



Defense Health Agency

Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR)

Fiscal Year 2017 Report

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I. INTRODUCTION

The Defense Health Agency (DHA) is located in Falls Church, Virginia and is under the policy guidance and direction of the Office of the Secretary of Defense (Health Affairs) (OASD) (HA). The ASD (HA) is responsible for the overall policy and guidance of the medical services of the military departments and the political sensitivities related to the activities as expressed by the OSD, Congress, the White House, and the civilian sector. The DHA is responsible for the effective execution and operation of the Department of Defense (DoD) medical mission, which is to provide medical services and support to specified categories of individuals entitled to DoD medical care. Specifically, DHA is responsible for managing TRICARE, administering and managing the Defense Health Program budget, and providing support to the Uniformed Services in the management and administration of TRICARE. DHA is geographically located in Falls Church and Arlington, Virginia; Aurora, Colorado; San Antonio, Texas; San Diego, California; Great Lakes, Illinois; and overseas locations.

The DHA provides medical care for DoD's 9.6 million eligible beneficiaries, which is provided through the \$17 billion defense health program that includes contracted health care networks and military treatment facilities. TRICARE provides comprehensive, quality and accessible health care to members of the Uniformed Services: Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the U.S. Public Health Service and the National Oceanic and Atmospheric Administration. By law and/or agreement, benefits may be extended to members of NATO States and their dependents.

Highlight accomplishments.

1. Reviewed and updated the **DHA No FEAR Act Policy** on January 3, 2017.
2. Updated **No FEAR Act training** and notified DHA workforce that the training was available on-line at Joint Knowledge On-Line (JKO Course # JKO JS-US012) in June 2017.
3. Updated **DHA Supervisors Training slides** with No FEAR Act requirements and new JKO information in June 2017.
4. Updated **DHA No FEAR Act Policy** to include source to use for annual training requirement on December 17, 2017.
5. Drafted and submitted **DHA Anti-Harassment Policy** for signature in FY17 (Signed on January 2, 2018 and distributed throughout DHA activities)
6. Drafted **DHA Anti-Harassment Administrative Instruction (AI)** in FY 17, currently in coordination stage.
7. Updated **Alternative Dispute Resolution (ADR) Policy**, signed January 13, 2017, and distributed.

II. REPORTING REQUIREMENTS

a. The number of cases in federal court pending or resolved in each fiscal year and arising under each of the respective provisions of the federal antidiscrimination laws and whistleblower protection laws applicable to them as defined in 5 C.F.R. §724.102, in which an employee, former federal employee, or application alleged a violation of these laws, separating data by the provision of law involved (5 C.F.R. 724.302(a)(1)) and the status or disposition of such cases (5 C.F.R. 724.302(a)(2)(i)).

Statute	Cases Opened in FY17	Cases Resolved in FY17		Cases Pending at Close of FY17
		Settled	Other	
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	70	23	35	68
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	35	6	10	19
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	0	0	0	0
Section 501 of Rehabilitation Act 29 U.S.C. 791	23	5	4	14
Equal Pay Act 29 U.S.C. 206(d)	0	0	0	0
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	0	0	0	0

b. The amount of money required to be reimbursed to the Judgment Fund by the agency for payments as defined in 5 C.F.R. §724.102 (5 C.F.R. 724.302(a)(2)(ii)), and the amount of reimbursement to the Fund for attorney's fees where such fees have been separately designated (5 C.F.R. 724.302(a)(2)(iii)), and any adjustment needed or made to the budget of the agency to comply with its Judgment Fund reimbursement obligation(s) incurred (5 C.F.R. 724.302(a)(8)).

\$ Reimbursed to Judgment Fund	\$ Attributed to Attorneys' Fees	Adjustment Needed
0	\$92,200.00	0

c. In connection with the cases identified above, the total number of employees in each fiscal year disciplined (reprimand, suspension without pay, reduction in grade or pay, or removal) and the specific nature of the disciplinary actions taken, separated by the provision(s) of law involved (5 C.F.R. 724.302(a)(3)) and the number of employees in each fiscal year disciplined in accordance with any agency policy, regardless of whether or not the matters are in connection to a federal court case (5 C.F.R. 724.302(a)(5)).

Statute	# of Employees Disciplined	Nature of Disciplinary Action
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	25	SUSPENSION (2), REPRIMAND, CONSTRUCTIVE DISCHARGE, AWOL (3), TERMINATION (11), LETTER OF COUNSELING (4), REMOVAL (3)
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	11	SUSPENSION, CONSTRUCTIVE DISCHARGE, AWOL (2), TERMINATION (5), LETTER OF COUNSELING, REMOVAL
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	0	NA
Section 501 of Rehabilitation Act 29 U.S.C. 791	11	REPRIMAND, CONSTRUCTIVE DISCHARGE, AWOL, TERMINATION (3), LETTER OF COUNSELING (4), REMOVAL
Equal Pay Act 29 U.S.C. 206(d)	0	NA
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	0	NA
Matters that did <u>NOT</u> result in a federal court case	9	SUSPENSION, TERMINATION (3), LETTER OF COUNSELING (4), REMOVAL

d. The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. §§1614.701, et seq. (5 C.F.R. 724.302(a)(4)).

See Appendix A

e. A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws (5 C.F.R. 724.302(a)(6)).

See Appendix B – input link if available on web-site.

f. The agency's written plan to train its employees (5 C.F.R. 724.302(a)(9)).

See Appendix C

III. ANALYSIS

An analysis of the information provided in paragraphs (a)(1) through (6) of this section in conjunction with data provided to the Equal Employment Opportunity Commission in compliance with 29 CFR part 1614 subpart F of the Code of Federal Regulations. Such analysis must include: (i) An examination of trends; (ii) Causal analysis; (iii) Practical knowledge gained through experience; and (iv) Any actions planned or taken to improve complaint or civil rights programs of the agency with the goal of eliminating discrimination and retaliation in the workplace (5 C.F.R. 724.302(a)(7)).

a. Examination of Trends

For FY17, DHA recorded 126 formal complaints. This was an increase of 16 over the 110 in FY16. Overall, 70 new complaints were filed in FY17 versus 55 in FY16. Those 70 were filed by 61 complainants with 16 repeat filers. In FY16, the 55 filed were from 51 complainants with 23 repeat filers.

Carryover complaints from FY16 to FY17 included 56, compared to 55 carried over from FY15 to FY16.

The increase in complaints filed in FY17 was based on no EEO Managers assigned at two DHA activities (Walter Reed National Military Medical Center (WRNMMC), Bethesda, Maryland; and Fort Belvoir Community Hospital (FBCCH), Fort Belvoir, Virginia) that precluded efforts to resolve pre-complaints. As of October and December 2017, both positions have been filled.

Race, sex and reprisal continue to increase in complaints filed, along with issues dealing with harassment (to include hostile work environment), reasonable accommodations, and termination (mainly in Contractors).

b. Causal Analysis

Bases of Formal Complaints

During FY17 complainants filed in DHA used one of the bases listed in Title VII of the Civil Rights Act of 1964 in filing their complaint of discrimination. Those included: Race, Color, Religion, Sex (Male/Female/LGBT/Pregnancy), National Origin (Other/Hispanic), Age, Disability (Mental/Physical), Genetic Information, and Reprisal/or Retaliation.

In FY17, DHA recorded 205 bases overall in 70 formal complaints filed, with Race (38), Sex (37), Age (32), Reprisal (30), and Disability (30), and the top five.

In FY16, DHA recorded 306 bases in 55 complaints filed, with Race (54), Reprisal (54), Sex

(54), Disability (50), and Age (44) the top five.

Both years matched top five bases recorded. Race continues to be the dominant bases.

Issues of Informal Complaints

Following selection of a base(s) for filing, the complainant must provide specific issue(s) that shows: How they have been harmed? And; What alleged adverse employment action affected a term, condition or privilege of employment. Issues were recorded in over 29 areas identified in the Equal Employment Opportunity Commission (EEOC) EEOC 462 Report, submitted annually by DHA.

Of the 131 issues recorded in FY17 of the 70 complaints filed, Harassment (55), Reasonable Accommodations (15), Time and Attendance (15), Termination (11), and Assignment of Duties (7) were the top five.

In FY16 of the 55 complaints filed with 000 issues, Harassment (57), Non-Selection/Promotion (16), Time and Attendance (15), Pay (11), Reasonable Accommodation (9), and Termination (8) were in the top five.

Overall, Harassment, Reasonable Accommodations, Time and Attendance, and Termination repeated as major issues.

c. Practical Knowledge Gained Through Experience

Without proper staffing in EODM, especially at the National Capital Region Directorate, Bethesda, Maryland (includes WRNMMC and FBCH EODM Offices), and DHA San Antonio (need to establish EODM Office and staff), efforts in prevention of discrimination, harassment, hostile work environment, and filing of pre-complaints in the process will only continue. It is imperative to have an EEO Manager embedded in NCR and San Antonio to ensure success in the goals of the EODM Program.

Harassment and hostile work environment (HWE) continue to show up in cases filed in the pre-and formal stages of complaints of discrimination. Efforts to deter harassment and HWE are ongoing.

We drafted and submitted DHA Anti-Harassment Policy for signature in FY17. It was signed on January 2, 2018 and distributed throughout DHA activities. Coordination efforts continued on the draft DHA Anti-Harassment Administrative Instruction (AI) in FY 17.

d. Actions Planned or Taken for Improvement Measures

In FY18 we will establish a Harassment Council made up of members from: EODM (Diversity and Inclusion, ADR and Conflict Resolution), Human Resources (Management Employee Labor Relations (MELR)), Office of General Council (OGC), and Inspector General (IG). Efforts will center on using Alternative Dispute Resolution (mainly mediation) to try to resolve issues with harassment and HWE at the lowest level.

To help with this, we are expanding our ADR area into the ADR and Conflict Resolution Program. It will be staffed with an ADR Manager tasked to upgrade and manage the program for EEO and non-EEO issues. Updates ADR Policy, signed January 13, 2017 and distribute to DHA activities. This position will also be a member of the Harassment Council supporting resolution efforts through ADR.

IV. CONCLUSION

During FY17 DHA was in the process of reorganizing its structure and adding additional DoD medical assets to the Agency. EEO activity continues to be challenging based on geographic location of DHA activities, increase in complaints activity, and staffing shortages. During FY18 EODM will concentrate on reorganizing the Division to meet the growing needs of the Agency.

Due to loss of Complaints Manager position in September 2019, and the retirement of Chief, Diversity Management Branch in February 2018, we will be restructuring to meet EODM program requirements. This will involve restructuring two current Branches, and realigning functions, to provide better use of our limited resources, and help resolve compliance and timeliness issues.

This will involve restructuring the Chief, DM Branch position into the Chief, Complaints Branch, effective January 1, 2018. The functions currently under DM will be reassigned to other Branches as follows: DM to EEO; SEP and Training to MEO.

1. Restructure the Chief, EEO Branch into the Chief, Diversity and Inclusion Branch effective January 1, 2018.
2. Functions absorbed in the new Branch will be: DM, Administration, and Field Office Support.
3. Functions to be realigned will be: Complaints and ADR to the new Complaints Branch.

The Complaint Manager position is filled by a Reemployed Annuitant and will cease to be on September 30, 2019, as part of the DHA Headquarters reduction. This action will result in one Specialist (GS-11) assigned in the complaints area, with no senior management. Hiring a Complaints Manager (GS-14) to fill the loss will ensure there are senior leadership and management assigned to this critical function.

Realigning the complaints and ADR functions into the restructured Complaints Branch, having the functions redesigned to include: pre-complaints, formal complaint, and ADR, will allow better management of the complaints process, and ensure compliance, and timeliness of processing.

Restructuring EEO into Diversity and Inclusion Branch will bring all the related functions under one Branch for better use of resources and compliance. Director will have four branches assigned: Diversity and Inclusion; Military EO, Complaints Program; and Civil Rights (Unfunded). The field offices at WRNMMC and FBCH will be realigned under the DI branch. This will involve restructuring two of the four EEO Branches: EEO, and MEO. Overall, we will have: Diversity and Inclusion, Complaints, MEO, and Civil Rights (unfunded or staffed).

