that the agenda be distributed ahead of
 time because his disability makes it difficult to read quickly and he needs more time to
 prepare.

2. Expedited Processing of a Request

In certain circumstances, a request for reasonable accommodation requires an expedited review and decision. This includes where a reasonable accommodation is needed:

- to enable an applicant to apply for a job. Depending on the timetable for receiving applications, conducting interviews, taking tests, and making hiring decisions, there may be a need to expedite a request for reasonable accommodation to ensure that an applicant with a disability has an equal opportunity to apply for a job.
- to enable an employee to attend a meeting scheduled to occur soon. For example, an employee may need a sign language interpreter for a meeting scheduled to take place in 5 days.

3. Extenuating Circumstances

These are circumstances that **could not reasonably have been anticipated or avoided in advance** of the request for accommodation, **or that are beyond EEOC's ability to control**. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended as reasonably necessary. Extensions will be limited to circumstances where they are absolutely necessary and only for as long as required to deal with the extenuating circumstance.

G. Resolution of the Reasonable Accommodation Request

All decisions regarding a request for reasonable accommodation will be communicated to an applicant or employee by use of the "Resolution of Request" form (see Appendix B), as well as orally.

1. If EEOC grants a request for accommodation, the DPM will give the "Resolution of Request" form to the requestor, and discuss implementation of the accommodation. The "Resolution" form must be filled out even if EEOC is granting the request without determining whether the requestor has a "disability" and regardless of what type of change or modification is approved (e.g., EEOC grants a three-month removal of an essential function, which is not a form of reasonable accommodation but nonetheless

must be specified on the Resolution form).

- A decision to provide an accommodation other than the one specifically requested will be considered a decision to grant an accommodation. The form will explain both the reasons for the denial of the individual's specific requested accommodation and why EEOC believes that the chosen accommodation will be effective.
- If the request is approved but the accommodation cannot be provided immediately, the DPM will inform the individual in writing of the projected time frame for providing the accommodation.
- 2. If EEOC denies a request for accommodation, the DPM will give the "Resolution" form to the requestor and discuss the reason(s) for the denial. When completing the "Resolution" form, the explanation for the denial will clearly state the specific reason(s) for the denial. This means that EEOC cannot simply state that a requested accommodation is denied because of "undue hardship" or because it would be "ineffective." Rather, the form will state and the DPM will explain specifically why the accommodation would result in undue hardship or why it would be ineffective.
 - If there is a legitimate reason to deny the specific reasonable accommodation requested (e.g., the accommodation poses an undue hardship or is not required by the Rehabilitation Act), the DPM will explore with the individual whether another accommodation would be possible. The fact that one accommodation proves ineffective or would cause undue hardship does not necessarily mean that this would be true of another accommodation. Similarly, if an employee requests removal of an essential function or some other action that is not required by law, the DPM will explore whether there is a reasonable accommodation that will meet the employee's needs.
 - If the DPM offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the DPM will record the individual's rejection of the alternative accommodation on the "Resolution" form.

H. Informal Dispute Resolution

An individual dissatisfied with the resolution of a reasonable accommodation request can ask the Director of the Office of Human Resources (OHR) to reconsider that decision. An individual must request reconsideration within **10 business days** of receiving the "Resolution" form. A request for reconsideration will not extend the time limits for initiating administrative, statutory, or collective bargaining claims. (See Section II.J. below.)

I. Information Tracking and Reporting

In order for EEOC to ensure compliance with these Procedures and the Rehabilitation Act, the DPM will complete the "Reasonable Accommodation Information Reporting" form (Appendix C) within 5 business days of issuing the decision.

These forms will be the basis of an annual report to be issued to all employees that will provide a qualitative assessment of EEOC's reasonable accommodation program, including any recommendations for improvement of EEOC's reasonable accommodation policies and these Procedures. This annual report will not contain confidential information about specific requests for reasonable accommodations, such as the names of individuals that requested accommodations or the accommodations requested by specific individuals. Rather, this report will provide only general information, such as the total number of requests for accommodations, the types of accommodations requested, and the length of time taken to process requests.

J. Relation of Procedures to Statutory and Collective Bargaining Claims

These Procedures do not limit or supplant statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims remain unchanged, including the time frames for filing such claims.

The "Resolution of Request" form (Appendix B) provides information to individuals denied accommodation, or denied the accommodation of their choice, about their right to file an EEO complaint and their possible right to pursue MSPB and/or union grievance procedures.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation **must:**

- For an EEO complaint: contact an EEO counselor in the Office of Equal Opportunity (OEO) within 45 days from the date of receipt of the written resolution notice or a verbal response to the request (whichever comes first). The 45-day filing period may not be applicable where there is an unreasonable delay in making a decision regarding an accommodation and the applicant or employee files a challenge before the decision is made.
- For a collective bargaining claim: file a written grievance in accordance with the provisions of the Collective Bargaining Agreement.
- For adverse actions over which the Merits Systems Protection Board has jurisdiction: initiate an appeal to the MSPB within 30 days of the appealable adverse action as defined in 5 C.F.R. § 1201.3.

These Procedures create no new enforceable rights under section 501 of the Rehabilitation Act, any other law, or the collective bargaining agreement. Executive Order 13164, which requires all Federal agencies to adopt reasonable accommodation procedures, explains in section 5(b) that the procedures are "intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, [or] its agencies."

K. INQUIRIES AND DISTRIBUTION

Any employee wanting further information concerning these Procedures may contact the Disability Program Manager (DPM) via e-mail at DisabilityProgramManager. Applicants may contact the DPM at DisabilityProgramManager@eeoc.gov.

These Procedures shall be distributed to all employees upon issuance, and annually thereafter. They also will be posted on EEOC's Intranet and Internet sites, included in the employee handbook, and will be available in EEOC's library, in the Office of Equal Opportunity, and the Office of Human Resources Management. They will be distributed to all new employees as part of their orientation on their first day of work. These Procedures will be provided in alternative formats when requested from the DPM by, or on behalf of, any EEOC employee.

/signed/

Jacqueline A. Berrien Chair

APPENDIX A

	CONFIRMATION OF REQUEST FOR REASONABLE ACCOMMODATION		
1.			
	Applicant's or Employee's Name	Applicant's or Employee's Telephone Number	
	Date of Request		
		Employee's Office	
2.	TYPE OF ACCOMMODATION REQU possible, e.g., assistive technology, re	JESTED, IF KNOWN. (Be as specific as eader, interpreter, schedule change)	
3.	REASON FOR REQUEST.		
	If accommodation is time sensitive, ple	ease explain:	
4.	(Disability Program Manager will as	sign number)	
	Log No.:		
	this information is to consider, decide, and implement requests for be: To medical personnel to meet a bona fide medical emergency; an administrative proceeding being conducted by a Federal agency to a congressional office from the record of an individual in respons individual; and to an authorized appeal grievance examiner, formal	ive Order 13164 authorize collection of this information. The primary use of reasonable accommodation. Additional disclosures of the information may to another Federal agency, a court, or a party in litigation before a court or in y when the Government is a party to the judicial or administrative proceeding; se to an inquiry from the congressional office made at the request of the I complaints examiner, administrative judge, equal employment opportunity nvestigation or settlement of a grievance, complaint or appeal filed by an	

employee.

APPENDIX B

	RESOLUTION OF REASONABLE ACCOMMODATION REQUEST
	(Must complete numbers 1-3; complete numbers 4-7, if applicable)
1.	Name of Individual requesting reasonable accommodation:
2.	Accommodation(s) requested:
3.	Accommodation(s): approved as specifically requested
	approved but different from original request*
	denied
	*If the approved accommodation is different from the one(s) originally requested, identify the alternative accommodation(s):
4.	If an alternative accommodation was offered, indicate whether it was:
	accepted
	rejected
5.	Request denied because: (may check more than one box) • Requestor does not have a Rehabilitation Act disability
	Accommodation ineffective
	Accommodation would cause undue hardship
	Medical documentation inadequate
	 Accommodation would require removal of essential function
	 Accommodation would require lowering performance or production standard Other (Please identify)
	- 1

	e of D	verbal responsions of For adverse initiate an ap defined in 5 (nse (whichever converted by the Collective Batter actions over which peal to the MSPB C.F.R. § 1201.3.	ithin 45 days from the date of receipt of this Form or a omes first). im, file a written grievance in accordance with the argaining Agreement. h the Merit Systems Protection Board has jurisdiction, within 30 days of an appealable adverse action as Signature of Deciding Official enied/approved
		verbal responsions of For adverse initiate an ap	nse (whichever co ve bargaining clai the Collective Ba actions over which peal to the MSPB	omes first). im, file a written grievance in accordance with the argaining Agreement. h the Merit Systems Protection Board has jurisdiction,
	the f	ollowing sto	eps: complaint pursuar	nt to 29 C.F.R. § 1614, contact an EEO counselor in the
8.9.	ask t decis Note initia	the Director sion within that reques ating admin	of the Office of	with the resolution of the request may of Human Resources to reconsider that lays of receiving the "Resolution" form. leration does not extend the time limits for atory, or collective bargaining claims.
7.	one o	originally remmodation	equested, expl	an accommodation that is different from the lain: (a) the reasons for the denial of the quested; and (b) why the alternative ective.
6.			· ·	Must be specific, e.g., <i>why</i> accommodation undue hardship):

APPENDIX C

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM Name of Individual requesting accommodation: Office of Requesting Individual: 1. Reasonable accommodation: (check one) Approved (Whether it is what was originally requested or an alternative) Denied (Attach copy of the "Resolution of Reasonable Accommodation Request" form.) Date accommodation requested: 2. Who received request: Date accommodation request referred to Disability Program Manager, if 3. applicable: Determined that individual does _____ does not ____ have a 4. disability as defined by the Rehabilitation Act; or no disability determination made Date accommodation approved or denied: _____ 5. 6. **Date accommodation provided** (if different from date approved): 7. If time frames outlined in the Procedures were not met, explain why. (Over)

8.	Job held or desired by individual requesting reasonable accommodation (including occupational series, grade level, and office):
9.	Accommodation needed for: (check one)
	Application Process Performing Job Functions or Accessing the Work Environment Accessing a Benefit or Privilege of Employment (e.g., attending a training program or social event)
10.	Accommodation(s) requested:
11.	Accommodation(s) provided (if different from what was requested):
12.	Cost of accommodation provided:
13.	Was medical information required to process this request? If yes, explain why.
14.	Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., Job Accommodation Network, disability organization):
15.	Comments:
16.	Please attach all documentation connected with this request.

APPENDIX D

UTILIZING SIGN LANGUAGE INTERPRETERS¹

1. **SCHEDULING INTERPRETER SERVICES**. The individual or office scheduling a meeting or event which will require interpreting services (staff meeting, training, office function, etc.) is responsible for directing the request, via e-mail, to "Interpreting Services." **Please check to see if an interpreter is available before scheduling the date, time, and place of the event.**

Requests for staff interpreters are accepted and scheduled on a first come, first serve basis -- with exceptions considered on a case-by-case basis. Interpreting for official EEOC business always takes priority over interpreting for non-official matters.

