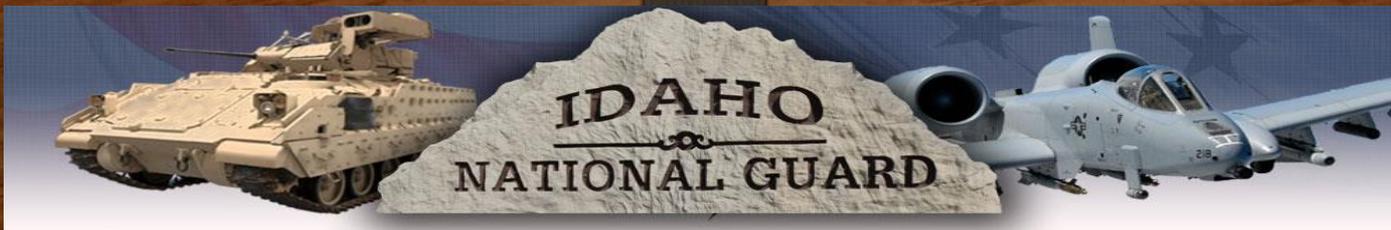


Engaged leaders instill a sense of worth and belonging, create open lines of communication, are attentive to indicators of challenges and fully aware of all resources available.

- MG Michael Garshak



Supervisor's Training

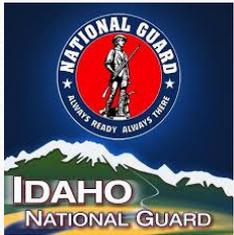
Idaho National Guard
Human Resources Office





Welcome Supervisors

- Please be sure to sign-in on roll call sheet.
- Feedback is due on last day in order to receive certificate of completion – we value your opinions.
- Coffee is available.



Housekeeping Information

- Courtesy:
 - Respect speakers – save sidebar conversations for later
 - Ask relevant questions
 - Be present and involved
 - Silence your phones
 - Leave work at work
 - Breaks are at instructor discretion
- Building Information:
 - Emergency Fire exits
 - Restrooms
 - Smoke Areas
 - Ground rules for meeting space
 - Food and Drinks (with lids) are allowed (if something spills clean it up)
 - Keep area/building clean



Introductions

- Name
- Work Center/Unit
- Status (AGR/Technician/T5/State)
- Length of time as a Supervisor
- Expectation(s) for the course



Training Materials

- Supervisor Resource Guide
- HRO website
 - Forms
 - Policies
 - Regs and Pubs
 - Supervisor Toolbox
 - Handouts
 - Templates & Examples
 - Technician Handbook
 - Other forms
 - HRO Sections
- MyBiz

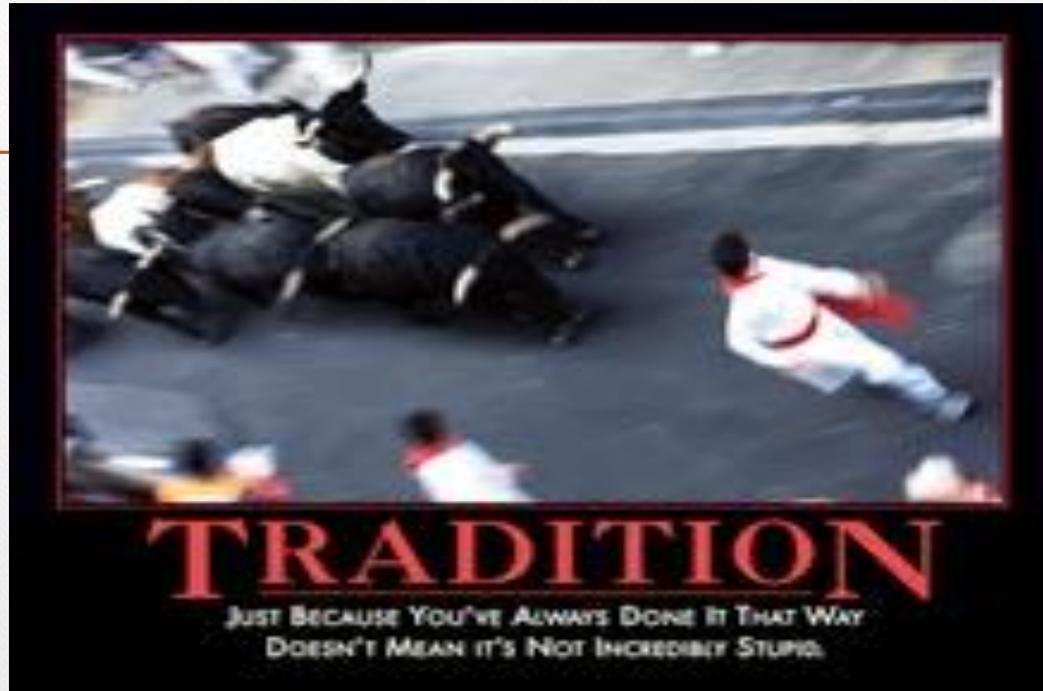


Course Overview

- **Agenda (2 Days)**
 - Lots of information to deliver
 - Course is designed to help you figure out how to be a fantastic supervisor
 - Exercises/Handouts require involvement from participants
- **Scenarios/situations for learning**
 - Scenario based training—points of reference
 - Bring experience to the table – share best practices
(Remember not to share Personal Identifiable Information)
 - We will provide you the tools to know what to do next



Questions...



TRADITION

Just because you've always done it that way
doesn't mean it's not incredibly stupid.



Idaho National Guard EEO



Equal Employment Opportunity (EEO)-Civ



Proven, Vigilant...Ready!



National Guard

Civilian Discrimination Complaint System

- a. Equal Employment Opportunity (EEO) Management Directive for Title 29, Code of Federal Regulations, Part 1614, “Federal Sector Equal Employment Opportunity” or known as MD-110
- b. Applicability: Federal civilian employees, applicants for employment, as enacted in PL 114-328 (NDAA FY17)

EQUAL EMPLOYMENT OPPORTUNITY (EEO)



UNLAWFUL DISCRIMINATION Title 32 and Title 5 Employees

Any unlawful employment practice that occurs when an employer fails or refuses to hire or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of **race, color, religion, sex (including pregnancy, gender identity & sexual orientation, sexual harassment), national origin, age* (40 & older), disability*, GINA Law*, reprisal**

NO FEAR ACT: The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) became effective on October 1, 2003 (CIVILIAN EMPLOYEES)

*Note-Age, Disability and GINA may not be applicable for Title 32 Employees as their employment is controlled under 32 USC 709 (military labor force)

DISCRIMINATION IS AGAINST THE LAW!

What is discrimination?
Discrimination is an unlawful employment practice that occurs when an employer fails or refuses to hire or otherwise discriminates against any individual with respect to compensation, terms, conditions, or privileges of employment because of race, color, religion, sex (including pregnancy, gender identity & sexual orientation, sexual harassment), national origin, age* (40 & older), disability*, GINA Law*, reprisal

What is the No FEAR Act?
The No FEAR Act (Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002) became effective on October 1, 2003. It applies to federal civilian employees and contractors.

What is the EEOC?
The Equal Employment Opportunity Commission (EEOC) is a federal agency that enforces laws that prohibit employment discrimination on the basis of race, color, religion, sex (including pregnancy, gender identity & sexual orientation, sexual harassment), national origin, age* (40 & older), disability*, GINA Law*, reprisal.

What are the EEOC's responsibilities?
The EEOC is responsible for receiving and investigating complaints of discrimination, conducting investigations, and resolving disputes. It also provides technical assistance and training to employers and employees.

What are the EEOC's enforcement powers?
The EEOC has the authority to issue orders of reinstatement, back pay, and other relief. It can also file lawsuits on behalf of employees and sue employers for damages.

What are the EEOC's procedures?
Employees who believe they have been discriminated against should first file a complaint with their supervisor or the EEOC. If the complaint is not resolved, the employee can file a charge with the EEOC. The EEOC will then investigate the charge and attempt to resolve the dispute.

What are the EEOC's deadlines?
Employees must file a charge with the EEOC within 180 days of the date of the alleged discrimination. If the charge is filed with a state or local EEOC agency, the deadline is 300 days.

What are the EEOC's remedies?
The EEOC can order an employer to take corrective action, such as reinstating the employee, paying back pay, and providing other relief. It can also award damages for emotional distress and pain and suffering.

What are the EEOC's penalties?
Employers who violate the EEOC's laws can be fined up to \$50,000 for each violation. They can also be liable for civil damages.

What are the EEOC's resources?
The EEOC provides a variety of resources, including fact sheets, brochures, and training materials. It also offers technical assistance and support to employers and employees.

KNOW YOUR RIGHTS!



EEO Program Purpose

Resolution at the lowest level at earliest possible time

- **Provide for prompt, fair & impartial processing/resolution**
- **Determine Validity and Merit thru fact-finding, inquiry & investigation**
- **Alternative Dispute Resolution (Mediation)**
- **Reasonable Accommodation (RA) Requests**
 - **Govt may provide RA based on appropriate requests**
 - **Supervisors participate in interactive RA request process**
 - **RA process begins as soon as employee/qualified applicant makes oral or written request for accommodation**
 - **RAs are meant to eliminate barriers in the work environment**

Common types of RAs 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 nonessential function, moving to different office space, providing telework, changing workplace policies, reconfiguring workspaces, providing accessible parking, etc...

Proven, Vigilant...Ready!



SEEM & EEO Counselors



SEEM

- manages & directs the program through EEO counselors
- Manages the EEO complaint process and timelines

EEO Counselors

- Trained to advise and provide guidance on EEO matters
- A bridge between management and employees
- Attempt informal resolutions at the lowest level possible for all EEO complaints
- Neutral party



SUPERVISORY RESPONSIBILITIES



If an employee informs you that they wish to make a discrimination complaint (whether or not the complaint is about you), you should inform the employee that they must first meet with an EEO Counselor or SEEM.

An employee has the right to remain anonymous during the counseling stage of the complaint (this is also called the informal stage). So, if you are contacted by someone conducting an inquiry into an informal EEO complaint, you may not necessarily be informed of who has initiated the complaint.

The Counselor's role is to gather facts, conduct inquiries, and attempt to resolve the complaint at the lowest level. You must cooperate with the Counselor.

If the complaint cannot be resolved to the satisfaction of the complainant, then, and only then, will the complainant have the right to file a formal



Informal (Pre-Complaint)

Technician has **45 days** to file an informal complaint with SEEM

SEEM assigns EEO Counselor if appropriate for processing. Counselor must be available and appointed within a few days following, such delay **not to exceed 5 days**

- Provides Complainant with
 - **Rights and Responsibilities** (in writing)
 - **Right to Anonymity** (available only at Informal level)
 - **Right to Representation** (legal counsel)
- Has **30 days** to conduct informal inquiry/informal resolution (60 extra days if ADR is used)

If resolution is not reached – “Formal” complaint may be filed (DD form 2655), Complaint of Discrimination in the Federal Government

NOTE 1: If the complainant has raised the matter **under negotiated grievance procedures** (29-CFR 1614.107(d)) the complaint will be dismissed.



Questions?



Albert Gomez
State Equal Employment Manager
Army, Air and State
272-4224

Proven, Vigilant...Ready!



Disclaimer



Some of the information discussed in the upcoming brief could be disturbing to some individuals. If you or someone you know has been a victim of sexual assault, and you feel like this brief will cause you to relive past experiences, please feel free to excuse yourself and speak with the SARC or a Victim Advocate.



SAPR/SHARP Leader/Supervisor TRAINING

SCENARIO 1

SCENARIO 2

State Equal Employment Manager

- ▶ **SEEM – (208) 272-4224**
 - ▶ Mr. Albert Gomez
 - ▶ albert.j.gomez2.civ@mail.mil



Take a Picture of
this Slide!

SAPR/SHARP Contacts

- ▶ **IDNG 24 Hour Hotline – (208) 447-6166**
- ▶ **WING 24 Hour Hotline – (208) 954-3369**

- ▶ **JFHQ SARC – (208) 272-4306**
 - ▶ Sean Egbert
 - ▶ sean.t.egbert.mil@army.mil

- ▶ **JFHQ VAC – (208) 272-8400**
 - ▶ Carl Hendricks
 - ▶ carl.p.hendricks.mil@army.mil

- ▶ **Wing SARC – (208) 422-6373**
 - ▶ Ms. Amanda Stone
 - ▶ amanda.stone.2@us.af.mil

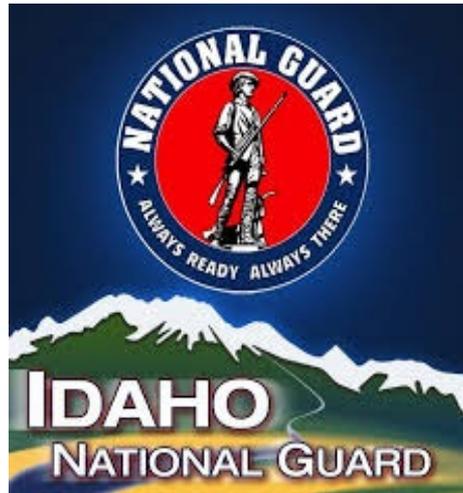


Take a Picture of
this Slide!



Questions?

My Workplace/My Biz+ Overview



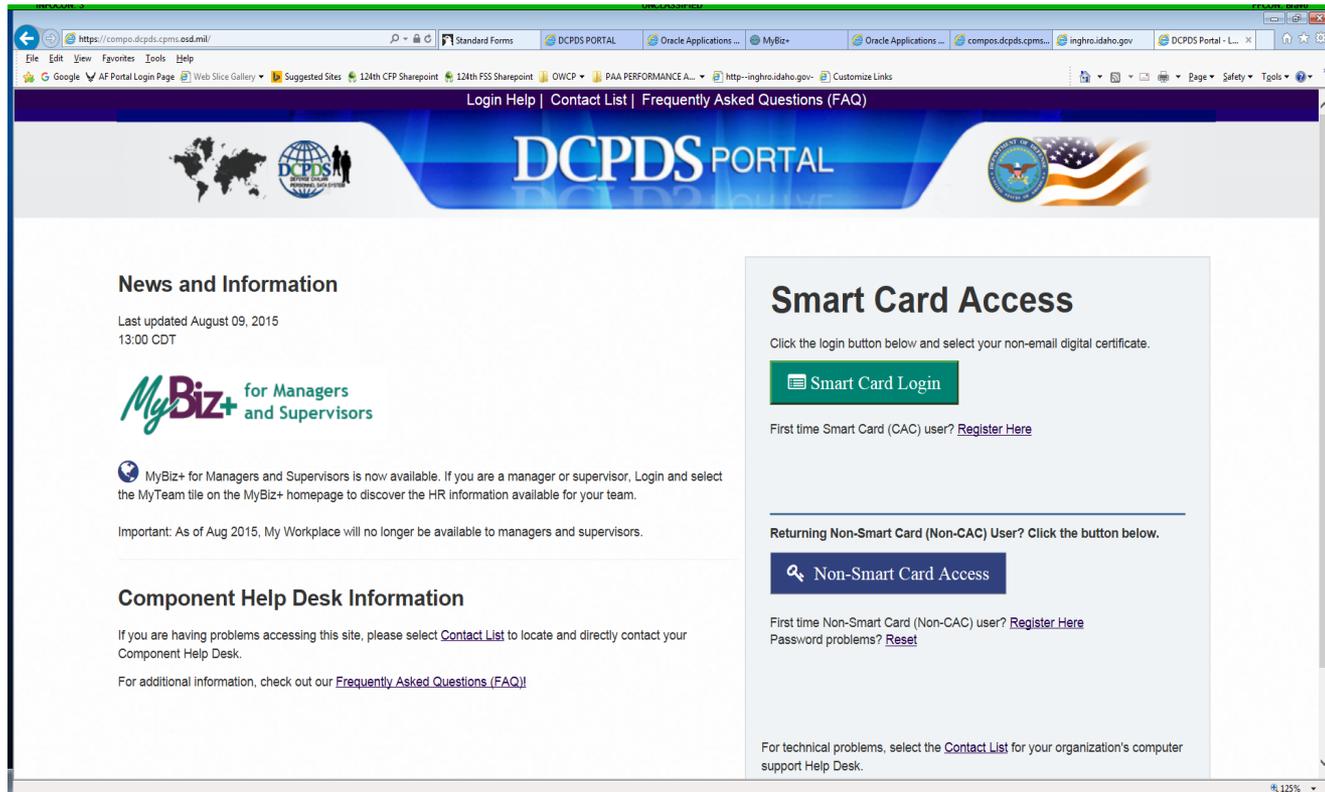
Idaho National Guard
Human Resources Office

How to Access MyBiz via the DCPDS Portal

Temporary technicians can access MyBiz

<https://compo.dcpds.cpms.osd.mil/>

- Navigate to the DCPDS portal and login by clicking on Smart Card Access



The screenshot shows the DCPDS Portal website. The browser address bar displays <https://compo.dcpds.cpms.osd.mil/>. The page header includes navigation links: [Login Help](#), [Contact List](#), and [Frequently Asked Questions \(FAQ\)](#). The main content area is divided into several sections:

- News and Information:** Last updated August 09, 2015 13:00 CDT. It features the **MyBiz+ for Managers and Supervisors** logo and a message: "MyBiz+ for Managers and Supervisors is now available. If you are a manager or supervisor, Login and select the MyTeam tile on the MyBiz+ homepage to discover the HR Information available for your team." An important note states: "Important: As of Aug 2015, My Workplace will no longer be available to managers and supervisors."
- Smart Card Access:** This section contains a "Smart Card Login" button. Below it, it asks: "First time Smart Card (CAC) user? [Register Here](#)".
- Returning Non-Smart Card (Non-CAC) User? Click the button below.** This section contains a "Non-Smart Card Access" button. Below it, it asks: "First time Non-Smart Card (Non-CAC) user? [Register Here](#)" and "Password problems? [Reset](#)".
- Component Help Desk Information:** It provides instructions: "If you are having problems accessing this site, please select [Contact List](#) to locate and directly contact your Component Help Desk." and "For additional information, check out our [Frequently Asked Questions \(FAQ\)](#)!"

At the bottom right of the page, there is a technical support instruction: "For technical problems, select the [Contact List](#) for your organization's computer support Help Desk."



Choose HR Mybiz

- Select HR, MyBiz+ NG

The screenshot shows a web browser window displaying the DCPDS PORTAL. The browser's address bar shows the URL: <https://compo.dcpds.cpmis.osd.mil/rsouportal/AccessRegions.jsf>. The page header includes the DCPDS PORTAL logo and the Department of Defense seal. Below the header, there is a navigation bar with the text "My Application/Database" and a link "Add Additional Application/Databases". The main content area is titled "Choose your Path" and features two large buttons: a purple button labeled "HR MyBiz+ NG" and a yellow button labeled "DD DCPAS Data Dictionary". Below these buttons, a message states: "To link your newly created DCPDS Portal account to your existing application/databases. Click the Add Additional Application/Databases link above." At the bottom of the page, there is a security notice: "To protect your personal information, log out of your DCPDS Portal session by selecting the 'Logout' button." and a red "Logout" button.



My Biz+

My Biz+ is for the individual employee & Supv

Key Services

- MyPerformance
- Manager Functions
 - Performance Management and Appraisal
 - Apply Action(s) to Multiple Employees
 - Manage Trusted Agent Authorization
 - View/Print Performance Management Reports
 - View Previous Requests
 - CIV Fill Request Status
- Request Employment Verification
- Civilian Career Report
- Update Contact Information
- Update Professional Development
- SF50 Personnel Actions
- Update MySupervisor / Update MyTeam
- Hiring Manager's Toolkit

Other Responsibilities/Applications

Responsibilities:

- 911 NGB IDHRO00001
- AGR Mgr IDHRO00001
- CIVDOD Self Service Hierarchy Manager
- HR-TRNG IDHRO00001T
- ID CIVDOD PAYROLL REGENERATION
- NG ID Performance Appraisal Administrator
- PER GUHRO00002
- PER IDHRO00001
- RPT IDHRO00001

Last Personnel Action

Type of Action:	Performance-based Pay Increase-Irregular Basis
Effective Date:	06-Sep-2015

\$ Insurance

Health Insurance:	Blue Cross Blue Shield Service Benefit Plan (11)
Life Insurance:	Basic + Option C (5x)

\$ Pay

Gross Pay:	3498.40
Net Pay:	1394.96
Pay Period End Date:	17-Oct-2015

\$ Leave

Annual Leave Balance:	196.40
Sick Leave Balance:	925.15
Annual Leave Forfeit Balance (Use or Lose):	4.40

*Update email address



Employment Verification

https://potteremp.dcpds.cpmc.osd.mil/dcpdsportal-reg15/subpages/personalEmplo... Standard Forms DCPDS PORTAL Oracle Applicatio... MyBiz+ Oracle Applicatio... compos.dcpds.c... ingthro.idaho.gov DCPDS PORTAL MyBiz+ x

File Edit View Favorites Tools Help

Google AF Portal Login Page Web Slice Gallery Suggested Sites 124th CFP Sharepoint 124th FSS Sharepoint OWCP PAA PERFORMANCE A... http--ingthro.idaho.gov- Customize Links

MyBiz+ Other DCPDS Applications Favorites Customer Support Help Logout

Employee	Supervisor	Organization
Jeffrey J. Guzi	Albert J. Gomez	ID ANG HQ

Home / Employment Verification

Information

Employment verification releases employment information and, optionally, salary information to an external organization or person, also known as "Recipient".