Our EODM goals for FY18 are:

- **Upgrade** DHA complaints processing timeliness
- **Establish** Alternative Dispute Resolution and Conflict Management Program
- **Conduct** Staff Assistance Visits to publicize EODM programs

APPENDIX A

The final year-end data about discrimination complaints for each fiscal year that was posted in accordance with Equal Employment Opportunity Regulations 29 C.F.R. §§1614.701, et seq. (5 C.F.R. 724.302(a)(4)).

Please do not include pages of zeros. Create a spreadsheet showing only those categories in which complaints were filed.

Equal Employment Opportunity Data Posted Pursuant to the No Fear Act:

Defense Health Agency

For FY 2017 period October 1, 2016 ending September 30, 2017

Complaint Activity	Comparative Data					
	Previous Fiscal Year Data					2017 Thru 30-Sep
			2014	2015	2016	
Number of Complaints Filed			11	8	55	70
Number of Complainants			11	8	51	61
Repeat Filers			4	3	23	16
Complaints by Basis	Comparative Data					
	Previous Fiscal Year Data					2017 Thru 30-Sep
			2014	2015	2016	
<i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>						
Race			15	20	54	38
Color			6	5	23	22
Religion			1	0	8	7
Reprisal			11	25	54	30
Sex			12	11	54	37
National Origin			6	7	19	9
Equal Pay Act			1	0	0	0
Age			7	5	44	32
Disability			12	12	50	30
Non-EEO			0	0	0	0
Complaints by Issue	Comparative Data					
	Previous Fiscal Year Data					2017 Thru 30-Sep
			2014	2015	2016	
<i>Note: Complaints can be filed alleging multiple issues.</i>						
Appointment/Hire			0	0	0	0
Assignment of Duties			6	5	22	7
Awards			2	2	4	0
Conversion to Full-time			0	0	0	0
Disciplinary Action						
Demotion			0	1	0	0
Reprimand			1	0	5	1
Suspension			0	0	3	2
Removal			2	0	0	2
Other			0	0	6	7
Duty Hours			0	0	6	3
Evaluation Appraisal			6	5	19	5
Examination/Test			0	0	0	0
Harassment						
Non-Sexual			11	8	55	54
Sexual			0	0	2	1
Medical Examination			0	0	0	0
Pay (Including Overtime)			1	0	11	3
Promotion/Non-Selection			2	3	16	3
Reassignment						
Denied			2	2	2	2
Directed			0	0	0	0
Reasonable Accommodation			5	5	9	15
Reinstatement			0	0	0	0

Retirement			0	0	0	0					
Termination			0	2	8	11					
Terms/Conditions of Employment			1	1	0	0					
Time and Attendance			1	0	15	15					
Training			2	2	3	0					
Other			0	0	0	0					
Processing Time	Comparative Data										
	Previous Fiscal Year Data					2017 Thru 30-Sep					
			2014	2015	2016						
Complaints pending during fiscal year											
Average number of days in investigation			102.5	0	241	144.56					
Average number of days in final action			0	0	295.67	347.18					
Complaint pending during fiscal year where hearing was requested											
Average number of days in investigation			627.5	664.37	431.76	760.79					
Average number of days in final action			0	0	0	347.18					
Complaint pending during fiscal year where hearing was not requested											
Average number of days in investigation			0	0	0	144.56					
Average number of days in final action			0	0	295.67	347.18					
Complaints Dismissed by Agency	Comparative Data										
	Previous Fiscal Year Data					2017 Thru 30-Sep					
			2014	2015	2016						
Total Complaints Dismissed by Agency			3	3	16	19					
Average days pending prior to dismissal			70.33	94.67	60.69	61.74					
Complaints Withdrawn by Complainants											
Total Complaints Withdrawn by Complainants			0	2	5	0					
Total Final Agency Actions Finding Discrimination	Comparative Data										
	Previous Fiscal Year Data										2017 Thru 30-Sep
					2014		2015		2016		
	#	%	#	%	#	%	#	%	#	%	
Total Number Findings					0	0	0	0	0	0	0
Without Hearing					0	0	0	0	0	0	0
With Hearing					0	0	0	0	0	0	0
Findings of Discrimination Rendered by Basis	Comparative Data										
	Previous Fiscal Year Data										2017 Thru 30-Sep
					2014		2015		2016		
	#	%	#	%	#	%	#	%	#	%	
Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.											
Total Number Findings					0	0	0	0	0	0	0
Race					0	0	0	0	0	0	0
Color					0	0	0	0	0	0	0
Religion					0	0	0	0	0	0	0
Reprisal					0	0	0	0	0	0	0
Sex					0	0	0	0	0	0	0
National Origin					0	0	0	0	0	0	0
Equal Pay Act					0	0	0	0	0	0	0
Age					0	0	0	0	0	0	0
Disability					0	0	0	0	0	0	0
Non-EEO					0	0	0	0	0	0	0
Findings After Hearing					0	0	0	0	0	0	0
Race					0	0	0	0	0	0	0
Color					0	0	0	0	0	0	0
Religion					0	0	0	0	0	0	0
Reprisal					0	0	0	0	0	0	0
Sex					0	0	0	0	0	0	0
National Origin					0	0	0	0	0	0	0
Equal Pay Act					0	0	0	0	0	0	0
Age					0	0	0	0	0	0	0
Disability					0	0	0	0	0	0	0
Non-EEO					0	0	0	0	0	0	0

Findings Without Hearing					0	0	0	0	0	0	0	0
Race					0	0	0	0	0	0	0	0
Color					0	0	0	0	0	0	0	0
Religion					0	0	0	0	0	0	0	0
Reprisal					0	0	0	0	0	0	0	0
Sex					0	0	0	0	0	0	0	0
National Origin					0	0	0	0	0	0	0	0
Equal Pay Act					0	0	0	0	0	0	0	0
Age					0	0	0	0	0	0	0	0
Disability					0	0	0	0	0	0	0	0
Non-EEO					0	0	0	0	0	0	0	0
Findings of Discrimination Rendered by Issue	Comparative Data											
	Previous Fiscal Year Data										2017 Thru 30-Sep	
					2014		2015		2016			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings					0	0	0	0	0	0	0	0
Appointment/Hire					0	0	0	0	0	0	0	0
Assignment of Duties					0	0	0	0	0	0	0	0
Awards					0	0	0	0	0	0	0	0
Conversion to Full-time					0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion					0	0	0	0	0	0	0	0
Reprimand					0	0	0	0	0	0	0	0
Suspension					0	0	0	0	0	0	0	0
Removal					0	0	0	0	0	0	0	0
Other					0	0	0	0	0	0	0	0
Duty Hours					0	0	0	0	0	0	0	0
Evaluation Appraisal					0	0	0	0	0	0	0	0
Examination/Test					0	0	0	0	0	0	0	0
Harassment												
Non-Sexual					0	0	0	0	0	0	0	0
Sexual					0	0	0	0	0	0	0	0
Medical Examination					0	0	0	0	0	0	0	0
Pay (Including Overtime)					0	0	0	0	0	0	0	0
Promotion/Non-Selection					0	0	0	0	0	0	0	0
Reassignment												
Denied					0	0	0	0	0	0	0	0
Directed					0	0	0	0	0	0	0	0
Reasonable Accommodation					0	0	0	0	0	0	0	0
Reinstatement					0	0	0	0	0	0	0	0
Retirement					0	0	0	0	0	0	0	0
Termination					0	0	0	0	0	0	0	0
Terms/Conditions of Employment					0	0	0	0	0	0	0	0
Time and Attendance					0	0	0	0	0	0	0	0
Training					0	0	0	0	0	0	0	0
Other - User Defined					0	0	0	0	0	0	0	0
Findings After Hearing					0	0	0	0	0	0	0	0
Appointment/Hire					0	0	0	0	0	0	0	0
Assignment of Duties					0	0	0	0	0	0	0	0
Awards					0	0	0	0	0	0	0	0
Conversion to Full-time					0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion					0	0	0	0	0	0	0	0
Reprimand					0	0	0	0	0	0	0	0
Suspension					0	0	0	0	0	0	0	0
Removal					0	0	0	0	0	0	0	0
Other					0	0	0	0	0	0	0	0
Duty Hours					0	0	0	0	0	0	0	0
Evaluation Appraisal					0	0	0	0	0	0	0	0
Examination/Test					0	0	0	0	0	0	0	0
Non-Sexual					0	0	0	0	0	0	0	0
Sexual					0	0	0	0	0	0	0	0
Medical Examination					0	0	0	0	0	0	0	0

Pay (Including Overtime)					0	0	0	0	0	0	0	0
Promotion/Non-Selection					0	0	0	0	0	0	0	0
Reassignment												
Denied					0	0	0	0	0	0	0	0
Directed					0	0	0	0	0	0	0	0
Reasonable Accommodation					0	0	0	0	0	0	0	0
Reinstatement					0	0	0	0	0	0	0	0
Retirement					0	0	0	0	0	0	0	0
Termination					0	0	0	0	0	0	0	0
Terms/Conditions of Employment					0	0	0	0	0	0	0	0
Time and Attendance					0	0	0	0	0	0	0	0
Training					0	0	0	0	0	0	0	0
Other - User Defined					0	0	0	0	0	0	0	0
Findings Without Hearing					0	0	0	0	0	0	0	0
Appointment/Hire					0	0	0	0	0	0	0	0
Assignment of Duties					0	0	0	0	0	0	0	0
Awards					0	0	0	0	0	0	0	0
Conversion to Full-time					0	0	0	0	0	0	0	0
Disciplinary Action												
Demotion					0	0	0	0	0	0	0	0
Reprimand					0	0	0	0	0	0	0	0
Suspension					0	0	0	0	0	0	0	0
Removal					0	0	0	0	0	0	0	0
Other					0	0	0	0	0	0	0	0
Duty Hours					0	0	0	0	0	0	0	0
Evaluation Appraisal					0	0	0	0	0	0	0	0
Examination/Test					0	0	0	0	0	0	0	0
Harassment												
Non-Sexual					0	0	0	0	0	0	0	0
Sexual					0	0	0	0	0	0	0	0
Medical Examination					0	0	0	0	0	0	0	0
Pay (Including Overtime)					0	0	0	0	0	0	0	0
Promotion/Non-Selection					0	0	0	0	0	0	0	0
Reassignment												
Denied					0	0	0	0	0	0	0	0
Directed					0	0	0	0	0	0	0	0
Reasonable Accommodation					0	0	0	0	0	0	0	0
Reinstatement					0	0	0	0	0	0	0	0
Retirement					0	0	0	0	0	0	0	0
Termination					0	0	0	0	0	0	0	0
Terms/Conditions of Employment					0	0	0	0	0	0	0	0
Time and Attendance					0	0	0	0	0	0	0	0
Training					0	0	0	0	0	0	0	0
Other - User Defined					0	0	0	0	0	0	0	0
Comparative Data												
Pending Complaints Filed in Previous Fiscal Years by Status	Previous Fiscal Year Data					2017 Thru 30-Sep						
			2014	2015	2016							
	Total complaints from previous Fiscal Years		14	14	55		56					
Total Complainants			11	11	51		50					
Number complaints pending												
Investigation			2	0	11		18					
ROI issued, pending Complainant's action			0	0	0		0					
Hearing			10	14	33		34					
Final Agency Action			0	0	3		11					
Appeal with EEOC Office of Federal Operations			1	2	11		8					
Comparative Data												
Complaint Investigations	Previous Fiscal Year Data					2017 Thru 30-Sep						
			2014	2015	2016							
	Pending Complaints Where Investigations Exceed Required Time Frames		0	2	6		8					

Gregory S. Byard, DHA EODM Director	 29 JAN 18

APPENDIX B

A detailed description of the agency's policy for taking disciplinary action against Federal employees for conduct that is inconsistent with Federal Antidiscrimination Laws and Whistleblower Protection Laws or for conduct that constitutes another prohibited personnel practice revealed in connection with agency investigations of alleged violations of these laws (5 C.F.R. 724.302(a)(6)).