Advance scheduling – preferably one to two weeks – is strongly encouraged, to the extent possible. Although it is not possible to foresee every occasion for which interpreting services may be required, failure to schedule interpreting services well in advance may result in the necessity to reschedule meetings until interpreter services are available.

If a meeting or event will last longer than one half hour, arrangements must be made for more than one interpreter to be present, or the meeting or event must be scheduled to include sufficient rest periods, including a "sign-free" lunch break, if necessary. Generally, one interpreter can work 45-60 minutes and then needs a 15-minute break. A break during a meeting or event does not constitute a rest period for the interpreter who is expected to continue working (e.g., deaf and hearing parties wish to communicate during the break and look to the interpreter to facilitate the exchange). Also remember that an employee may need an interpreter during lunch so there may be a need to have additional interpreters to ensure each interpreter has an appropriate lunch break.

An employee who knows sign language or who is taking a sign language class is *not* an acceptable substitute for an EEOC staff interpreter or a contract interpreter.

2. **WORK EVENTS OUTSIDE THE WORKPLACE.** EEOC will provide an interpreter for an employee who is deaf or hard of hearing who, as part of his/her job, attends a meeting or event outside of the workplace. If the employee attends a conference or training program sponsored by an outside organization, EEOC has the discretion to try to arrange for the sponsoring organization to provide all or part of the interpreting service. However, EEOC recognizes its responsibility to ensure that an employee has interpreting services for such events, and this may include providing an EEOC staff interpreter if necessary.

When an employee attends a meeting, conference, or training program outside the workplace, and EEOC will be providing the interpreter(s), EEOC will assess whether it would be effective to send staff interpreter(s) or contract interpreter(s). If EEOC decides to send staff interpreter(s), and the office of the employee provides transportation for or reimburses the travel costs of the employee, then that office must also provide for/reimburse travel costs for the staff interpreter(s). Similarly, if the office of the employee pays for meals for the employee while attending these types of events, then that office must also pay for the meals for the staff interpreter(s).

Currently, Interpreting Services generally meet interpreter needs in field offices by contracting for such services.

- 3. **OFFICE SOCIAL FUNCTIONS AND SPECIAL EVENTS TO WHICH THE INTERPRETERS ARE INVITED**. Interpreting services are routinely requested for office or Agency social functions or special events -- e.g., Winter Holiday Party, Unity Month Picnic-- scheduled during official government time and which might be attended by employees who are deaf or hard of hearing. If EEOC staff interpreters express the desire to attend these "all-employee" functions in an off-duty capacity, arrangements will be made by the Interpreting Services staff for contract interpreting services.
- 4. **INTERPRETING PHONE CALLS**. Employees who are deaf or hard of hearing should schedule an interpreter when services are needed to interpret business-related phone calls. The telecommunication relay service is available to all EEOC employees to serve telephone needs when a sign language interpreter is not available.

APPENDIX E

STAFF ASSISTANT SLOTS

- 1. **STAFF ASSISTANT SLOTS**. The EEOC will make staff assistants available, if appropriate. Staff assistants are sign language interpreters, readers, and assistants who perform physical tasks that an employee cannot perform because of a disability. For example, an investigator with limited or no upper extremity mobility may need assistance in physically organizing a charge file. The investigator will perform the essential functions of the position -- <u>e.g.</u>, conduct the investigation and draft documents -- and the assistant would only perform the physical task.
- 2. **REQUEST FOR STAFF ASSISTANT SLOTS**. Requests for hiring a staff assistant must be referred to the Disability Program Manager (DPM) from the EEOC staff member who received the request. The DPM will first determine whether staff assistants already hired by the EEOC can fulfill an employee's needs. The DPM also will determine if an employee's needs could be met by contracting for services (e.g., a contract interpreter), and if so, will make the necessary arrangements. If the DPM grants the request to hire a staff assistant, the employee's Office Director, in consultation with the Personnel Operations Services Team (POST) of OHR, if necessary, should prepare a Request for Personnel Action (SF-52) and a position description. The employee with a disability must play an integral part in the interview and selection process of an interpreter, reader, or assistant.
- 3. **USE OF STAFF ASSISTANTS**. The staff assistant slots are to be used **only** to hire interpreters, readers, and assistants as a reasonable accommodation for employees with disabilities. Staff hired shall be shared to provide assistance to more than one employee with a disability, where appropriate. These staff assistants **may not** be assigned any other duties unless the person they were hired to assist has no work for them to perform at that time. Before assigning other duties to the assistant, the employee with the disability shall be consulted to determine when assistant services are not needed. If the supervisor is not the employee with a disability, he or she must consult with the employee with a disability regarding the staff assistant's performance evaluation.

In no case should a staff assistant be called upon -- by management or by the employee(s) to whom he or she is assigned -- to perform the essential functions of the job held by the employee with the disability.

- 4. **HIRING AUTHORITY**. Readers, interpreters, or assistants hired to fill approved positions may be appointed under the non-competitive Schedule A authority, 5 CFR 213.3102 (ll) ["Il" is double "L"]. Persons with disabilities hired as readers, interpreters, or assistants may also be hired under the 213.3102 (u) authority.
- 5. **RELEASE OF POSITIONS**. When the need for a staff assistant is reduced or eliminated, the Administrative Officer or Personnel Management Specialist shall notify the DPM, who will take appropriate steps.

APPENDIX F

SELECTED REASONABLE ACCOMMODATION RESOURCES

U.S. Equal Employment Opportunity Commission

1-800-669-3362 (Voice) 1-800-800-3302 (TT)

EEOC has published many ADA and Rehabilitation Act-related documents that may assist both individuals requesting accommodations as well as those involved in the decision-making process. Most of these documents are available at www.eeoc.gov.

Job Accommodation Network (JAN)

1-800-232-9675 (Voice/TT) http://janweb.icdi.wvu.edu/.

A service of the Office of Disability Employment Policy, JAN can provide information, free-of-charge, about many types of reasonable accommodations and provide referrals to other organizations that may have particular information about accommodations for persons with different disabilities.

ADA Disability and Business Technical Assistance Centers (DBTACs)

1-800-949-4232 (Voice/TT)

The DBTACs consist of 10 federally funded regional centers that provide information, training, and technical assistance on the ADA. Each center works with local business, disability, governmental, rehabilitation, and other professional networks to provide current ADA information and assistance. The DBTACs can provide information on reasonable accommodation and make referrals to local sources of expertise in reasonable accommodations.

Registry of Interpreters for the Deaf

(301) 608-0050 (Voice/TT)

The Registry offers information on locating and using interpreters and transliteration services.

RESNA Technical Assistance Project

(703) 524-6686 (Voice) (703) 524-6639 (TT) http://www.resna.org

RESNA, the Rehabilitation Engineering and Assistive Technology Society of North America, can refer individuals to projects in all 50 states and the six territories offering technical assistance on technology-related services for individuals with disabilities. Services may include:

- * information and referral centers to help determine what devices may assist a person with a disability (including access to large data bases containing information on thousands of commercially available assistive technology products),
- * centers where individuals can try out devices and equipment,
- * assistance in obtaining funding for and repairing devices, and
- equipment exchange and recycling programs.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	EEOC ORDER 570.001
WASHINGTON, D.C. 20507	May 10, 2011

HUMAN RESOURCES

DISCIPLINARY AND ADVERSE ACTIONS FOR NON-BARGAINING UNIT EMPLOYEES

- 1. SUBJECT. DISCIPLINARY AND ADVERSE ACTIONS (NON-BARGAINING UNIT EMPLOYEES)
- 2. PURPOSE. This transmittal covers EEOC Order 570.001, Disciplinary and Adverse Actions (Non-bargaining Unit Employees). This Order establishes policies and prescribes procedures applicable to the full range of disciplinary and adverse actions in the Equal Employment Opportunity Commission (EEOC) for covered employees. This Order implements the provisions of Chapter 75, Title 5, United States Code and 5 CFR Part 752, for employees covered by these provisions. EEOC Order 570.001 combines and supersedes EEOC Order 570.001 (Disciplinary Actions/Non-bargaining Unit Employees) and EEOC Order 570.002 (Adverse Actions/Non-bargaining Unit Employees), dated August 25, 1987.
- 3. EFFECTIVE DATE. May 10, 2011.
- 4. ORIGINATOR. Office of Human Resources
- 5. COVERAGE AND EXCLUSIONS
 - a. Actions covered:
 - (1) Letters of warning, letters of reprimand, suspensions of less than 14 days and other informal management actions that may be used to correct an employee's behavior or performance; and
 - (2) Removals, suspensions of more than 14 days, reductions in grade and/or pay, and furloughs of 30 days or less.
 - b. <u>Employees covered</u>. This Order applies to:
 - (1) An employee in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed one year of current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less;
 - (2) An employee with competitive status who occupies a position under Schedule B of 5 CFR Part 213; and

- (3) An employee in the excepted service who is not serving a trial period under an initial appointment or an employee in the competitive service who has completed one year of current continuous employment in the same or similar position under other than a temporary appointment limited to one year or less; and
- (4) A preference eligible in the excepted service who has completed one year of current continuous service in the same or similar positions;
- (5) An employee in the excepted service (other than a preference eligible) who has completed two years of current continuous service, under other than a temporary appointment limited to two years or less in the same or similar positions.

Note: Termination actions involving employees serving on probationary or trial periods should be closely coordinated with the Office of Human Resources to ensure that proper procedures are followed as some employees with prior Federal service may be entitled to due process rights not normally accorded to probationary or trial employees.

- c. <u>Employees excluded</u>. This Order does not apply to:
 - (1) An employee whose appointment is made by and with the advice and consent of the Senate;
 - (2) An employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by:
 - 1. The Office of Personnel Management for a position that it has excepted from the competitive service; or
 - 2. The President or the EEOC Chairman for a position which is excepted from the competitive service by statute;
 - (3) An individual appointed by the President;
 - (4) A reemployed annuitant;
 - (5) An employee serving in the Senior Executive Service;
 - (6) A competitive service employee serving a probationary or trial period;
 - (7) A competitive or excepted service employee serving under a temporary appointment limited to one (1) year or less; or
 - (8) an employee in the excepted service (other than a preference eligible) who has not completed two years of current continuous service, under other than a

temporary appointment limited to 2 years or less in the same or similar positions.

- d. Other Actions Excluded. This Order does not apply to:
 - (1) An action under 5 U.S.C. §7532 relating to national security;
 - (2) An action under 5 U.S.C. §1206 relating to the authority and responsibilities of the Special Counsel;
 - (3) An action taken under provision of statute other than one codified in Title 5, United States Code, which excepts the action from subchapter I, chapter 75 of Title 5, United States Code;
 - (4) A removal or suspension under 5 U.S.C. 7532, relating to national security;
 - (5) A reduction-in-force action under 5 U.S.C. 3502, or 5 CFR Part 351;
 - (6) A reduction in grade and pay of a supervisor or manager who has not completed the probationary period under 5 U.S.C. § 3321(a)(2), if such reduction is to the grade held immediately before becoming such a supervisor or manager and is based only on supervisory or managerial performance;
 - (7) A reduction in grade or removal under 5 U.S.C. § 4303, 5 CFR Part 432, and EEOC Order 540.007 or its successors;
 - (8) An action initiated under 5 U.S.C. 1206 under the authority of the Special Counsel;
 - (9) A voluntary action initiated by the employee;
 - (10) A termination of a term promotion at the completion of the project or specified period, and the return of the employee to the position from which he or she was promoted or to a position of equivalent grade or pay;
 - (11) An action taken or directed by the Office of Personnel Management under 5 CFR Part 731 or Part 754;
 - (12) An action which entitles an employee to grade retention under 5 CFR Part 536, and an action to terminate this entitlement;
 - (13) An involuntary retirement because of disability under 5 CFR Part 831;
 - (14) Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made;

- (15) Termination of a temporary promotion and the return of the employee to the position from which temporarily promoted or reassignment or demotion of the employee to a different position not at a lower grade or level than the position from which temporarily promoted;
- (16) Reduction of an employee's rate of pay from a rate which is contrary to law or regulation to a rate which is required or permitted by law or regulation; and
- (17) Other actions that may be excluded from coverage as prescribed by law or regulation.