Important!

Prior to completing the Employment Verification request, ensure a valid e-mail address is listed in the "My Email" field below. The password will be e-mailed to you at this address. If your e-mail address is blank or incorrect, enter or overwrite the e-mail displayed. You can also update your work e-mail by selecting Key Services > Update Contact Information > Work Email > Update.

Information to Send

Employment Information
 Employment and Salary Information

Recipient Information

*To:

*My Email:

Related Information

Employment Information: Releases personal, assignment and period of service details.

Note: Two distinct email addresses are required. Your password-protected employment verification document will be sent to the recipient identified in the "To" line. A second e-mail, containing the password, will be sent to you based on the e-mail address you identified in the "My Email" field. For your protection, the e-mail containing the password will not be sent to the individual identified in the "To" line. It is your responsibility to share the password with the intended recipient.

Cancel Continue

125%



Detail Pages & My Team

Detail Pages

Personal Pay, Leave and Benefits Professional Development Position Performance Reports My Team



Click to see employees listed under a supervisor you supervise

Employee Details

Employee Details

Recruit/Fill Actions

Suspenses/Pending Actions

Personal Export to Excel TIP

View	Name	Position Type	Hire Date	Appointment Type	Type of Employment	Email Address
+		APPR	02-Jul-2007	Excepted - Career	Full Time Employee In Pay Status	
+		APPR	03-Feb-2008	Excepted - Career	Employee in Absent - Uniformed Service Status	
+		APPR	22-Mar-2015	Excepted - Career	Employee in Absent - Uniformed Service Status	

MyTeam / Personal

- Expand an additional section on page
- ▶ [Personal Information](#)
 - ▶ [Personal Data History](#)
 - ▶ [Contact Information](#)
 - ▶ [Appointment Information](#)
 - ▶ [Retained Grade Details](#)
 - ▶ [Language Information](#)
 - ▶ [Veteran Information](#)
 - ▶ [Service Computation Date Information](#)
 - ▶ [National Guard Information](#)
 - ▶ [SF50 Personnel Actions](#)

Employee Details

- Personal
- Personal**
- Position
- Salary
- Awards
- Bonuses
- Performance
- Personnel Actions
- Professional Development
- Leave Balances
- Reports

SF 50 Personnel Actions

▶ [SF50 Personnel Actions](#)

Effective Date	First Personnel Action	Action
06-Jan-2019	General Pay Adjustment	View/Print SF50
19-Sep-2018	Individual Cash Award Ratings-Based	View/Print SF50
04-Aug-2018	Return to Duty	View/Print SF50
02-Aug-2018	Absent-Uniformed Service	View/Print SF50
17-Jun-2018	Return to Duty	View/Print SF50

◀ ◀ 1 2 3 4 5

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)		2. Social Security Number	3. Date of Birth	4. Effective Date 01-06-2019
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FIRST ACTION		SECOND ACTION	
5-A. Code 894	5-B. Nature of Action Gen Adj	6-A. Code	6-B. Nature of Action
5-C. Code QWM	5-D. Legal Authority Reg 531.207	6-C. Code	6-D. Legal Authority
5-E. Code ZLM	5-F. Legal Authority E.O. 15866, Dated 26-MAR-2019	6-E. Code	6-F. Legal Authority

7. FROM: Position Title and Number HUMAN RESOURCES SPECIALIST (EMPLOYEE BENEFITS)					15. TO: Position Title and Number HUMAN RESOURCES SPECIALIST (EMPLOYEE BENEFITS)						
T5028000 - 721191					T5028000 - 721191 ← PD number						
8. Pay Plan GS	9. Occ. Code 0201	10. Grade or Level 11	11. Step or Rate 04	12. Total Salary \$67,340.00	13. Pay Basis PA	16. Pay Plan GS	17. Occ. Code 0201	18. Grade or Level 11	19. Step or Rate 04	20. Total Salary/Award \$68,462.00	21. Pay Basis PA
12A. Basic Pay \$58,369.00	12B. Locality Adj. \$8,971.00	12C. Adj. Basic Pay \$67,340.00	12D. Other Pay \$0	20A. Basic Pay \$59,187.00	20B. Locality Adj. \$9,275.00	20C. Adj. Basic Pay \$68,462.00	20D. Other Pay \$0				
14. Name and Location of Position's Organization THE ADJUTANT GENERAL - ID IDARNG ELEMENT - JF HQ HRO TECH PERS MGMT BR BOISE ID						22. Name and Location of Position's Organization THE ADJUTANT GENERAL - ID IDARNG ELEMENT - JF HQ HRO TECH PERS MGMT BR BOISE ID					

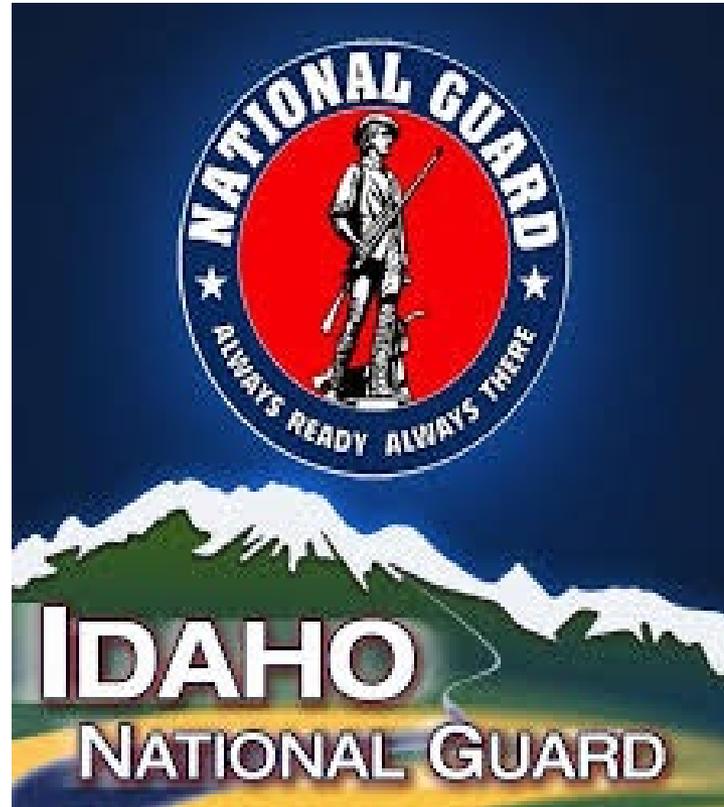
23. Veterans Preference 1 1 - None 3 - 10-Point/Disability 5 - 10-Point/Other 2 - 5-Point 4 - 10-Point/Compensable 6 - 10-Point/Compensable/30%				24. Tenure 1 0 - None 2 - Conditional 1 - Permanent 3 - Indefinite		25. Agency Use		26. Veterans Pref for RIF <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. FEGLI CO Basic only				28. Annuitant Indicator 9 Not Applicable		29. Pay Rate Determinant 0			
30. Retirement Plan K FERS and FICA			31. Service Comp. Date (Leave) 10-23-2002		32. Work Schedule F Full-Time		33. Part-Time Hours Per Biweekly Pay Period		

34. Position Occupied 2 1 - Competitive Service 3 - SES General 2 - Excepted Service 4 - SES Career			35. FLSA Category E E - Exempt N - Nonexempt		36. Appropriation Code 133G9200		37. Bargaining Unit Status 8888 ← NG5030 is bargaining unit/Union		
38. Duty Station Code 160160001			39. Duty Station (City - County - State or Overseas Location) BOISE / ADA / IDAHO						

40. AGENCY DATA 133G9200	41. WOODRAA W00RAA	42. S9892A S9892A	43. 171B	44. DoD Payroll Office, Indianapolis (Army) (OA) OA
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45. Remarks

QUESTIONS?



Classification and Position Management



**Idaho National Guard
Human Resources Office
Kylianne Osojnicki
422-3338**

Purpose of the State Classifier:

- **Ensure positions are accurately classified**
- **Assign PDs to all technician positions**
- **Review/process Exception PDs**
- **Conduct position reviews (desk audit)**
- **Coordinate implementation of new PDs**
- **Facilitate Federal Wage Survey**
- **Ensure Hierarchy is accurate**
- **Manage Air/Army work years**

A Position Description....

- **Describes a position's principal duties, responsibilities, and supervisory relationship**
- **Formalizes decisions on assignments, responsibilities, authority, and required Knowledge/Skills/Abilities**
- **Provides a basis for Performance Standards/Appraisals**

What is a Position Review?

- A fact-finding process for the State Classifier
- Incumbent and supervisor are involved/interviewed
- Group audits can be conducted when several incumbents occupy identical positions
- Reasons for Position Review- Reorganization, New PD Release from NGB, New equipment/technology impacting job, or as requested by Supervisor/Commander/Directorate



Position Review May Result in:

- No change to the existing Position Description (PD)
- An amendment to the existing PD
- Placement against another standardized PD, with no grade change
- Justification for establishment of a higher graded PD OR lower graded PD
- Establishment of an exception PD – if the situation is unique to the state

Things that don't count in Classification are...

“Unusual Diligence or Overtime”

“Unusual Qualifications”

(Not Required on the Job)

“Length of Service”

“Relative Efficiency”
(Compared to Others)

“Volume of Work”

“Personality”

“Financial Need”

**“Scarcity of
Employees”**

Things that Do Count In Classification Are...

*“Nature and
Variety of Work”*

*“Extent of Supervisory Controls
Over the Work”*

“Difficulty of the Work”

“Qualification Requirements of the “Work

“Authority and Responsibility Exercised”

Importance of Hierarchy:

- Accurately reflects Supervisor of position
- Allows Supervisor to complete performance management requirements
- Allows supervisor to access employees employment (SF50s), and leave information via DCPDS
- System automatically sends helpful reminders to Supervisors of employees

Management of Work Years:

- Air
 - UMD – Unit Manning Document
 - MRV – Manpower Resource Voucher
- Army
 - Voucher
 - Chief of Staff sets numbers early FY
- Used by Classifier to determine tenure of hire
 - Permanent, Indefinite, Temporary

Role of the Supervisor is to:

- Maintain working knowledge of:
 - Mission
 - Organizational Hierarchy
 - Functions of your work unit
- You are responsible for determining how work will be organized and assigned to individual jobs and groups of positions within your work unit.
- You can find PDs at FASCLASS:
https://acpol2.army.mil/ako/fasclass/search_fasclass.asp
You must input NG for the “CCPO ID” portion in order to pull National Guard PDs.
(In PD number: D=Dual Status; T=Title 5)

Call your State Classifier for:

- Help locating a position description
- Questions about work years authorized for your section
- Questions, concerns or requested updates to hierarchy
- Information on authorized tenure within your section (Permanent, Indefinite, Temporary)

EXERCISE

SURFACE MAINTENANCE MECHANIC WG-5801-08

The purpose of this position is to perform limited diagnosis, routine repairs, and maintenance on combat, tactical, commercial, and special purpose vehicles and equipment. May assist higher graded mechanics in the performance of maintenance duties.

b. DUTIES:

(1) Performs limited diagnosis, routine repairs and maintenance on heavy-duty mobile equipment, combat, tactical and automotive vehicles. Assists higher graded mechanics in the repair and/or overhaul of major systems to include internal combustion engines, turbine engines, automatic and non-automatic transmissions, heavy duty drive line systems, and hydraulic utility systems and controls. Makes routine repairs that can be accomplished by removing, adjusting, or replacing defective or worn parts and components. Performs work in accordance with technical manuals, lubrication orders, maintenance bulletins, regulations or management policies.

c. SKILL AND KNOWLEDGE:

Basic knowledge and understanding of the mechanical makeup, operation, and working relationships of individual systems, and their interrelationships for a variety of combat, tactical, commercial, automotive, special purpose vehicles and equipment.

d. RESPONSIBILITY:

The supervisor or higher-grade worker assigns work orally or through work orders, indicating the nature of the work or problem. On routine repair and maintenance assignments, performs work independently, selects tools, decides on techniques to use, obtains standard parts, and carries out assignments with minimal review during progress. On new assignments or complex repairs involving portions of major assemblies or systems, the supervisor or higher graded work provides assistance, instruction, or demonstrates the techniques, methods, and procedures to follow.

SURFACE MAINTENANCE MECHANIC WG-5801-10

The purpose of this position is to perform maintenance, repair, troubleshooting, inspection, and/or overhaul of a variety of combat, tactical, commercial, and special purpose vehicles and equipment.

b. DUTIES:

(1) Troubleshoots, performs maintenance and major repairs on heavy-duty mobile equipment, combat, tactical and automotive vehicles. This may include self-propelled artillery, tracked cargo and personnel carriers, road graders, mobile cranes, front loaders, conveyors, bulldozers, power shovels, compressors, generators, tanks, tracked combat vehicles, sedans, buses, all terrain vehicles, trucks, semi trailers, forklifts, tractors, and accessory equipment. Troubleshoots, repairs and overhauls major systems to include internal combustion engines, turbine engines, automatic and non-automatic transmissions, heavy duty drive line systems, and hydraulic utility systems and controls. Makes repairs to assemblies and components such as voltage regulators, generators/alternators, brake cylinders, etc. Performs work in accordance with modification work orders, technical manuals, lubrication orders, maintenance bulletins, regulations or management policies. May repair a variety of more complex major systems to include engines, cross drive or similar multi-system transmissions and a variety of intricate fuel injection systems.

c. SKILL AND KNOWLEDGE:

Thorough knowledge of the mechanical makeup, operation, and working relationships of complex systems, assemblies, and parts for a variety of combat, tactical, commercial, special purpose vehicles and equipment.

d. RESPONSIBILITY:

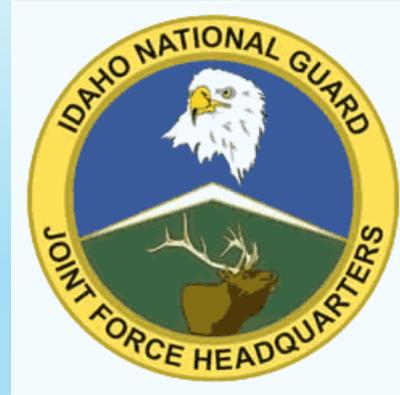
Work is performed under the direction of a supervisor. May receive additional technical guidance and instruction from a work leader or higher graded mechanic. Assignments are in accordance with work orders, technical manuals, established standards, or inspector instructions. Uses judgment in planning work sequences, selecting tools and repair parts, and otherwise carrying assignments through to completion, referring only unusual and difficult problems to the supervisor.

Questions?



S
T
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Recruitment / Staffing / Pay/Tenure



Human Resources Staffing Specialists

Yvonne Howard 422-3343

Kylianne Osojnicki 422-3338

Kelli Allmaras 422-3339

Manpower Supervisor Cindy Whitehead 422-3340

Announcements



1. Work from SF52 submitted
2. Verify information with Hiring Official
 - Authorization (classifier)
 - Tenure (classifier)
 - Area of Consideration (staffer)
 - * Guard Members/Nationwide
 - * Rank
 - * MOS/AFSC
1. Draft announcement for Hiring Official approval
2. Post to USAJOBS
3. Grade vacancy when closed
4. Qualify applicants
 - Adjudicate Veterans Preference (T5 positions)
7. Prepare Hiring Packets

Tips for the interview process



- ▶ Interview questions must be the same for all applicants. **Be consistent**
- ▶ No grade inversion on your interviewing panel (meet or exceed the highest grade of all applicants). The panel should represent the gender and race of all applicants
- ▶ Tailor questions relevant to the job
- ▶ Avoid questions that violate Equal Employment Opportunity laws
- ▶ Ask open-ended questions (try to avoid yes or no answers)
- ▶ All interviews can be conducted face to face or via telephone
- ▶ If an individual declines an interview, please document as part of your interview packet and include any written correspondence if they provide it to you
- ▶ Conduct interviews as negotiated in the Collective Bargaining Agreement or as defined in the State Merit Promotion Plan

After a selection has been made



- ▶ Items to Consider (***before selectee enters on duty***)
 - ▶ Creditable service towards probation period
 - ▶ Highest Previous Rate **or**
 - ▶ Change to Lower Grade
 - ▶ Tenure change (Perm to Indef)
 - ▶ Superior Qualifications
 - ▶ Incentives
 - ▶ Individual Development Plans (training grades i.e. WG-08 to WG-10; GS-07 to GS-09 to GS-11)
 - ▶ 180 Day Waiver
 - ▶ Higher Leave Accrual
 - ▶ Next step increase
- ▶ Once the selection has final approval (as necessary) an HR Staffing Specialist will coordinate hiring details including start date
- ▶ Supervisor confirms the selectee accepts official offer
- ▶ Coordinate start date in line with beginning of pay period

Compensation



Maximum Payable Rate / Highest Previous Rate

- ▶ Highest previous rate (HPR): The highest rate of basic pay while Federally employed. **Member must have held similar position for at least one year within the last 5 years**
- ▶ Maximum payable rate (MPR): The highest amount at which an employee's pay may be set when the highest previous rate is considered. It may be higher or lower than the highest previous rate
- ▶ Use of HPR and MPR is **discretionary to an Agency** and to the TAG and HRO in TPR 335



Superior Qualifications (GS) or Advanced In-Hire Rate (FWS)

- ▶ Pay can be set above step 1 for new federal appointees
- ▶ All Superior Qualification or Advanced In-Hire request **must be** received and **APPROVED** prior to appointment

Recruitment / Relocation / Retention Incentives

- ▶ An agency may make recruitment, relocation, and retention payments to an individual or group to address recruitment and retention problems
 - ** *Recruitment and relocation **MUST** be on job vacancy announcement to be considered* **

Merit Promotion & Placement



Merit Promotion & Placement is the process we use to consider candidates for competitive and non-competitive placement of dual status technicians and Title 5 employees

Competitive Procedures

1. Appointments

Reassignments with promotion potential

Promotions (excluding temporary promotions 120 days or less)

2. Details (more than 120 days to a higher graded position with promotion potential)

3. Key Staff position (TAG request)

Non-Competitive Procedures

1. Voluntary or management directed reassignments without promotion or known promotion potential

2. Placement of over graded technicians on pay/grade retention

3. Promotion when competition was held earlier (positions advertised with known promotion potential i.e., training grades)

4. Promotion due to re-classification action

5. Details (less than 120 days)

6. Key Staff position (TAG request by referral list)



Military/Technician Compatibility

Incompatible Conditions:

- Loss of military membership = separation (Title 32 DS ONLY)
- Failure to meet a requirement of the position/condition of employment (FM Cert, Security Clearance)
- Accepting an Officer or Warrant Officer Commission while occupying an Enlisted technician position (Title 32 DS ONLY)

Reference: Technician Personnel Regulation (TPR) 715 - "Voluntary & Non-disciplinary Actions" and TPR 303 Military Technician Compatibility



Federal Pay Systems

➤ General Schedule (GS)

- Administrative/Clerical/Technical
- Special salary rate schedules (IT 2210/Air Pilots/Police Officers)
(<http://inghro.idaho.gov/hr/paytables/tables.htm>)
- Locality increases normally in January

➤ Federal Wage Systems (FWS)

- Trades and crafts-related fields
- Locality increases normally in September

SALARY INCREASE

© CanStockPhoto.com

Waiting Periods: 5 CFR 531.405 & 5 CFR 532.417

Within-Grade Increase Applicability Chart

GS		WG	
Steps 2/3/4	52 Wks (1 Yr)	Step 2	26 Wks (.5 Yrs)
Steps 5/6/7	104 Wks (2 Yrs)	Step 3	78 Wks (1.5 Yrs)
Steps 8/9/10	156 Wks (3 Yrs)	Step 4	104 Wks (2 Yrs)
		Step 5	104 Wks (2Yrs)

Tenure

SF50 block 24

- Temporary = 0
- Permanent = 1
- Conditional (trial period) = 2
- Indefinite = 3





Tenure Group 0

- ▶ Employees in a temporary, time-limited appointment with a "Not to Exceed" date
- ▶ This tenure group may not receive advance written notice prior to being released from their appointment/employment
- ▶ If appointment will be greater than 6 mo., recommend establishing a performance plan
- ▶ No appeal rights

Tenure Group 1



- ▶ Employees in a permanent status, or completed the requirements for career tenure
- ▶ This tenure group is not conditional or time limited
- ▶ Performance plan required
- ▶ Will receive a 30-day written notice prior to separation
- ▶ Appeal Rights

Tenure Group 2



- Employees are in a trial or probationary period
- Job performance and behavior are observed and assessed by the supervisor
- Supervisor recommends retention or non-retention prior to the end of the trial/probationary period – (can be released at **any** time during this period - **30-day notice not required**)
- Performance plan required
- Automatically convert to tenure 1 after successful completion of trial/probationary period (currently 1 year period may include previous time)
- No Appeal Rights



Tenure Group 3



indefinite

- ▶ Employees are “Indefinite”
- ▶ Appointment is generally expected to last more than one year
- ▶ Performance plan required
- ▶ May require a 30-day written notice prior to separation/pending the length of time they have been employed

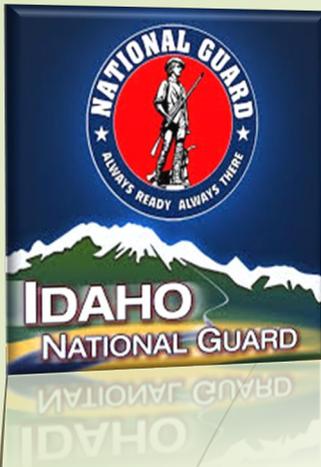
Benefits Overview



Employee Type	Tenure	Can Keep TRS	Eligible for FEHB	Eligible for Annual Leave	Eligible for Sick Leave	Eligible for Military Leave	Eligible for TSP	Eligible for Retirement Contributions
Temp under 89 days	0	YES	NO	NO	YES	NO	NO	NO
Temp Over 89 days	0	NO	YES	YES (cannot use until >90)	YES	NO	NO	NO
Indefinite	3	NO	YES	YES	YES	YES	YES	YES - Not Optional
Conditional/Perm	2/1	NO	YES	YES	YES	YES	YES	YES - Not Optional

**ANY
QUESTIONS?**





New Employee Orientation



**Idaho National Guard
Human Resource Office**

Before Orientation

- ▶ You will receive an email from HRO

Supervisors,

Your new employee has New Employee Orientation (NEO) on **13 OCT 2021 @ 0930**, HRO Bldg. 441.
Please follow the link below to retrieve the required documents to in-process:

Supervisor Link:

<http://inghro.state.id.us/hr/SupervisorsToolbox/Supervisor%20File%20for%20New%20Employees.pdf>

Employee Link:

<https://inghro.idaho.gov/hr/EmployeesToolbox/employeestoolbox.htm>

The documents your employee is required to bring to the New Employee Orientation are “**Perm and Indef In-Processing Documents To Complete and Sign**” and “**Payroll Documents.**” Also, please review the documents under “**Supervisor File for New Employees**” with your employee.