If the policy is available electronically, please only include the public link.

1. Administrative Instruction (AI) 29, Disciplinary and Adverse Actions, dated July 17, 2012
2. Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Policy, dated January 3, 2017
3. Anti-Harassment Policy, dated January 2, 2018
4. Alternative Dispute Resolution Policy, dated January 13, 2017



TRICARE Management Activity ADMINISTRATIVE INSTRUCTION

NUMBER 29
July 17, 2012

TMA Human Resources Division

SUBJECT: Disciplinary and Adverse Actions

References: See Enclosure 1.

1. PURPOSE. This Administrative Instruction (AI) sets forth the authority, criteria, and responsibilities for implementing and managing the TRICARE Management Activity (TMA) policy on disciplinary and adverse actions. The Instruction:

a. Establishes policy, guidance, and procedures for taking disciplinary and adverse actions consistent with References (a) through (d).

b. Issues a Table of Offenses and Penalties to use as a guide for selecting an appropriate penalty for actionable misconduct. See Enclosure 2.

2. APPLICABILITY. This AI applies to:

a. All organizational entities of TMA, Office of the Secretary of Defense (SecDef).

b. All employees except those identified below and those specifically excluded in Enclosure 3 of this Instruction and in part 752 of Reference (c).

(1) Re-employed annuitants in the competitive or excepted service.

(2) Employees serving under temporary appointments with a definite time limit.

(3) Employees serving a probationary or trial period, or who have completed less than 1 year of current continuous employment.

(4) Preference eligible in the excepted service with less than 1 year of current continuous employment.

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(5) Non-preference eligible in the excepted service with less than 2 years of current continuous service.

(6) Employees appointed according to Section (Sec.) 1601 of Title 10, United States Code (U.S.C.), (Reference (d)), during a national emergency.

c. While excluded from coverage according to this Instruction, the employees listed in paragraph b may be suspended, demoted, admonished, warned, or reprimanded consistent with this Instruction. However, when separation is warranted, their appointments may be terminated without complying with the procedures outlined in this Instruction. Prior to taking action, the supervisor shall seek advice and assistance from the Management Employee and Labor Relations (MELR) Branch.

3. DEFINITIONS. See Glossary.

4. POLICY. According to Sec. 7513 of Reference (b), the objective of a disciplinary or adverse action is to promote “the efficiency of the service” by ensuring high standards of Government service and maintaining public confidence in the Department of Defense (DoD). Disciplinary actions shall be taken “only for such cause as will promote the efficiency of the service” and, when warranted, shall be initiated promptly. The administration of disciplinary and adverse actions balances essential management decisions with employee rights established by law, regulation, policy, and/or a collective bargaining agreement. Actions are effected through due process that may include a notice of proposed action, an opportunity to respond to charges, a notice of decision, and access to Appellate or grievance procedures. Management carries the obligation to prove the following by a preponderance of the evidence:

- a. The reason for the disciplinary or adverse action.
- b. That the action promotes the efficiency of the service.
- c. That the penalty is reasonable.

The authority to initiate disciplinary or adverse actions shall be delegated to the lowest practical level of supervision consistent with good management practices. Normally this authority is placed at the first level of supervision. However, any supervisor at any level of supervision may initiate action consistent with this Instruction. Decisions to suspend, reduce in grade, or remove shall normally be made by a management official at least one level higher than the supervisor who proposed the action, unless the proposing official is SecDef. Prior to initiating action, a supervisor shall seek advice and assistance from MELR to ensure regulatory compliance and consistency of actions across organizations. In deciding whether to take disciplinary or adverse action, there shall be no discrimination against an employee for political beliefs, physical

handicap, sex, race, religion, color, national origin, or age.

5. RESPONSIBILITIES. See Enclosure 3.

6. PROCEDURES. See Enclosure 4.

7. INFORMATION REQUIREMENTS. See Enclosure 5.

8. RELEASABILITY. RESTRICTED. This Instruction is approved for restricted release. It is available for Health Affairs/TMA employees only.

9. EFFECTIVE DATE. This AI is effective immediately.

W. Bryan Gamble, M.D., FACS
Brigadier General, US Army
Deputy Director

Enclosures:

1. References
2. Table of Offenses and Penalties
3. Responsibilities
4. Procedures
5. Information Requirements
6. Guidelines for Proposing Officials - Disciplinary and Adverse Actions
7. Guidelines for Deciding Officials - Disciplinary and Adverse Actions
8. Guidelines for Deciding Officials when Hearing an Employee Oral Response
9. Checklist for Deciding Officials - Disciplinary and Adverse Actions
- 9-A. Analysis of Douglas Factors
10. Sample Memorandum of Warning
11. Sample Notice of Requirements - Attendance
12. Sample Memorandum of Return to Duty - Medical
13. Sample Notice of Discharge during Probationary Period
14. Sample Letter of Reprimand
15. Sample Notice of Proposed Suspension of 1-14 Days
16. Sample Notice of Decision on Proposed Suspension of 1-14 Days

17. Sample Notice of Proposed Adverse Action - Suspension of 15 Days or More, Reduction in Grade, or Removal

18. Sample Notice of Decision on Proposed Adverse Action - Suspension of 15 Days or More, Reduction in Grade, or Removal

19. Merit Systems Protection Board Regional or Field Office for Filing Appeals

Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," October 19, 2001.
- (b) Chapters 43 and 75 and Secs. 1204(a)(2), 3103, 3105, 3321(a)(2), 3321(b), 4302, 5501, 7323, 7325, 7351, 7513, 7521, and 7532 of Title 5, U.S.C.
- (c) Parts 213, 316, 351, 359, 430, 432, 731, 754, and 752 of Title 5, Code of Federal Regulations.
- (d) Sec. 1601 of Title 10, U.S.C.
- (e) DoD Directive 5500.7, "Standards of Conduct," August 30, 1993.
- (f) TMA AI Number 30, "TRICARE Management Activity Performance Appraisal Program for General Schedule, Federal Wage System, and Certain Other Employees," April 27, 2010.
- (g) TMA AI Number 20, "TRICARE Management Activity Administrative Grievance System," May 27, 2012.
- (h) DoD 8500.2, "Information Assurance (IA) Implementation." September 15, 2012.
- (i) DoD Chief Information Officer (CIO) memorandum, "DoD Guidance on Protecting Personally Identifiable Information," August 18, 2006.
- (j) DoD CIO memorandum, "Encryption of Sensitive Unclassified Data at Rest on Mobile Computing Devices and Removable Storage Media," July 3, 2007.

ENCLOSURE 2

TABLE OF OFFENSES AND PENALTIES

1. GENERAL. The Table of Offenses and Penalties is intended for use as a guide for selecting an appropriate penalty for actionable misconduct. This table does not substitute for supervisory judgment and does not dictate penalties. Rather, this table provides a general framework within which supervisors exercise judgment on a case-by-case basis.

2. OFFENSE COLUMN. The OFFENSE column is not intended to be an exhaustive listing. No attempt has been made to list every possible cause for disciplinary or adverse action. The fact that a specific offense is not listed does not mean a penalty cannot be imposed. Supervisors should compare a specific misconduct to the offenses described and use a cause of action that most closely describes the misconduct.

3. PENALTY COLUMN.

a. The PENALTY column establishes a range of penalties from minimum to maximum for a specific type of offense. The penalty column is further divided into columns for FIRST OFFENSE, SECOND OFFENSE, and THIRD OFFENSE. The penalty range typically becomes more severe as offenses progress from first through third. Previous informal disciplinary actions are not counted as previous offenses for the purpose of penalty selection. To be considered a second or third offense, the subsequent misconduct does not have to be the same or similar as the first type of misconduct. For example, if an employee who previously was reprimanded for a first offense of absence without leave (AWOL) subsequently engages in insubordination, the penalty range would be derived from the second offense column for insubordination. Also, various factors can combine to either enhance or mitigate a penalty selection. For example, the presence of multiple charges would tend to enhance a penalty selection.

b. A supervisor has a choice of severity of action ranging from no penalty, a range of informal disciplinary actions, to the maximum penalty stated in the range. When significant aggravating circumstances exist, the penalty range may be exceeded. For example, if the table shows a 14-day suspension as a maximum penalty, the supervisor may determine no penalty is needed, or may issue an oral admonishment, a letter of warning, a reprimand, or a suspension of up to 14 days. Using this same example, the penalty could be greater than a 14-day suspension if there are significant aggravating circumstances. Deviation from the suggested penalties should be justified in the notice of proposed action and notice of decision. Whenever prior offenses are used to support a more severe penalty, those offenses shall be cited in the notice of proposed action. When a series of offenses have been committed and action could not have been taken on each before another was committed, a more severe penalty may be assessed for the combined offenses than would be appropriate for any one single offense.

ENCLOSURE 2 (TABLE 1)

TABLE OF OFFENSES AND PENALTIES

OFFENSE (CAUSE OF ACTION)	FIRST OFFENSE PENALTY	SECOND OFFENSE PENALTY	THIRD OFFENSE PENALTY
T1.1. Attendance-Related Misconduct. Penalty should correlate to the absence.			
T1.1.1. AWOL from the regular scheduled tour of duty. Includes leaving work area without permission.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.1.2. Failure to follow established procedures to request leave.	Reprimand to 5-Day Suspension	1-Day Suspension to 14-Day Suspension	14-Day Suspension to Removal
T1.1.3. Unexcused tardiness.	Reprimand	Reprimand to 5-Day Suspension	5-Day Suspension to Removal
T1.1.4. Prolonged or extended period of AWOL.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.2. Insubordination.			
T1.2.1. Refusal to obey an order that a superior is entitled to give and have obeyed.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.2.2. Impertinence, insolence, disrespectful conduct toward a supervisor.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.2.3. Delay in carrying out instructions, loafing. Failure or delay in carrying out work assignments or instructions in a reasonable time. Idleness or failure to work on assigned duties.	Reprimand to 5-Day Suspension	5-Day Suspension to 14-Day Suspension	14-Day Suspension to Removal
T1.3. Fighting and/or creating a disturbance in the workplace. Penalties may be enhanced if directed at a supervisor.			
T1.3.1. Creating a disturbance causing an adverse impact on morale, production, or discipline. Penalty may be enhanced in relation to the disruption.	Reprimand to 5-Day Suspension	5-14 Day Suspension	14-Day Suspension to Removal
T1.3.2. Threatening or attempting to inflict bodily harm.	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.3.3. Hitting, pushing, or other acts	30-Day Suspension to Removal		Removal

against another, causing injury.			
T1.3.4. Hitting, pushing, or other acts against another, without causing injury.	14-Day Suspension to Removal	30-Day Suspension to Removal	Removal
T1.3.5. Intimidating or aggressive conduct.	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.4. Sleeping on Duty.			
T1.4.1. Where safety of personnel or property is not endangered.	Reprimand to 5-Day Suspension	Reprimand to 14-Day Suspension	14-Day Suspension to Removal
T1.4.2. Where safety of personnel or property is endangered.	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.5. Discourtesy.			
T1.5.1. Rude, impolite acts or remarks (non-discriminatory).	Reprimand to 5-Day Suspension	5-Day Suspension to 14-Day Suspension	14-Day Suspension to Removal
T1.5.2. Use of offensive or abusive language, gestures, or similar conduct (non-discriminatory).	Reprimand to 14-Day Suspension	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.6. Unauthorized Use, Possession, or Transfer of an Alcoholic Beverage.			
T1.6.1. Unauthorized use, possession, or transfer of an alcoholic beverage on Government property while in a duty status.	Reprimand to 14-Day Suspension	14-Day Suspension to 30-Day Suspension	30-Day Suspension to Removal
T1.6.2. Reporting to work or being under the influence of alcohol that interferes with proper performance of duty. (Removal for a first or subsequent offense may be warranted if personnel or property is endangered.)	Reprimand to Removal	30-Day Suspension to Removal	Removal
T1.7. Unauthorized Use and/or Possession of Illegal Drugs and/or Controlled Substances.			
T1.7.1. Bringing illegal drugs and/or unauthorized controlled substances to a work area or onto Government property for personal use.	Removal		
T1.7.2. Bringing illegal drugs and/or unauthorized controlled substances to a work area or onto Government property for distribution.	Removal		
T1.7.3. Reporting to work under the influence of illegal drugs and/or unauthorized controlled substances.	Removal		
T1.7.4. Testing positive under the Drug Free Workplace Program,	Removal		

providing an adulterated sample, failing to take a drug test, or failing to comply with testing procedures.			
T1.8. Gambling.			
T1.8.1. Participating in an unauthorized gambling activity while on Government property or in a duty status.	Reprimand to 5-Day Suspension	5-Day Suspension to 14-Day Suspension	14-Day Suspension to Removal
T1.8.2. Operating, assisting, or promoting an unauthorized gambling activity while on Government property while in a duty status, or while others are in a duty status.	14-Day Suspension to Removal		Removal
T1.9. False Statements.			
T1.9.1. Making or providing false statements, misrepresentations, or entitlement fraud. Includes falsifying information on a time card, leave form, travel voucher, or other documents for entitlements.	Reprimand to Removal	30-Day Suspension to Removal	Removal
T1.9.2. Making or providing false statements or misrepresentation on documents pertaining to qualifications, or on any other official record.	Reprimand to Removal	30-Day Suspension to Removal	Removal