6. RESPONSIBILITIES

- a. <u>Director, Office of Human Resources (Chief Human Capital Officer)</u>, shall oversee:
 - (1) Development and implementation of the disciplinary and adverse actions program, including the providing of ongoing policy direction; and
 - (2) Evaluation of the disciplinary and adverse actions program, including the reviewing of disciplinary and adverse actions periodically to insure consistency and adherence to EEOC policies and procedures.
- b. Manager or Supervisor shall take a disciplinary action or initiate an adverse action, when necessary, assure the disciplinary action or adverse action is taken and/or proposed in accordance with this Order, and sign the proposal or decision of disciplinary action or adverse action. This includes carrying out the responsibilities of the proposing official, oral reply official, and/or deciding official, as appropriate, with respect to suspensions. Supervisors should be alert to employee problems which may be developing and seek assistance from the Office of Human Resources (OHR) in order to ensure timely and appropriate action is taken. It is expected that most problems will be resolved between the supervisor and the employee as they arise. If the supervisor detects a problem which might be resolved through professional counseling and/or rehabilitation, the supervisor should refer the employee to the Employee Assistance Program.
- c. <u>Technical Assistance Official</u>, a Human Resources Specialist or Attorney-Advisor in the Office of Human Resources, an Attorney-Advisor in the Office of General Counsel or Office of Legal Counsel in Headquarters or a District Resources Manager in the field, as appropriate, shall provide staff advice to officials taking disciplinary actions, including the proposing and deciding of suspensions for 14 days or less and adverse actions. He or she shall review all proposals and decisions of suspensions and, as requested, other letters of disciplinary action or adverse action prior to delivery to the employee to provide technical guidance on procedural adequacy and consistency with policy and regulation.

- d. <u>Proposing Official</u> shall propose a suspension or adverse action when necessary, assure the suspension or adverse action is proposed in accordance with this Order (including the obtaining of technical assistance from the appropriate technical assistance official), and sign the notice of proposed suspension or proposed adverse action.
- e. <u>Oral Reply Official</u> shall receive the oral answer to a proposed suspension or proposed adverse action and prepare a written summary of the answer. Where the oral reply official is not also the deciding official, he or she shall make a recommendation on the proposed suspension or proposed adverse action to the deciding official.
- f. <u>Deciding Official</u>, shall consider the proposed suspension or proposed adverse action, along with any oral or written answer made by the employee, decide the proposed suspension or proposed adverse action in accordance with this Order (including the obtaining of technical assistance from the Human Resources Specialist, District Resources Manager or Attorney-Advisor), and sign the notice of suspension or adverse action.
- g. Office of General Counsel, or his or her designee shall provide legal advice on disciplinary or adverse actions when requested and appoint an Agency representative to represent the EEOC on a grievance, an appeal, or an EEO complaint involving an adverse action under this Order.
- h. <u>Agency Representative</u> shall represent the EEOC in any third party proceeding involving an adverse action under this Order.
- 7. DEFINITIONS. For purpose of this Order the following definitions apply:
 - a. <u>Adverse Action</u>. An action which is taken against an employee due to performance and/or conduct, including removal, reduction in grade and/or pay, suspension for more than 14 days, and a furlough of 30 days or less.
 - b. Conduct. Work-related behavior.
 - c. <u>Day</u>. Calendar Day.
 - d. <u>Deciding Official</u>. A management official authorized pursuant to EEOC Order 130.009, Delegation of Personnel Authority, to make the decision on a proposed suspension for 14 days or less or a proposed adverse action. The deciding official must be at a higher level than the proposing official.
 - e. <u>Disciplinary Action</u>. An action taken by management to correct serious deficiencies in an employee's conduct or work performance. Formal disciplinary actions become a matter of record in an employee's electronic Official Personnel Folder (eOPF), except where noted otherwise in this Order.

- f. <u>Duty Time</u>. Time during work hours at the worksite without charge to leave or loss of pay. It does not include overtime, holiday pay, or time for which premium pay is normally authorized.
- g. <u>Employee</u>. For purposes of this Order, a non-bargaining unit employee.
- h. Employee Representative. An attorney or other person designated by the employee, in writing, who is willing to act on the employee's behalf in matters involving a proposed or actual suspension or adverse action. An employee representative may not be an individual whose activities as a representative would cause a conflict of interest or position; or an employee whose release from his or her official duties could give rise to unreasonable costs to the Government or whose priority work assignments preclude his or her release.
- i. <u>Furlough</u>. Mandatory time off work with no pay. In mandatory employee furloughs, employees take unpaid or partially paid time off from work for periods of time as determined by the agency.
- Harmful Error. An error by the EEOC in the application of the procedures set forth in this Order which, in the absence or cure of the error, would have been likely to cause the EEOC to reach a conclusion different than the one reached. The burden is upon the employee to show the error was harmful, i.e., caused substantial harm or prejudice to his or her rights.
- k. <u>Indefinite Suspension</u>. The placing of an employee in a temporary status without duties and pay pending resolution of possible criminal misconduct or for other reasons pending inquiry or investigation.
- 1. <u>Manager or Supervisor</u>. A management official authorized pursuant to EEOC Order 130.009, Delegation of Personnel Authority, to propose or take a disciplinary action or adverse action under this Order against an employee under his or her span of control (see also "Proposing Official" and "Deciding Official" with respect to suspensions).
- m. <u>Medical Condition</u>. A health impairment which results from injury or disease, including psychiatric disease. (5 CFR §339.104).
- n. <u>Medical Documentation</u>. A statement which provides the information set forth under 5 CFR §339.104, or the parts of such information identified as necessary and relevant.
- o. <u>Informal Actions</u>: Informal actions may be appropriate when, in the supervisor's judgment, there is a reasonable assurance that the recurrence of misconduct can be prevented without formal action. Documentation of these actions is not filed in the employee's eOPF. Informal actions may include the following: (1) Counseling: a verbal communication with the employee in private. Supervisors should clearly identify the misconduct and warn the employee of potential consequences should the

misconduct continue. It is recommended that the supervisor follow up the oral counseling with a written statement outlining that the counseling took place; (2) Letter of Instruction: a written communication with the employee that clearly identifies the date and nature of the misconduct, the supervisor's expectations and the results needed to improve the conduct; and (3) Leave Restriction: a notice which imposes certain requirements for leave approval when an employee's use of leave is excessive or reflects a pattern of abuse. Prior to issuance of a leave restriction notice, the employee should be counseled concerning the abuse and given a reasonable time to improve.

- p. <u>Oral Reply Official</u>. An employee who is designated to receive an oral answer and to make or recommend a decision on a proposed suspension or proposed adverse action. In most cases, the oral reply official is the deciding official.
- q. Pay. The rate of basic pay fixed by law or administrative action for the position held by an employee.
- r. <u>Performance</u>. An employee's accomplishment of assigned work.
- s. <u>Proposing Official</u>. A management official authorized pursuant to EEOC Order 130.009, Delegation of Personnel Authority, to propose a suspension for 14 days or less or to propose an adverse action.
- t. <u>Suspension</u>. The placing of an employee, for disciplinary reasons, in a temporary status without duties and pay.
- u. <u>Unacceptable Performance</u>. Performance by an employee that fails to meet the established performance standards in one or more critical elements of his or her position.
- 8. RELATED EEOC DIRECTIVES. The following EEOC Orders are related to this Order and should be consulted, as applicable, when taking action under this Order:
 - a. EEOC Order 130.009, Delegation of Personnel Authority, or its successor;
 - b. EEOC Order 560.003, Procedures for the Request and Provision of Reasonable Accommodation, or its successor;
 - c. EEOC Order 501.002, Courtesy in Dealing with the Public, or its successor;
 - d. EEOC Order 540.007, Performance-Based Reduction-in-Grade and Removal Actions Based (Non-Bargaining Unit Positions), or its successor;
 - e. EEOC Order 570.003, Administrative Grievance System Handbook, or its successor;

- f. EEOC Orders 370.002, Appendix B, EEOC Security Plan Employee Assistance Program, and 570.008, Drug-Free Workplace Plan, or its successors;
- g. EEOC Order 501.004, Prohibition Against Discrimination on the Basis of Conduct that does not Affect Adversely the Performance of Employees or Applicants, or its successor; and
- h. EEOC Order 560.001, Equal Employment Opportunity, or its successor.

9. GENERAL PROVISIONS.

- a. <u>Nondiscrimination</u>. A disciplinary or adverse action may not be taken against an employee on the basis of any reasons prohibited by 5 U.S.C. § 2302, e.g., prohibited discrimination, reprisal for legitimate whistleblowing activity, or the exercise of any appeal right granted by law, rule, or regulation.
- b. <u>Discipline on the basis of conduct</u>. Many situations may call for disciplinary action on the basis of conduct and a variety of disciplinary and adverse actions are available. Disciplinary actions for conduct may be taken at any time. When deciding what penalty is appropriate, managers should consider the gravity of the offense, mitigating circumstances, the frequency of the offense, any prior record and other appropriate factors that may be present in the particular situation.
- c. <u>Physical or mental disability</u>. The EEOC shall be aware of the affirmative obligation of the provisions of 29 CFR § 1613.704, which require reasonable accommodation of a qualified employee who is disabled (see EEOC Order 560.003 or its successors).
- d. <u>Alcohol, drug, or emotional/behavioral problems</u>. If poor performance or misconduct may be attributable to an alcohol, drug, or emotional or behavioral problem, the employee should be offered rehabilitative assistance in accordance with the EEOC's Employee Assistance Program. However, alcohol, drug or emotional/behavioral problems do not negate a potential disciplinary or adverse action.
- e. <u>Use of harmful error</u>. An EEOC decision of disciplinary action may not be sustained if the employee shows harmful error in the application of the procedures set forth in this Order.
- f. <u>Disallowance of employee representative</u>. When an employee's choice of representative is disallowed because it does not conform to this order (see paragraph 7.h.) the deciding official, after consultation with the servicing personnel office and, if necessary, the Office of General Counsel, shall issue to the employee a notice in writing specifying the specific reasons for the disallowance. The employee should be allowed a reasonable time to designate a proper representative.
- g. <u>Performance and/or conduct</u>. An adverse action on the basis of conduct shall be taken only under this Order. An adverse action on the basis of performance may also be

taken under this Order if the action is taken for "such cause as will promote the efficiency of the service" and can meet the preponderance of evidence standard burden of proof.