***If these documents are not brought to NEO, your employee will not be able to in process that day.**

They are also required to bring documentation showing their identity and authorization to work:

To view the full list of acceptable documents, you can visit: [Form I-9 Acceptable Documents | USCIS](#)

An Example of acceptable documents would be:

1) Military ID **OR** Driver License

AND

2) Social Security Card **OR** Birth Certificate

3) All Title 10 DD214s (Member Copy 4)

*If they provide a passport it will eliminate the need for the other documents for employment verification.

Without the proper documents we will be unable to verify your eligibility for employment. It will result in delay of the completion of your on board process.

Supervisors are encouraged to attend NEO with their new employees, but it is not mandatory. If you have questions or concerns please contact HRO.

Very respectfully,

SGT Marta Ortiz
JFHO- HRO



Before Orientation

- ▶ If an email is not received by the middle of the pay period, contact your HR representative
- ▶ **It is your responsibility to ensure your employee reports to NEO on time with all required documents**
- ▶ If your employee will be unable to attend, you must contact HRO to reschedule **prior** to orientation.



Orientation

- **EMPLOYEE MUST SHOW UP!!**
- **Your attendance is highly encouraged!**
- They must bring all the required documents requested in the email, if they do not bring the documents with them, they will not be able to in-process that day.
- Payroll documents must be submitted to their respective finance office either in person or by email.



After Orientation

- ▶ Complete the checklist with your employee
- ▶ Ensure finance has received all payroll documents
- ▶ Make sure your employee can access ATAAPS before the end of the pay period.



Review

- ▶ If you know you have a new employee and you have not received an email from HRO, what should you do?
- ▶ What should you do if you know that your employee will not be able to attend NEO?
- ▶ Where can you find all the documents required for in-processing?



Federal Employee Benefits

Benefits Available

- ▶ FEHB
- ▶ FEDVIP
- ▶ FEGLI
- ▶ FSA
- ▶ FLTCIP
- ▶ FERS
- ▶ TSP
- ▶ EAP
- ▶ ACHD
- ▶ NGAUS Disability Insurance

FEHB - Federal Employee Health Benefits

To see a list of all available plans visit:

<http://www.opm.gov/insure>



- ▶ Normally, the effective date will be the first day of the next pay period after the election is made
- ▶ A new employee has 60 days to make an election from appointment date (not automatically enrolled)
- ▶ 60 days to make changes with a Qualifying Life Event (QLE)
- ▶ Open Season 2nd Monday in November to 2nd Monday in December – effective 1st full pay period in January
- ▶ Employees eligible for FEHB can also be enrolled in a Flexible Spending Account (FSA)

FEDVIP – Supplemental Dental/Vision

- ▶ Stand alone dental and vision insurance
- ▶ Enroll in dental, vision, or both
- ▶ 60 days to enroll from appointment date
- ▶ Enroll/change during annual open season
- ▶ Do not have to enroll in a FEHB to have dental and/or vision insurance
- ▶ 60 days to make changes with a Qualifying Life Event (QLE)





FEHB and Temporary Federal Employees

- ▶ Temporary Employees with an appointment of 90 days or more become ineligible for Tricare Reserve Select on their EOD and eligible for a FEHB plan immediately.
- ▶ Temporary employees must terminate their TRS coverage and enroll into a FEHB plan

Note 1: TRICARE will retroactively terminate your TRS coverage based on your FEHB eligibility date you place in the date field on the website

Note 2: Normally, the effective date will be the first day of the next pay period after the election is made.

Note 3: The HRO Office recommends that a technician coordinate the date of FEHB eligibility with the cancellation of TRS coverage on the www.dmdc website

FEHB and Temporary Employees

- ▶ Supervisors:
 - ▶ Communicate with your temporary employees about the use of TRS and FEHB before you create the SF52
 - ▶ If your temporary employee intends to be eligible for TRS, they cannot have an appointment over 89 days
 - ▶ Employees with TRS should first enroll in FEHB before they cancel their TRS if appointment is over 90 days
 - ▶ Their TRS cancellations need to be one day before or on their FEHB effective date

FEGLI – Federal Employees Group Life Insurance

- ▶ Employees are automatically enrolled in Basic coverage (unless employee waives coverage; after appointment date)
- ▶ 60 days to elect optional coverage from appointment date
- ▶ 60 days to make changes with a Qualifying Life Event (QLE—Only 4: Marriage, Divorce, Birth/Adoption, Death of Spouse)

NOTE: If previously waived, basic coverage may be obtained with a “clean bill of health” from a doctor (not a PA)

Where do my employees go to elect and enroll in these benefits?

- ▶ GRB Platform

- ▶ FEHB, FEGLI, and TSP % <https://abc.army.mil>

- ▶ TSP Fund Allocation www.tsp.gov

- ▶ Flexible Spending Account (FSA) www.fsafeds.com

- ▶ Supplemental Dental and/or Vision Insurance www.benefeds.com



Employee Separations

- ▶ After resignation, termination or retirement the employee is eligible:
 - ▶ For all unpaid annual leave to pay out
 - ▶ 31 days of continued coverage of FEHB (NOT supplemental dental or vision)
 - ▶ For the option of rolling the FEHB and/or FEGLI into another individual plan
 - ▶ To opt for a refund of their retirement contributions after being separated for 31 days
- ▶ Loss of technician position due to loss in military membership:
 - ▶ If not eligible for immediate retirement, employee MAY be eligible for severance pay
 - ▶ DoD Priority Placement Program (PPP) may be an option

Employee Assistance Program (EAP)

- ▶ Recognizing Employee Problems
 - ▶ Behavior
 - ▶ Attendance
 - ▶ Performance
- ▶ During counseling for such problems, you may want to suggest use of EAP

Call: **888.290.4327**

TDD: 800.697 .0353

Online: **guidanceresources.com**

Your company Web ID: **GOVEAP**

Company name: **Army (enter a space after the letter 'y')**

ACHD Commuteride Mass Transit

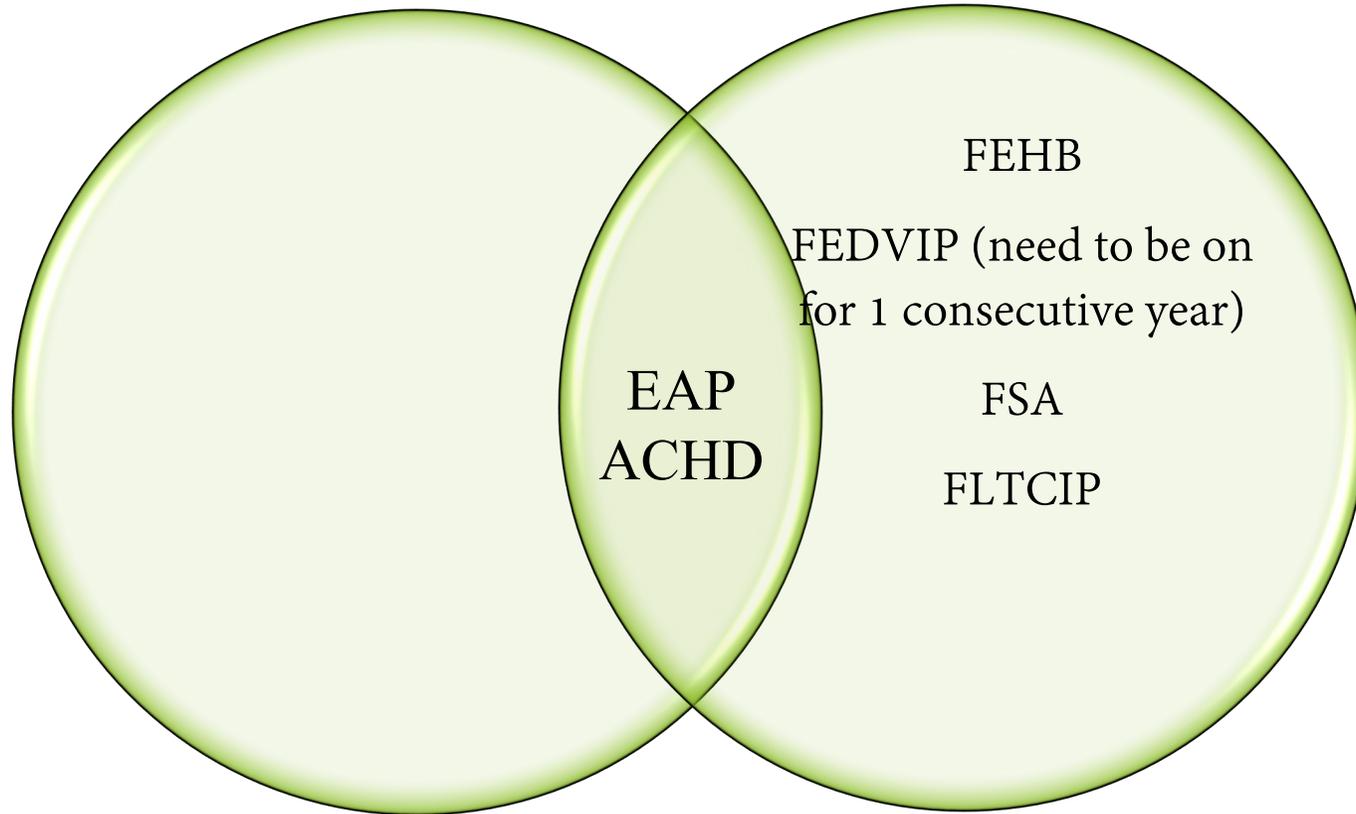
- This program is available for all Federal Employees
- Current maximum benefit is \$255.00 per month per rider (rate is determined by HOR/Location of Vanpool)



ACHD Commuteride
Carpool and Vanpool
Services
345-POOL (7665)
www.Commuteride.com

Benefits available to Temporary Technicians

Under 90 days Over 90 days



Leave Without Pay (LWOP)

- ▶ 1. Employees covered under life insurance can be on LWOP for up to 12 months without being liable for the premiums.
- ▶ 2. Employees covered under health insurance are responsible for their premiums and notifying HRO of how they plan to pay their premiums while on Personal LWOP. They make their election with their HR rep.
- ▶ 3. Any personal LWOP (KA) <80 hours requires a request thru HRO to the Assistant Adjutant General (Army/Air)

Questions?



Remember: In-processing briefs are provided to help guide all new Federal employees in choosing and setting up their entitled benefits

Review

- ▶ When is the employee's FEHB election effective?
- ▶ How long does a new employee have to elect their benefits?
- ▶ Where do employees go to elect/change their benefit elections?
- ▶ Are employees automatically enrolled in FEHB?

Workers' Compensation (OWCP)



INJURY COMPENSATION PROGRAM ADMINISTRATOR (ICPA)

Michael Whittier- 1-208-272-4560

michael.w.whittier.civ@army.mil

Office of Workers' Compensation

- ▶ National Guard Federal Employees are covered by Federal Employees' Compensation Act (FECA)
- ▶ Administered by the U.S. Department of Labor



What is FECA? Federal Employees' Compensation Act

- ▶ Benefits paid if injured or killed while in the performance of Federal employment duties.
- ▶ Benefits are paid by the Department of Labor and are reimbursed by the Department of Defense
- ▶ May be as a result of traumatic injury or occupational disease/illness
- ▶ Only employees, not the agency can appeal OWCP decisions



Traumatic Injury vs. Occupational Disease

- ▶ A specific injury identifiable by time and place of occurrence, body part affected, and by a single incident or within one work shift (i.e.-wound, stress, strain).
- ▶ Condition produced by systemic infections, prolonged exposure to toxins, or repeated stress (i.e.-carpal tunnel syndrome).

Employee Responsibilities

- ▶ Observe safety regulations, report hazards, and notify supervisor immediately if injured
- ▶ Obtain medical evidence and duty status reports from their physician(s)
- ▶ Cooperate with light duty job placement
- ▶ Monitor their claim as if it were submitted to their own insurance – it is their claim, not the agency's

Supervisor Responsibilities

- ▶ Complete and submit forms in timely manner to HRO (CA-1, OSHA 301, CA-2, CA-7)
- ▶ Monitor Continuation of Pay (COP) when applicable
- ▶ Track injured employee's medical status & availability of work
- ▶ Offer light duty (if applicable)
- ▶ Provide CA-17 for employee to take to their medical provider

Primary Steps

- ▶ Seek medical treatment at a FECA Enrolled Provider
- ▶ Call ICPA for CA 16 if needed
- ▶ File claim with employee on ECOMP
- ▶ Upload initial medical documents on ECOMP
- ▶ Ask if employee has temporary work restrictions
- ▶ Prepare light duty memo if needed
- ▶ Contact HRO-ICPA if unable to accommodate light duty
- ▶ Check for lost military earnings during COP period

Common Problems

- ▶ Delay in filing and approving CA -1
- ▶ Incorrect supervisor email being entered by employee in ECOMP
- ▶ Unpaid bills due to rejects or improper submission to DOL (payment made by employee's FEHB)
- ▶ Tracking temporary light duty restrictions
- ▶ Call ICPA if any aspect of the claim is questioned (controvert) before inputting claim into ECOMP
- ▶ PT Policy agreement not uploaded for PT



Telework

- ▶ Employees may be in the performance of duty while teleworking
 - DOL evaluates this on a case-by-case basis
- ▶ “Personal Comfort” doctrine does not apply
- ▶ Injury claims while teleworking will include:
 - Telework agreement
 - Work employee was performing when injured
 - Official supervisor opinion on whether employee was performing official duties at the time of injury

Telework

Notable Cases

A.A. and the Department of Treasury

IT specialist sustained injuries when his motorcycle was struck by another vehicle while traveling from the employing agency's premises to his home. Claimant noted he went to employing agency's premises to perform union duties and was going home to finish the day with telework. ECAB found OWCP properly denied the claim as the claimant was no longer engaged in representational functions, and was injured off premises and not a place where the claimant could be reasonably expected to be in connection with his employment.

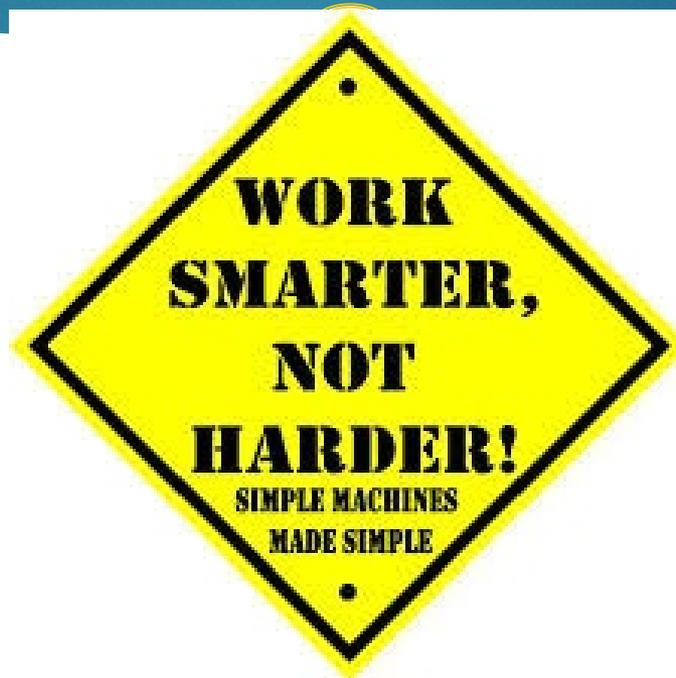
D.C. and Social Security Administration

Employee filed a traumatic injury claim alleging he injured his back when he slipped and fell while taking a break from teleworking. The injury occurred at 8:15 a.m. at the front door of his residence when he stepped outside for some air. The ECAB found OWCP properly denied the claim as the claimant's injury did not occur in the performance of duty. The claimant's action in taking a break to walk outside was for his own personal comfort, which is not applicable to an employee injured at his own residence.

COVID-19 Claims and Vaccination

- ▶ All federal employees who develop COVID-19 while in the performance of their federal duties are entitled to workers' compensation coverage pursuant to the Federal Employees' Compensation Act (FECA).
 - ▶ Who is an employee under Section 8101(1) of title 5, United States Code, employed in the Federal service at any time during the period beginning on January 27, 2020, and ending on January 27, 2023
 - ▶ Who is diagnosed with COVID-19 during such period; and
 - ▶ Who, during a covered exposure period prior to such diagnosis, carries out duties that—
 - ▶ require contact with patients, members of the public, or co-workers; or
 - ▶ include a risk of exposure to the novel coronavirus.
- ▶ COVID-19 vaccination as a requirement of Federal employment affords FECA coverage for adverse reactions to the vaccine and any injuries sustained while obtaining the vaccination
 - ▶ Applies to vaccinations received after September 9, 2021

Questions



Work smarter, Not harder

Workplace Injury Example

- ▶ John Doe is working on the flight line. He/she is moving some pallets and boxes of parts from the flight line to inside storage with the help of another employee.
- ▶ While carrying one of the boxes he/she trips on an uneven surface and falls.
- ▶ He seriously hurts his ankle and is unable to walk on it.
- ▶ What do you do?

Injured Employee

▶ Step One

- ▶ Notify your supervisor of the accident and injury.

▶ Step Two

- ▶ Get a Conduent card, CA-16 (w/supervisor portion completed), CA-17, and list of medical facilities you can go to.

▶ Step Three

- ▶ Get to the closest medical facility for diagnosis that is a Provider enrolled in FECA. Maybe call ahead.

▶ Step Four

- ▶ Fill out all required medical documents and get copies to bring back and upload to ECOMP.

▶ Step Five

- ▶ Create login to ECOMP, create OSHA 301, create CA-1, and upload medical documentation.

▶ Step Six

- ▶ Follow up with HRO to get claim number.

▶ Step Seven

- ▶ Complete CA17 and take to employees perspective occupational health agency.

Supervisor of Injured Employee

▶ **Step One**

- ▶ Provide injured employee a CA-16, Conduent Card, CA-17, and list of covered medical facilities (Provider enrolled in FECA).

▶ **Step Two**

- ▶ Contact HRO to inform them that there was an accident.

▶ **Step Three**

- ▶ Ensure the member enrolls in ECOMP and complete all needed items and upload medical documents.

▶ **Step Four**

- ▶ Verify employee's verification and documentation of the OSHA-301 and CA-1.

▶ **Step Five**

- ▶ Communicate with the employee that their claim has been forwarded for approval.

▶ **Step Six**

- ▶ Work with employee and occupational health for any reasonable accommodations and/or limitations.

OWCP Quiz:

What forms do you need to send with your employee?

- a) C-4, Convalescent Card, and OSHA 201
- b) CA-16, CA-17, and Conduent Card
- c) R-2, C-3PO, and Travel Card

OWCP Quiz:

What medical facility should the injured employee go to?

- a) One that is FECA qualified
- b) Only ones located in Canyon County
- c) Facilities with entrances

OWCP Quiz:

What website is used to create a claim in?

- a) OWCP
- b) Gowen Field HRO
- c) ECOMP

OWCP Quiz:

Where would the employee take their CA-17 in order to get a Light Duty Memo?