T1.9.3. Making a false or malicious statement against coworkers, supervisors, subordinates, or Government officials.	Reprimand to Removal	30-Day Suspension to Removal	Removal
T1.9.4. Misrepresentation, concealing, or withholding of a material fact. Includes perjury, making false sworn statements, and lying to a supervisor.	Reprimand to Removal	30-Day Suspension to Removal	Removal
T1.10. Unauthorized Taking and/or Possession of Others' Property. Actual or attempted taking or carrying away of Government property or the property of others, or collusion with others to commit such acts.			
T1.10.1. Where substantial value is not involved.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.10.2. Where substantial value is involved.	14-Day Suspension to Removal		Removal
T1.11. Misuse or Abuse of Government Property, Employees, Contractors, or Processes.			
T1.11.1. Using Government property, employees, or contractors for other than official purposes.	Reprimand to Removal	14-Day Suspension to Removal	Removal
T1.11.2. Loss of or damage to Government property, records, or information when the employee is entrusted to safeguard the property as a job requirement (e.g., cashier, warehouse worker, property book officer).	Reprimand to 14-Day Suspension	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.11.3. Misuse of Government credentials.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.11.4. Misuse of any Government-issued charge card (e.g., purchase charge cards, travel charge cards).	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.11.5. Unauthorized use of or failure to appropriately control use of Government Purchase Charge Card as a cardholder (approving official responsible for use or oversight of the card).	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.11.6. Misuse of Government computer, network, intranet, internet, e-mail, etc.	Reprimand to Removal	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.11.7. Misuse of a Government vehicle. Willfully using or authorizing the use or misuse of a Government passenger motor vehicle	Minimum 30-Day Suspension to Removal	60-Day Suspension to Removal	Removal

or aircraft for other than official purposes. (See Sec. 1349 of Title 31, U.S.C. (Reference (h)).			
T1.11.8. Abuse of discretion, malfeasance, misfeasance, or non-feasance.	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal
T1.12. Failure to Follow Written Regulations, Orders, Rules, or Procedures.			
T1.12.1. Violation where safety to persons or Government property is not compromised.	Reprimand to 5-Day Suspension	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.12.2. Violation where safety to persons or Government property is compromised.	Reprimand to Removal	14-Day Suspension to Removal	Removal
T1.13. Conduct Unbecoming a Federal employee. Includes off-duty misconduct if nexus is established.			
T1.13.1. Immoral, indecent, illegal, or disgraceful conduct.	5-Day Suspension to Removal	14-Day Suspension to Removal	Removal
T1.13.2. Soliciting or accepting anything of value or other benefit for financial gain.	14-Day Suspension to Removal	30-Day Suspension to Removal	Removal
T1.14. Refusal to Cooperate or Testify, Interfering, and/or Obstructing in Administrative Inquiries or Investigations.			
T1.14.1. Refusal to cooperate or testify in an administrative inquiry or investigation.	5-Day Suspension to Removal	14-Day Suspension to Removal	Removal
T1.14.2. Interference with, attempting to influence, or attempting to alter testimony of witnesses or participants.	14-Day Suspension to Removal	30-Day Suspension to Removal	Removal
T1.14.3. Attempting to impede an investigation or to influence investigating officials.	30-Day Suspension to Removal		Removal
T1.15. Job Actions. Participating in or promoting a strike, work stoppage, slow down, sick-out, or other action.	Removal		
T1.16. Delinquent Debt. Failure or delay to honor valid debts where the agency mission or employee performance is affected (e.g., delinquent travel charge card account).	Reprimand to 5-Day Suspension	Reprimand to 14-Day Suspension	14-Day Suspension to Removal
T1.17. Sexual Misconduct. Where sexual misconduct contributes to a hostile work environment, is quid pro quo, or involves deliberate or repeated offensive comments, gestures, or physical contact, removal may be warranted for a first offense.			
T1.17.1. Involving a subordinate.	5-Day Suspension to	14-Day Suspension to	30-Day Suspension to

	Removal	Removal	Removal
T1.17.2. Not involving a subordinate.	Reprimand to 30-Day Suspension	5-Day Suspension to Removal	14-Day Suspension to Removal
T1.18. Discrimination because of race, color, religion, age, gender, national origin, handicapping condition, political affiliation, or marital status. Also, prohibited discriminatory practice in any aspect of employment (e.g., hiring, appraisal, development) and/or failure to prevent or curtail discrimination or prohibited practice of a subordinate when the supervisor knew, or should have known, of the discrimination.	Reprimand to Removal	14-Day Suspension to Removal	30-Day Suspension to Removal

ENCLOSURE 3RESPONSIBILITIES

1. The Chief, MELR/Human Resources Division (HRD), shall:
 - a. Provide advice and assistance to supervisory and management officials on disciplinary and adverse actions.
 - b. Counsel employees concerning their rights, privileges, and standards of conduct.
2. The Director, HRD, shall:
 - a. Ensure that employees are advised of their rights according to this Instruction.
 - b. Coordinate all formal disciplinary actions with MELR to ensure conformance with established laws and regulations.
 - c. Ensure each case is processed promptly and fairly and that discipline is uniformly applied.
3. The Proposing Official shall:
 - a. Gather, document, and analyze the facts concerning each potential disciplinary or adverse action.
 - b. Issue a notice of proposed disciplinary or adverse action.
4. The Deciding Official shall:
 - a. Review and consider all relevant material regarding a proposed action.
 - b. Issue a notice of final decision on a disciplinary or adverse action.
5. Supervisors shall:
 - a. Conduct themselves so as to set a good example for their subordinate employees.
 - b. Communicate their expectations regarding standards of conduct and performance to employees.
 - c. Refer employees to the Employee Assistance Program (EAP) as necessary.
 - d. Consult with MELR prior to initiating action in accordance with this Instruction.

6. Employees shall:

- a. Conduct themselves, both on and off duty, in a way that ensures their conduct does not reflect adversely on DoD.
- b. Follow the work rules and directives provided by their supervisors.
- c. Comply with the standards of conduct prescribed in DoD Directive 5500.7 (Reference (e)).

ENCLOSURE 4

PROCEDURES

1. Adverse Actions.

a. Disciplinary. Disciplinary adverse actions may be taken against an employee covered by this Instruction only for such cause as will promote the efficiency of the service. A just and substantial cause is necessary as a basis for a disciplinary adverse action. The nature of the cause shall be determined on a case-by-case basis.

b. Non-disciplinary. Certain kinds of adverse actions are considered non-disciplinary in nature (e.g., separation based on performance, failure to meet medical or other job requirements, reductions in grade or pay as a result of classification actions or reorganization, and furloughs of 30 days or less).

c. Reduction in Grade or Pay. Reductions in grade or pay are subject to the procedural provisions of paragraph 6.d. of this Instruction, with the exception of reductions based upon unacceptable performance, which are subject to the provisions of paragraph 10 in accordance with References (b) and (c), and TMA AI Number 30 (Reference (f)).

d. Furlough. A furlough is an adverse action according to part 752 of Reference (c) if it is for a period of 30 calendar days or less and is based on a decision of an appropriately designated management official. Military or similar furloughs required by law or regulation are not actions based on decisions of a management official. They are actions required by established facts and are not adverse actions. Furloughs for more than 30 calendar days are reduction-in-force actions.

2. Disciplinary and Removal Actions: Guidelines for Selecting Penalties.

a. General. When discipline is necessary, a wide variety of penalties may be applicable to the misconduct. In selecting a penalty, all of the specific circumstances of the case shall be taken into account. In deciding what action to take, careful judgment must be used to ensure that the penalty is not out of proportion to the character of the offense, especially a first offense, and to ensure that penalties are imposed with consistency and equity throughout the organization. Past offenses may form the basis for proposing a higher penalty for subsequent offenses. The offenses need not be identical or even similar in nature.

b. Penalty Selection Factors. After reviewing all the evidence, the servicing Employee Relations Specialist, MELR, will make recommendations regarding the appropriate penalty. The factors most commonly used in selecting the penalty are listed in paragraphs (1) through (11) below. Not all factors listed will be pertinent in each case. Additionally, the factors may serve as either mitigating or aggravating depending on the specifics of the action.

(1) The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated.

(2) The employee's job level and type of employment including supervisory or fiduciary role, contacts with the public, and prominence of the position.

- (3) The employee's past disciplinary record.
- (4) The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon a supervisor's confidence in the employee's ability to perform assigned duties.
- (5) Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- (6) Consistency of the penalty with the TMA Table of Offenses and Penalties. See Enclosure 2.
- (7) The notoriety of the offense or its impact upon the reputation of the agency.
- (8) The clarity with which the employee was on notice of any rules violated in committing the offense, and whether he or she had been warned about the conduct in question.
- (9) The potential for the employee's rehabilitation.
- (10) Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, bad faith, malice, or provocation on the part of others involved in the matter.
- (11) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

3. Table of Offenses and Penalties. The Table of Offenses and Penalties at Enclosure 2 provides guidance on selecting appropriate penalties for typical offenses. Normally a progression of disciplinary measures is applied in an effort to correct an employee's conduct. A first offense normally does not warrant the removal of an employee. When appropriate action other than removal will correct an employee's conduct, a lesser action is the proper course of action.

4. Informal Disciplinary Actions. Oral admonishments or written warnings are usually the first step in constructive discipline. These measures may be used for an offense that does not, by itself, warrant a reprimand but that will, if repeated, warrant formal disciplinary action. In the case of an oral admonishment, the supervisor should make an informal record of the date of the discussion and the subjects covered. Reference to the admonishment can be cited in any future action as evidence that the employee was on notice of the seriousness of the offense and of possible future disciplinary action. The employee must be advised that an informal record is being kept and that the incident may be cited in future disciplinary action.

5. Formal Disciplinary Actions. Formal disciplinary actions consist of official reprimands, suspensions, and removals. Formal disciplinary action is usually initiated by the immediate supervisor of the employee being disciplined. The final decision for all disciplinary actions rests with the deciding official.

a. Reprimands. A reprimand is official discipline given to an employee in a formal letter for violation of a rule of conduct, law, regulation, official instruction, or particular responsibility. A reprimand also may be given for repeated minor offenses about which the employee is on clear notice that the conduct is unacceptable.

b. Suspensions and Removals. When an employee is suspended, he or she is not allowed to work or earn pay for a specified number of days. Suspension from a pay and duty status for misconduct or delinquency is generally imposed when an employee fails to improve his or her conduct after receiving informal discipline and/or being reprimanded. A removal is the strongest action and is usually reserved for the most serious offenses or when other actions have not served to correct the misconduct. The action selected depends on the seriousness of the offense. The amount of notice, right to reply, and appeal rights depend upon the employee's appointment, bargaining unit status, and tenure.