- h. <u>Discussion with the employee</u>. When practical and administratively feasible, the proposing official should discuss informally with the employee the basis for a proposed adverse action.
- 10. LETTER OF WARNING. A manager or supervisor may warn an employee about an offense by issuing a letter which:
 - a. Clearly identifies the letter as a letter of warning;
 - b. Sets forth in detail the offense or deficiency in performance or conduct, as well as an indication of the expected which needs improvement; and
 - c. Informs the employee that a more severe disciplinary action may be taken if the deficiency in performance or conduct is not corrected.

A letter of warning should normally be issued within a reasonable period of time following the incident or knowledge of the incident. A copy of the letter of warning shall not be placed in the employee's eOPF.

- 11. LETTER OF REPRIMAND. A manager or supervisor may reprimand an employee by issuing a letter which:
 - a. Clearly identifies the letter as a letter of reprimand;
 - b. Sets forth in detail the offense or deficiency in performance or conduct, as well as an indication of the expected improvement;
 - c. Informs the employee that further inadequate performance or misconduct may result in more severe action, e.g., a suspension or other adverse action;
 - d. Informs the employee of the length of time that a copy of the letter shall be maintained in his or her eOPF (see below); and
 - e. Informs the employee of his or her grievance rights.

A letter of reprimand should normally be issued within a reasonable period of time following the incident or knowledge of the incident. A letter of reprimand shall be maintained in the employee's eOPF for a specified period of time up to three years. The letter of reprimand shall be removed from the eOPF at the end of the specified period or upon the employee's separation from the EEOC, whichever occurs first. The manager or supervisor issuing the letter of reprimand is responsible for furnishing a copy of the letter to the servicing personnel office for inclusion in the employee's eOPF.

- 12. SUSPENSION OF 14 DAYS OR LESS. A manager or supervisor may propose a suspension or decide, as applicable, a proposed suspension for 14 days or less for such cause as will promote the efficiency of the service (including discourteous conduct to the public confirmed by an immediate supervisor's report of four such instances within any one-year period or any pattern of discourteous conduct). A notice of proposed suspension should be issued within a reasonable time following the incident or knowledge of the incident.
 - a. Advance notice of proposed action. An employee against whom a suspension for 14 days or less is proposed is entitled to an advance written notice which:
 - (1) Gives the employee at least 15 calendar days advance notice of the proposed suspension unless he or she is covered under paragraph 5.b.(3), in which case the advance notice period is at least seven (7) calendar days;
 - (2) States specifically the length of the proposed suspension (no more than 14 days);
 - (3) States the specific reason(s) for the proposed suspension, with sufficient detail (including names, times, and places) to enable the employee to respond to the reason(s);
 - (4) Contains a statement informing the employee of his or her right to review the material relied on to support the reason(s) for the proposed action and where it may be reviewed;
 - (5) States the amount of duty time, normally up to four hours, allowed for the employee to review the material relied on, to secure affidavits, and to prepare an answer to the proposed suspension, if he or she is in an active duty status;
 - (6) Identifies the person with whom to make arrangements for the use of duty time;
 - (7) Advises the employee of the right to answer the proposal orally and in writing (the right of an employee to answer orally in person does not include the right to a formal hearing with examination of witnesses);
 - (8) Informs the employee of the amount of time, seven (7) calendar days, to be given for the employee to answer the notice and to furnish affidavits and other documentary evidence in support of his or her answer;
 - (9) Contains a statement that a request for an extension of time to answer will be considered, if made in writing to the deciding official and setting forth the reason(s) for such request;

- (10) Identifies the management official(s) who will receive any oral and written answer and make a decision on the proposal;
- (11) Advises the employee that he or she may be represented by an attorney or other representative; and
- (12) States that as soon as possible after the employee's written and or oral answer is received, or after expiration of the time period to answer, if he or she does not respond, a written decision will be issued.
- b. <u>Written decision</u>. A notice must meet the following requirements:
 - (1) State the penalty imposed and effective date;
 - (2) State the specific reason(s) for the decision;
 - (3) Be based only on the reason(s) specified in the notice of proposed suspension;
 - (4) Identify any reason(s) in the notice of proposed suspension which have not been sustained;
 - (5) Inform the employee of his or her right to file a grievance under EEOC Order 570.003; and
 - (6) Be delivered to the employee at or before the time the action will be effective.
- c. <u>Implementation of decision to suspend</u>. The deciding official shall take necessary action to implement a notice of suspension by contacting the District Resource Manager or Human Resources Specialist to ensure that the suspension is officially documented in the eOPF.
- d. <u>Delivery of notice</u>. Where feasible, the notice of proposed suspension or the notice of decision should be delivered personally and a written acknowledgement should be obtained to document receipt. Otherwise, the original of a proposal or decision should normally be sent by return receipt registered mail for delivery to and receipt by the addressee only, and another copy sent by regular first class mail.
- 13. REMOVAL, REDUCTION IN GRADE OR SUSPENSION OF 14 DAYS OR MORE. The provisions of this paragraph apply to suspensions for more than 14 days, removals, reductions in grade or pay, furloughs of 30 days or less, or other actions which result in an involuntary separation or reduction in grade or pay when such actions are not based solely on unacceptable performance (see paragraph 7.a. above).

- a. <u>Advance notice of proposed action.</u> An employee against whom an adverse action is proposed is entitled to a 30-day advance written notice which:
 - (1) Provides at least 30 days advance written notice unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed or, in the case of an emergency furlough, the action is required due to unforeseen circumstances (see paragraph 13.b. below);
 - (2) States the specific reason(s) for the proposed action, with sufficient detail, including names, times and places, to enable the employee to respond to the reason(s);
 - (3) In the case of a proposed furlough for 30 days or less, the proposed action must state the reasons for the furlough and, if applicable, state the basis for selecting a particular employee for furlough;
 - (4) Informs the employee of his or her right to review the material relied on to support the reasons for the proposed action and where it may be reviewed upon request (medical or psychological records which cannot be disclosed to the employee or his or her representative or designated physician under 5 CFR §297.204 and 297.205 may not be used to support the reasons in the notice);
 - (5) States the amount of duty time (normally up to 8 hours) allowed for the employee to review the material relied on to support the notice of proposed action, to secure affidavits, and to prepare an answer, if he or she is otherwise in an active duty status;
 - (6) Advises the employee of his or her right to answer orally and in writing within fifteen (15) calendar days and to furnish affidavits and other documentary evidence in support of the answer;
 - (7) Contains a statement that a request for an extension of time to answer will be considered, if made in writing to the deciding official and setting forth the reason(s) for such request;
 - (8) Identifies the management official(s) who will receive any oral and written answer and make a final decision on the proposed adverse action;
 - (9) States the employee's right to be represented by an attorney or other representative;
 - (10) Identifies the person with whom to make arrangements for the use of duty time;

- (11) States that as soon as possible after the employee's oral and/or written answers and any medical documentation are received, or after expiration of the time period to answer, if he or she does not answer, a written decision will be issued; and
- (12) States that the employee shall remain in an active duty and pay status during the advance notice period, if applicable.

b. Exception to the 30 day advance notice period.

- (1) Advance written notice and opportunity to answer are not required for furlough without pay due to unforeseeable circumstances, such as sudden breakdown in equipment, acts of God, or immediate curtailment of activities; or
- When there is a reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed, the employee must be given such time as under the circumstances would be reasonable, but not less than seven days, to furnish any answer to the proposed action, and affidavits and other documentary evidence in support of the answer. In such instance, guidance shall also be provided to management by the Office of General Counsel.
- c. Status of the employee during advance notice period. Normally an employee against whom an adverse action is proposed shall remain in a duty status in his or her regular position during the advance notice period. In those rare circumstances where the EEOC determines that the employee's continued presence in the work place during the notice period, pending inquiry or investigation, may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the EEOC may:
 - (1) Temporarily assign the employee to duties where he or she is no longer a threat to safety, to the EEOC mission, or to Government property;
 - (2) Place the employee on leave with his or her consent;
 - (3) Carry the employee on appropriate leave (annual, sick, leave without pay), if he or she is absent for reasons not originating with the EEOC; or
 - (4) Curtail the notice period when the EEOC can invoke the provisions of paragraph 13b (the crime provision).
 - 1. If none of the alternatives in paragraph 13.c. above are feasible, the EEOC may place the employee in a paid, non-duty status during all or part of the advance notice period.

- 2. When the provisions of paragraph 13.b. (the crime provision) are invoked against an employee, and when the circumstances require immediate action, the employee may be placed in a non-duty status with pay for such time as is necessary to effect the action.
- d. <u>Employee's answer</u>. An employee covered by this Order has the right to make an oral and a written answer to the notice of proposed adverse action and to furnish affidavits and other documentary evidence in support of his or her answer. If an employee or his or her representative requests an opportunity to make an oral answer, he or she must be given an opportunity to make any oral reply he or she believes may influence the decision in the employee's favor or reduce the penalty. The EEOC may not restrict the answer solely to matters relating to the reasons cited in the proposed adverse action. If the employee wishes the EEOC to consider any medical condition which may have contributed to a conduct, performance, or leave problem, he or she shall furnish medical documentation (where possible, within the time limits allowed for answer). Any timely answer and medical documentation received from the employee must be given full consideration in arriving at a decision on a proposed adverse action.
- e. <u>Medical considerations</u>. If the employee submits medical documentation, the EEOC may, if authorized, require a medical examination or otherwise, at its option, offer a medical examination in accordance with the criteria under 5 CFR Part 339 of the Office of Personnel Management regulations. If the employee has five years of service, the EEOC shall provide information concerning disability retirement. An employee's application for disability retirement does not automatically preclude or delay an appropriate adverse action.
- f. Written decision. A decision notice must meet the following requirements:
 - (1) State the penalty imposed and effective date;
 - (2) State the specific reason(s) for the decision;
 - (3) Be based only on the reasons specified in the notice of proposed adverse action;
 - (4) Identify any reason(s) in the notice of proposed adverse action which has (have) not been sustained;
 - (5) State that the employee answered in writing and, if applicable, orally and that the EEOC considered the answer (including any medical documentation if submitted), or that the employee did not answer, as the case may be;
 - (6) If the employee submitted medical documentation and he or she has five years of service, and, if the EEOC has not already done so, advise the

- employee that he or she may be eligible for disability retirement and provide him or her information thereon;
- (7) If applicable, inform the employee whether the EEOC relied on a past record and, if applicable, a decision on the severity of the penalty imposed;
- (8) Advise the employee of his or her appeal or grievance rights (see paragraph 14 below); and
- (9) Be delivered to the employee at or before the time the action will be effective.