- a) Gowen Field HRO
- b) Occupational Health
- c) Billeting



Thank You.

Employees on Military Duty

USERRA, ABSENT-US, RETURN TO DUTY



IDAHO NATIONAL
GUARD

HUMAN RESOURCE OFFICE

Topics

USERRA

Out-Processing

Setting the Absent-US Effective Date

Double Dipping/Leave

Restoration Periods

Return to Duty

Presidential Leave

TSP

USERRA

Uniformed Services Employment and Reemployment Rights Act

USERRA is a federal law intended to provide employment protection for employees who serve in the Uniformed Services.

Maximum re-employment rights: Provides 5 cumulative years with the same employer for non-exempt military service

First Step: Out-Process

The Supervisor **will** ensure:

1. A SF52 is sent to HRO with a copy of the employee's military orders as soon as they are published (can be draft).
2. Employee makes an appointment with a HRO Representative ASAP to out-process and complete the Absent-US Checklist.
3. Verify with HRO if a Performance Appraisal action is required before employee starts their orders.

Setting the Absent-US Effective Date

The Absent-US effective date will be the same as their military orders **UNLESS** the employee takes leave, then the effective date **may** be the first full day of non-pay

Comp Time - If the employee has comp time that will be forfeited (26 pay periods from accrual date) during the Absent-US period, they will need to use it **BEFORE** being placed on Absent-US.

Example:

(1)Employee orders start January 1, normally the Absent-US would be effective January 1 but the employee has 40 hrs of regular comp time they want to use, so the new effective date for the Absent-US is January 6

[effective date can be a weekend]

Double-Dipping/LEAVE

Once HRO places the employee in Absent-US (KG), timekeepers can still code the following types of leave while the employee is on orders:

- **Military Leave (LM) – 120 hrs. each FY (if eligible)**
- **Annual Leave (LA)**
- **Travel Comp Time (CF)**
- **Time Off Awards (LY)**

Military Leave policy

Restoration Periods

Employees must report back to work after military service:

Order length

Less than 31 days – 1st full regular work day

More than 30 Less than 181: within 14 days

More than 180 days: Within 90 days

*Exception: Employees who have exhausted their 5 year USERRA protection must inform the employer of their intent (to restore or not) before the end of their 5 year USERRA limit.

Return to Duty

Employee contacts supervisor and confirms a return to duty (RTD) date.

Employee's Supervisor submits a SF52 to HRO with employees pending RTD date. (Recommend RTD is submitted with AUS)

IMPORTANT INFORMATION

**FAILURE TO SUBMIT A SF52
PRIOR TO RETURN TO DUTY
WILL CAUSE PAY AND
BENEFIT ISSUES.**

Presidential Leave

[For contingency orders only]

Employee are entitled to Presidential Leave (LV) that equals 40 hours (amount of days is dependent on the schedule that the employee is on ex: 5,4,9 or 4 10s) after their RTD. This leave cannot be used at another time.

If the employee elects to take personal LWOP during their restoration period, Presidential Leave is taken immediately after their RTD.

Return to Duty – FEHB (contingency orders and non-contingency orders)

Upon Return to Duty: Contingency Orders:

Transitional Assistance Management Program, **TAMP**, medical coverage through Tri-Care.

- TAMP coverage starts immediately following the end date on their orders and continues for 180 consecutive days.
- Employees have the option to keep FEHB terminated during this 180 day period, if FEHB was terminated at the beginning of the contingency orders (Absent-US effective date).
- Employee must request a waiver to extend termination of FEHB otherwise, FEHB will automatically reinstate.

TAMP may also apply to NEW employees who just left AD

Upon Return to Duty: Non-Contingency Orders:

- Reinstate FEHB effective Return to Duty date.
- If FEHB was retained during Absent-US Status a debt will have accrued and premiums will be doubled up upon returning to duty.

Return to Duty – TSP

Upon returning to federal employee status, retroactive TSP contributions plus automatic agency matching funds can be requested.

- Must have a military TSP account **AND** have been contributing
- Must bring in copies of military LESs to receive matching contribution

Submit request thru HRO for retroactive contributions **NLT 60 days** after returning to federal employee status.

QUESTIONS???



Review questions

What should an employee do when they will be put on military orders?

Should a supervisor ask an employee to resign when they will be on long term orders?

When can Presidential Leave be taken?

An employee returns to duty after 75 days of military orders, how long do they have to restore?

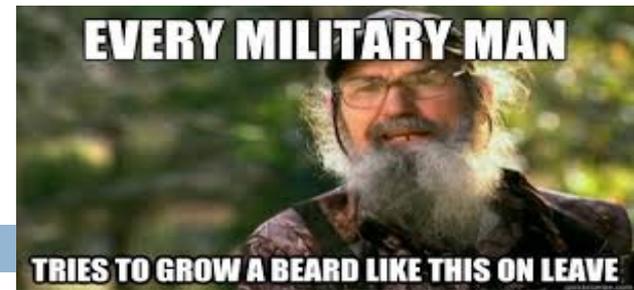
What types of leave can be coded while an employee is Absent-US?

LEAVE

*Idaho National Guard
Human Resource Office*



TYPES OF LEAVE



- Annual Leave
 - ▣ Advanced Annual Leave
- Leave Without Pay (LWOP)
- Sick Leave
 - ▣ Disabled Veteran Leave
 - ▣ FFLA
- FMLA & PPL
- Military Leave
- Funeral Honors Duty Status
- State Active Duty (SAD)
- Voluntary Leave Transfer
- Compensatory Time
- Excused Absence
- Administrative Closings/
Severe Weather
- Court Leave
- Absence Without Leave (AWOL)
- Holidays
- Hot Topics

ANNUAL LEAVE



Accrual Rates:

- 1-3 years: 4 hours/per pay period
- 3-15 years: 6 hours/per pay period
- 15+ years: 8 hours/per pay period

Temporary appointment of 89 days or less not eligible to use annual leave. Once an employee reaches 90 days, they may begin to use annual leave.

ANNUAL LEAVE

USE IT
OR
LOSE IT!



Criteria/Rules:

- ❑ Service computation date (SCD) determines leave accrual
- ❑ Maximum annual carryover – 240 hours
- ❑ Separated employees may be paid lump sum for unused annual leave
- ❑ May be advanced if requested in writing (Approval Required)
- ❑ May be taken in the pay period earned
- ❑ Right of employee; subject to approval of the supervisor
- ❑ Can be denied based on mission requirements

LEAVE WITHOUT PAY (LWOP): “KA”

- No entitlement, except:
 - ▣ Disabled veterans for medical treatment of disability
 - ▣ Employees receiving Workers’ Compensation payments
 - ▣ FMLA
 - ▣ State Active Duty (SAD)
- Must be requested by employee & approved by the supervisor (if employee is out of annual leave, supervisor does not have to approve LWOP)
- Supervisor can authorize up to 15 continuous days; over 15 consecutive days requires AAG approval
- Each 80 hours of accumulated LWOP affects the employee’s Annual & Sick Leave accrual, & adjusts Within-grade Increases

MILITARY LEAVE WITHOUT PAY: “KG”

- KG – military leave without pay is used when placed on military orders

- Must submit an SF 52 Absent-US for first full day of ‘KG’
 - ▣ While in an Absent-US status the following types of leave may be used:
 - Military Leave, Annual Leave, Earned Travel Comp, Sick Leave (consistent with statutory and regulatory criteria)
 - HR 11-005 on HRO website.

SICK LEAVE



Out
Sick

Accrual rates:

- All full-time: 4 hours/pay period
- Part-time: 1 hour/every 20 hours in pay status

*Note: Both categories above include **temporary** employees*

Covers

- Medical, dental, optical exams/treatments
- Personal incapacitation
- Family Care
 - ▣ Sick Leave to Care for Family Member
 - ▣ Bereavement/Family funeral
- Birth/Adoption (Limited – FFLA & FMLA) (PPL will be discussed later)
- Unlimited carryover balance
- May be advanced; requires memo and medical documentation (up to 240 hours)

SICK LEAVE USAGE

LIMITS PER LEAVE YEAR

- No limitation for employee's own personal medical needs
- Up to 13 days (104 hours) for general family care and bereavement
- Up to 12 weeks (480 hours) to care for a family member with a serious health condition
- Must follow leave expectations – see sample

****If you intend to deny sick leave – call HRO**

DISABLED VETERAN LEAVE

- Leave benefit for new Federal employees that is a veteran with a service-connected disability rated at 30 percent or more
- Leave is available for medical treatment associated with the service connected disability
- 104 hours available for a 12 month period
- Coded in ATAAPS as “LS” with the subcode “PW”

FAMILY-FRIENDLY LEAVE

*Authorized use of sick leave

- Uses for Bereavement/Family Care (40 hours but up to 104 hours):
 - ▣ Care of family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth
 - ▣ Family medical, dental, or optical exam/treatment
 - ▣ Care for family member who should limit their presence in the community due to risk of exposure to a communicable disease
 - ▣ Make arrangements necessitated by the death of a family member or attend the funeral of a family member
- Uses for Serious Health Condition (up to 420 hours):
 - ▣ Cancer, heart attacks, stroke, severe injury, pregnancy, childbirth
 - ▣ Not intended to cover short-term conditions
- ATAAPS coding: Subcodes utilized
- See OPM website for definition of Family Member

FAMILY MEDICAL LEAVE ACT (FMLA)

*Entitlement for eligible employees— unpaid job protected leave

- Eligibility:
 - ▣ Employed for at least 12 months
- Approval:
 - ▣ Request must go through and be approved by HRO
 - ▣ HRO coordinates with employee/supervisor/respective finance office
 - ▣ Allows up to 12 weeks of unpaid absence from work (can be used intermittently) in a rolling 12 month period
- ATAAPS coding:
 - ▣ FMLA box needs to be checked in leave request
 - ▣ Subcodes utilized under Annual Leave (LA), Sick Leave (LS), Compensatory time taken (CT), Leave Without Pay (LWOP)
 - LA/LS/CT/CF can be used while in FMLA as a paid status

FAMILY MEDICAL LEAVE ACT (FMLA)

cont'd

FMLA Uses:

- ▣ Birth of a child or placement of a child for adoption or foster care (must be taken within 1 year of child's birth or placement)
- ▣ To care for the employee's spouse, child, or parent who has a qualifying serious health condition
- ▣ For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job
- ▣ For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status
- ▣ Military Caregiver Leave for a Current Servicemember
- ▣ Limitation: employees may use up to 12 weeks of FMLA coded hours within a rolling 12 month calendar. * For military caregiver leave the employee can take up to 26 weeks

PAID PARENTAL LEAVE

- 12 weeks of **PAID** parental leave
- Applicable to births or placements occurring on/after **1 OCT 20**
- Must meet the 12 months of service as under FMLA
- Must be used within 12 months of the date of the birth or placement of the child
- Employees must apply for FMLA and complete the Agreement to Complete 12-Week Work Obligation

PAID PARENTAL LEAVE

- ATAAPS coding for PPL is “LN”
 - ▣ Subcodes: DG- Birth , DH- Adoption, or DI – Foster Care in the E/H OTH Field
- Request form and information available under the Employee Toolbox on the HRO website

MILITARY LEAVE



- Permanent and Indefinite Employees that are members of the Reserve Component
- 15 days – 120 hours each Fiscal Year (1 October)
- Charged in hourly increments (for hours missed)
- Paid leave when in a military status
 - ▣ Refer to military leave policy – HR 19-001
- Pro-rated for part-time employees
- Annual Carryover 120 hours – NTE 240 hours yearly
- Will not show up on LES until 1 hour of Military Leave is used

PRESIDENTIAL LEAVE



- Authorizes **40 hours** of Administrative Leave to Federal employees who return from active duty contingency tours of 42 consecutive days or more
- Continuous excused absence must be granted as soon as the employee returns to duty
- HR Policy Letter 20-003

FUNERAL HONORS DUTY



- Employees may volunteer to perform Military Funeral Honors (MFH) and must be in an appropriate leave status while on military orders
- Please contact HRO if you have specific questions regarding individual scenarios

STATE ACTIVE DUTY (SAD)



- Employees required to perform SAD may use
 - ▣ Annual leave, LWOP (KA), compensatory leave, or the 22 days leave provided under 5 USC 6323 (Law Enforcement Leave)*
 - ▣ Military Leave or Military LWOP may not be used

*Contact HRO before use

VOLUNTARY LEAVE TRANSFER



- Refer to Leave Donation Policy HR 20-004
- Employee can request leave donations using the application process
 - ▣ annual or sick leave accrued or accumulated must be exhausted before any donated leave may be used
- Only annual leave may be donated
- Employee can receive leave donations from other agencies

COMPENSATORY TIME

- ❑ Pre-coordinated time worked for mission requirements (Not call back)
- ❑ Must be requested in ATAAPS
- ❑ Time off with pay, in lieu of overtime pay
- ❑ Advance approval required
- ❑ Use within 26 pay periods of earning or forfeit (unless Title 5)
- ❑ CE – Regular Comp Time Earned
- ❑ Travel Comp is requested when travel is required during non-duty days/hours (includes weekends) *Title 5 when traveling is travel comp
 - ❑ Attach itinerary (flight) or google map (driving)
 - ❑ Refer to CNGBI and OPM regulations and guidelines for travel comp
 - ❑ **Convert to Mountain Standard Time**
 - ❑ CB – Travel Comp Time Earned

OVERTIME (Title 5)

- Overtime work is performance of civilian duties in excess of scheduled workday or 80 hours in the pay period
 - ▣ Title 5 FLSA exempt are eligible for overtime work or comp time (block 35 on SF 50)
 - ▣ Title 5 FLSA non-exempt are entitled to overtime work, unless they request comp time
 - ▣ Title 32 Technicians are only authorized to earn and use comp time
- Overtime and Holiday Pay approval authority is the Assistant Adjutant General, Air/Army
- Approval is documented on a request memo and routed through the chain of command to the approval authority
- The approved request memo is the supporting documentation for ATAAPS

Credit Hours

- Credit hours may be earned by employees on a maxiflex work schedule
- Credit hours are in excess of employee's basic work requirement (80 hours/biweekly pay period)
- No more than 24 credit hours may be carried over
- Not officially ordered by supervisor
 - ▣ Employee should request and provide a plan for hours and work they will accomplish

ADMINISTRATIVE LEAVE- EXCUSED ABSENCE

- CNGBI 1400.25 Vol. 630 Enclosure K
- There are different authorities for permitting Excused Absence depending on the reason
 - ▣ TAG
 - ▣ Supervisor
 - Preventive Health Examinations (up to 4 hours, if balance is below 80 hours)
 - Includes: Screening for prostate, cervical, colorectal, and breast cancer, and screening for sickle cell anemia, blood lead level, and blood cholesterol level. It also provides for all recommended childhood immunizations, well child care, and adult preventive care visits.
 - Blood donation, Registration and voting, Tardiness and brief absences (less than one hour) with justification

ADMINISTRATIVE LEAVE- EXCUSED ABSENCE

- CNGBI 1400.25 Vol. 630 Enclosure K - Continued
 - Supervisor
 - Employee Assistance Program
 - An employee is entitled to excused absence for participating in initial counseling and assessment. If employee is referred for treatment or assistance, the employee must be in an appropriate leave status

ADMINISTRATIVE OR FACILITY CLOSURES/ SEVERE WEATHER

- CNGBI 1400.25 Vol. 630 Enclosure L
- Administrative dismissal: absence when employees are released from duty because all or part of an activity is closed
- Excused without charge to leave or loss of pay (LV)
- Facility Closures: TAG authority
- Severe Weather:
 - ▣ TAG authority to use LV
 - ▣ “Employees with supervisor permission may use any form of appropriate leave when they are prevented from arriving to work on time, need to leave early to avoid hazardous conditions, or could not return home if they report to work.”

COURT LEAVE

5 USC 6322(a)

Covers an employee (perm, indef, temp) who...

- CNGBI 1400.25 Vol. 630 Enclosure L



ABSENCE WITHOUT LEAVE (AWOL)

- Elements
 - ▣ Employee was required to be at work/duty station
 - ▣ Employee was absent; and
 - ▣ Absence was not authorized: leave not requested, employee did not have leave to take, or leave request was properly denied
- Absence from duty (i.e., tardiness, leaving work area, wasting time)
- Non-disciplinary pay status, however...
 - ▣ Discipline is certainly appropriate
- Is reversible



HOLIDAYS

- CNGBI 1400.25 Vol. 630 Enclosure L
- All federal employees required to work a holiday are entitled to holiday premium pay**
- Federal employees receive their regular straight-time pay for holidays they are not required to work
- “In lieu of” holiday
 - When the holiday falls on the employee’s first non-workday (Saturday) the preceding workday is designated the “in lieu of” holiday. When the holiday falls on the second non-workday (Sunday) or third (Monday) non-workday, the next day is designated the “in lieu of” holiday.

****Holiday work must be approved by the Chief of the Joint Staff or AAG Air/Army**

WORK SCHEDULES

- IDNG-34
- Authorized Work Schedules
 - 5/8 Schedule
 - 5/4/9 Schedule
 - 4/10 Schedule
 - Maxiflex Schedule
- Leaders and Supervisors set work schedules that are well suited to the particular work environment to ensure accomplishment of the agency's mission
- Supervisors should work with their leadership to determine which work schedules are acceptable for their work center

HOT TOPICS

- Administrative Leave for COVID Vaccination
 - Complete guidance available on HRO Website
 - Authorizes 4 hours of admin leave and up to 2 days for adverse reaction
 - 'LN' with subcode 'PF'

QUESTIONS

□ An employee on SAD orders may use what type of leave?

- Annual leave, LWOP (KA), compensatory leave, or the 22 days leave provided under 5 USC 6323 (Law Enforcement Leave)*
- Military Leave or Military LWOP may not be used

□ For what purposes may sick leave be used? Are there limits?

Medical, dental, optical exams/treatments, Personal incapacitation, Family Care, Sick Leave to Care for Family Member, Bereavement/Family funeral

No limit for your own personal medical needs, up to 104 hours for bereavement/family care, up to 480 to care for a family member with a serious medical condition. May also be entitled to FMLA which authorizes up to 480 hour of unpaid absence

□ Can a supervisor deny annual leave?

Yes, based on mission requirements, but should not arbitrarily deny leave.

LEAVE SCENARIO

- **What are your expectations for your employee to show up to work on time?**

Did you set and/or explain your expectations to your employee. (During in-processing)

- **Make a list of your expectations for being on time and reporting requirements if late.**

You can use the Leave Expectations template

References

- CNGBI 1400.25 Vol 630 (APR 2021)
- 5 USC Chapter 63, “Leave”
- 5 CFR 630, “Absence and Leave”
- 5 USC Chapter 55, Subchapter V, “Premium Pay”
- 5 CFR Part 551 § 531, “Compensatory Time Off”

TELEWORK



*Idaho National Guard
Human Resource Office*

Purpose of Telework



IDNG-51, Telework Program

Requirements to Telework

- Employees must have a current, fully successful performance rating

- Must Complete Telework Training
 - <https://www.telework.gov/training-resources/telework-training/virtual-telework-fundamentals-training-courses/>

- Examples and packets are located in the Supervisor Toolbox (attachments in PDF document):
<https://inghro.idaho.gov/hr/SupervisorsToolbox/supervisortoolbox.htm>

- Each approved telework request must be renewed annually.

TELEWORK

IDNG-51, Telework Program

- Requests must be initiated by the employee or supervisor and endorsed through chain of command to the HRO
 - ▣ Submitted to John Van Horn via email (john.l.vanhorn.civ@army.mil)
 - ▣ Once complete, it is then submitted to the approval authority
 - For ARNG employees the approval is CoS
 - For ANG employees the approval is DoS

****Complete for any employees that may telework now or in the future on a regular, recurring, or situational basis.**



Training Management and Career Development

Idaho National Guard

Human Resources Office

David Emry, HRD, 272-4226

david.e.emry.civ@army.mil



Training is an investment, not an expense.

- Results of well-trained employees:
 - Better customer service
 - Meeting all job requirements
 - Greater productivity
 - Improved performance
 - Retention!

Putting time up front into training will lead to greater results in the future of your employees and the National Guard.

*“The only thing worse than training your employees and having them leave, is not training them and **HAVING THEM STAY.**”*



Regulations, Supervisor Responsibilities & Resources

- Must be administered IAW
 - Code of Federal Regulations (5 CFR 410)
 - CNGBI 1400.25, Vol. 400
 - (Responsibilities of NGB, TAG, HRO, HRD and Supervisors)
 - State Directive on Technician Training Program
- Resources
 - ATRRS
 - PEC
 - Online Training (DCPAS, OPM, Graduate School, etc.)
 - Local vendors (ie. ExecuTrain, New Horizons, etc.)
- Observations in the work place...
 - Could your employees be more efficient if they had specific types of training? (ie. Microsoft or training specific to their PD)
 - Have you noticed knowledge or skill deficiencies that are causing performance problems?