6. Requirements for Disciplinary and Adverse Actions.

a. General. Federal law and regulations mandate procedures which must be followed when taking a disciplinary or adverse action against an employee. Failure to adhere to these procedures may lead to reversal of an action upon appeal without consideration of the merits of the case. Before initiating a disciplinary or adverse action, the supervisor must investigate the incident and obtain witness statements, as appropriate, and any other documentation relating to the misconduct. This documentation should include a written or oral explanation from the employee. If the supervisor personally witnesses the misconduct, he or she should prepare a memorandum for the record summarizing the incident. All pertinent information gathered during the course of the investigation will be forwarded to MELR for review and preparation of the action.

b. Requirements for Official Reprimands.

(1) Issuance of the Reprimand. The supervisory or management official taking the action shall:

(a) Notify the employee in writing of the reprimand. The written notification shall:

1. Contain the reason specifically and in detail for the reprimand.
2. Provide a warning that any recurrence of the misconduct may result in a more severe action.
3. If applicable, include reference to any past counseling or other attempts to correct the employee's behavior.
4. Contain a statement that a copy of the letter of reprimand will be placed in the employee's official personnel file (OPF) for a period not to exceed 2 years.
5. Management officials are authorized to request expungement of these documents at an earlier date if desired.

(b) Advise the employee of grievance rights according to TMA AI No. 20, TMA Administrative Grievance System.

(c) Coordinate all reprimands with MELR.

(2) Delivery and Recording of the Reprimand. The official taking the action shall personally deliver the reprimand to the employee, if possible, and shall obtain written acknowledgment of receipt on a copy of the reprimand for placement in the employee's OPF.

c. Requirements for Suspensions of 14 Days or Less.

(1) Coverage. For the purposes of this section, employee means:

(a) An employee in the competitive service who is not serving a probationary or trial period under an initial appointment, or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less.

(b) A preference eligible in the excepted service who has completed 1 year of current continuous service in the same or similar positions.

(c) An employee with competitive status who occupies a position under a Schedule B appointment.

(2) Excluded Employees. This section does not apply to:

(a) Employees serving a probationary or trial period.

(b) Employees serving with less than 1 year of current continuous service. An employee serving under a temporary appointment pending establishment of a register or a special tenure appointment, or serving as a status quo employee, does not serve a probationary or trial period. During the first year of current continuous employment, however, the employee is not covered by part 752 of Reference (c).

(c) Employees serving with temporary tenure. In the competitive service, an employee in a temporary appointment with a definite time limitation serves with temporary tenure and is not covered by Reference (c).

(d) Employees serving under a limited executive assignment.

(e) Re-employed annuitants.

(f) Preference eligible employees with less than 1 year of current continuous employment in the excepted service.

(g) Employees whose appointment requires Senate confirmation.

(h) Schedule B employees without competitive status.

(i) Employees whose positions have been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character (Schedule C employees).

(j) Employees appointed according to Reference (c) during a national emergency.

(3) Standards for Issuance of Advance Notice. Except in emergency situations, the employee must be given at least 10 days advance written notice of the proposed suspension. The notice must:

(a) Identify the proposed action.

(b) State the reasons for the proposed suspension with specificity and sufficient detail to allow the employee to reply to the charge(s).

(c) Inform the employee of his or her right to reply orally and/or in writing to the proposed action and identify the name of the deciding official.

(d) Allow the employee a minimum of 10 calendar days to secure affidavits and/or other documentation and submit a written reply to the proposed action. A reasonable amount of official time shall be provided the employee for purposes of preparing a reply (this is usually hours, not days). The amount of time allowed depends on the facts and circumstances of the case and shall be sufficient to afford the employee an opportunity to review the material relied on to support the proposed action, to prepare a reply, and to secure affidavits.

(e) Inform the employee of his or her right to be represented by an attorney or other representative and the right to review the material supporting the proposed suspension. An employee's choice of representative may be disallowed if such representation would result in a conflict of interest or position.

(f) Indicate that a request for an extension of the time limit allowed for a reply shall be considered by the deciding official. Inform the employee of his or her duty status during the notice period.

(g) Indicate that a final decision on the proposed action may not be made until after the employee's reply, if any, has been considered, or after the time allotted the employee to reply has expired.

(4) Standards for Issuance of Notice of Final Decision. If, after consideration of the employee's reply to the written notification of the proposed suspension, it is decided that the suspension is warranted, the notice of final decision must:

(a) Consider only the reasons specified in the notice of proposed action and specify the reasons for the decision.

(b) Indicate whether or not the employee replied to the advance notice and, if so, that his or her reply was considered.

(c) Inform the employee of his or her grievance rights in accordance with Reference (g).

(d) Be signed by the deciding official.

(e) Be delivered to the employee at or before the effective date of the suspension.

d. Requirements for Removals, Suspensions for More than 14 Days, Furlough Without Pay of 30 Days or Less, and Reductions in Grade or Pay.

(1) Coverage. For the purposes of this paragraph, employee means:

(a) An employee in the competitive service who has completed a probationary or trial period.

(b) An employee in the competitive service serving in an appointment that requires no probationary or trial period, and who has completed 1 year of current continuous service in the same or similar positions under other than a temporary appointment limited to 1 year or less.

(c) An employee in the excepted service who is preference eligible and has completed 1 year of current continuous service in the same or similar positions.

(d) An employee in the excepted service who is non-preference eligible and who has completed 2 years of current continuous service in the same or similar positions under other than a temporary appointment limited to 2 years or less.

(e) An employee with competitive status who occupies a position in Schedule B of part 213 of Reference (c).

(f) An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service (see Glossary) and who still occupies that position.

(2) Excluded Employees. This section does not apply to:

(a) Employees whose appointment is made by the President with the advice and consent of the Senate.

(b) Employees whose positions have been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by the Office of Personnel Management (OPM) for positions that are excepted from competitive service, or by the President, or the head of a Federal agency for positions excepted from competitive service by statute.

(3) Excluded Actions. This section does not apply to:

(a) A suspension or removal taken in the interest of national security.

(b) A reduction-in-force action.

(c) A reduction in grade of a supervisor or manager who has not completed the probationary period, if such reduction is to the grade held immediately before becoming a supervisor or manager.

(d) A reduction in grade or removal based solely on unacceptable performance.

(e) An involuntary retirement because of disability.

(f) An action that entitles an employee to grade retention and an action to terminate this entitlement.

(g) An action against a re-employed annuitant.

(h) A reduction of an employee's rate of pay from a rate that is contrary to law or regulation to a rate required or permitted by law or regulation.

(i) An action against a Presidential appointee.

(j) An action initiated under the authority of the U.S. Special Counsel.

(k) An action taken as provided by statute that excepts the action from Subchapter II of Chapter 75 of Reference (b).

(l) A voluntary action initiated by the employee.

(m) An action taken or directed by OPM for suitability reasons.

(n) A termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made.

(o) An action that terminates a temporary promotion within a maximum period of 2 years and returns the employee to the position from which temporarily promoted, or reassigns or demotes the employee to a different position not at a lower grade or level than the position from which temporarily promoted.

(p) An action that terminates a term promotion at the completion of the project, at a specified period, or at the end of a rotational assignment in excess of 2 years but not more than 5 years, and that returns the employee to the position from which promoted or to a position of equivalent grade and pay.

(q) Cancellation of a promotion to a position not classified before the promotion.

(r) Placement of an employee serving on an intermittent, part-time, or seasonal basis in a non-duty, non-pay status in accordance with conditions established at the time of appointment.

(4) Standards for Issuance of Advance Notice. An employee against whom an action is proposed is entitled to:

(a) A minimum of 30 days advance written notice stating the specific reasons for the proposed action.

(b) A reasonable time, but not less than 10 days, to answer orally and/or in writing (unless the action is taken according to the crime provision set forth in Reference (c) and (6)(a) below and to furnish affidavits and other documentary evidence in support of the answer.

(c) Consideration of requests for extension of time to reply to the proposed action by the official designated to receive the response.

(d) Representation by an attorney or other representative, and a reasonable amount of official time to review the supporting evidence.

(5) Standards for Notice of Final Decision. A written decision shall be provided to the employee at the earliest practical date after the employee's reply, if any, has been received, or after expiration of the time allotted the employee to reply. The notice of decision shall be delivered to the employee at or before the time the action is made effective, and shall inform the employee of his or her appeal rights.

(6) Other Considerations.

(a) Crime Provision. The crime provision is used when the agency has reasonable cause to believe that an employee has committed a crime for which a sentence of imprisonment may be imposed. According to this provision, an employee is required to furnish an answer, including affidavits and other documentary evidence, within 7 calendar days. Reasonable cause to believe is not established by the mere fact either of an arrest or an ongoing agency investigation of possible criminal misconduct. A criminal indictment will usually constitute reasonable cause. However, caution must be exercised before proposing an action according to the crime provision.

(b) Status during Notice Period. Under ordinary circumstances, employees will remain in a duty status in their regular positions during the advance notice period. Other options (e.g., voluntary use of leave, reassignment, or detail) may be appropriate in a given situation. If all other options have been explored and found not feasible, the employee may be excused from duty, without charge to leave or loss of pay, during the notice period. Excused absence for this purpose should be used only in those rare circumstances where retention of the employee in an Active Duty status during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize Government interests. Care shall be exercised to use the minimum amount of excused absence necessary in any individual situation.

(7) Personal or Medical Considerations.

(a) If a supervisor suspects that an employee has a personal or medical problem that is impacting his or her conduct or performance, the employee shall be encouraged to use EAP.

(b) If an employee responds to counseling or discipline by asserting a medical condition, the supervisor should request medical documentation. MELR will prepare the request for medical information. When received, a TMA-designated physician will review the information and interpret its significance. Following the review, the supervisor, with assistance from MELR, must decide how to proceed to support the assertion.

7. Records of Disciplinary and Adverse Actions. MELR shall maintain the official agency files on all disciplinary and adverse actions. These files shall be kept apart from OPF. If the employee appeals an action to the Merit Systems Protection Board (MSPB), the record shall be furnished to the employee and MSPB.

8. Requirements for Trial and Probationary Employees.

a. General. The requirement that all career Federal employees serve a probationary period of 1 year provides protection against the retention of any person who, in spite of having passed preliminary tests, is found lacking in fitness and capacity for permanent Government service. If an employee fails to demonstrate fully his or her fitness for continued employment, the supervisor must initiate action to separate the employee.

(1) Discharge Action. When a discharge action is based on deficiencies in performance or conduct after entrance on duty, the employee must be notified in writing of the reason he or she is being terminated and the effective date of the action. If the reason for the discharge is based on the employee's conduct before employment, the employee must be provided:

(a) An advance written notice stating the specific reason for the proposed action.

(b) A right to reply.

(c) A reasonable amount of time to submit a written response to the proposal and for furnishing affidavits in support of the response.

(d) Consideration of any reply.

(e) A written notice of the final decision at or before the effective date.

(f) A notice of the right to a procedural review of the action by MSPB.

9. Requirements for Excepted Service Employees.

a. General. While the rights of employees serving in positions outside the competitive service generally are limited with regard to disciplinary adverse actions, some excepted employees have the same protection as competitive employees because of veteran's preference or prior competitive status.

b. Disciplinary and Removal Actions. An excepted service employee with no protection according to law or regulation shall be given written notification of the proposed action before the effective date of the action. The written notification shall contain a brief statement of the reasons for the action and specify the effective date of the action.

10. Requirements for Adverse Actions Based Solely on Unacceptable Performance. This paragraph covers reductions in grade and removals based only on unacceptable performance according to Sec. 4302 of Reference (b).

a. Excluded Employees. This section does not apply to:

(1) Employees in the competitive service who are serving a probationary or trial period under an initial appointment.

(2) Employees in the competitive service serving in appointments that require no probationary or trial period and who have not completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less.

(3) Employees in the excepted service who have not completed 1 year of current continuous employment in the same or similar positions.

(4) Employees outside the United States who are paid in accordance with local native-prevailing wage rates for the area in which employed.

(5) Administrative law judges appointed according to Sec. 3105 of Reference (b).

(6) Individuals in the Senior Executive Service (SES).

(7) Individuals appointed by the President.

(8) Employees occupying Schedule C positions.