14. APPEAL OR GRIEVANCE RIGHTS

a. Right of appeal

- (1) An employee covered under paragraph 5b against whom a suspension of more than 14 days, a reduction in grade or removal is taken under this Order is entitled to appeal to the Merit Systems Protection Board (MSPB). The appeal must be filed in accordance with 5 CFR §§1201.22 through 1201.24.
- (2) The employee must be:
 - (a) Advised that an appeal to the MSPB must be filed during the period beginning with the day after the effective date of the action being appealed until not later than 30 days after the effective date;
 - (b) Provided the address of the appropriate MSPB office for filing an appeal; and
 - (c) Advised where he or she can obtain a copy of the MSPB's regulations and a copy of the MSPB appeal form.
- b. <u>Mixed case</u>. If the employee believes that he or she has been discriminated against, in whole or in part, because of race, color, religion, sex, national origin, disability, genetic information or age (provided the employee is at least 40 years old as of the effective date of the adverse action) or believes that he or she is subject to the adverse action because of opposition to such discrimination, he or she may file a mixed case complaint or appeal in accordance with EEOC Order 560.001 or the MSPB (see paragraph 14.a. above). The employee should be advised that he or she may not initially file both a complaint with the EEOC and an appeal with the MSPB. Whichever is filed first shall be considered an election to proceed in that forum.
 - c. <u>Right to grieve</u>. An employee covered by paragraph 5.b. against whom an action is taken under this Order may be entitled to grieve the action under EEOC Order

570.003 or its successor, if the grievance system does not specifically exclude the matter. A grievance must be filed in accordance with EEOC Order 570.003 or its successor.

- d. Other possible review route. If the employee believes that he or she has been discriminated against because of race, color, religion, sex, national origin, disability, genetic information or age (provided the employee is at least 40 years old as of the date of the action) in connection with the disciplinary action, or believes that he or she is subject to the disciplinary action because of opposition to such discrimination, he or she may file an EEO complaint in accordance with EEOC Order 560.001 or its successor.
- 15. DELIVERY OF NOTICE. Where feasible, the notice of proposed suspension or the notice of decision should be delivered personally and a written acknowledgement should be obtained to document receipt. Otherwise, the original of a proposal or decision should normally be sent by return receipt registered mail for delivery to and receipt by the addressee only, and another copy sent by regular first class mail.
- 16. IMPLEMENTATION OF AN ADVERSE ACTION DECISION. The deciding official shall take necessary action to implement a notice of decision by contacting the District Resource Manager or Human Resources Specialist to ensure that the adverse action is officially documented in the eOPF.
- 17. RECORDKEEPING REQUIREMENTS. All relevant documentation to a disciplinary or an adverse action under this Order shall be maintained and disposed of in accordance with EEOC Order 201.001, EEOC Records Management. The EEOC shall furnish the records to the MSPB upon its request and to the employee or his or her representative upon his or her request. At a minimum, the records of a suspension or an adverse action file shall consist of:
 - a. A copy of the notice of proposal;
 - b. The employee's written reply when submitted;
 - c. A summary or transcript of the employee's oral answer when presented;
 - d. Any medical documentation submitted;
 - e. The notice of decision which includes the reason(s) for the decision;
 - f. Any supporting materials such as statements of witnesses, affidavits, documents, and investigative reports or extras from them; and
 - g. The official document effecting the action.

18. ACTIONS APPEALED OR GRIEVED.

- a. Receipt of appeal. If a District Director or the Office of Human Resources receives notification from MSPB that an adverse action has been appealed, the District Office or Office of Human Resources, as applicable, must:
 - (1) Immediately notify the General Counsel, or his or her designee, of the appeal; and
 - (2) As applicable, send the appeal and the adverse action file to the Office of General Counsel, in care of the Director, Internal Litigation Services, by the current EEOC fastest mail delivery service (or by other means agreed to by the General Counsel, or his or her designee) or hand deliver the appeal to the Office of General Counsel and advise where the adverse action file is maintained. Electronic mail will also be acceptable.
- b. Receipt of a grievance or an EEO complaint. A grievance must be processed in accordance with EEOC Order 570.003 or its successor, if applicable, and an EEO complaint must be processed in accordance with EEOC Order 560.001 or its successor. If a matter covered by this Order falls within the administrative grievance procedure at EEOC Order 570.003, the employee may elect to file a grievance under EEOC Order 570.003 or its successor, or appeal to the MSPB, but may not avail themselves of both forums.
- c. <u>Appointment of Agency representative</u>. When the EEOC is notified of an appeal to the MSPB or, when requested, the Office of General Counsel shall designate a representative to represent the EEOC.
- d. <u>Coordination of appeal, grievance or EEO complaint</u>. When representing the EEOC on an adverse action under his Order, the Agency representative shall coordinate the appeal, grievance, or EEO complaint with appropriate officials in the Office of Human Resources to assure adherence to personnel policies, regulations, and procedures.
- 19. OBSOLETE DATA. EEOC Orders 570.001 and 570.002, dated October 30, 1987, should be removed from the reference files and destroyed.

Lisa M. Williams

Chief Human Capital Officer

HUMAN RESOURCES Agency Administrative Grievance System

- 1. SUBJECT. Agency Administrative Grievance System.
- 2. PURPOSE. This Order establishes the agency's administrative grievance system under which covered employees may receive prompt and fair review of matters of concern and dissatisfaction to them when these matters are under the control of EEOC management.
- 3. EFFECTIVE DATE. March 1, 2010.
- 4. ORIGINATOR. Office of Human Resources.
- 5. POLICY. It is the policy of the EEOC to seek and encourage open and ongoing communication between and among supervisors and employees. Supervisors are to foster open communication with employees by providing them an opportunity to informally express their concerns about matters affecting them, by considering their point of view, and by providing explanations for actions taken. Similarly, employees should be fully supportive of management's goals and objectives and should seek to resolve concerns informally and at the lowest possible organizational level.
- 6. ALTERNATIVE DISPUTE RESOLUTION. It is recognized, however, that some disputes arise that cannot be resolved through daily informal interaction between employees and their supervisors. If problems persist, employees are strongly encouraged to contact a representative of the EEOC RESOLVE program before pursuing the administrative grievance procedures. RESOLVE will provide a neutral party who will employ various techniques of Alternative Dispute Resolution (ADR) in an attempt to assist employees and their supervisors in arriving at voluntary and mutually satisfactory solutions to their disputes.
- 7. **CONFIDENTIALITY**. Any person involved in the processing of a grievance shall respect the confidentiality of all communications with the employee and the right of the employee to privacy. Information related to a grievance is considered confidential and should not be disclosed to anyone not directly involved in the adjudication and processing of the grievance.

- **DEFINITIONS.** For purposes of the Agency's Administrative Grievance System, the definitions as set forth below apply.
 - a. <u>Alternative Dispute Resolution (ADR)</u>. A confidential process that encompasses various techniques, e.g., mediation, facilitation, etc., to informally resolve disputes.
 - b. <u>Bargaining Unit Employee</u>. An employee included in an appropriate exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition. Bargaining unit status (that is, whether the position is in or out of the unit) pertains solely to the employee's position in the agency.
 - c. <u>Days</u>. Unless specified otherwise, the term "days" means calendar days. If, however, a time limit expires on a weekend, holiday, or other non-workday, the time limit shall be extended to the next work day.
 - d. <u>Deciding Official</u>. The Deciding Official is a management official designated to receive and attempt resolution of the grievance. Generally, this is an official at a higher level than any employee involved in the matter that is the subject of the grievance, unless that official is the Chair of the agency.
 - e. <u>Duty Time</u>. Time granted during work hours at the worksite without charge to leave or loss of pay. Duty Time does not include overtime, holiday pay, or time for which premium pay normally is authorized.
 - f. <u>Employee</u>. A current or former agency employee of the EEOC for whom a remedy can be provided, was covered under the agency's Administrative Grievance System while employed, and filed a timely grievance prior to separation.
 - g. <u>Fact-finder</u>. A person designated to conduct independent fact-finding on a grievance. A fact-finder must be a person who has not been involved in the matter being grieved and who does not occupy a position subordinate to any official who is part of the decision making process on the grievance, unless that official is the agency Chairman.
 - h. **Grievance**. A written request by an employee, or by a group of employees, for personal relief in a matter of concern or dissatisfaction, relating to the employment and/or condition of employment of the employee(s), which is subject to the control of EEOC management.
 - i. <u>Grievance Decision</u>. A written decision by the Deciding Official at the Informal or Formal stage of the grievance procedure. A decision at the Formal stage is the final decision on the grievance.

- j. <u>Grievance File</u>. A separate file established for each grievance which contains all documents relevant to the grievance.
- k. <u>Mediation</u>. An informal mediation process in which a trained mediator assists the parties to reach a negotiated resolution of a dispute.
- 1. <u>Personal Relief.</u> A specific remedy directly benefiting the grievant. This may not include a request for or result in disciplinary or other action(s) which may adversely affect another employee. No relief can ever be provided that is not permissible under law or regulation.
- 9. EMPLOYEE COVERAGE. The Administrative Grievance System applies to all non-bargaining unit EEOC employees (including former employees who filed a timely grievance prior to their separation). Non-career Senior Executive Service (SES) employees, employees appointed under Schedule C hiring authority whose position has been determined to be of a confidential, policy-determining, policy-making or policy-advocating character by the Office of Personnel Management, the President or the EEOC Chair for a position exempted from the competitive service, employees whose appointment is made by and with the advise and consent of the Senate, and bargaining unit employees covered by a collective bargaining agreement are excluded from the grievance process. Bargaining unit employees may be covered only when a matter covered by the Administrative Grievance System cannot be grieved under a negotiated procedure.

10. SUBJECT MATTER COVERAGE.

- a. <u>Matters covered</u>. Except as provided in Paragraph 10(b) below, the EEOC Administrative Grievance System applies to any matter of concern or dissatisfaction relating to the employment of an employee which is subject to the control of EEOC management. This includes, but is not limited to:
 - (1) Working conditions;
 - (2) Improper application of, or failure to follow, rules and regulations;
 - (3) Unfair treatment, including coercion, restraint, or reprisal;
 - (4) Performance appraisal/rating;
 - (5) Suspensions of 14 days or less and other written disciplinary actions taken in accordance with EEOC Order 570.001 (Disciplinary and Adverse Actions for Non-Bargaining Unit Employees); and
 - (6) Changes in official assignment, including but not limited to details and reassignments.

- b. <u>Matters excluded</u>. Exclusions to the grievance process are any matters excluded by law or regulation. Employees may **not** use this grievance process whenever:
 - (1) Grievances are allowable;
 - (2) Decisions may be appealed to the Merit Systems Protection Board;
 - (3) The action is not yet finalized and effected, but only proposed (e.g., a Proposal to Suspend for 14 days or less);
 - (4) It is an agency policy or regulation the employee disagrees with (employees can grieve the alleged misinterpretation or misapplication of the policy);
 - (5) The employee was selected for a promotion or a position from a list of properly ranked and certified candidates;
 - (6) It is a matter relating to the agency's Performance Management System (PMS); performance elements and standards; a performance improvement plan; and any tentative, preliminary appraisal under agency performance management procedures;
 - (7) The matter pertains to awards or salary;
 - (8) An SES employee is returned from the SES to the General Schedule during the one year period of probation, or for less than Fully Successful executive performance under 5 U.S.C. § 3592; and
 - (9) The matter concerns termination of a bargaining unit or non-bargaining unit employee, serving under a probationary or trial period, or return of an employee, serving a supervisory or managerial probation to a non-supervisory or managerial position.