Training Priorities

- Priority 1-
 - Mandatory/statutory training that MUST be completed during the fiscal year in order to prevent an adverse impact on mission accomplishment.
- Priority 2-
 - Training required to produce skilled employees within career fields. It should be successfully completed within a specified time period, but may be delayed if funding is not available.
- Priority 3-
 - Training for an employee performing competently to increase his/her productivity.

Individual Development Plans

- Used when employee is hired below the full grade level (trainee) or training is required for their position
 - Ex: Contracting, Acquisition, Human Resources positions, Financial Management
 - Can you hire someone who doesn't have the required experience into the position at a lower pay grade?
- Anytime a supervisor and employee are putting together a training plan for the employee
 - CNGBI 1400.25, Vol. 400
- Form:
 - NGB Form 650

Training Requests

- Training/Travel (ARMY):
 - Complete SF182
 - Request Special Conveyance
 - LOI (if applicable)
 - Email to HRD
 - Complete DTS

- GPC Training Purchase (ARMY):
 - Completed/approved SF182
 - Funding Memo (if applicable)
 - Invoice
 - Description & Agenda
 - Email documents to HRD

Training/Travel handled at unit level for AIR

GPC Training Purchase is initiated with unit RA for AIR & routed to HRO. SF182 required.

Completed Training

- Certificates to HRDS
 - MyBiz+
 - eOPF
- After Training (After Action Review)
 - Objectives
 - Effectiveness



Let HRO Help

Call or email the HRD if you have any questions or concerns regarding training and development for your employees.

David Emry, 272-4226

david.e.emry.civ@army.mil



Performance Management

MyBiz DOD Performance Mgt Application



Idaho National Guard
Human Resources Office
Zenella Sablan

References

- DoDI 1400.25 V 431
- CNGBI 1400.25 V 431
- HQ IDNG REG (ARNG) 690 Ch 430

Performance Management

- CBA 2019

Basic Concepts – When do you build a plan?

Within 30 days of the following actions

- New appointments
 - Indefs & Perms
 - How about Temps? ---- yes if appointed for 90 days or more but it is not required.
- Promotions
- Re-assignments
- Details
- New Supervisor
 - CNGBI 1400.25 V 431

Basic Concepts - My Performance Plan

- Plan/appraisal cycle

- 1 April YYYY – 31 March YYYY
- Eff date is 1 day after end of cycle
- Minimum performance period is 90 days to receive a rating of record
- **Other cycles???** ---- Yes, work with HRO in determining appraisal cycle dates

- The DODPMA – Dept of Def Perf Mgt Application

- Application is found on the DCPDS Portal/MyBiz:
<https://compo.dcpds.cpms.osd.mil/>

Ref: CNGBI 1400.25, Vol 431

Initiating the Plan

1. **Before beginning, ensure your Hierarchy is correct!**
---who are you “linked” to?
2. Know or develop unit mission/vision/goals
3. Thinking about your team and the position descriptions each employee is assigned to, determine (**in conjunction with your employee(s)**), the lines of effort (Task & Standard) each employee should be making to attain the goals that have been developed.

Plan Requirements

Performance elements required for ALL employees

1. Critical elements related to their PD
 - Must align with organization goals
 - Describe the expectations related to the work performed
2. Critical element related to Safety & EEO

Performance elements required for supervisors

1. There are specific critical elements for supervisors. This information can be found on the HRO website:

<http://inghro.state.id.us/hr/mybiz/mybiz.htm>

Critical Elements & Additional Duties

Critical Elements

A work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is unacceptable. Such elements shall be used to measure performance only at the individual level.

Additional Duties

All position descriptions have a clause that allows for supervisors to assign **additional duties**; management has the right to assign work.

When deciding if an additional duty should be one of the employee's critical elements, ask yourself if the additional duty is:

1. Significant to the mission and organization that failure to perform the additional duty at a fully successful level, would it cause mission failure or significant deterioration of mission accomplishment? AND
2. If not performed at the fully successful level, would it warrant the reassignment, removal or reduction in grade of that employee?



Additional Duties

Additional Duties

- If the answer to those questions is YES, then making the additional duty a Critical Element is appropriate.
- If the answer to those questions is NO, but you still want to make it a requirement of the employee:
 - Annotating and communicating the requirement is still appropriate in another format.



Plan Format Suggestion

Critical Element Title

TASK:

- What the employee is required to do/accomplish related to this critical element during the appraisal cycle

STANDARD:

- SMART Format – **Specific**/**Measureable**/**Achievable**/**Relevant**/**Timely**
 - Align with organization's goals
 - Define expectations for individual performance
- Standard is written at the Fully Successful level (In addition, you can specify what Outstanding would look like)
 - Research has shown that setting expectations that are impossible or nearly impossible to achieve can actually cause performance levels to drop. Employees tend to give up if they perceive the goal as impossible

NOTE: Can have multiple Tasks/Standards under one Critical Element



Example 1: SMART Standards

TASK: Provide relevant, timely, all-source intelligence reporting

Timely

STANDARD: Complete analysis of effects of UN-imposed sanctions on Iraqi industrial sector and present results in appropriately coordinated intelligence report for release to policy-making community by 31 August. Product will reflect engagement with other analysts and stakeholders, and incorporate their coordinated views. The completed product will make use of available intelligence from at least 90% of relevant sources as dictated by ICD 203.2 and reflect engagement with other stakeholders in the subject of the analysis.

Specific

Relevant

Measurable/
Achievable

Supervisor ex: – Supervisory Requirements, Performance Management and Employee Development

- TASK: Efficiently administers performance management program responsibilities, ensuring employee performance plans, progress reviews, and appraisals are accomplished in compliance with all applicable guidance and timeframes. Clearly communicates performance expectations throughout rating cycle, ensures employees are held accountable, makes meaningful distinctions in performance, and appropriately recognizes employee achievements.
- STANDARD: Performance Plans are initiated/ revised at beginning of rating cycle with timely approvals by HLRs, normally accomplished within 30 days from beginning of rating cycle. Progress review(s) are accomplished in a timely manner; a minimum of one progress review is
- conducted, normally at the mid-point of the rating cycle. Annual appraisals are accomplished IAW

The PD – Finding the Info

70637000

a. INTRODUCTION:

This position is located in the Joint Forces Headquarters—State, Logistics Directorate (J-4), Surface Maintenance Facility. The purpose of this position is to troubleshoot, repair, maintain, inspect, and/or overhaul a variety of complex combat, tactical, commercial, and special purpose vehicles and equipment having complicated mechanical and non-mechanical systems with a variety of interconnected systems. Provides technical guidance and specialized team leadership to lower grade employees.

b. DUTIES:

(1) Performs maintenance, troubleshooting, and major repair on heavy-duty mobile equipment, combat, tactical, and automotive vehicles. This may include self-propelled artillery, tracked cargo and personnel carriers, road graders, mobile cranes, front loaders, bulldozers, power shovels, tanks, tracked combat vehicles, all terrain vehicles, semi trailers, forklifts, tractors, and accessory equipment. Troubleshoots, repairs and/or overhauls, as a regular and recurring duty, a variety of the mechanically complex major systems to include internal combustion engines, turbine engines, automatic and non-automatic transmissions, heavy duty drive line systems, and hydraulic utility systems and controls, cross drive or similar multi-system transmissions and a variety of intricate fuel injection systems. Makes repairs and modifications to assemblies and components such as voltage regulators, generators/alternators, brake cylinders, etc., for use or placement in systems for which they were not specifically designed. Improvises work when standard procedures do not apply.

(2) Troubleshoots equipment with a variety of the mechanically complex major systems and diagnoses difficult performance problems and the cause of mechanical failures by means of visual and auditory checks, uses test equipment such as engine analyzers, compression testers, voltmeters, ohmmeters, pressure gauges and computer diagnostic tools. Utilizes embedded diagnostics in equipment and a wide variety of specialized original equipment manufacturer system analyzers in order to determine the exact nature or extent of repair. Determines what adjustments may be necessary to complete work orders, and whether any additional repairs other than those specified or indicated on the work order are necessary.

(3) Removes and disassembles engines and complex major assemblies, sub-assemblies, components, and fuel, hydraulic, and oil pressure systems. Makes the appropriate repairs, overhaul, or modifications in accordance with the proper repair specifications and procedures, and improvises repair techniques when standard procedures are not available. Reassembles engines and other systems, and adjusts, tests, and reinstalls in vehicles and equipment as necessary. Makes adjustments and repairs to electrical and suspension systems. Repairs equipment with a variety of interconnected systems to include state of the art electrical and electronic, fuel

• Info to tie position to mission objective or purpose

• Information for your critical elements

Time for MyBiz+

Guides

- HRO website > Supervisor Toolbox
 - Initiating a Performance Plan
 - Copy an Existing Plan
 - Documenting a Progress Review
 - Employee Input and Appraisal Comparison Fact Sheet
 - Completing the Annual Appraisal

Monitoring Performance

- **Outstanding Performance**
 - Are you providing positive feedback/reinforcement for the performance?
 - Are you thinking about putting them in for an award?
- **Fully Successful Performance**
 - Do you want to meet with your employee and discuss how they can improve? (Feed Forward)
- **Unacceptable Performance**
 - Are you documenting instances where you notice the performance is at or below a level 3 rating? (You can identify the metrics the employee is not meeting)
 - Are you engaging in informal discussion about performance?

Feedback/Feed Forward

Feedback/Feed Forward should occur throughout the appraisal cycle.

What is Feed Forward? Positive suggestions for the future.

The Interim Progress Review

- Typically occurs at least at mid-cycle of your employee's appraisal cycle
- NOT a rating of record

Supervisors **must** complete at least one progress review in MyBiz for the appraisal to be valid.

Feedback/forward may also occur as a Narrative Statement in MyBiz

Interim Progress Review

Employee Input

- Progress reviews in MyBiz are initiated by the supervisor and sent to the employee for the employee to provide their input first
- Employee provides an assessment of their performance related to each critical element
- Should outline all accomplishments to include metrics (if any)

Supervisor Input

- Occurs after employee input
 - May occur without employee input if
 - Employee does not want to provide input
 - Employee is not available to provide input
- Assessment should be specific to performance and tie in employee assessment
- Do NOT provide a rating to the employee at this time

Techniques for Giving Feedback

CONSTRUCTIVE FEEDBACK

- Delivered effectively
 - Will produce positive results
 - Increase employee performance
 - Increase employee and team morale
- Feedback must be specific to behavior
- Is saying someone is “doing a good job” specific to behavior?
 - What are they good at?
 - What is it that they are doing that is adding value to the organization or detracting from accomplishing the mission?

EX:

- “You’re working well on these reports. Well done.” vs.
- “I see you’ve put in a process to reduce the time it takes to process these reports. That’s great work, and something we could use across the whole company.”

Giving Feed Forward

CONSTRUCTIVE FEED FORWARD

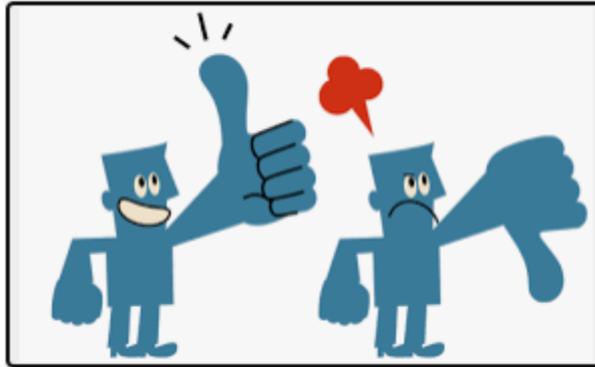
- **Actionable:**
 - **It's easy for feedback to feel critical about things you can't control; the problem already happened and you can't change the past. Feed Forwards are things you can take action on: the future is not set.**
- **Collaborative:**
 - **Either one-on-one or as a team, you can tap into ideas and experiences that can lead to overall improvement.**

Ask for Feedback

- Make sure the employee really understands that you want their input.
- Employee feedback/forward also results in a more realistic performance expectation – generally employees are more familiar with the job & have a better idea of what the job requires.
- **Don't lecture, listen.** Listen to employees – about the job, process, environment, the solution. Remember feedback sessions are about effecting change and motivation towards better performance.

Time for the Appraisal

- Feedback/forward should occur similar to the Progress Review.
- Supervisor will be providing a rating of record for each critical element.



Note: Per DODI 1400.25, volume 431, a rating record of “Unacceptable” must be reviewed and approved by a higher level reviewer. Supervisors should contact their Employee Relations Specialist in Human Resources prior to rating an employee as “Unacceptable.”

Employee Performance Ratings

(5) OUTSTANDING

The average score of all performance element ratings is 4.3 or greater, with no element being rated a “1”, resulting in an overall rating of record that is a “5”.

(3) FULLY SUCCESSFUL

The average score of all performance element ratings is less than 4.3, with no element being rated a “1”, resulting in an overall rating of record that is a “3”.

(1) UNACCEPTABLE

Any performance element rated as a “1”.

NOT RATED

Does not count for or against the overall performance rating.

Performance Rating Guide

Level 5 – Outstanding

- **Produces exceptional results or exceeds expectations well beyond specified outcomes**
- **Sets targeted metrics high and far exceeds them (e.g., quality, budget, quantity)**
- **Handles roadblocks or issues exceptionally well and makes a long-term difference in doing so**
- **Is widely seen as an expert, valued role model, or mentor for this work**
- **Exhibits the highest standards of professionalism**

Performance Rating Guide

Level 3 – Fully Successful

- Effectively produces the specified outcomes, and sometimes exceeds them
- Consistently achieves targeted metrics
- Proactively informs supervisor of potential issues or roadblocks and offers suggestions to address or prevent them
- Achieves goals with appropriate level of supervision

Performance Rating Guide

Level 1 – Unacceptable

- Does not meet expectations for quality of work; fails to meet many of the required results for the goal
- Is unreliable; makes poor decisions; misses targeted metrics (e.g., commitments, deadlines, quality)
- Lacks or fails to use skills required for the job
- Requires much more supervision than expected for an employee at this level

Performance Rating Guide

Not Rated

- **The employee does not have an opportunity to perform work associated with a performance element for 90 calendar days during the appraisal cycle**

General Information

TRACK PROGRESS

The
Track
Progress
feature

Plan	
Drafted	<input checked="" type="checkbox"/>
Reviewed by Higher Level Reviewer	<input checked="" type="checkbox"/>
Approved	<input checked="" type="checkbox"/>
Acknowledged by Employee	<input checked="" type="checkbox"/>
Interim Review	
Employee - Self-Assessment	<input type="checkbox"/>
Rating Official - Assessment	<input checked="" type="checkbox"/>
Reviewed by Higher Level Review - If Required	<input checked="" type="checkbox"/>
Communicated to Employee by Rating Official	<input checked="" type="checkbox"/>
Acknowledged by Employee	<input type="checkbox"/>
Appraisal	
Employee - Self-Assessment	<input type="checkbox"/>
Rating Official - Assessment	<input checked="" type="checkbox"/>
Higher Level Reviewer Approved	<input checked="" type="checkbox"/>
Communicated to Employee by Rating Official	<input checked="" type="checkbox"/>

What if - your employee is absent for mil service?

- Federal employees will be rated if they have been working under a plan for 90 days
- If employee is absent the whole appraisal cycle, NO plan or appraisal should be created



What if - the employee transfers or the supervisor/rater leaves???

- Federal employees may receive a narrative statement or progress review if they have been working under a plan for 90 days and there are more than 90 days remaining till end of appraisal cycle
 - plan will then be transferred to new supervisor/rater
- If the employee has been working for at least 90 days and there is less than 90 days remaining in the appraisal cycle, then the supervisor/rater will complete the plan with a rating of record

QUESTIONS?



Performance/Incentive Awards (Air)

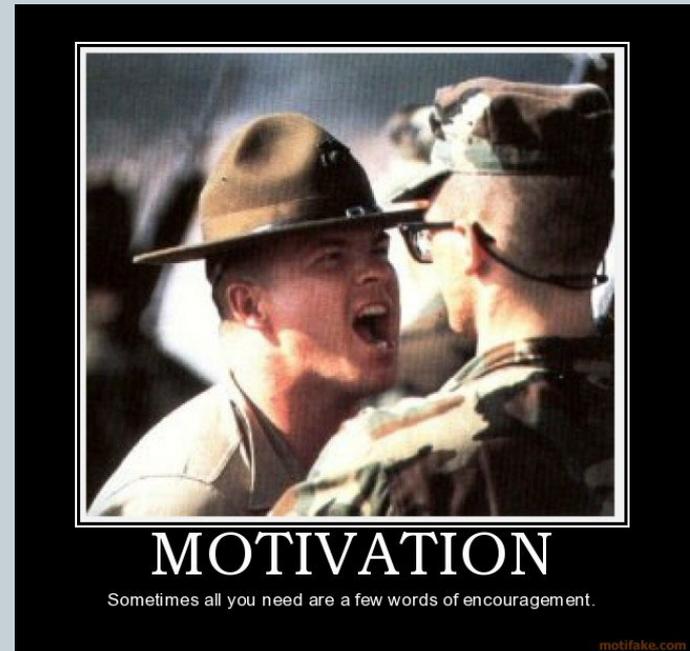


Zenella Sablan
208-272-4225

PURPOSE OF AWARDS



- Motivate employees.
- Increase efficiency, productivity & creativity.
- Recognize/reward superior performance & special contributions.
- Ref: 690/201, 36-502 Chap 451, CNGBI 1400.25, Vol 451 & 5 CFR 451.104



Types of Awards



- Time-off
- On-the-Spot
- Superior Performance Awards



TIME-OFF AWARDS



Time-Off Award:

- Up to 40 hours paid time-off per award.
- Maximum of 80 hours per leave year.
- 1-20 hour awards may be approved by Group Commander.
- 21-40 hour awards get routed to AAG for final review/approval.
- Time off awards can be given **THROUGHOUT** the year.

On-the-spot Awards



- Can you think of a time that your employee did something amazing?
- Did the thought of giving them an award come up?
- If you answered “Yes”, this is an example of when an On-the-Spot award is appropriate.
- Does not require a completed appraisal but a plan must be in place for at least 90 days.
- OTS cash awards \$250 or less can be approved at the Group Commander level.

Superior Performance Award



- Appraisal based awards.
- NGB 32 submissions are reviewed by an Awards Board (Board members are DOS, Comptroller, Air Officer, and a SNCO).
- Appraisals need to be completed by 31 March.
- HRO sets a deadline for NGB 32 submission. Information will be sent out via email to Group Commanders.

MONETARY AWARDS



Lump-Sum Cash Award (SPA):

- Generally in the range of \$1000-\$3500.
- Monetary awards are paid from Civ Pay Funds – when available.
- Treated as taxable income.
- Paid as early as possible after the final approving authority has signed the NGB 32.

MONETARY AWARDS



Quality Step Increase (QSI):

- General Schedule (GS) employees only.
- When outstanding performance has been sustained through preceding 12 months in the same job/class and is expected to continue.
- Must have an overall rating of '5' on appraisal.

SUPERVISORY RESPONSIBILITIES



- Match the type of award recognition to each situation.
- Ensure awards are timely and appropriate.
- Award Form NGB 32 and guidance can be found on the HRO Homepage (Chapter 451 under Regulations and Publications).



SUPERVISORY RESPONSIBILITIES

NGB Form 32 for Time-off & On-the-Spot

- Ensure that the NGB 32 is filled out correctly.
- Award performance period must be entered on form.
- **Sign the form!** Block 9
- Have section chief or unit cc sign Block 10
- Write-up needs to justify the award
- Route form NGB 32 to HRO Program Manager





Questions?



Performance/Incentive Awards (Army)

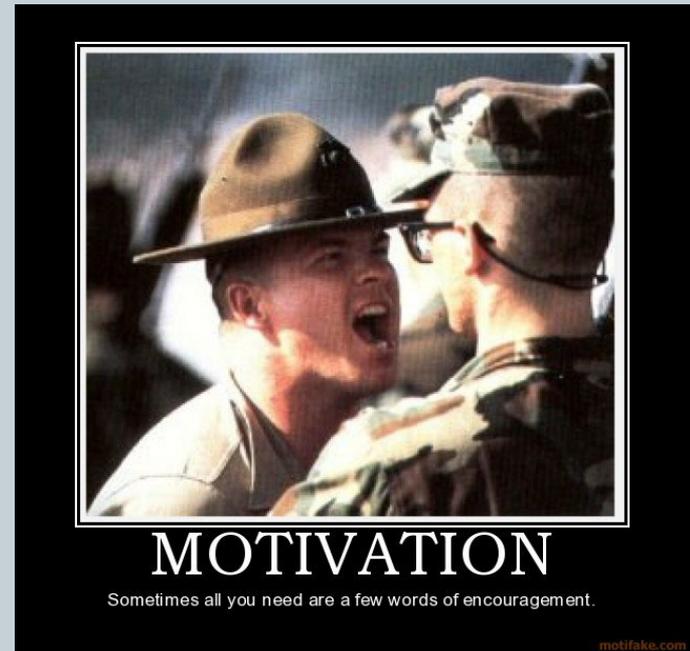


Zenella Sablan
208-272-4225

PURPOSE OF AWARDS



- Motivate employees.
- Increase efficiency, productivity & creativity.
- Recognize/reward superior performance & special contributions.
- Ref: 690/201, 36-502 Chap 451, CNGBI 1400.25, Vol 451 & 5 CFR 451.104



Types of Awards



- Time-off
- On-the-Spot
- Superior Performance Awards



TIME-OFF AWARDS



Time-Off Award:

- Up to 40 hours paid time-off per award.
- Maximum of 80 hours per leave year.
- 1-20 hour awards may be approved by director/group commander.
- 21-40 hour awards get routed to ATAG for final review/approval.
- Time off awards can be given **THROUGHOUT** the year.
- Must have a plan in place for 90 days to receive OTS Time off.