(9) Re-employed annuitants.

(10) Individuals occupying positions in the excepted service for which employment is not reasonably expected to exceed 120 calendar days in a consecutive 12-month period.

(11) Employees appointed according to Reference (d) during a national emergency.

b. Excluded Actions. This section does not apply to:

(1) The reduction in grade of a supervisor or manager who has not completed the probationary period according to Sec. 3321(a) (2) of Reference (b), if such a reduction is based on supervisory or managerial performance and the reduction is to the grade held immediately before becoming a supervisor or manager in accordance with Sec. 3321(b) of Reference (b).

(2) The reduction in grade or removal of an employee in the competitive service who is serving a probationary or trial period under an initial appointment.

(3) The reduction in grade or removal of an employee in the competitive service serving in an appointment that requires no probationary or trial period who has not completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less.

(4) The reduction in grade or removal of an employee in the excepted service who has not completed 1 year of current continuous employment in the same or similar positions.

(5) Discharge of an employee in the competitive service who is serving a probationary or trial period under an initial appointment.

(6) An action imposed by the Special Counsel, MSPB.

(7) An action taken according to Sec. 7521 of Reference (b) against an administrative law judge.

(8) An action taken or directed by OPM according to part 731 (for suitability) or part 754 of Reference (c) in the interest of national security.

(9) An action taken as provided by statute, other than one codified in Reference (c), which excepts the action from the provisions of Reference (c).

(10) A removal from SES to a civil service position outside SES according to part 359 of Reference (c).

(11) A reduction-in-force governed by part 351 of Reference (c).

(12) A voluntary action by the employee.

(13) A performance-based action taken according to part 752 of Reference (c).

(14) An action that terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position of equivalent grade and pay, if the agency informed the employee that the position was to be of limited duration.

(15) A termination in accordance with terms specified as conditions of employment at the time the appointment was made.

(16) An involuntary retirement because of disability.

c. Timing of Actions.

(1) Prerequisites for Action. An employee may be reduced in grade or removed at any time during the performance appraisal cycle that performance in one or more critical elements of the job becomes unacceptable, but only after the employee has been given an opportunity to improve by placing him or her on a Performance Improvement Plan (PIP). PIP must advise the employee of the critical elements and performance standards in which his or her performance is unsatisfactory and be given a reasonable opportunity to demonstrate improvement. The employee must also be advised of the consequences of failing to improve and the type of assistance to be provided by the supervisor during PIP. If the employee fails to meet minimally acceptable standards by the end of PIP, action must be taken to remove, reduce in grade, or reassign.

(2) Limitations on Action. The decision to reduce in grade or remove may be based only on those instances of unacceptable performance that occurred during the 1-year period ending on the date of notice of the proposed action. If, because of the employee's improved performance during the notice period, he or she is not reduced in grade or removed, and if his or her performance continues to be acceptable for 1 year from the date of the advance written notice, any entry or other notation of the unacceptable performance for which the action was proposed according to this section shall be removed from any TMA record relating to the employee.

d. Standards for Notice of Action. An employee whose reduction in grade or removal is proposed according to this section is entitled to:

(1) A minimum of 30 days advance written notice that identifies specific instances of unacceptable performance on which the proposed action is based and the critical elements of the employee's position in each instance of unacceptable performance.

(2) A reasonable time to reply to the advance notice, orally, and/or in writing. A request for additional time to reply to the proposed action shall be considered by the official designated to receive the response.

(3) Representation by an attorney or other representative.

(4) A written decision within 30 days after expiration of the notice period that:

(a) Specifies the instances of unacceptable performance by the employee on which the action to reduce in grade or remove is based.

(b) The deciding official has concurred.

(c) Advises the employee of his or her appeal rights.

11. Requirements for Adverse Actions Based on a Combination of Misconduct and Unacceptable Performance. An action against an employee that is considered a combination of misconduct and unacceptable performance shall be reviewed in accordance with part 432 of Reference (c) prior to being processed according to part 752 of Reference (c). The provisions of Sec. 4302 of Reference (b) shall not be used until a performance appraisal plan is approved.

ENCLOSURE 5INFORMATION REQUIREMENTS

1. Consistent with DoD security and information technology policies, employee relations issues under this AI will be handled in accordance with DoD 8500.2, "Information Assurance (IA) Implementation," DoD CIO memorandum, "DoD Guidance on Protecting Personally Identifiable Information," and DoD CIO memorandum, "Encryption of Sensitive Unclassified Data at Rest on Mobile Computing Devices and Removable Storage Media." See Reference (j).
2. Sensitive information shall not be placed on removable devices—to include, but not limited to, laptops, personal digital assistants, flash or thumb drives, compact disks, diskettes, and removable hard drives—without proper encryption as required by DoD policy.
3. Records containing sensitive information may not be disclosed to anyone except those authorized access as a requirement of their official responsibilities.

ENCLOSURE 6GUIDELINES FOR PROPOSING OFFICIALS - DISCIPLINARY
AND ADVERSE ACTIONS

1. The proposing official shall review the notice of proposed action to ensure that all facts are correct and supported by the evidence. Any substantive changes to the notice shall be coordinated with MELR.
2. When issuing the notice of proposed action, the proposing official does not need to discuss the memorandum with the employee. The reason(s) for the proposal is/are articulated in the memorandum, as are the employee's due process rights and whom the employee is to contact regarding procedural questions.
3. The proposing official shall:
 - a. Sign and date the memorandum (printed on his or her office letterhead) and make one copy. (The original goes to the employee and the copy serves as a receipt acknowledgment copy).
 - b. Issue the original to the employee and request the employee to sign and date the receipt acknowledgment copy. If the employee chooses not to sign, the proposing official shall annotate, "Employee refused to sign," and sign and date the annotation.
 - c. Make and keep a file copy of the receipt acknowledgment and send the copy signed by the employee to MELR.
4. After the proposing official has issued the proposal notice, the initiative moves to the employee. The employee has the right to:
 - a. Representation by either an attorney or other representative (with limitations).
 - b. An opportunity to present a written and/or verbal reply to the deciding official within a specified reply period, usually 10 calendar days. The employee may request an extension to the reply period.
 - c. A reasonable amount of official time to prepare and present a reply to the deciding official.
 - d. A copy of the materials relied on to support the action.
 - e. A written decision.
5. The proposing official **MUST** avoid discussing the case with the deciding official. Such discussions can be ruled as improper ex parte communications, which can result in the agency's decision being reversed by a third party, which means the agency is ordered to provide a "make

whole” remedy for the employee with back pay to cover the period of any uncompensated absence, if applicable.

ENCLOSURE 7GUIDELINES FOR DECIDING OFFICIALS - DISCIPLINARY
AND ADVERSE ACTIONS

1. DECIDING OFFICIAL'S DECISION. The deciding official must render a decision on a proposed disciplinary action after considering all relevant evidence, including the employee's reply. The official shall follow the guidance in this enclosure carefully to prevent procedural errors that might jeopardize the action if it is later reviewed. When the deciding official has made his or her decision, he or she must notify MELR by memorandum.

2. EMPLOYEE REPLY.

a. The employee may reply to the deciding official in person, in writing, or both, and may furnish any evidence he or she wishes to support the reply. The proposal notice gave the employee 10 calendar days from the date he or she received it to reply. He or she may request more time to reply, but the request must be in writing and state the reasons for the request. The deciding official must inform the employee and MELR in writing of any decision to extend the reply period. The deciding official should call his or her servicing Human Resources Specialist with any questions about granting or denying an extension.

b. In his or her reply, the employee may bring up any evidence or arguments that he or she feels might sway the decision in his or her favor. The deciding official shall not restrict the employee's reply. During a personal reply, the deciding official's role is to listen, not to make an on-the-spot decision, and to ask questions to clarify what the employee has said. Unless the employee brings it up, the deciding official shall not ask any questions or make comments about any incidents or events not mentioned in the notice of proposed disciplinary action.

c. The employee may be accompanied by one representative when making a personal reply. The representative may be a relative, friend, co-worker, lawyer, union representative, or other person. A union officer or steward may only use official time to represent a bargaining unit member.

d. The deciding official shall make a written summary of any personal reply, give a copy to the employee, and note the date and time the copy was provided. The employee has 2 workdays to review the summary and either sign it, attesting to its accuracy, or submit signed, written exceptions to it. If the employee fails to respond in the time allowed, the deciding official shall make a note to this effect on the summary.

e. The deciding official shall avoid engaging in any improper ex parte communications concerning the proposed disciplinary action. Improper ex parte communications are private, undisclosed communications between agency decision makers and management personnel who are actively involved in the disciplinary action. The deciding official shall not discuss any incidents or offenses or previous disciplinary/adverse actions not mentioned in the notice. If someone with a vested interest in the outcome of the case provides new information, the deciding official must let the employee rebut it before making a decision.

3. MAKING THE DECISION.

a. The deciding official shall review the charge(s) and specification(s), the case file, and any reply from the employee to determine if the charge(s) is/are supported by a preponderance of the evidence. If supported, the deciding official shall then analyze the proposed penalty to determine its appropriateness. The deciding official may sustain the proposing official's proposal or may mitigate to a lesser penalty. The deciding official should take into account relevant factors such as the seriousness of the offense(s), the employee's past work record, the effect of the offense on the employee/employer relationship, the employee's potential for rehabilitation, and the consistency of the proposed penalty to penalties given other employees for similar offenses to determine the appropriateness of the penalty. Other relevant factors to consider in determining if the penalty is appropriate can be found in paragraph E3.2.b. of this Instruction. The decision shall be issued to the employee in writing.

b. The deciding official must base his or her decision on some or all of the reasons given in the notice of proposed disciplinary action and on no other reasons.

c. The decision must be to sustain, reduce, or cancel the proposed penalty, but not to increase it.

d. The decision must be sent to MELR by memorandum. In the memorandum, the deciding official shall state the specific reasons in the notice that were sustained by the evidence and what penalty, if any, shall be imposed. The decision must reflect the consideration given to aggravating and mitigating factors, and explain what weight aggravating factors were given in reaching the decision and choice of penalty. If the deciding official finds all the reasons sustained, a statement to this effect is sufficient. Similarly, if the deciding official sustains the penalty based on the justification for the penalty in the notice, a statement to this effect is sufficient. The deciding official shall include the original of any written reply, his or her summary of any personal reply, and any written exceptions to his or her summary that the employee submitted. The deciding official should also state the consideration given to specific elements of the employee's reply. When MELR receives the decision and attachments, MELR shall prepare a notice of decision to the employee for the deciding official's signature. The notice of decision shall include the employee's grievance rights. The deciding official shall not inform the employee of the decision except by the written notice of decision.

ENCLOSURE 8GUIDELINES FOR DECIDING OFFICIALS WHEN HEARING AN EMPLOYEE ORAL RESPONSE

When an employee avails himself or herself of the opportunity to present an oral reply, the deciding official shall:

1. Understand that this is the employee's opportunity to present a defense and consider his/her input in making the decision.
2. Not debate the issues with the employee, discuss the relative merits of the case, or signal what the outcome might be. The deciding official is there to listen and obtain clarification, if needed. A discussion with the employee is appropriate **ONLY** if the employee raises exculpatory information but does not provide detail. In that case, the deciding official may ask questions and/or ask for documentation if the employee indicates there is proof of some fact he or she has not yet submitted.
3. Document the main points of the employee's presentation. If the employee admits to the offense, denies the facts, is remorseful, or requests mitigation, the deciding official shall include these statements in his or her notes. The notes shall capture the type of defense the employee is presenting.
4. Save his or her notes. He or she will need them if the employee files a grievance or an appeal.
5. Document the oral reply; consider **ALL** replies an employee makes. If the employee gives an oral reply, it must be made part of the record. For example, if the employee stops a deciding official in the hall and mentions the proposed action, the official shall treat the employee's comments as a formal reply, write a memorandum summarizing the reply, and reference the memorandum in the decision.
6. Not restrict the employee's response. The employee shall be permitted to expand the discussion into any area he or she believes is relevant.
7. Inform the employee that it is his or her responsibility to provide medical documentation and to explain how the medical condition caused or is related to the misconduct or unsatisfactory performance, *if the employee raises an issue of health (either mental or physical) as an excuse, explanation, or mitigating circumstance*. The deciding official shall ask the employee to articulate a reasonable accommodation and to explain how the accommodation would enable him or her to correct the behavior or performance.
8. If the employee raises an allegation of discrimination, ask the employee to explain the basis (i.e., race, sex, age, color, religion, handicapping condition, or national origin) and to articulate why he or she believes the proposed action is discriminatory.