11. RESPONSIBILITIES.

a. Office of the Chair. The Chair, or his or her designee, shall serve as Deciding Official on all formal grievances.

b. Office of Human Resources (OHR).

- (1) Ensure that supervisors and employees are aware of the provisions of this procedure;
- (2) Provide **RESOLVE** with any information or documents needed prior to or during mediation;

- (3) Review all grievance decisions/agreements prior to issuance, for compliance with laws, regulations, and policies; and
- (4) Provide for the proper storage and disposal of grievance files in accordance with EEOC regulations and policies.

c. Supervisors.

- (1) Continually seek to improve communication with employees;
- (2) Attempt to resolve workplace disputes informally and utilize the services of **RESOLVE** for those conflicts where the assistance of a trained neutral could help resolve the grievance;
- (3) Adhere to these procedures when addressing employee grievances, including consulting with the OHR when a grievance is received, and prior to entering into mediation agreements; and
- (4) Maintain the confidentiality of the grievance process.

d. **Employees**.

- (1) Work cooperatively with supervisors and co-workers to satisfactorily achieve the mission, goals, and objectives of the organization and towards solving work place disputes;
- (2) Adhere to these procedures when filing grievances; and
- (3) Maintain the confidentiality of the grievance process.
- e. <u>The Technical Assistance Officer</u>: A Technical Assistance Officer, normally the District Resource Manager or an employee in the Office of Human Resources in Headquarters, as applicable, shall:
 - (1) Provide advice to supervisors and managers in the processing of a grievance; and
 - (2) Upon request, counsel employees and/or their representatives on the procedural aspects of processing grievances.
- f. Employee Representatives: An Employee Representative shall:
 - (1) Comply with the requirements of this agency Administrative Grievance System in Paragraph 12 "Rights of the Employee" of this Order in representing an employee.

g. **RESOLVE**.

- (1) Serves as an informal, confidential, neutral, independent resource for addressing workplace disputes either outside these grievance procedures or through them when a grievance is filed;
- (2) Assigns trained neutrals and employs ADR techniques in the resolution of disputes when ADR is requested; and
- (3) Notifies employees and Deciding Officials when the ADR process has concluded.

12. RIGHTS OF THE EMPLOYEE.

- a. The employee has the right to be free from restraint, interference, coercion, discrimination, or reprisal in filing a grievance.
- b. The employee has the right to be accompanied, represented, and advised by a representative of his or her own choosing, except that EEOC may disallow the choice of an individual as a representative which would:
 - (1) Result in a conflict of interest or position;
 - (2) Conflict with the priority needs of EEOC; and
 - (3) Give rise to unreasonable costs to the Government.
- c. The employee has the right to a reasonable amount of duty time to present the grievance.
- d. An employee (and his or her representative, if an EEOC employee) is entitled to a reasonable amount of duty time (normally up to 2 1/2 hours) to prepare a grievance. The employee and representative, if an EEOC employee, must obtain supervisory approval of duty time in advance. A representative is not entitled to payment of travel expenses or per diem by the EEOC.
- e. The employee has the right to reasonable accommodation in the processing of a grievance, if he or she is an individual with a disability as defined by the Rehabilitation Act and when the reasonable accommodation would not cause undue hardship on the Agency (see EEOC Order 560.003; EEOC Procedures for Providing Reasonable Accommodations for Individuals with Disabilities).
- 13. ALLEGATIONS OF DISCRIMINATION. An employee cannot pursue both a grievance and a formal EEO complaint concerning the same matter. Participation in

informal, pre-complaint counseling does not constitute election of the EEO complaint procedure.

14. TIME LIMITS FOR PROCESSING A GRIEVANCE.

- a. A grievance must be filed in writing within 30 days of the act or occurrence of the incident or within 30 days after the employee became aware of the act or occurrence of the incident, whichever is later. When the grievance involves a suspension, reduction in grade or pay, furlough or termination, the incident occurs on the effective date.
- b. The time limits for filing or responding to a grievance may be extended upon the mutual agreement of the parties.
- c. Failure to comply with time limits established in this Order may serve as grounds for rejecting the grievance.

15. CONTENTS OF A GRIEVANCE. A grievance must:

- a. Be in writing (supporting documentation is encouraged);
- b. Be identified as a grievance;
- c. Clearly identify the matter(s) being grieved;
- d. Specify the personal relief requested; and
- e. If applicable, include a designation of representative.
- 16. PROCEDURAL ADEQUACY OF A GRIEVANCE. Upon receipt of a grievance, the supervisor or management official, as applicable, must review the grievance to determine if it is procedurally sufficient. If the grievance is rejected for procedural inadequacy, the relevant supervisor, management official or Deciding Official shall issue a written decision, as applicable, within 30 days after receipt of the grievance.

17. CONTENTS OF THE WRITTEN DECISION AT THE INFORMAL STAGE. A written decision should:

- a. Identify the nature or issue(s) of the grievance and the personal relief requested;
- b. Describe the pertinent background and/or facts concerning the matter being grieved; and
- c. Describe the results of efforts to achieve a solution to the grievance.

- 18. CONTENTS OF THE GRIEVANCE DECISION AT THE FORMAL STAGE. The deciding official's written decision on the merits of the grievance should include:
 - a. A statement of the issues, including a description of all the matters that the employee alleges to have been unfair, and the personal relief requested;
 - b. A statement of the facts relevant to the issue(s);
 - c. Specify whether the requested relief is granted or denied; and
 - d. Note that the decision is a final decision.
- 19. **RECORDKEEPING REQUIREMENTS**. All documents (or copies of documents) related to the grievance shall be kept in a grievance file. The file shall include, but not be limited to, the following:
 - a. The grievance;
 - b. Supporting documentation;
 - c. If the grievance involves an adverse action (including a suspension for 14 days or less), the advance notice, written reply, summary of oral reply, and notice of adverse action;
 - d. If the grievance involves a disciplinary action, the letter imposing the disciplinary action;
 - e. Copies of personnel actions associated with the grievance;
 - f. Statements of witnesses or parties to the grievance;
 - g. A copy of the report of the fact-finder;
 - h. The final grievance decision or resolution; and/or
 - i. Copies of all other documents relevant to the grievance.

The grievance file shall be maintained in accordance with the applicable provisions in the Privacy Act of 1974, as amended and government-wide recordkeeping requirements contained in the General Records Schedule issued by the National Archives and Records Administration for administrative grievance files.

20. GRIEVANCE PROCEDURE.

- a. <u>Introduction</u>. The grievance procedure consists of an informal stage and a formal stage. A grievance must be processed through the informal stage before it can be accepted at the formal stage, except as follows:
 - (1) If the grievance involves a letter of suspension, reduction in grade or pay, furlough, or termination, the grievance shall be filed directly with the Chair at the formal stage; or
 - (2) If the Chair is the immediate supervisor or if there is no official at a lower organizational level than the Chair with authority to resolve the grievance, the grievance shall be filed with the Chair at the formal stage.
 - (3) Prior to engaging in the informal grievance process, the grievant (and/or the grievant's representative) and the grievance official (normally the firstlevel supervisor or the official at the lowest level with authority to grant relief) are strongly encouraged to engage in Alternative Dispute Resolution (ADR) through the Commission's **RESOLVE** Program, where appropriate, in an attempt to seek a mutually acceptable confidential resolution of the issues giving rise to the grievance. If an employee voluntarily chooses to try the **RESOLVE** Program to resolve a dispute, the time frame for filing a grievance at Step 1 of the informal stage of the grievance procedure is suspended while he or she attempts mediation If the parties are unable to resolve the informal grievance during the ADR process, the grievant must inform the grievance official in writing of their intent to continue with the informal grievance process within 10 days of the conclusion of the ADR process. Employees or supervisors may contact RESOLVE for ADR information. (See also Handbook for the **RESOLVE** Program that is electronically available on EEOC's intranet website, inSite).

b. Informal Stage.

Step 1.

- (1) The grievance must be filed with the employee's immediate supervisor, except:
 - (a) A grievance concerning a performance appraisal/rating shall be presented to the reviewing/approving official;
 - (b) A grievance, concerning a merit promotion action processed by a District Office, shall be filed with the District Director. A grievance, concerning a merit promotion action processed by the

- Office of Human Resources, shall be filed with the Director of the Office of Human Resources (Chief Human Capital Officer); and
- (c) Those matters addressed in Paragraph 20(a)(1) and (2) above.
- (2) The grievance must adhere to applicable requirements set forth in the Paragraphs listed above.
- (3) The supervisor or management official shall take the following actions;
 - (a) Meet with the employee to discuss the issues and, if agreeable, develop a joint grievance record;
 - (b) Give full consideration to the merits of the grievance and the relief requested, and make such appropriate inquiry into the matter, as warranted by the circumstances;
 - (c) When feasible, make every attempt to resolve the grievance on an informal basis;
 - (d) If the grievance is resolved informally, reduce the resolution to writing, sign it, and provide a copy to the employee, and to the servicing personnel office; and
 - (e) If the grievance is not resolved, refer to Paragraph 13 above, and prepare a written disposition within 30 days after receipt of the grievance.

<u>Step 2</u>.

- (1) When an employee receives a copy of the disposition of the grievance under Step 1, he or she may, within 30 days, appeal the grievance to Step 2.
- (2) Step 2 is normally the next higher level of supervision, but, in the field, it can be no lower than the District Director or Regional Attorney and, in Headquarters, as applicable, it can be no lower than the General Counsel (or Deputy) or Office Director (or Deputy).
- (3) If the Chair is the next higher level of management, the disposition at Step 1 ends the informal stage. The next level for processing the grievance is the formal stage (see Formal Stage, below).

- (4) If the grievance concerns the processing of a merit promotion action by a District Office, the Step 2 level is the Director, Office of Human Resources (Chief Human Capital Officer).
- (5) The appeal to the Step 2 level must:
 - (a) Be in writing;
 - (b) Include the date the grievance was filed at Step 1;
 - (c) Identify the official with whom the grievance was initially filed;
 - (d) Clearly identify the matter(s) being grieved;
 - (e) Specify the personal relief requested;
 - (f) Not include issues or matters which were not raised in the grievance at Step 1;
 - (g) Include a designation of representative, if one was not included in Step 1;
 - (h) State briefly the reason(s) why Step 1 disposition is unacceptable; and
 - (i) Include any additional clarification, arguments, and/or documentation.
- (6) The Step 2 official shall:
 - (a) Obtain the grievance file from the official at Step 1; and determine if the grievance was timely appealed and, if not, issue written disposition within 30 days rejecting the grievance.
 - (b) If the grievance is accepted for consideration:
 - 1. Review the disposition of the grievance at Step 1 and conduct any additional inquiry necessary to develop completely all the facts; and
 - 2. Give full consideration to the grievance;
 - (c) If the grievance is resolved informally, reduce the resolution to writing, sign it, and provide a copy to the employee and the servicing personnel office; or

(d) If the grievance is not resolved, prepare a written disposition (refer to Paragraph 17) and prepare a written disposition within 30 days after receipt of the grievance appeal.

c. <u>Formal Stage</u>.