On-the-spot Awards



- Can you think of a time that your employee did something amazing?
- Did the thought of giving them an award come up?
- If you answered “Yes”, this is an example of when an On-the-Spot award is appropriate.
- Does not require a completed appraisal but a plan must be in place.

OTS Awards



Lump-Sum Cash Award:

- Lump sum cash award up to \$250
- \$250 or less can be approved at the Director level.
- Monetary awards are paid from Civ Pay Funds – when available.
- Treated as taxable income.
- Paid as early as possible after the final approving authority has signed the NGB 32.

SUPERVISORY RESPONSIBILITIES



- Match the type of award recognition to each situation.
- Ensure awards are timely and appropriate.
- Award Form NGB 32 and guidance can be found on the HRO Homepage (Chapter 451 under Regulations and Publications).



SUPERVISORY RESPONSIBILITIES

NGB Form 32 for Time-off & On-the-Spot

- Ensure that the NGB 32 is filled out correctly.
- Award performance period must be entered on form.
- **Sign the form!** Block 9
- Have section chief or unit cc sign Block 10
- Write-up needs to justify the award
- Route form NGB 32 to HRO Program Manager



Updates/Major Changes to Army Policy



- Award options will be based on the Summary Rating (Average Raw Score) of the Appraisal.
- Supervisors who **HAVE NOT** put a plan in place or have completed the appraisals for their employees by 31 March will not be eligible for performance awards.
- Employees **MUST** be under an approved plan for 90 days during the appraisal cycle to receive a rating of record.
- Temporary employees are **NOT** eligible for SPA.

New Army Awards Policy Overview



- Employees can only be recommended for ONE Superior Performance Award: Cash, Time-off, or a QSI (GS employees only).
- Changes to Rating Table for Type & Amount for awards.
- 1st report will be pulled on April 1. A final report will be pulled on May 3. If appraisals have not been completed by May 3, employees will NOT be eligible for SPA. There will be no exceptions to this deadline.

SP Cash Award



- The budget for the year and how many employees are recommended for the cash award determines how much each share amount will be.
- An employee can receive up to 5 monetary shares.
- Final award amount may vary due to tax withholding rates.

Quality Step Increase (QSI)



Quality Step Increase (QSI):

- General Schedule (GS) employees only.
- Must have an Average Rating Score of 4.3-5 on appraisal and with Activity Manager Nomination.
- 12 Month requirement in current position (same grade).
- If a supervisor fails to provide narrative comments, QSI will be downgraded to Tier 3

Award Policy Table

Tier	Employee's Summary Rating (Average Score)	SP-Cash Award Amount	SP-Time Off Award Amount	QSI Option (GS only)
1	3.6 – 3.9	1 monetary unit	9 hours	No
2	4.0 – 4.2	2 monetary units	18 hours	No
3	4.3 – 5.0	3 monetary units	24 hours	No
4	4.3 - 5.0 Activity Manager Nomination ¹	5 monetary units	40 hours	Yes ^{1, 2}

Notes:

1. See paragraph 1-4c
2. Awarded QSIs will not change the effective date of the employee's normal within-grade pay increase except when receipt of a QSI places an employee in the fourth or seventh step of a grade. In such case, the waiting period for a regular within-grade increase is extended by 52 weeks under the graduated waiting-period schedule prescribed by 5335(a), title 5, United States Code (10 USC 5335(a)).

Major Changes to Awards Policy (Army)

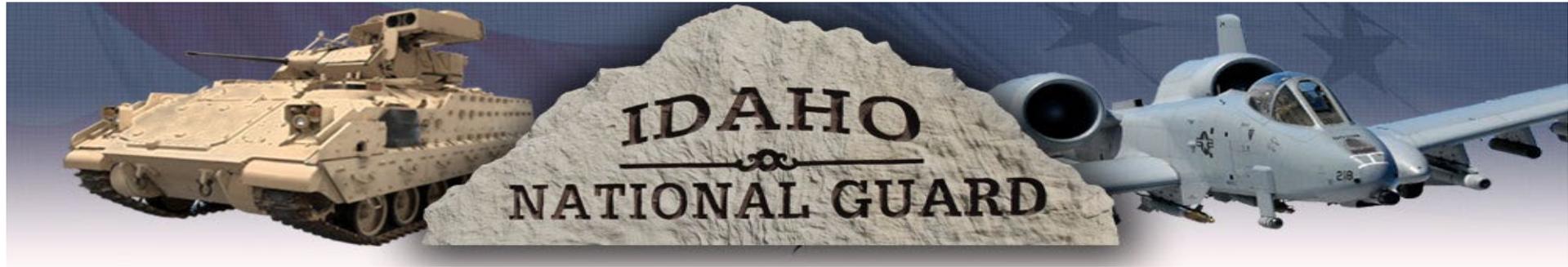


- NGB 32s are no longer needed to be completed for SP Award recommendations.
- However NGB 32s are needed for OTS awards (Time off Awards, OTS Cash Awards up to \$250).



Questions?





Ethics for Federal Supervisors

Major Stephen A. Stokes, Staff Judge Advocate, IDNG

IDAHO NATIONAL GUARD
OFFICE OF THE STAFF JUDGE ADVOCATE
3882 W. Ellsworth Dr., Bldg. 440
Boise, Idaho 83705
208-272-5199; 208-272-5474; 208-999-2148

Idaho National Guard – Vigilant and Prepared



Administrative Information

- **Risk Assessment Level:** Low
- **Environmental Considerations:** Students are responsible for protecting the environment and cleaning up after themselves. Make sure you recycle when possible.
- **Safety Considerations:** Fire, Active Shooter, Weather
- **Operational Environment Variables:** 1) **Political**; 2) **Military**; 3) **Economic**; 4) **Social**; 5) **Information**; 6) **Infrastructure**; 7) **Physical Environment**; and 8) **Time**



Terminal Learning Objective

Action: Properly analyze federal ethical rules/laws/policies/directives to ensure ethical behavior of agents/employees of the government.

Condition: Given a classroom environment, experiential learning activities, legal references, peer and facilitator feedback, reflection time, and group discussion.

Standard: Students will be able to:

- Correctly identify the federal ethical rules
- Demonstrate understanding using practical scenarios

Learning Domain: Cognitive

Level of Learning: Comprehension, Application

Learner Evaluation: Class will use discussion and vignettes to demonstrate student comprehension



Agenda

- Introduction to Government Ethics and Ethics Fundamentals
- 14 Principles of Ethical Conduct
- Gifts Between Employees
- Gifts from Outside Sources
- Conflicts of Interest
- Relations with Non-Federal Entities
- Use of Government Resources
- Political Activities (Not Covered in this Brief)
- Travel (Not Covered in this Brief)
- Contractors in the Workplace (Not Covered in this Brief)



Introduction and Ethics Fundamentals

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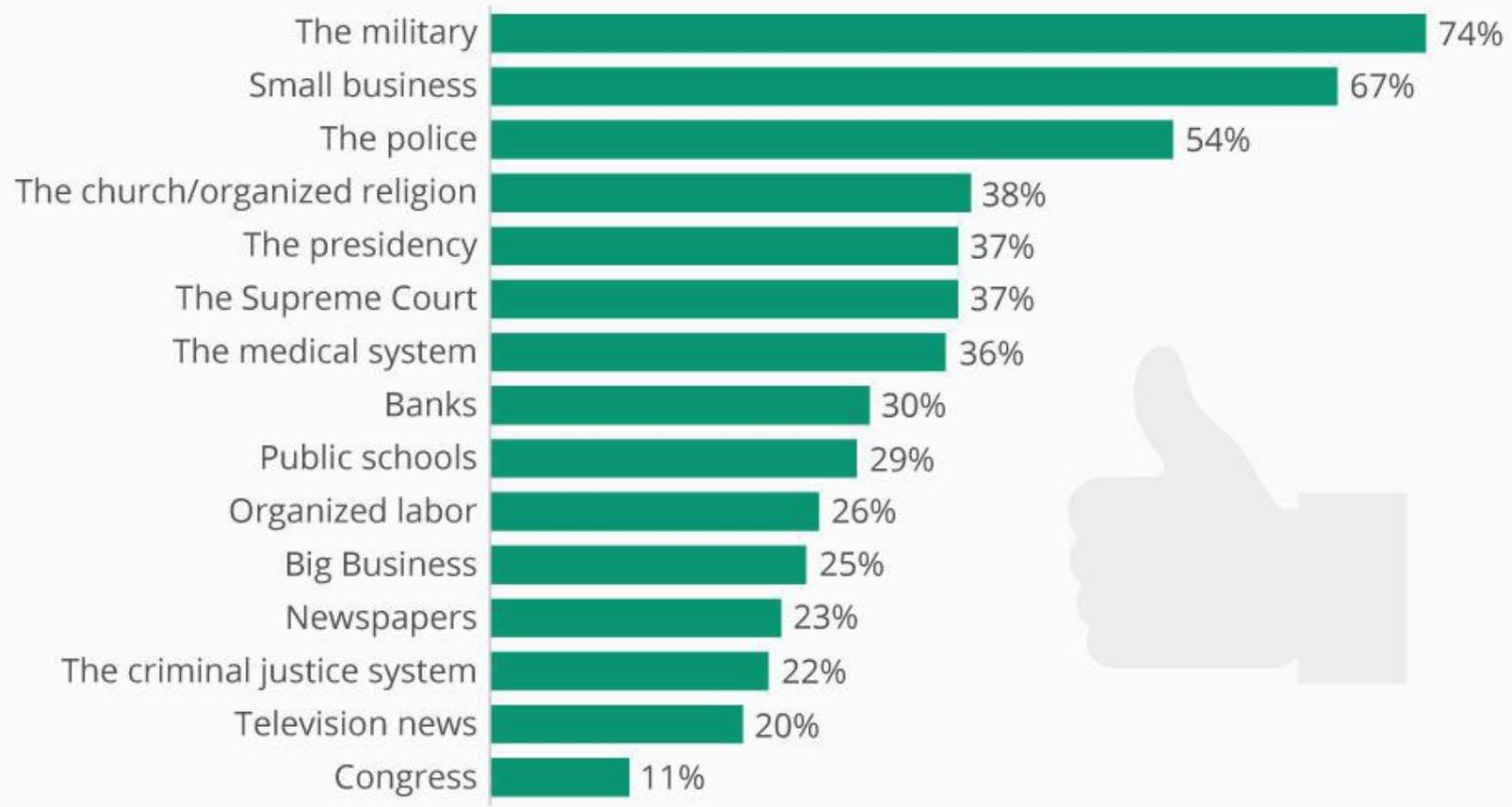
TRUST

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The Institutions Americans Trust Most And Least

Share of U.S. adults trusting the following a great deal/quite a lot (June 2018)



@StatistaCharts Source: Gallup



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Trust in the Military

- The Army's view of Trust:
 - “The Army profession is a **trusted** vocation of Soldiers and Army civilians whose collective expertise is the **ethical** design, generation, support, and application of landpower; serving under civilian authority; and is **entrusted** to defend the Constitution and the rights and interests of the American people.” ADP 6-22, para. 1-8.
 - “Ultimately, society **trusts** professions and grants them autonomy and discretion with prudent, balanced oversight or external controls. If a profession violates its **ethic** and loses the **trust** of society, it becomes subject to increased societal regulation and governance.” ADP 6-22, para. 1-7.
 - “**Trust** is the foundation of the Army's relationship with the American people, who rely on the Army to ethically, effectively, and efficiently serve the nation.” ADP 6-22, para. 1-11.



Trust in the Military

- The Air Force's view of Trust:
 - “Service as an Airman ... is an honor and a privilege[, and] it requires significant sacrifice, which is rewarded by the high esteem, respect, and **trust** [that] the American public affords our service and the profession of arms. All Airmen have a **sacred duty** to preserve and protect this critical position within our society.” AFPD1, para. 1.1.
 - “It is every Airman’s duty and obligation to act professionally and meet all Air Force standards at all times. Only by doing so can the [USAF] continue to be the world’s greatest Air Force and retain its time-honored culture and the vital **trust**, respect, and **confidence** of the American public.” AFPD1, para. 1.1.1.



Trust in the Federal Civil Service

- Office of Personnel Management's view of Trust:
 - “[OPM] leads and serves the Federal Government in enterprise human resource management by delivering policies and services to achieve a **trusted**, effective civilian workforce.” OPM Strategic Plan FY 2018-2022, p. 1.
 - “OPM upholds a standard of transparency, accountability, and reliability. OPM conscientiously conducts its operations to promote a Federal workforce that is **worthy of public trust.**” OPM Strategic Plan FY 2018-2022, p. 7.



What is Government Ethics?

- **Formal Definition:** “Government ethics constitutes the application of ethical rules to government. It is that part of practical legal theory that governs the operation of government and its relationship with the people that it governs. It covers issues of **honesty** and **transparency** in government, dealing with matters such as bribery, political corruption, police corruption, legislative ethics, regulatory ethics, conflicts of interest, **avoiding the appearance of impropriety, open government,** and legal ethics.”
- **Working Definition:** “Government ethics is **an accountability standard** by which the public will scrutinize the work being conducted by Government employees.”
- **Regulatory Purpose:** “To ensure that every citizen can have complete **confidence** in the integrity of the Federal Government.”

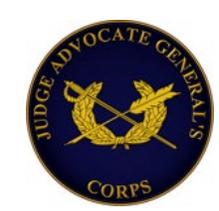


Who is Covered?

1. Active duty officers and enlisted personnel
2. National Guard and Reserve Component personnel
 - In a Title 10 status
 - In a Title 32 status, when performing any official action related to their duties, or when clothed in their official capacity
3. All federal civilian employees



14 Principles of Ethical Conduct



14 Principles of Ethical Conduct

1. Public Service is a Public Trust requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as provided by regulation, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or non performance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.



14 Principles of Ethical Conduct

8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized purposes.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, and abuse to appropriate authorities.
12. Employees shall satisfy their obligations as citizens, including all just financial obligations, especially those – such as Federal, State, or local taxes – that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of relevant facts.



Gifts from Outside Sources

Idaho National Guard – Vigilant and Prepared



Four-Part Analysis for Gifts from Outside Sources

1. Is the item a gift?
2. Is the item from a prohibited source?
3. Does the gift fall within an exception?
4. Would using an exception undermine Government integrity?

“An employee shall not solicit or accept, directly or indirectly, a gift from a prohibited source or given because of the employee’s official position.” 5 C.F.R. 2625.202.



1. Is the item a gift?

- Does the item have monetary value?
 - Hint: **EVERYTHING** has monetary value.
- Some things are not even “gifts” in the first place.
 - Modest items of food and non-alcoholic refreshments, aka “**the coffee and donut rule**”
 - Greeting cards and items with little intrinsic value, aka “**the certificate of appreciation rule**”
 - Commercial discounts available to the general public, aka “**the Home Depot rule**”
 - Rewards and prizes in contests open to the public, aka “**the Hot97 radio contest rule**”
 - Loans on available market terms, employer contributions to a retirement account, or anything paid for by the Government under contract, aka “**the routine business rule**”
 - Anything for which the employee pays market value, aka “**the you did it to yourself rule**”
 - Anything accepted by the Government IAW agency gift statutes, aka “**there’s a law for that rule**”



2. Is the item from a prohibited source?

- What is a prohibited source?
 - Hint: **EVERYONE** outside the DoD is a prohibited source.
- A prohibited source:
 - Is **seeking official action** by the employee's agency
 - **Does or seeks to do business** with the employee's agency
 - Is **regulated by** the employee's agency
 - Has **interests that may be substantially affected** by performance or non-performance of the employee's official duties
 - Is an organization a majority of whose members fit into one or more of these categories
- Examples: DoD contractors, professional organizations, non-profit organizations, educational institutions, state/local governments/agencies



3. Is there an **EXCEPTION** to the gift rule?

- Is the gift \$20.00 or less?
 - Multiple Gifts: Is the total value of all gifts received from a single prohibited source in a single calendar year less than \$50.00?
 - Cannot “buy-down” the difference!
- Is the gift based on a personal relationship?
- Is the gift a discount or similar benefit?
- Is the gift an “Award or Honorary Degree”?
- Is the gift based on “outside business or employment relationships”?
- Is the gift “in connection with political activities”?
- Is the gift to attend a “Widely Attended Gathering”?



4. If the gift is legal, would using an exception undermine Government **INTEGRITY**?

- Was the gift **SOLICITED**?
 - **SOLICITATION** is always improper even if the gift falls within an exception
- Are there **APPEARANCE** concerns?
- Does the gift provide the donor with disproportionate **ACCESS**?
- Does the gift have a high market **VALUE**?
- Does the **TIMING** of the gift create the appearance that the donor is seeking to **INFLUENCE** an official action?
- Can you “**S.A.A.V.I.T**”



What should you do with an improper gift?

- Refuse the gift (if possible) and diplomatically explain gift restrictions on Federal Employees
 - Group Exercise:
 - Repeat after Me:
 - **“NO THANK YOU”**
- Return the gift or pay the donor its fair market value
- Perishable items may be donated to charity, shared within the office, or destroyed with supervisor approval



Special Gift Considerations

- Widely Attended Gathering (WAG)
 - Supervisor must approve, attendance must be in the interest and benefit of agency, employee must attend in a personal capacity, more than 40 people must attend
 - Examples: conferences, receptions, sporting events, theatrical events, etc.
- No gifts to Contractors
- Exception for the Wounded or Ill



Check on Learning

Scenario 1: On the way to drill you stop at Albertson's to buy ground coffee for your shop. The baker sees you in uniform, tells you you're a great American, and offers you a dozen donuts.

- Is the item a gift?
 - **NO – “the coffee and donut rule”**
- Is the item from a prohibited source?
 - **N/A**
- Does the item fall within an exception?
 - **N/A**
- Would using an exception undermine Government integrity?
 - **N/A**

Scenario 1A: Same facts. Except this time the baker gives you 12 dozen donuts. Does that change the analysis?



Check on Learning

Scenario 2: You're at the Idaho Veterans Cemetery to lay wreaths. A Veteran Services Organization offers you a free hat.

- Is the item a gift?
 - **YES – it is an item of value**
- Is the item from a prohibited source?
 - **YES – interests that may be affected by DoD**
- Does the item fall within an exception?
 - **MAYBE – \$20 rule**
- Would using an exception undermine Government integrity?
 - **MAYBE – S.A.A.V.I.T.?**
 - **Solicitation, Appearance, Access, Value, Influence, Timing**



Mesh Back Trucker
\$20.00



Check on Learning

Scenario 3: You're at a Holiday Party at a college buddy's house. The friend, a contracting VP at General Dynamics gives you a bottle of Johnny Walker Gold Label Reserve (value \$80.00) as a holiday gift.

- Is the item a gift?
 - **YES – it is an item of value**
- Is the item from a prohibited source?
 - **YES – DoD contractor doing business with Agency**
- Does the item fall within an exception?
 - **YES – personal relationship**
- Would using an exception undermine Government integrity?
 - **MAYBE – S.A.A.V.I.T.**
 - **Solicitation, Appearance, Access, Value, Influence, Timing**



Gifts Between Employees

Idaho National Guard – Vigilant and Prepared



The Rule – No Gifts!

- **Gifts to Superiors:** [Unless there is an exception], an employee may not:
 - Directly or indirectly, give a gift or make a donation toward a gift for an official superior; or
 - Solicit a contribution from another employee for a gift to either his/her own or the other employee's official superior.
- **Gifts from Subordinates:** [Unless there is an exception], an employee may not, either directly or indirectly, accept a gift from an employee receiving less pay than him/herself unless:
 - The two employees are not in a subordinate-official superior relationship; and
 - There is a personal relationship between the two employees that would justify the gift.
- Reference: 5 C.F.R. 2635.302



4-Step Analysis for Gifts Between Employees

1. Is the item a Gift?
2. Is it between employees?
3. Is there an exception?
4. Can you S.A.A.V.I.T.?



1. Is the item a gift?

- Does the item have monetary value?
 - Hint: **EVERYTHING** has monetary value.
- Remember, some things are not even “gifts” in the first place.
 - Modest items of food and non-alcoholic refreshments, aka “**the coffee and donut rule**”
 - Greeting cards and items with little intrinsic value, aka “**the certificate of appreciation rule**”
 - Commercial discounts available to the general public, aka “**the Home Depot rule**”
 - Rewards and prizes in contests open to the public, aka “**the Hot97 radio contest rule**”
 - Loans on available market terms, employer contributions to a retirement account, or anything paid for by the Government under contract, aka “**the routine business rule**”
 - Anything for which the employee pays market value, aka “**the you did it to yourself rule**”
 - Anything accepted by the Government IAW agency gift statutes, aka “**there’s a law for that rule**”



2. Is the gift between employees?

- **Directly or indirectly to an “Official Superior”**

“An employee, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee’s official duties or those of any other official superior of the employee.”