ENCLOSURE 9**CHECKLIST FOR DECIDING OFFICIALS - DISCIPLINARY AND ADVERSE ACTIONS**

EMPLOYEE'S NAME: _____
 NATURE OF PROPOSED ACTION: _____
 DATE OF PROPOSED ACTION: _____

CHECK APPROPRIATE STATEMENTS

- ____ Employee did not reply.
 ____ Employee replied in writing. (Attach the original reply.)
 ____ Employee replied orally. (Attach your notes and/or a summary of the reply; ensure you annotate the date of the reply.)
 ____ Employee alleged discrimination. (Provide details including the date these actions allegedly occurred and the basis; i.e., race, color, religion, sex, national origin, age, or handicapping condition.)
 ____ I have considered the factors outlined in the *Checklist of Mitigating and Aggravating Circumstances (attached)*. Check only if action is based on misconduct. (NOTE: *Mitigating and aggravating circumstances are not relevant in a performance-based adverse action.*)

DECISION: After reviewing all the material relied upon and giving full and impartial consideration to the circumstances surrounding the proposed action and the employee's reply(ies), I have decided to:

- ____ Cancel the proposed action in its entirety.
 ____ Sustain the action as proposed.
 ____ Reduce the penalty to _____.

NOTE: Deciding officials cannot impose a more severe penalty than the one proposed. If additional facts come to light or the official feels strongly that a more severe penalty is warranted, the employee must be issued a new proposal and given additional time to reply, and the decision must be made by a higher level official.

NAME/TITLE/SIGNATURE OF DECIDING OFFICIAL AND DATE SIGNED

 Name/Title

 Date

ENCLOSURE 9-AANALYSIS OF DOUGLAS FACTORS

Analysis of Douglas Factors: Mitigating and Aggravating Circumstance Checklist

Employee's Name: _____

Deciding Official: _____

Action Proposed and Date of Proposal: _____

Check one or more of the following:

- ☐ The employee did not reply to the proposed action.
- ☐ The employee replied in writing (attached).
- ☐ The employee replied orally (Memorandum for Record signed by the employee is attached).

NOTICE

As the deciding official, you are responsible for considering all relevant "Douglas Factors" (listed below) in determining whether the proposed disciplinary action is appropriate. Your analysis of the "Douglas Factors" will be considered part of the case file and you could be asked to testify regarding your analysis, should the employee appeal to a third party (MSPB, equal employment opportunity (EEO), etc.). Be sure to include ALL information that you relied upon in making your determination regarding the appropriateness of the penalty included in this analysis of the Douglas Factors.

INSTRUCTIONS

Each of the factors should be considered in light of the facts and circumstances presented in management's proposal letter (and supporting documents) and in the employee's reply. For each factor, you should annotate whether the factor has been considered as aggravating, mitigating, or has had no impact (was neutral) in your formulation of your final decision. Write a brief explanation for each factor you determine to be aggravating or mitigating—particularly with respect to those factors you consider "aggravating."

AGGRAVATING: to make more severe, intense, serious, worse, or grave.

NEUTRAL: neither a contributing nor detracting factor; applicable.

MITIGATING: to make less severe, intense.

ANALYSIS OF DOUGLAS FACTORS

1. Nature and seriousness of the offense:

Nature of the offense (BRIEFLY summarize what happened and how it relates to employee's duties, position, and responsibilities):

Seriousness of the offense (Explain how serious and why so serious (e.g., misconduct was committed intentionally, maliciously, for gain, or is a repeat offense, etc.):

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

2. Employee's job level and type of employment:

- Employee's Title, Series, Grade: _____

- Is employee a supervisor? Yes ___ No ___

- Is the position a special trust position? Yes ___ No ___

- Is public contact required by job and misconduct related? Yes ___ No ___
 (e.g.: rude to customers)

- Is misconduct directly related to job? Yes ___ No ___
 (e.g.: supply clerk who steals supplies in his/her care)

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

3. Employee's past disciplinary record: [This ONLY includes documented discipline for which the employee received a written proposal notice, an opportunity to respond, and a decision letter; any disciplinary action taken against the employee should have been made an official record in the employee's official personnel file. Memorandums of record for the supervisor's personal use does not belong here.]

List all previous disciplinary actions considered: *NONE*

Action Effected:
Action Effected:
Action Effected:

Date:
Date:
Date:

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

4. Employee's past work record:

- How long has employee been with current organization? _____
- How long has employee been with federal government? _____
- Ratings of last three performance appraisals?

Last rating of record _____
Year prior rating of record _____
Two years prior rating of record _____

- Is performance currently acceptable? Yes___ No___

(If no, need to provide documentation of counseling)

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

5. Effect of the offense on the employee's ability to perform his/her job and effect on supervisor's confidence in the employee:

Did offense effect:

- The employee's ability to do job? Yes___ No___

e.g.: If employee was AWOL, (s)he could not perform job duties.

- Your confidence in employee's ability to do job?

Yes___ No___

e.g.: Employee responsible for approving leave but (s)he lied on his/her timecard.

- Your confidence in employee's ability to uphold org. mission?

Yes___ No___

e.g.: PFPA mission is to protect the Pentagon; misconduct was breach in Pentagon security.

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

6. Consistency of penalty with other employees' penalties for similar offenses:

- ☐ No other employee under your supervision has committed offenses similar to those alleged.
- ☐ The penalty is similar to those given to other employees under your supervision.
- ☐ The penalty is NOT consistent with other penalties; however, I feel a more severe or less severe penalty is appropriate. **This must be thoroughly explained.** (CAUTION! Disparate treatment often forms the basis for claims of discrimination.)

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

7. Consistency with TMA Table of Penalties (Enclosure 2): [The table is only a guide, but reasons for departing from it must be rational, well-reasoned, and explained. CAUTION! Disparate treatment often forms the basis for claims of discrimination.]

The employee is being charged with _____

- ☐ This is a first offense.
- ☐ This is a second offense.
- ☐ This is a third offense.

Identify the most closely related charge in the TMA Table of Penalties:

The Table of Penalties recommends _____ for a [highlight one: first, second, or third] offense of _____.

Place X on selected response.

Aggravating

Neutral

Mitigating

Explanation:

8. Notoriety of the offense or its impact on the agency's reputation: [Adverse publicity or the possibility of adverse publicity outside the agency that could have a negative impact on the reputation of the agency or the agency's mission is a factor that may be considered to enhance a penalty.]

Place X on selected response.

Aggravating

Neutral

Mitigating

Explanation:

9. Clarity of notice to employee of unacceptable conduct: [Was the employee aware that their actions or behavior were inappropriate? How were they made aware (meeting, e-mail, policy issuance, prior counseling, prior discipline, etc.)? Should they have known without being told? If so, why do you believe they should have known better?]

Place X on selected response.

Aggravating

Neutral

Mitigating

Explanation:

10. Potential for employee's rehabilitation: [There may be issues raised by the employee in his/her response, which lead you to believe this employee has high potential for rehabilitation. On the other hand, if the misconduct was clearly wrong and the employee should have known

better, you may believe the potential for rehabilitation is low. Remorse or lack of remorse is often listed here as a show of rehabilitative potential.]

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

11. Mitigating circumstances:

The following factors do not excuse the misconduct; however, they may encourage you to reduce (mitigate) the penalty:

The employee

- Was under unusual job stress? Yes___ No___

e.g.: Contributed to employee's insubordination.

- Was experiencing personal problems? Yes___ No___

- Was provoked? Yes___ No___

e.g.: Coworker threatened employee before employee punched coworker.

- Was apologetic? Yes___ No___

- Brought the misconduct to management's attention? Yes___ No___

e.g.: Employee confessed misuse of Government credit card.

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

12. Adequacy of alternative sanctions to deter misconduct:

- ☐ I believe **no lesser** sanction will deter future misconduct.
- ☐ I believe a **lesser** sanction will deter future misconduct.
- ☐ I believe an **alternative** sanction is more appropriate.

Place X on selected response.			
Aggravating		Neutral	Mitigating
Explanation:			

DECISION: After giving full and impartial consideration to the circumstances surrounding the proposed action, the evidence supporting the proposed action, the employee's reply (if reply provided), and factors above, I have decided to (check one of the following:)

- ☐ Sustain the action as proposed.
- ☐ Reduce the penalty to _____.
- ☐ Offer the employee an Alternative Sanction (Discuss options with HR).
- ☐ Cancel the proposed action in its entirety.

Additional Comments:

I (*print name*) _____ certify that all of the information I considered in determining the appropriateness of the proposed penalty has been included in this analysis of the Douglas Factors and that I have considered all relevant Douglas Factors.

Signature

Date

ENCLOSURE 10SAMPLE MEMORANDUM OF WARNING

MEMORANDUM FOR

SUBJECT: Memorandum of Warning

The purpose of this memorandum is to counsel and warn you concerning (e.g., failure to follow established written procedures). Details supporting this memorandum of counseling and warning are as follows.

- a. (All specifics, i.e., who, what, where, when, and how.)

Your failure to _____ has caused and created _____. Therefore, you are hereby on notice that it is your responsibility to _____. You are on further notice that any future failure to _____ will not be tolerated. You are warned that any future incident as described above will result in appropriate administrative action.

If you have a problem that you believe is impacting your ability to conduct yourself in an appropriate manner, you may avail yourself of the services of the Employee Assistance Program (EAP) by calling (800) 222-0364. Official time will be granted for an initial visit if you seek assistance from EAP. I assure you that discussions with EAP counselors are private matters that will not be disclosed to anyone, including me, without your permission.

You are requested to sign and date the Acknowledge Receipt copy of this notice. Your signature does not indicate your agreement or disagreement with its content.

Failure to sign will not void the content of this proposed action. I am available to explain policies or procedures related to this matter in order to preclude future recurrences.

(Name)

(Title)

I acknowledge receipt of this notice.

Employee's Signature_____
Date

ENCLOSURE 11SAMPLE NOTICE OF REQUIREMENTS - ATTENDANCE

MEMORANDUM FOR

Subject: Notice of Requirements - Attendance

On several occasions I have discussed with you the detrimental effect your sporadic, frequent use of unscheduled leave has had on the efficiency of the _____ Office. I have advised you that your leave use makes it difficult to assign work to you when your attendance is irregular. Regular attendance is considered a part of your job, i.e., a condition of employment. Further, absences from duty must be requested and approved in advance in order to eliminate the adverse effect unscheduled absences have on the accomplishment of our mission and on the morale of your co-workers.

Your regular work schedule is Monday through Friday, from _____ a.m. to _____ p.m., with a 30-minute lunch break. Your lunch break must be taken between the hours of 11:30 a.m. and 1:00 p.m., daily, effective the beginning of the next pay period, _____. If more time is needed for lunch, you must request approval for additional time in advance from me or, in my absence, from _____. In the event of absence due to illness:

a. You are to personally notify me at _____ not later than (enter time, usually within 2 hours of normal start time) a.m. on the first day of any absence due to illness and on each succeeding day you are ill, unless you provide a statement signed by your health care provider documenting the duration of your illness. In order to assess whether I should require you to contact me daily regarding your absences, I must have your original health care provider's statement before the end of your incapacitation period. If you choose to provide your documentation concerning your absence when you return to work, you must personally telephone me, or in my absence, _____, to report the circumstances that necessitate your absence and to request that you be placed in the appropriate leave status each day that you are absent due to illness. _____ can be reached at (enter phone number). If neither of us is available, you are to leave me a voice message explaining the nature of your illness and provide a telephone number where you can be reached. The fact that you leave such a message does not guarantee approval of your leave.

b. You are to present to me, on the first day of your return to duty after your absence due to illness, administratively acceptable medical documentation to support your absence. Administratively acceptable medical documentation is a statement signed by your health care provider certifying that you were incapacitated for work. The statement should be dated and should provide the inclusive date(s) of the incapacitation period and the nature of your incapacitation. Conclusory statements and subjective medical information will not be considered administratively acceptable.

c. The requirements outlined above are applicable for absences due to illness regardless of the type of leave you request (e.g., sick, annual, leave without pay (LWOP)). Should you fail to follow these procedures or should a determination be made that your statement from your health

care provider is not administratively acceptable, you will be subject to a charge of absence without leave (AWOL) and appropriate disciplinary action.