A grievance is filed with, or appealed to, the EEOC Chair at the formal stage. The Chair is the Deciding Official on all formal grievances unless he or she designates another appropriate official to serve as the Deciding Official.

- (1) <u>Grievances filed initially at the formal stage</u>. A grievance filed in accordance with the above-stated Paragraphs must:
 - (a) Meet the time limits set forth above; and
 - (b) Contain the applicable items set forth above.
- (2) <u>Grievance which must be processed first under the informal stage</u>. When an employee receives a copy of the disposition of the grievance under Step 1 or Step 2 or the RESOLVE/ADR process, as appropriate, of the informal stage, he or she may, within 30 days, appeal the grievance, in writing, to the formal stage.

The grievance must:

- (a) State why the disposition at the informal stage is not acceptable;
- (b) Identify any crucial facts that are in dispute;
- (c) Not include issues or matters which were not raised at the informal stage, although they may clarify the initial grievance; and
- (d) If applicable, include a designation of representative, if one has not been included previously.
- (e) If the file is rejected at the formal stage for untimeliness or non-completion of the informal stage, the Deciding Official shall issue a final written decision within 30 days after receipt of the grievance appeal.
- (3) Acceptance of the grievance or grievance appeal for consideration.
 - (a) If a factual dispute warrants fact-finding, or the grievance otherwise warrants fact-finding, the deciding official or his or her

designee shall have the Director of Office of Human Resources (Chief Human Capital Officer), or his or her designee, appoint a fact-finder to make a report of facts and/or recommendations in accordance with Paragraph 21 of this Order.

- (b) Within 30 days after receipt of the grievance or grievance appeal or after receipt of the fact-finder's report, the Deciding Official shall:
 - 1. Consider the viewpoints of all interested parties in the grievance;
 - 2. Give fair and impartial consideration to the grievance;
 - 3. Issue a final written decision on the grievance (refer to Paragraph 18 above);
 - 4. Provide copies of the grievance decision to the Office of Human Resources, a field servicing personnel office (if applicable), and appropriate management official(s); and
 - 5. If applicable, issue written instructions to implement a decision.

21. FACT-FINDING.

- a. Selection and Assignment of Fact-finders.
 - (1) Fact-finders. With the concurrence of the Chair, the Director, Office of Human Resources (Chief Human Capital Officer), shall select a fact-finder. Fact-finders may be EEOC employees, employees of another Federal agency, or individuals outside the Federal service.
 - (2) The fact-finder shall be informed in writing of the scope of his or her authority, (i.e., to make a report of findings of fact only or to make a report of findings of facts and recommendations on the grievance). If this is not specified, the fact finder shall make a report of findings of fact and recommendations.
 - (3) The fact-finder shall be provided the grievance file.
- b. Conducting Fact-finding.
 - (1) The fact-finder shall conduct fact-finding, to be initiated within 30 days after receipt of a case, of a nature and scope appropriate to the issue(s)

involved in the grievance. At the fact-finder's discretion, the fact-finding may consist of:

- (a) Securing documentary evidence;
- (b) Conducting personal interviews;
- (c) Convening group meetings;
- (d) Conducting a hearing; or
- (e) Any combination of the above.
- (2) A hearing is held only when there are no other suitable means available for the gathering of relevant evidence;
- c. Report of the Fact-finder: The fact-finder must prepare a written report of findings of fact and/or recommendations, as applicable to the Deciding Official within 60 days after receipt of the case. A copy of the report shall also be furnished to the employee and the EEOC representative, if applicable.
- **OBSOLETE DATA**. EEOC Order 570.003, Administrative Grievance System Handbook, dated October 16, 1987, is obsolete and any paper copies should be removed the directives binder and destroyed.

lisa M. Williams

Chief Human Capital Officer Office of Human Resources.

EEOC

DIRECTIVES TRANSMITTAL

Number 570.006

Date 3/1/2010

SUBJECT. EEOC INJURY COMPENSATION PROGRAM

This transmittal covers EEOC Order 570.006, EEOC Injury Compensation Program. This Order is revised to:

- a. update requirements and time frames in accordance with 20 Code of Federal Regulations, Part 10 and 25;
- b. organize the material more logically and to make plain language edits; and
- c. eliminate any duplicative requirements found in the Federal Employees Compensation Act.

EFFECTIVE DATE. March 1, 2010

CURRENT CHANGES. Yes

OBSOLETE DATA AND FILING INSTRUCTIONS. This Order supersedes EEOC Order 570.006, EEOC Injury Compensation Program, dated March 26, 2001, which will be removed from directive reference sets and destroyed.

isa M. Williams

Chief Human Capital Officer Office of Human Resources

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION WASHINGTON D.C. 20507

EEOC ORDER 570.006 March 1, 2010

HUMAN RESOURCES MANAGEMENT Injury Compensation

1. SUBJECT. EEOC INJURY COMPENSATION PROGRAM

- 2. **PURPOSE**. This Order establishes the Equal Employment Opportunity Commission's (EEOC) Injury Compensation Program (ICP), and prescribes the Commission's policies for carrying out the ICP. It also prescribes the administrative procedures and reporting requirements for controverting claims presented for adjudication under the Federal Employees' Compensation Act (FECA).
- 3. EFFECTIVE DATE. March 1, 2010
- 4. **ORIGINATOR**. Office of Human Resources (OHR)
- 5. **DEFINITIONS**.
 - a. **Claimant** is an individual whose claim for benefits and/or compensation has been filed in accordance with FECA and the provisions of this Order.
 - b. **Continuation of Pay (COP)** is salary paid to the employee by EEOC pursuant to 5 U.S.C. Section 8118. An employee who is unable to work or is on light duty, because of the disabling effects of a traumatic job-related injury, is entitled to 45 calendar days of COP. The period begins at the start of the employee's first full duty day after the injury or the first day following the disability, if it occurs later.
 - c. **Employee** is any employee of the EEOC or his or her beneficiaries.
 - d. **Federal Employees' Compensation Act (FECA)** is the workers' compensation law that provides compensation benefits to a Federal civilian employee for a disability due to personal injury sustained while in the performance of duty or due to an employment related disease.
 - e. **Immediate Supervisor** is the individual who is responsible for the supervision, direction, or control of the injured employee.
 - f. **Occupational Disease** is an illness produced by systemic infections; continued or repeated stress or strain; exposure to toxins, fumes, etc.; or other continued or repeated exposure to conditions of the work environment for a period in excess of a single day or work shift.
 - g. **Traumatic Injury** is a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body affected and caused by a specific event, or incident, or series of events or incidents within a single day or work shift. It may also include damage to or destruction of prosthetic devices or appliances.

Order 570.006 3/10

6. RESPONSIBILITIES.

a. *Chief Human Capital Officer (CHCO)* in the Office of Human Resources (OHR) shall directly, or through delegation:

- (1) Administer the ICP within EEOC including providing direction and monitoring operations both at Headquarters and in the District, area and local offices;
- (2) Provide official liaison between injured employees in the Equal Employment Opportunity Commission and the Office of Workers' Compensation Programs (OWCP), at the Department of Labor (DOL);
- (3) Provide advice and guidance to Headquarters, District, area and local Office Directors, managers, supervisors and others, as requested, on the initiation and processing of injury claims and provide technical oversight of District Office ICPs;
- (4) Ensure that adequate orientation, instruction and training regarding the ICP are furnished to all employees with ICP responsibilities;
- (5) Ensure that What a Federal Employee Should Do When Injured at Work, (Form CA-10) is displayed in a prominent location and publicize the ICP by disseminating the DOL Office of Workers' Compensation Programs (OWCP), and EEOC pamphlets and issuances;
- (6) Ensure efficient program operation through monitoring and periodic evaluation of the program both at Headquarters and in the District, area and local offices;
- (7) Establish and maintain required program files and record system for Headquarters' ICP; provide advice and guidance to District Offices on the establishment and maintenance of the District Offices' ICP files and record systems; review and transmit periodic reports concerning EEOC ICP operations to OWCP;
- (8) Monitor the cases of former and current EEOC employees receiving compensation payments from OWCP; and
- (9) Oversee and coordinate the reemployment or return to duty of all former and current EEOC employees receiving compensation payments from OWCP.

b. Headquarters Office Directors and District Directors shall:

- (1) Administer the ICP in the Headquarters, District and subordinate Area and Local Office(s);
- (2) Provide liaison between the injured Headquarters, District, Area and Local Office employees and the servicing DOL District Office;
- (3) Provide program guidance and information to employees;
- (4) Ensure efficient program operation through periodic monitoring and evaluation; and

- (5) Facilitate the reemployment or return to work of former and current EEOC District, area and local office employees receiving compensation payments.
- c. Administrative Officers (AO's) in Headquarters and District Resource Managers (DRMs) in the field having personnel management responsibilities (Headquarters and Field) shall:
 - (1) Conduct the on-going administration of the ICP for their assigned areas;
 - (2) Provide advice and guidance to managers, supervisors and employees, as requested, on the initiation and processing of injury compensation claims and any other matters covered by this Order;
 - (3) Serve as liaison between their Office(s) and the servicing OWCP Office concerning the processing of employee compensation claims and related ICP matters;
 - (4) Publicize the program by disseminating DOL, OWCP and EEOC pamphlets and issuances;
 - (5) Establish and maintain required program files and record system for the Office ICP; and;
 - (6) Coordinate the reemployment or return to work of former and current EEOC employees receiving compensation payments.

d. Headquarters, Field Managers and Supervisors shall:

- (1) Be fully informed of employees' entitlements under FECA, procedures for obtaining them and how to proceed in specific cases (see The EEOC Workers' Compensation Program Guide);
- (2) Advise employees of their responsibility to report injuries, illnesses, and occupational diseases, and of their right to claim benefits under FECA; assist employees in preparing claims and in submitting required additional reports; and personally complete all portions of forms required of the supervisor;
- (3) Monitor the employee's use of Continuation of Pay (COP) and assure medical statements are provided within the required time frames.
- (4) Expedite the injured employee's return to work and in conjunction with the employee's physician provide accommodations necessary for the employee's return to work.
- (6) If the employee requests an accommodation under the Americans with Disabilities Act (ADA), managers and supervisors shall follow the procedures for handling accommodation requests as set forth in EEOC Order 560.003.