- **From a “Subordinate”**

“The subordinate of any of his/her official superiors”

- **Or from an “Employee Receiving Less Pay”**

Reference: 5 CFR §§ 2635.302, 2635.303(d)



Legal Definitions of “Direct” and “Indirect”

- **Directly:** A gift that is given straight to the employee with knowledge and acquiescence.
- **Indirectly:** A gift that is solicited or indirectly accepted includes:
 - A gift that is given with the employee’s knowledge and acquiescence to the employee’s **parent, sibling, spouse, child, dependent relative, or a member of the employee’s household**
 - Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee.
- Reference: 5 CFR § 2635.303(b)



Legal Definitions of “Official Superior” and “Employee”

- **Official Superior:** An employee, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee’s official duties or those of any other official superior of the employee.
- **Subordinate Employee:**
 - The subordinate of any of his/her official superiors
 - An employee that makes less pay than you
- Reference: 5 CFR §§ 2635.303(d)



3. Is there an exception?

General Exception:

On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay.

- Items, other than cash, with a total value of \$10 or less per occasion, aka **“the taffy from vacation rule”**
- Items such as food and refreshments to be shared in the office among several employees, aka **“the birthday cake rule”**
- Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends, aka **“the BBQ rule”**
- Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions, aka **“the wine or flowers rule”**
- Donated leave to an employee who is not an immediate supervisor.



3. Is there an exception?

Special, Infrequent Occasions:

A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

- In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth/adoption of a child, aka **“the new kid rule.”** Promotions do not count!
- Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer, aka **“the PCS or change of command rule”**

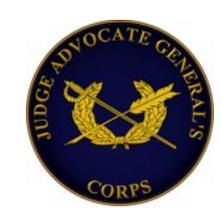


3. Is there an exception?

Voluntary Contributions to Group Gifts

An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior:

- On a special, infrequent occasion; or
- On an occasional basis, for items such as food and refreshments to be shared in the office among several employees.
- Solicitations cannot exceed \$10.00 (but employees are free to give more than \$10.00)
- No pressure or coercion



3. Is there an exception?

Special considerations for Group Gifts

- Group gifts for special, infrequent occasions are limited to \$300.00 in value per donating group.
- “Donating group” means all contributors to that group gift.
- If one employee contributes to two or more donating groups, then the value of the gifts from the two groups are added together for purposes of the \$300.00 limit.
- The \$300.00 limit rule is subject to no “buy-down.”
- Contributors to a group cannot be from outside the Federal Government (No Contractors).

Reference: Joint Ethics Regulation, para. 2-203.a



Definitions

- **Solicit:** Request contributions by personal communication or by general announcement.
- **Voluntary Contribution:**
 - A contribution given freely, without pressure or coercion.
 - A contribution is not voluntary unless it is made in an amount determined by the contributing employee.
 - When a gift is a lunch, reception, or similar event, a “voluntary contribution” exists when an employee freely chooses to pay a proportionate share of the total cost.
- Reference: 5 CFR §§ 2635.303(e) and (f)



4. Would using an exception undermine Government integrity? Can you S.A.A.V.I.T.?

- Was the gift **SOLICITED**?
 - **SOLICITATION** is always improper even if the gift falls within an exception
- Are there **APPEARANCE** concerns?
- Does the gift provide the employee/subordinate with disproportionate **ACCESS**?
- Does the gift have a high market **VALUE**?
- Does the **TIMING** of the gift create the appearance that the employee/subordinate is seeking to **INFLUENCE** an official action?
- Can you “S.A.A.V.I.T”



Check on Learning (Scenario 1) – Demonstration

You just got back from a vacation to the beach. You brought back saltwater taffy for your coworkers. Can you give a bag of taffy to your supervisor? A bag of taffy cost \$8.00.

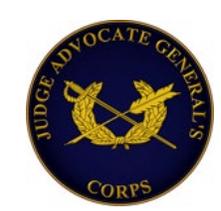


Check on Learning (Scenario 2A)

You are the Company Commander. Your readiness NCO (E7) has invited you to her house for a backyard BBQ for the orderly room staff. You asked if you could bring anything, but your Soldier said “just yourself and your family.” Can you accept the food?

Check on Learning (Scenario 2B)

Same scenario. Your spouse insists that you stop along the way to purchase a case of your NCO’s favorite beer for her BBQ. Is that ok?



Check on Learning (Scenario 3)

Your wife is in the hospital. Your administrative assistant texted you for your wife's room number because he wants to send a \$30.00 floral arrangement to your wife on behalf of the office. May you accept the gift?



Check on Learning (Scenario 4A)

Your battalion commander is PCS-ing and you are the XO. You want to provide the boss with a party and provide her with a shadow box that has the unit crest, coins, guidon, and unit motto/length of service/and commander's name on it. The approximate cost of the shadow box is \$275.00.

Can you send out an announcement for the party and ask for contributions to the shadow box?

Check on Learning (Scenario 4B)

Same facts. Except now you've heard that every platoon in the BN wants to purchase a gift for the boss. What do you do?



Conflicts of Interest

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Conflicts of Interest

- Rises when an employee's personal interests conflict with his or her obligations to the Government.
- Appearance of a COI can undermine public confidence in the Government
- Two Types of Personal Conflicts of Interests
 - Financial Interests
 - Personal Relationships
- Organizational Conflicts of Interest



Analysis for Personal Financial Conflicts of Interest

- Do you, your spouse, minor child, or household member have a financial interest in an entity?
- If yes, then you are barred from working on anything related to that entity.
- Exceptions
 - Publicly traded stock, if your interest is valued at \$15,000.00 or less.
 - Diversified mutual funds (regardless of value)
 - Funds that invest in a specific industry sector or state or foreign country, if your interest is valued at \$50,000.00 or less.



Analysis for Personal Conflicts of Interest

- Do you have a close personal or business relationship with a party seeking to do business or doing business with the Government?
- “Covered Relationship”
 - You
 - Close relatives
 - Household members
 - Persons with whom you have business dealings (1 year)
 - Recent former employees (1 year)
 - Employers of your parents or immediate family members
 - Organizations (other than political organizations) in which you are active
- If yes, then you have a personal conflict of interest
- Examples of Personal Conflicts of Interest
 - Outside Employment (aka the side-hustle)
 - Post-federal Employment



Organizational Conflicts of Interest

- Exists when a contractor is or may be unable or unwilling to provide the Government with impartial or objective assistance or advice.
- Federal employees must:
 - Prevent the existence of conflicting roles that might bias a contractor's judgment
 - Prevent the existence of unfair competitive advantage
- Examples
 - Biased ground rules – the contractor has an opportunity to skew a competition in its favor
 - Unequal access to information – contractor has access to non-public information that would give it an unfair competitive advantage
 - Impaired objectivity – contractor is in a position to evaluate itself or a related entity
- Real-world Examples
 - Demo-day
 - Traditional Guardsman works for a contractor bidding on a contract where the Guardsman works and has access
 - ACE contract



Relations with Non-Federal Entities

Idaho National Guard – Vigilant and Prepared



Relations with Non-Federal Entities

- Support
- Endorsement
- Fundraising



Support of Non-Federal Entities

- DoD may not provide unauthorized support to NFEs.
- This includes:
 - Government resources, time, and equipment
 - Performance of services by Government personnel
 - Use of Government position, title, or authority to endorse any product, service, or enterprise
- Exceptions
 - Groups with special statutory authorizations, like: American National Red Cross, Boy/Girl Scouts, Civil Air Patrol, USO, Combined Federal Campaign, etc.
 - Special Congressional Authority (in annual NDAA)
 - Relief societies
 - Support through “Training” – very limited exception
 - Official Community Relations Events (if preapproval and seven factors met)



Endorsement of Non-Federal Entities

- DoD personnel are prohibited from endorsing or providing preferential treatment in their official capacities, or using their official titles, positions, or organization names in their personal capacities to imply that the DoD endorses or provides preferential treatment to an NFE.



Fundraising for Non Federal Entities

- **Definition:** Generating funds for a NFE, other than a political organization, through solicitation of funds or sale of items, or participation in the conduct of an event in which any portion of the cost of attendance or participation may be taken as a charitable tax deduction by the person incurring the cost.
- **Prohibition:** DoD personnel may not engage in fundraising for an NFE in an official capacity (official title, position, organizational names, or other authority associated with their office).
- **Extremely Limited Exceptions**
 - Combined Federal Campaign
 - Fundraising for Emergencies and Disasters (with OPM director approval)
 - Gifts in Kind (food drives, coats for the homeless, toys for children)
 - Specifically Authorized by Federal Statute
 - Personal Fundraising Outside of the Federal Workplace (unless for a prohibited source, such as a DoD contractor, official title, position, organization name, or positional authority not used)



Use of Government Resources

Idaho National Guard – Vigilant and Prepared



Use of Government Resources

- An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes. 5 C.F.R. 2635.704(a).
- Examples of Government Property
 - Office supplies
 - Telephones and/or other telecommunications equipment
 - Printing and reproduction facilities
 - Government mail
 - Government vehicles
- Official Time
 - Employees shall use official time in an honest effort to perform official duties, unless authorized under law or regulation to use official time for other purposes.
- Use of Subordinates
 - An employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of their official duties or authorized in accordance with law or regulation.



Scenario Training

Idaho National Guard – Vigilant and Prepared



Scenario 1

Facts:

Contractor X approaches a high-level IDNG employee about free tickets to a BSU game.

There are four tickets available to a suite in the Stueckle Sky Center.

Contractor X wants the high-level employee to give the tickets to senior leaders.

What are the ethics issues, and what should we do?



Scenario 2



Facts:

A military unit is hosting a military ball at an off-site location.

The photographer hired to take pictures wants to bring a life-size cutout of President Trump so that Soldiers and their dates can take pictures with the president.

What are the ethics issues, and what should we do?



Scenario 3

Facts:

A non-profit organization dedicated to military family issues approaches a senior leader in the IDNG.

The ask is that the senior leader allow himself to be auctioned off to fill out a golf foursome, along with other “local celebrities.” Once “sold” the leader would play the round of golf, and then make some remarks at the social event following the golf tournament.

What are the ethics issues, and what should we do?



Scenario 4

Facts:

A local non-profit approaches you and asks you to support a Veterans Day Parade. The ask was originally to have Soldiers/Airmen in uniform march in the parade, along with three or four wheeled and tracked vehicles. Since then, the organizer has approached you several more times asking for additional support, including an A-10 and UH-60 flyover, personnel for traffic/crowd control and trash pickup, and additional personnel to march in the parade.

What are the ethics/fiscal issues, and what should we do?



Scenario 5

Facts:

During an exceptionally hot day at Annual Training, you go to the company area at the ORTC looking for something cold to drink. You discover that the walk-in cooler has approximately 20 pallets of sports drink, and the supply sergeant is handing them out. Like any good fiscal/ethical watch dog, you ask where they came from. You are told that a member of the unit asked an American Legion post to “sponsor the unit” during AT and provide bulk deliveries of sports drink.

What are the ethics/fiscal issues, and what should we do?



Scenario 6



Facts:

One of your employees comes to you and tells you that he has a side business that has developed an improved night illumination device that can be placed on small arms pop up targets. His day job is to work at OCTC in range maintenance. He wants to know if he can a) continue to work his side-hustle; and b) if he can work to get a contract to have the agency purchase targets from his company.

What are the ethics/fiscal issues, and what should we do?



Scenario 7

Facts:

A company that specializes in pinup calendars approaches you about arranging a photo shoot for a salute to the troops pinup calendar. They want you to allow their models to come to your facility and be photographed in/on/around your military equipment and personnel.

What are the ethics/fiscal issues, and what should we do?



Scenario 7

Facts:

First Sergeant has approached you for a cup and flower fund fundraiser during the next drill weekend. The ask is to allow members to come to drill in civilian clothes in exchange for a payment of \$10 (or more depending on rank) to the cup and flower fund.

When you go down to the orderly room to discuss the request, you notice a sheet on the desk that is an order sheet for Boy Scout Popcorn.

What are the ethics/fiscal issues, and what should we do?



Scenario 8

Facts:

You come to work one morning and you notice that one of your T5 civilian employees has a small Trump/Pence “Keep America Great” 2020 poster hung above her computer in her cubicle.

What are the ethics/fiscal issues, and what should we do?



Scenario 9

Facts:

You see a flier for a fun run here on Gowen Field. The flier announces prizes (probably shoes) for the top finisher male/female runners.

Sub-question: you're an organizer for a fun run here on Gowen Field. You want to give prizes (probably shoes) for the top finisher male/female runners. How do you make that happen?

What are the ethics/fiscal issues, and what should we do?



Scenario 10



Facts:

There's an organization-wide training event coming up for senior leaders (E8 and above). You're on the planning committee. You've been approached by a non-profit organization's leader, who asked you if she could have 2 minutes of talk time during a the training event's working lunch to discuss what her organization does and how it benefits military members.

What are the ethics/fiscal issues, and what should we do?



Questions?

Idaho National Guard – Vigilant and Prepared



Summary

- Fundamentals of Government Ethics
- 14 Ethical Principles
- Gifts from Outside Sources
- Gifts Between Employees
- Conflicts of Interest
- Relations with Non-Federal Entities
- Use of Government Resources

Annual Training for Supervisors



Responding to Employees Alleging Violations of Whistleblower Protections

★ *New Requirements* ★

PUB. L. Nos. 115-73 (Oct. 26, 2017), 115-91 (December 12, 2017)

U.S. OFFICE OF SPECIAL COUNSEL
DIVERSITY, OUTREACH, AND TRAINING
CERTIFICATION PROGRAM

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017

P.L. 115-73 (10/26/2017)



The head of each agency shall provide training, in consultation with the Office of Special Counsel and the Office of the Inspector General, to supervisors on how to respond to complaints alleging a violation of whistleblower protections.¹ This training shall be provided—

- to employees appointed to *supervisory positions* in the agency who have not previously served as a supervisor; and
- on an annual basis, to all employees of the agency serving in a *supervisory position*.

¹ Whistleblower protections are defined as retaliation for whistleblowing and retaliation for engaging in protected activity under 5 U.S.C. § 2302(b)(8) and (b)(9).

How to Respond



Overview of Statutory Obligations (See whistleblower protection criteria)

- Respond constructively when employees disclose government wrongdoing or allege retaliation; (See slides 8-9)
- Provide information on the rights and remedies available to employees alleging retaliation; (See slide 10) and
- Foster an environment where employees feel comfortable disclosing wrongdoing or alleging retaliation. (See slides 11-12)

Alleging Retaliation



Supervisors may not take, fail to take, or threaten to take or fail to take a personnel action for:

- Protected whistleblowing (i.e., disclosing wrongdoing) – statutory categories listed on slide 5
- Protected activity – statutory activities listed on slide 6

Whistleblowing Categories



In general, employees must have a “reasonable belief” that they are disclosing information in one or more of the following categories:

- Violation of any law, rule, or regulation
- Gross mismanagement: substantial risk of significant impact on mission
- Gross waste of funds: more than debatable expenditure
- Abuse of authority
- Substantial & specific danger to public health or safety
- Censorship related to scientific research or analysis (scientific integrity)

Note: Supervisory training on the prohibited personnel practices (required every three years) provides detailed information on retaliation and explains that “whistleblowing” (i.e., making protected disclosures) is only one of the four required elements in a whistleblower retaliation claim.

Protected Activity



Protected activity includes:

- Exercise of appeal, complaint, or grievance rights
- Testimony or other assistance to person exercising such rights
- Cooperation with or disclosures to Special Counsel, Inspector General, or component responsible for internal investigation or review
- Refusal to obey an order that would require violation of law, rule, or regulation



SUGGESTIONS FOR SUPERVISORS

Respond to Employees Alleging Retaliation or Disclosing Wrongdoing



- Stay open and receptive to employee's disclosures of wrongdoing even if the disclosures do not appear to meet the legal definition of whistleblowing
- Find out what the employee is trying to accomplish with the disclosure of wrongdoing (e.g., requesting an investigation of the disclosure or filing a complaint of retaliation)
- Determine whether the employee wants to remain anonymous and familiarize yourself with agency policies covering anonymity (i.e., do not promise an employee that you will keep their identity secret if it is not possible under your agency's policies)

Respond to Employees Alleging Retaliation or Disclosing Wrongdoing (cont.)



- Even if you disagree with the content of the disclosure of wrongdoing or the facts of the alleged retaliation, ensure that you do not allow your disagreement to affect your personnel decisions
- Do not take action against an employee for disclosing wrongdoing “outside the chain of command” or for disclosing the information in violation of a rule, regulation or policy
- If the employee is attempting to reveal *classified information* or information *prohibited from release by law*, inform the employee that their right to disclose such information is limited to the following entities: the Office of Special Counsel (OSC), the Office of Inspector General (OIG), and/or other appropriate authorities within the agency or Congress

Provide Information to Employees Alleging Retaliation or Disclosing Wrongdoing



- Most importantly, inform the employee of their right to disclose government wrongdoing or allege retaliation
- If the employee alleges retaliation, inform the employee of their right to file such claims with the Office of Special Counsel, the Office of Inspector General (OIG), the OIG Whistleblower Protection Coordinator, and/or any other office within the agency that may review such allegations
- If the employee is requesting an investigation of the alleged wrongdoing, there may be concerns with the supervisor conducting such investigations
- Supervisors should, however, alert the appropriate agency investigative authority if, for instance, the employee discloses a danger to public health or safety or any other imminent harm

Foster an Environment Where Employees Feel Comfortable Alleging Retaliation or Disclosing Wrongdoing



For example:

- Remind employees of their right to engage in whistleblowing, e.g., through periodic emails or at staff meetings, and stress your goal of creating/maintaining a workplace free from retaliation
- Remember protected disclosures of government wrongdoing (those not prohibited by law or classified) may be made to *anyone*, including outside of the agency, and employees are not required to follow a chain of command
- Provide in-person training to staff, e.g., OSC expert training ([OSC speaker request form](#))

Foster an Environment Where Employees Feel Comfortable Alleging Retaliation or Disclosing Wrongdoing (cont.)



For example:

- Provide employees with an anonymous suggestion box
- Highlight that whistleblowing may lead to innovation or modification of practices
- Publicize an example in which a whistleblower's disclosure of wrongdoing led to better practices
- Be receptive to differing points of view and encourage employees to share their dissenting opinions

Guide for Supervisors

Tip: Print this slide for reference!

Dr. Chris Kirkpatrick Whistleblower Protection Act of 2017 & Special Counsel Reauthorization Act of 2017

P.L. 115-91 (12/12/2017)



The following points will assist supervisors with meeting the new supervisory whistleblower criteria as well as the new supervisory obligation to respond to allegations of retaliation:

- Inform the employee of their right to disclose government wrongdoing or allege retaliation to several entities (depending upon the agency), including but not limited to, OSC and/or the appropriate OIG.
- Advise the employee of the various avenues to report the government wrongdoing or file a complaint of retaliation.
- Provide information on your agency's confidentiality policies.
- Alert the appropriate agency investigative authority if, for instance, an employee discloses a danger to public health or safety.

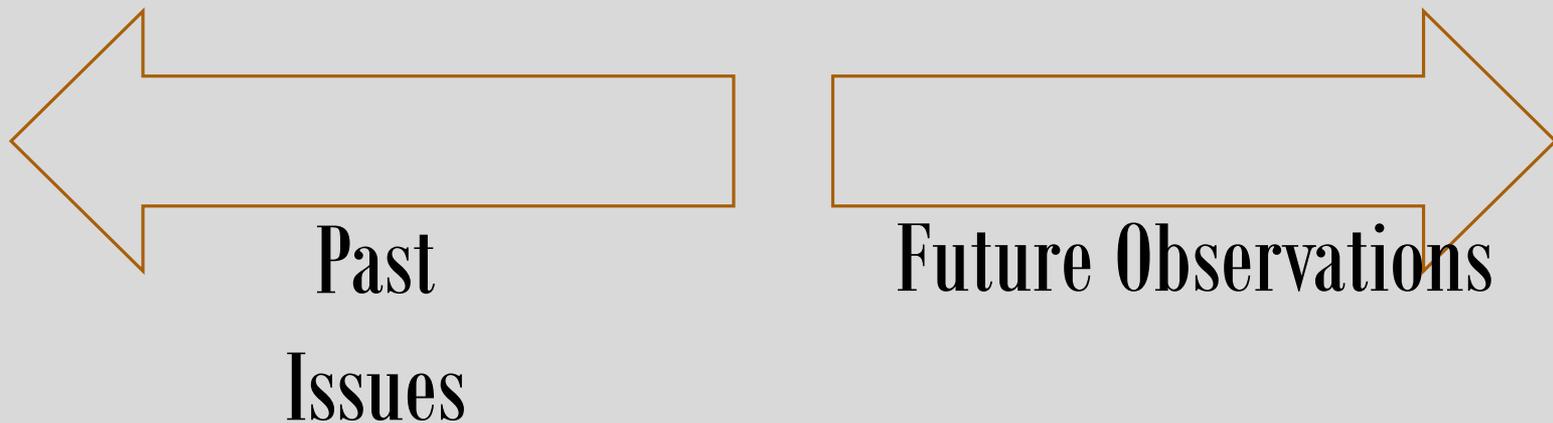


OSC phone / email contacts



Case Review Division:	(202) 804-7000 (800) 872-9855 info@osc.gov
Disclosure Unit:	(202) 804-7000 (800) 872-9855 info@osc.gov
Hatch Act Unit:	(202) 804-7002 (800) 85-hatch hatchact@osc.gov
Website:	osc.gov [complaint forms/e-file]
Speaker Requests & Certification Program:	(202) 804-7163 certification@osc.gov

Conduct vs. Performance



DoD Instruction 1400.25, Vol 431
DoD Civilian Personnel Management System:
Performance Management and Appraisal Program

Procedures

Misconduct (752)

1. Rules of Behavior
2. Progressive discipline

Performance (431)

1. Critical Elements
2. Performance Improvement Plan/Performance Demonstration Period (PIP/PDP)

Misconduct

Examples of misconduct Rules of Behavior and progressive discipline are in:

CNGBI 1400.25 v 752 Enclosure I

Unsuccessful Performance

o Was the expectation written in the performance plan?

o If the expectation you have of the employee is not in one of their critical elements, you **don't** have a performance problem. If it is in their critical element(s), you **may** have a performance problem.

Is it Performance or Misconduct?

Critical Element: Individual Responsibilities

Individual/common use work areas will be kept clean and maintained, free of hazards and clutter. No more than 3 observations of an unclean or unsafe work area will be acceptable.

Punctuality is crucial for maximum potential of productive labor time. No more than 3 observations of being late will be acceptable.

No more than 3 observations of failed communication of appointments or leave will be acceptable. Ensure that the individual responsibility of completing ATAAPS requirements is completed in a timely manner without corrections needed at the employee level.

❖ Provide examples of how an employee would not meet the requirements in this critical element. Are the expectations in this critical element clear?

Is it Performance or Misconduct?

Critical Element: Agency Event Coordinator

Task: Work with Air/Army leadership to coordinate/ communicate major events on the installation.

Standard: Provide planning support and liaison assistance for all major events on the installation. Attend all required meetings and ensure events comply with applicable laws and regulations. Be the SME for law and regulations requirements so that you are able to assist leadership find solutions that meet their intent. Ensure communication is transparent at all levels. You are expected to assist with setting timeline requirements and follow up regarding those timelines so that events occur as planned.

Is it Performance or Misconduct?

Scenario: As part of your employee's job performance requirements, you told your employee to be at an event planning meeting scheduled for 6 July.

Two days before the meeting was to occur, your employee notified you they were told to quarantine by the clinic for a period of time.

While on quarantine, your employee was teleworking. You found out after the meeting that your employee did not attend via video or teleconference, nor did they make arrangements for someone else to attend the meeting in their absence.

Questions?

Performance Improvement Plan (PIP)

JOHN VAN HORN

(208) 272-3809

JOHN.L.VANHORN.CIV@ARMY.MIL



References

- ❖ DoDI 1400.25, Vol 431
 - ❖ 3.9 Identifying and Improving Unacceptable Performance
- ❖ CNGBI 1400.25, Vol 431, dated 20 January 2022*
- ❖ Enclosure C, Performance Improvement Plan

Performance Improvement Plans

What it is: A plan of action for the employee to demonstrate their ability to perform their job at an acceptable level.

- ❖ PIPs provide specific expectations of performance and identify how the employee will demonstrate that performance over the period specified.
- ❖ PIPs include how the supervisor is going to support the employee.

Supervisor's Role

- o Set clear expectations of performance requirements and outline what “Fully Successful” is for the employee

NOTE: At ANY point during the appraisal cycle, if you detect a performance issue to include a decline in performance, early intervention is imperative.

- o If performance declines below “Fully Successful” in one or more of the performance elements, **at any time** during the rating period, the supervisor will work with HR0 to determine appropriate action

- o The supervisor must provide a sufficient amount of time appropriate for the employee to **demonstrate** they can perform to a “Fully Successful” level

(It takes less time for an employee to *demonstrate* whether they can do their job than to see if they can *improve* in doing their job)

Process for PIP

1. Supervisor contacts HR0
2. HR0 assists supervisor in developing a PIP (Sample example in Appendix A of Volume 431)

Must clearly state:

- Performance standard from established critical element and potential clarified expectation of requirement(s).
- Employee action needed to ensure fully successful performance.
- Supervisor commitment regarding assistance and communication through the period.
- Consequences if required performance level is not met.
- Employee must be given a reasonable period---as defined by the agency or collective bargaining agreement---to demonstrate performance.

Process for PIP cont'd

3. CLEAR YOUR CALENDAR

4. There is a period of time you specify in the PDP for the employee to demonstrate their performance. During that period, you will be meeting with them regularly so you can validate their work, determine if they understand the requirements, and evaluate their ability to accomplish the mission at a “Fully Successful” level.

5. During or at the end of the PIP period, complete a PIP written decision. Why during?

- ❖ The employee is either “Fully Successful” or;
- ❖ End of PIP period could result in:
 - ❖ Reassignment
 - ❖ Change to lower grade (may require new PD)
 - ❖ Removal

Unacceptable Performance Actions

- ❖ Unacceptable performance actions include reassignment, reduction in grade, or removal. These actions have very specific regulatory requirements including:
 - ❖ Identification in the notice of both specific instance of unacceptable performance and the critical element involved in each instance.
 - ❖ Opportunity to answer both orally and in writing, and reasonable time to respond.
 - ❖ Opportunity to be represented by an attorney or other representative.
 - ❖ Consideration of medical conditions.
 - ❖ Final written decision within 30 days after the expiration of the advanced notice period.
 - ❖ Appeal rights to the MSPB or through the negotiated grievance system, depending on the specific situation.

Request for Reconsideration (new)

- ❖ Request for Reconsideration-Appealing an Appraisal
- ❖ Defines a reconsideration—When someone asks to change/review a rating of record
- ❖ States what reconsiderations can and cannot do
- ❖ Any reconsideration must be in writing
- ❖ Provides left and right limits for States in the reconsideration process

Denial of Within Grade Increases

Supervisor's Role. Responsible for informing employees if they will receive a WGI, or if their WGI will be denied (in writing).

- ❖ A rating less than “fully successful” will constitute a denial of a WGI — coordinate with HR0.
- ❖ Denial of within-grade increases for employees for any reason, other than less than fully successful performance, is prohibited.
- ❖ If you are a new supervisor for an employee who has had a WGI withheld and you do not know why, please contact HR0.

Questions?

- ❖ What is the most important thing you as a supervisor can do to ensure your employee(s) performance is at least fully successful?
- ❖ When should you contact HR0 regarding your employee(s) performance?
- ❖ What is required of the supervisor while an employee is on a PDP?

Disciplinary Actions and Conduct Management

JOHN VAN HORN

(208) 272-3809

JOHN.L.VANHORN.CIV@ARMY.MIL



Misconduct

RE-CAP:

- ❖ What is misconduct?
- ❖ Where can you find examples of misconduct and the range of penalties for the National Guard?
- ❖ What is required for misconduct to occur?
- ❖ What is required to hold employees accountable for their misconduct?

Progressive Discipline

TABLE OF PENALTIES: What do you see?

MYTH: In order for discipline to be progressive, the misconduct needs to be the same type

FACT: Any type of misconduct can warrant progressive discipline

MYTH: You cannot issue a LOR, a suspension, or a removal on the first offense

FACT: Progressive discipline is NOT mandatory. A first offense may warrant removal if the harm is serious enough.

Establish a Rule

How is a rule established?

- ❖ Legal requirement
- ❖ Agency regulation
- ❖ Local policy
- ❖ Supervisor's unique rule
- ❖ Should-have-known (ex: sleeping on duty)

Is this all?

Inform the Employee of the Rule

How are employees made aware of the rules within an agency/work center?

- ❖ General notification to work group
 - ❖ Staff meeting/expectation memo/bulletin board
- ❖ Specific directive to employee
 - ❖ Email is great!
- ❖ Training session
- ❖ Oral communication
- ❖ Common knowledge
 - ❖ Should-have-known

Prove the Employee Broke the Rule

Based on what you learned when the JAG spoke about fact finding, inquiries & investigations, how can you prove a rule was broken?

- ❖ Personal observation
- ❖ Witness Statements
- ❖ Pictures
- ❖ Video, computer/paper logs, security system
- ❖ System records
- ❖ Admission/confession
- ❖ Formal investigations

Scenario 1

You are a supervisor in the Security Forces squadron. All of your non-supervisory federal employees are in the bargaining unit and all of your federal employees are T32, requiring military membership. When your employees work AT or make up drill, the duties performed are the same regardless of their military/technician status.

Scenario 1

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ What do you do?
- ❖ How do you know the employee broke a rule?

Step One: Determine Employee Status

Step One occurs **AFTER** you have determined the employee broke the rule.

- ❖ Is the employee working in a civilian or military status?
- ❖ Is the employee a temp?
- ❖ Does the employee have permanent tenure?
- ❖ Is the employee in their probationary period?
- ❖ Is the employee an indefinite?
- ❖ If they are, how long have they been employed as an indefinite employee?
- ❖ Is the employee part of the Bargaining Unit?
- ❖ We'll discuss why this matters in the Labor Relations block.

Scenario 1: Determine Employee Status

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ Military or civilian?
- ❖ Bargaining Unit Y/N?
- ❖ This employee has permanent tenure.

Step Two: Performance or Misconduct

RE-CAP:

- ❖ Performance issues relate to what?
- ❖ Misconduct occurs when...?
 - ❖ There is a rule
 - ❖ The employee is aware of the rule
 - ❖ There is evidence that the employee broke the rule

Scenario 1: Supervisor Objective

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ What is your objective as a supervisor?
 - ❖ You want the employee to verify credentials of everyone wanting to gain access to the installation.

Scenario 1: Performance or Misconduct

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

❖ Which route performance or misconduct, would you take to handle this situation?

❖ Why?

Step Three: Decide the Penalty

CNGBI 1400.25 v 752 Enclosure C

- ❖ Non-Disciplinary action:
 - ❖ Counseling — oral and not recorded
 - ❖ Admonition — written MFR/Letter

CNGBI 1400.25 v 752 Enclosure I — All these go through HR0

- ❖ Disciplinary
 - ❖ Letter of Reprimand — written AND recorded in personnel file
- ❖ Disciplinary **and** Adverse Action
 - ❖ Suspension
 - ❖ Removal

Scenario 1: Decide the Penalty

You were made aware that one of your federal employees, while working the front gate, allowed an unidentified civilian to gain access onto the installation without proper credentials and without being stopped to verify status.

- ❖ This is the FIRST offense
- ❖ What penalty do you think is appropriate and why?

Scenario 2

Two years after you issued your employee a LOR, the employee did not show up to work at their required reporting time. The employee was contacted an hour after report time and they indicated they had overslept again.

❖ Since the previous LOR had expired, this incident was the **FIRST** offense when determining progressive discipline.

Scenario 3

Two months after you issued the LOR for reporting to work late, one of your other employees was on patrol and took a picture of that employee sleeping on duty.

Step Three: Decide the Penalty

CNGBI 1400.25 v 752 Appendix A to Enclosure F

❖ The Douglas Factors:

1. Nature and seriousness of the offense

- Relationship to duties
- Intentional, technical, or inadvertent
- Malicious or for gain
- Isolated or repeated — Is there repeated misconduct and does it relate?

Step Three: Decide the Penalty

2. Job level and type
 - Supervisory
 - Contact with public
 - Prominence of position
 - What are the requirements of the position?
3. Past discipline
4. Work record performance
 - Rating
 - Length of service

Step Three: Decide the Penalty

5. Effect on supervisor's confidence in employee
6. Consistency with other discipline — under the Deciding Official
7. Consistency with Table of Penalties in the NG
8. Notoriety and publicity
9. Clarity of notice of any rules violated in committing the offense
10. Rehabilitation potential
11. Mitigating circumstances — what could these be?
12. Alternative sanction — is there anything else you think could be done to deter this behavior in the future?

Scenario 3: Deciding the Penalty

Two months after you issued the LOR for reporting to work late, one of your other employees was on patrol and took a picture of that employee sleeping on duty.

- ❖ After going through the Douglas Factors, what penalty do you think is appropriate?

Scenario 3: Penalty Issued

The Supervisor proposed a 7 day suspension. The Deciding Official upheld the 7 day suspension but had the employee serve 2 days and held the other 5 days in abeyance for 1 year.

- ❖ An *abeyance agreement* is an agreement between the employee and the agency. The agency agrees to stay the remainder of the penalty as long as the employee does not engage in further misconduct during the time period specified.

Scenario 4

During the *abeyance agreement* period, your employee reported to work late and was intoxicated.

- ❖ The Deciding Official completed the paperwork to impose the rest of the penalty (from the *abeyance agreement*).
- ❖ The Supervisor initiated a proposed removal.

Scenario 4

One hour before the employee was to be presented with their disciplinary paperwork, the supervisor informed me they just found out that their employee was in a military status when this misconduct occurred.

- ❖ What is step one?
- ❖ What was about to happen to this employee that didn't because of status?

AWOL as a Basis for Discipline

AWOL may be the proper charge when...

- ❖ An employee is conducting personal business while on duty — *Mitchell v. DoD*, 22 MSPR 271 (1984)
- ❖ Employee is ordered to another worksite (e.g. training), but instead reports to regular worksite
- ❖ Employee remains on agency premises (e.g. break room), but not at the specified work location

*Discipline for sleeping on the job or wasting time is imposed in the same manner as discipline for AWOL
Golden v. USPS, 60 MSPR 268, 273 (1994)

Stop and Think

- ❖ When misconduct starts to occur what are the first things you think of?
- ❖ How well do you know your employee(s)?
- ❖ Recommendations for knowing your employees and building trust:
 - ❖ Make time for them — Get to know them as people & be engaged in the present (not thinking about your list)
 - ❖ Listen to Them — Do you hear your employees with your heart? Do you understand with empathy?
 - ❖ Recognize Them — Written notes (with real thoughts) offering positive recognition/birthdays
 - ❖ Serve Them — Serve their growth, their career, their future
 - ❖ Bring Out the Best in Them — Help them discover their strengths and provide opportunities for your employees to use their strengths

You know your employee(s)

- ❖ When misconduct starts to occur, now what are the first things you think of?
- ❖ How do you perceive negative changes in behavior?
 - ❖ Are you concerned about their well-being?
- ❖ Does your concern about your employee change your thought process when misconduct occurs?
- ❖ What is your first course of action?

Assistance & Accountability

You've had a conversation with your employee regarding their recent (insert behavior change/misconduct) and discovered there are some things going on in their personal life that are affecting their behavior at work.

- ❖ What are some options that you have at this point?
- ❖ Should an employee still be held accountable for misconduct as a result of something in their personal life that may be considered a “mitigating factor”?

Accountability

- ❖ Have any of you had conduct issues within your organization/team?
- ❖ Do any of you OR have any of you felt like there was misconduct (the same type or different types) that seemed to spread throughout your organization?
- ❖ What happens when you start holding employees accountable for their misconduct?
 - ❖ Why?

Hot Topics

- ❖ Alcohol/Intoxication

- ❖ Standards of Conduct

- ❖ Army — PM-61 IDARNG's Alcohol Policy (20 Apr 18)

- ❖ HR 09-005 — What can supervisor do/not do?

- ❖ Ready/Willing/Able — CNGBI 1400.25 v 630 Enclosure L (L-2)

- ❖ Administrative Leave — This is not their leave

- ❖ Call HR0

- ❖ When administrative leave is used for this purpose, disciplinary paperwork will follow

Suggestions

- ❖ Establish clear expectations
- ❖ Provide frequent feedback
- ❖ Reinforce positive behavior
- ❖ Have the hard conversations — hold employees accountable
- ❖ Find ways to help your employees feel value
- ❖ Each person is different — understand and embrace their differences

Questions?

Call HRO

We'd love to help you navigate through this!

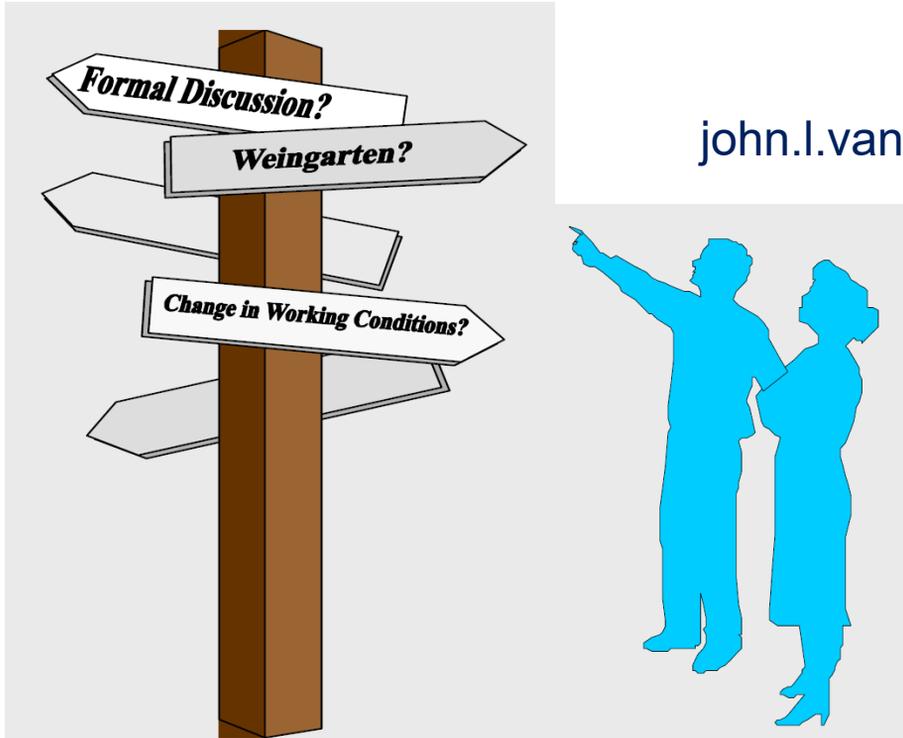


Labor Management Relations

John Van Horn
SHRS

john.l.vanhorn.civ@army.mil

272- 3809





The Bargaining Unit (BU)

- ▶ The American Federation of Government Employees (AFGE) represents Idaho employees; both Army & Air
 - ▶ SF50 Block 3 (7NG5030)

- ▶ AFGE Local 3006 is Idaho's Union and Chapter.
 - President, Logan Lusk
 - Vice President, Phillip Neal
 - Treasurer, Matthew Harvey
 - Secretary, Nic Forsea
 - Stewards:
 - MATES: Juan Garcia
 - Range:
 - CSMS: Matthew Harvey

Positions excluded from the BU

(5 USC 7112 (b) (1-7) & 7103)

- a. Any management official or supervisor
- b. Confidential employee
- c. An employee engaged in personnel work in other than a purely clerical capacity
- d. An employee engaged in administering provisions of this chapter
- e. Professional employees....
- f. National Security positions....
- g. Employees who perform agency investigative or audit functions

▶ Where can you determine BU status?

Matters Appropriate for Negotiations

CBA Article 8 – Section 8.1

Section 8.2 – Past Practice

Notice of Intent to Change Conditions of Employment

Initiating Department _____ Date _____

Contact Person _____

Effective date of change _____

1. Current employment condition:
2. Specific change(s):
3. Reason for the change: (Explain who will be affected and their classifications, fiscal or other workload issues, and any other reasons for the change. **Include the reference from the CBA Article 8 Section 8.1**)
4. After required notice period (7) days, for what date would you like this change to be effective?

Signature Block _____ Date _____

Do I need to Notify the Union?

▶ Before, you as a Supervisor or a Manager implement a change, ask yourself these 3 questions:

- Does the change affect work conditions?
- Does it affect Bargaining Unit Employees?
- Is the change significant? (Perception)

If the answer to all 3 is yes, then yes, you do.

There Is No Formal Discussion When

Discussion is about and with an individual employee related to his/her:

- ▶ Personal problems
- ▶ Job performance
- ▶ Performance evaluation
- ▶ Oral reply to proposed disciplinary action(s)

During impromptu meetings on the shop floor

Weingarten Rights

5 USC 7114

▶ This refers to the right of a bargaining unit employee to be represented by the union when all three apply

1. The employee is examined in an investigation conducted by one or more representatives (supervisors/managers) **AND**

2. The employee reasonably believes disciplinary action may result **AND**

3. The employee requests union representation

Use of Official Time

5 USC 7131

▶ Internal union business shall be conducted during the non-duty hours of the employees concerned

- MUST approve for: Collective Bargaining
FLRA Proceedings
 - MAY approve for: Other representational
activities
 - MAY NOT approve for: Internal union business
- Official Time Form...

Labor Relations Bottom Line

Read the CBA &
Call me if you have questions!

John Van Horn
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