- (7) Assist Headquarters, District, Area, and Local Office management in the reemployment or return to work of former and current EEOC employees receiving compensation payments.
- (8) Investigate and report injuries in accordance with this Order, and EEOC Order 370.003 *EEOC Safety Program*;

e. *Employees* shall:

- (1) Report immediately to their supervisor any traumatic injury or occupational disease;
- (2) Complete the Claim of Traumatic Injury (CA-1) form as soon as possible after the injury¹ and submit the completed claim of injury to their immediate supervisor. This form must reflect whether the employee wishes to receive sick or annual leave, or request continuation of pay. The employee must request, from the treating physician, a written diagnosis including the earliest date he or she will be able to return to work. Under applicable DOL regulations, employees are allowed 30 days for submission of the notice of injury from the date the injury occurred/from the date the employee realized the disease or illness was caused or aggravated by employment. The Department of Labor requires the timely filing and administrative processing of the claim by the Agency; however, the Agency requests that the injured employee submit the applicable forms within ten working days from the date of injury to the Administrative Office (AO) or District Resource Manager (DRM).
- (3) Complete the Claim of Occupational Illness or Disease (CA-2) form for nontraumatic injuries (occupational disease or illness) and submit the completed claim of occupational disease along with medical documentation to their immediate supervisor. Under applicable DOL regulations, employees are allowed 30 days for submission of the notice of injury from the date the injury occurred/from the date the employee realized the disease or illness was caused or aggravated by employment but no later than three years from the date the employee first knew, or should have known, of the disease or illness and the conditions of employment giving rise to the disease or illness. The Department of Labor requires the timely filing and administrative processing of the claim by the Agency; however, the Agency requests that the injured employee submit the applicable forms within ten working days from the date of injury to the Administrative Office (AO) or District Resource Manager (DRM).
- (4) Submit any other reports and proof that OWCP or OHR may require in connection with the injury;
- (5) Participate in any rehabilitation program provided by OWCP;
- (6) Inform their physician that the policy of the EEOC is to provide light duty work

¹OWCP requires the Form CA-1 be submitted within 30 calendar days of the date of injury in order for the employee to be entitled to Continuation of Pay.

and that the EEOC will consider any work restrictions determined necessary by the physician,

- (7) Return to work immediately upon receiving medical approval from the physician; and
- (8) Follow all supervisory instructions and EEOC written directions regarding the ICP.

7. AUTHORITY.

- a. **Statutory:** The statutory authority for FECA is 5 U.S.C. §§8101.
- b. **Regulatory:** The regulatory authority for FECA is 20 CFR Part 10 and 25.
- c. **Administration:** FECA is administered by the United States Department of Labor (DOL).
- d. **Policy:** This Order sets forth the EEOC's Policy in administering the Program within the EEOC.
- e. **Appeals:** The Employee's Compensation Appeals Board (ECAB), Department of Labor, considers and decides appeals from final decisions of the OWCP. Specific appeal rights and procedures are provided by the OWCP with the final case decision. Only claimants or their representatives may appeal a final OWCP decision to the ECAB.
- **8. COVERAGE**. The ICP covers student volunteers and all persons employed by EEOC.

9. MEDICAL BENEFITS/EXPENSES.

- a. An injured employee is entitled to first aid and medical care for an injury that is work related and traumatic including hospital care when needed.
- b. Supervisors shall arrange for an injured employee to receive *emergency treatment* from a Federal Health Service Unit, if available; from a U.S. Medical Officer, physician, or hospital; or from any duly qualified physician or hospital, when Federal facilities are not readily available. The employee may also choose to go to any duly qualified physician or hospital in the area. The Authorization for Examination and/or Treatment (CA-16), is issued by individual authorized by the Workers' Compensation Specialist in Headquarters authorized by EEOC to approve *emergency treatment*. The treating physician completes the CA-16 and forwards it to the appropriate OWCP District Office within 48 hours after *emergency treatment* is received.
- c. Doctors and hospitals should send their bills directly to OWCP. Bills must be fully itemized, and submitted on Part B of Form CA-16, or Form 1500, *Health Insurance Claim Form*.
- d. The injured employee may claim reimbursement for medical expenses which he or she has paid by sending properly itemized and receipted bills to the OWCP. All medical expenses must be fully supported by medical reports.

e. Travel expenses incurred to obtain medical care shall be claimed on an SF-1164.

10. COMPENSATION BENEFITS.

- a. **CONTINUATION OF PAY (COP)**. An employee who sustains a disabling job related traumatic injury is entitled to continuation of regular pay for a period *not to exceed* 45 *calendar* days. This pay is subject to income tax, retirement, and other deductions.
- 11. CONTROVERTING CONTINUATION OF PAY. The claim for COP by an employee must be controverted (opposed) by the supervisor on the basis of information submitted by the employee or secured on investigation. The supervisor may controvert an employee's right to COP. However, the employee's regular pay shall not be interrupted during the 45 day period unless the controversion is sustained by OWCP and until EEOC is so notified. If COP is to be controverted; the supervisor shall notify the employee. A full explanation of the basis for the controversion shall be submitted with the CA-1 and a copy shall be provided to the employee.
- **12**. **TERMINATION OF COP.** COP will be terminated or will not begin because of any of the following:
 - 1. The disability is the result of an occupational disease or illness;
 - 2. The injury occurred off EEOC's premises and the employee was not engaged in official "off premises" duties;
 - 3. The injury was caused by:
 - (a) The employee's willful misconduct;
 - (b) The employee's intent to bring about injury or death to him or herself or another person; or
 - (c) The employee's intoxication was the proximate cause of the injury.
 - 4. The employee's first work stoppage caused by the injury occurred 45 days or more after the injury.
 - 5. The employee failed to make an initial report of the injury prior to the termination of his or her employment.
 - 6. The injury was not reported on Form CA-1 within 30 days following the injury.
 - 7. The employee is a volunteer (excluded by 5 U.S.C. 8101 (1) B or E). OWCP may determine exceptions to this and allow the retroactive payment of COP, however, the EEOC is not allowed to pay COP prior to the approval of OWCP.
 - 8. The employee is neither a citizen nor a resident of the United States or Canada.
 - 9. The employee occupy's a non-appropriated fund position.

- 13. WAGE LOSS COMPENSATION/DISABILITLY COMPENSATION. An employee is entitled to compensation if because of a work-related disability, is unable to perform his/her previous and is therefore unable to earn the same wages as he/she as did prior to the injury. Claims of wage loss compensation must be made on a Claim for Compensation on Account of Traumatic Injury or Occupational Disease (CA-7).
- 14. SCHEDULE AWARDS FOR PERMANENT DISABILITY. A schedule award is a predetermined amount of compensation for permanent impairment or serious disfigurement. Claims for schedule award payments must be made on a Claim for Compensation for a Traumatic Injury or Occupational Disease (CA-7).

15. LEAVE.

- a. Leave is not charged for absences resulting from injuries or disabilities sustained, or claimed to have been sustained, in the line of duty, on the day of the injury. Supervisors shall, when the employee's medical condition disables the employee for work, grant administrative leave (*excused absence*) for the remainder of the employee's work day on the date of injury. Subsequent absences are subject to COP, annual leave, sick leave or LWOP. All leave taken as a result of work-related illness or injury shall be documented on an SF-71, *Application for Leave* and supported by appropriate medical statements.
- b. The procedures for administering leave in EEOC Order 550.007, *EEOC Leave Policies and Procedures (Change 5)*, and the *EEOC Leave Handbook* shall be followed in requesting, justifying, and approving leave.
- **16. REPURCHASE OF LEAVE**. An employee who uses leave during the period of disability caused by an occupational disease or a traumatic injury may, upon approval of the claim by OWCP, repurchase the used leave and have it recredited to his or her leave account(s).

17. THIRD PARTY CLAIMS.

- a. In cases when an employee's injury or death in the performance of duty is caused under circumstances creating a legal liability upon someone other than the United States, OWCP must be reimbursed for the cost of compensation and other benefits paid the employee from the damages recovered and/or settlement obtained. OWCP will assist in obtaining a settlement. FECA guarantees that a portion of the settlement (after attorney fees and costs are deducted) may be retained by the employee, or his or her beneficiaries, even when the cost of compensation and benefits paid by OWCP exceed the amount for the settlement.
- b. EEOC encourages the recovery of damages from the third party if third party liability is evident. The supervisor shall advise the employee, someone acting on behalf of the employee, or his or her beneficiary, that no person may agree to the settlement of a claim arising out of an employee's injury or death without obtaining the advice and approval of the Associate Counsel for Employees' Compensation, Solicitor of Labor, Washington, D.C. 20210.
- c. It is the *joint responsibility* of the injured employee and the supervisor to identify *any* third party to an injury on the CA-1.

- **18. REPRESENTATION**. An employee making a claim may be represented by a union official or any other person on any matter pertaining to an injury or death occurring in performance of duty. This representation shall be authorized in writing by the claimant. No claim for legal services or for other services rendered in a case, claim or award of compensation shall be valid unless approved by the OWCP.
- **19. ADMINISTRATIVE ERROR**. If an employee should have been compensated, but for administrative errors on the part of EEOC and these errors affect the processing of the employee's claim, prompt action shall be taken to correct the errors, including, if necessary, restoration of lost leave and pay.

20. PENALTIES.

- a. **Supervisor**: Any EEOC official responsible for completing the immediate supervisor's report of injury shall be guilty of a misdemeanor if the official:
 - (1) Willfully fails, neglect, or refuses to make any of the reports to OWCP;
 - (2) Knowingly files a false report;
 - (3) Induces, compels, or directs an injured employee to forego filing any claim for compensation or other benefits under FECA, or any extension or application thereof; or
 - (4) Willfully retains any notice, report, claim or paper which is required to be filed under FECA. The official, upon conviction, shall be fined or imprisoned not more than one year, or both (Title 18 U.S.C., Section 1922).

b. Employee:

- (1) Any employee or representative who knowingly makes a false statement in an affidavit or report required by FECA on a claim for compensation is guilty of perjury, and shall be fined, or imprisoned not more than one year, or both (Title 18 U.S.C., Section 1920).
- (2) Any employee or representative who knowingly makes a false statement or representation of material fact to obtain an increase for him or herself, or for any other individual authorized to be paid under FECA, shall be fined not more than \$1,000 or imprisoned not more than one year, or both (Title 18 U.S.C., Section 1919).

21. FILES.

- a. Files maintained on an employee's compensation claim shall be available for review by the employee and/or his or her designated representative.
- b. After a CA-1 or CA-2 is filed, information regarding the claim, or any allegations related to the claim, shall be provided only to OWCP, unless EEOC is expressly authorized to release information by OWCP, the claimant, the claimant's designated representative or a

beneficiary (in case of the claimant's death).

- **22**. **REHABILITATION**. The Office Director and the employee's immediate supervisor shall actively work with OWCP in encouraging the rehabilitation of the injured employee. At a minimum, the following approaches will be considered:
 - a. Job Restructuring Redesigning the work performed by the employee to accommodate any disability. OHR will provide assistance upon request.
 - b. Special Equipment Special office furniture or equipment may be provided to the employee.
 - c. Reassignment The employee may be reassigned to a different position at the same or lower grade level.
 - d. Reemployment Frequently a primary step in rehabilitation is the reemployment of a former employee.
- **23. FORMS AND PROCEDURES.** Specific instructions are included on the various OWCP forms. These instructions should be carefully followed in order to assure timely processing of the employee's claim. The most commonly used forms are as follows:
 - 1. Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation Form (CA-1);
 - 2. Notice of Occupational Disease and Claim for Compensation (CA-2);
 - 3. Claim for Compensation for a Traumatic Injury or Occupational Disease (CA-7).

Applicable forms are available from the Agency Administrative Officer's, District Resources Manager (DRMs), and the Agency's Workers' Compensation Specialist in the Office of Human Resources (OHR) or from the Department of Labor website at: www.dol.gov.

24. OBSOLETE DATA. EEOC Order 570.006, EEOC Injury Compensation Program, dated March 26, 2001, is obsolete and should be removed from the directives binder and destroyed.

Msa M. Williams

Chief Human Capital Officer Office of Human Resources