For routine requests for leave:

a. You are to request leave (i.e., sick, annual, LWOP, credit hours, or compensatory time) in advance for any routine medical appointments, including dental, optical, and family member medical appointments that require your absence from work. Your request to be absent must be made on OPM Form 71, "Application for Leave or Approved Absence," and be submitted to me at least 24 hours in advance of the scheduled appointment. Upon your return to work, you must provide me an original statement from your health care provider attesting to your presence for examination or treatment. The statement should be signed and dated and provide the time of your scheduled appointment and the amount of time spent at the facility.

b. If you request leave for family medical care (i.e., to provide care for a family member as a result of physical or mental illness, injury, pregnancy, or childbirth; or for medical, dental, or optical examination or treatment); for bereavement (i.e., to make arrangements necessitated by the death of a family member or to attend the funeral of a family member); or for required absence for adoption-related purposes, you must request leave at least 24 hours in advance utilizing OPM Form 71. In cases where advanced approval is not possible, you must personally telephone me, or in my absence, _____, not later than ____ a.m. to report the circumstances necessitating your absence.

c. All requests for annual leave (or LWOP, compensatory time, credit hours, etc.) must be made on OPM Form 71 at least 24 hours in advance, except in the case of a bona fide emergency. I will determine whether the emergency justifies approval of leave. In my absence, _____ will make the determination. You will be required to bring in acceptable documentation supporting the necessity for emergency leave. This documentation should be submitted to me on the first day you return to work from leave. Telephone requests for emergency leave must be made by you personally by ____ a.m. If you are unable to reach me, you must contact _____. If neither of us can be reached, you must leave a message that includes a telephone number where you can be contacted. The fact that you leave such a message does not guarantee approval of your absence.

Should you fail to follow the procedures outlined above, should it be determined that your unscheduled absence is not a bona fide emergency, or should a determination be made that the documentation you present to support your request is not acceptable, you will be subject to a charge of AWOL and appropriate disciplinary action. A copy of this memorandum will be retained in my file. However, this notice of requirements is not a disciplinary action and will not be made a matter of record in your official personnel folder. It is issued with the intent of impressing upon you the detrimental effect your excessive leave has upon the efficient operation of this office. It is expected that this notice will cause you to take corrective action on your own to improve your record of leave use and attendance.

I will review these requirements and your attendance record 6 months after you receive this memorandum. If your attendance has shown satisfactory improvement within this period, I will remove the memorandum from my file. If satisfactory improvement is not shown within the 6-month period, the contents of this memorandum shall continue until I determine that the restrictions are no longer needed.

If you have a problem that you believe is impacting your ability to maintain a regular work schedule, you may seek assistance from the Employee Assistance Program (EAP). Official time will be granted for an initial visit if you avail yourself of the EAP. I assure you that discussions with the counselor are private matters that will not be disclosed to anyone, including me, without your permission. An EAP Counselor may be reached at (800) 222-0364.

You are requested to sign and date the Acknowledge Receipt copy of this notice. Your signature does not indicate your agreement or disagreement with its content. Failure to sign will not void the content of this proposed action. I am available at any time to discuss with you the content of this memorandum.

(Name)

(Title)

I acknowledge receipt of this notice.

Signature

Date

ENCLOSURE 12SAMPLE MEMORANDUM OF RETURN TO DUTY - MEDICAL

MEMORANDUM FOR

SUBJECT: Return to a Regular, Full-time Work Schedule

This memorandum concerns your failure to work a regular, full-time work schedule. You were diagnosed with the condition of _____ by letter dated _____. Your physician, Dr. _____, stated that your condition is _____. Since that time, you have been substantially absent from the workplace. Specifically, between the pay periods ending _____ and _____, you have used approximately _____ hours of annual leave, _____ hours of sick leave, _____ hours of leave without pay, and _____ hours of donated leave.

While your health remains a concern to me, your substantive, continuing absences are placing a burden on the remaining staff, as they and I have to perform the duties normally assigned to you, as well as our own. In addition, your frequent absences make it difficult for me to manage the day-to-day work assignments for this organization. As such, your continuing absence has resulted in a disruption to the efficiency of the operations of this office.

Based on the above, you are hereby directed to return to work on a regular, full-time basis not later than _____. If you are unable to return to work on a regular, full-time basis on _____, I need to know when you will be able to do so. In addition, if you are unable to return to work on a regular, full-time basis, I may have to initiate your removal from your position and the Federal service.

If you are unable to return to work because you have a serious health condition, you may be entitled to a total of 12 workweeks of unpaid leave in accordance with the Family and Medical Leave Act (FMLA). A fact sheet that explains FMLA is at Enclosure 1. If you plan to invoke your FMLA entitlement, your physician(s) must complete Form WH-380, "Certification of Health Care Provider (Family and Medical Leave Act of 1993)," at Enclosure 2. If you have any questions regarding any of the enclosures to this memorandum, please contact _____, Employee Relations Specialist, Human Resources Division, at (703) 681-_____. I hope that all has gone well with your treatment and look forward to your return to a regular, full-time work schedule on _____.

Please sign and date the receipt acknowledgment copy of this correspondence and return it in the enclosed self-addressed envelope (Enclosure 3). Your signature does not mean that you agree or disagree with this letter. Failure to sign the receipt acknowledgment will not void its content.

(Supervisor Name)
(Title)

Enclosures:
As stated

Acknowledge Receipt:

Signature

Date

ENCLOSURE 13SAMPLE NOTICE OF DISCHARGE DURING PROBATIONARY PERIOD

MEMORANDUM FOR

SUBJECT: Notice of Discharge during Probationary Period

The purpose of this memorandum is to notify you of the decision to discharge you during your probationary period from the position of _____ with the _____ and from the Federal service, effective close of business _____. This action is supported by the following:

- a. (All specifics, i.e., who, what, where, when, and how.)

There are no appeal rights to this action unless you allege that your discharge was taken because of (1) partisan political reasons, (2) marital status, or (3) conditions arising before appointment, and that the action is based on improper procedure. An appeal may also be based on discrimination because of race, color, religion, sex, national origin, handicapping condition, or age (provided that at the time of the alleged discriminatory action, you were at least 40 years of age) but only if it is raised in addition to partisan political reasons, marital status, or improper procedure.

You have the right to appeal this action to the Merit Systems Protection Board (MSPB). If you choose to appeal this action, your petition of appeal must be filed in writing or electronically anytime during the period beginning the day after the effective date of the action being appealed, but no later than 30 calendar days after the effective date of the action you are appealing. You may not file your appeal before the effective date. If you file your appeal in writing, you must file at the appropriate address since MSPB has different geographical locations.

Chief, xxxxxxxx Regional/Field Office

U.S. Merit Systems Protection Board

(To file appeal to appropriate location, see Enclosure 19 for listing of MSPB addresses.)

Your appeal must set forth your reason(s) for contesting this decision with such proof and pertinent documents as you are able to submit. If you do not submit your appeal within the cited timeframe, the administrative judge may dismiss it as untimely unless a good reason for the delay is shown. You will be provided the opportunity to show why the appeal should not be dismissed as untimely.

A copy of the MSPB Appeal Form with instructions is attached. Access to a copy of the MSPB rules and regulations is available at major libraries and on the Internet in many locations such as www.mspb.gov. Additionally, you may as an alternative file electronically with MSPB at <https://e-appeal.mspb.gov>. You also may obtain a copy by contacting _____ of the Human

Resources Division, Management Employee & Labor Relations Branch; you may contact Mr./Ms. _____ at (703) 681-_____, or at XXXXXX@tma.osd.mil. Should you decide to file an appeal, be sure to specify in Part II, Item 8, on the appeal form the following agency address:

Director, Human Resources Division
 TRICARE Management Activity
 Attn: Management Employee & Labor Relations Branch
 Room 3M684A
 7700 Arlington Boulevard
 Falls Church, VA 22042

If you believe that this action is being taken for any discriminatory reason covered by equal employment opportunity (EEO) regulations as detailed in the paragraph above that lays out appeal rights for probationary terminations, you have the right to file an EEO complaint. If you elect to file a complaint of discrimination, you should contact Mr. Gregory Byard, EEO Director, TRICARE Management Activity, within 45 calendar days of the effective date of this action. You may contact him at (703) 681-4029. You may not file both an EEO complaint and an appeal with MSPB concerning this action. Where you first file will determine how this matter will be processed. Should you elect to file a complaint of discrimination, your complaint will be processed in accordance with Equal Opportunity Commission regulations at Title 29, Code of Federal Regulations, Part 1614, Sec. 301. If you elect to file an appeal with MSPB, your appeal will be processed in accordance with their rules.

You are asked to sign and date the Acknowledge Receipt copy of this memorandum. By doing so, you will not forfeit any of the rights mentioned herein. Your signature does not indicate your agreement or disagreement with this action. Your failure to sign will not void the content of the memorandum.

(Supervisor Name)
 (Title)

Enclosures:
 As stated

Acknowledge Receipt:

 Signature

 Date

ENCLOSURE 14SAMPLE LETTER OF REPRIMAND

MEMORANDUM FOR

SUBJECT: Letter of Reprimand

The purpose of this memorandum is to advise you that I am officially reprimanding you for _____. Details supporting this reprimand are as follows:

- a. (All specifics, i.e., who, what, where, when, and how.)

The incident(s) cited above reflect(s) behavior on your part that is totally unacceptable and will not be condoned. Therefore, this action is being taken to stress upon you the need for more responsible behavior on your part, and to emphasize the intolerance of this organization toward such misconduct as cited in the preceding paragraph(s). This reprimand is considered to be constructive and corrective in nature. The proposed penalty is consistent with TRICARE Management Activity (TMA) Administrative Instruction (AI) No. 29, "Disciplinary and Adverse Actions." A copy of this reprimand will be filed in your official personnel folder for a period not to exceed 2 years from the date you receive it.

You have the right to grieve this decision according to the agency administrative grievance procedure set forth in TMA AI No. 20, "TRICARE Management Activity Administrative Grievance System." If you choose to grieve this action, you must submit your grievance in writing to the address below, for receipt no later than 15 calendar days after your receipt of this decision. Your grievance must identify you by name, title, grade, and organizational unit. You must state the exact nature of your grievance and the corrective or remedial action you are seeking.

TRICARE Management Activity
Human Resources Division
Attn: Management Employee and Labor Relations Branch
Room 3M684A
7700 Arlington Boulevard
Falls Church, VA 22042

You are entitled to represent yourself or you may choose as your representative an attorney or other representative to assist you in the preparation and presentation of your grievance. Your representative may not be a member of the TRICARE Management Activity (TMA) Human Resources staff; an Equal Employment Opportunity Manager, investigator counselor, or specialist; or anyone whose service as a representative would result in a conflict or apparent conflict of interest or position, conflict with the priority needs of the agency, or cause unreasonable costs to the Government. You must make all arrangements for and pay all costs associated with representation. Any choice of representative or change in representative must be designated in writing and include your representative's name, address, and phone number; be

signed and dated by you; and be submitted with your grievance. If your representative is an employee of the TMA customer-service area, he or she is also entitled to official time to assist you in the presentation of your grievance, if he or she is in a duty status. He or she must make arrangements for the use of official time for this purpose with his or her supervisor.

You are not entitled to use Government resources, such as typing assistance, copy machines, typewriters, or word processing equipment; facsimile transmission equipment; or supplies and material, including letterhead or bond paper, envelopes, etc., in preparing your grievance. Furthermore, you are not entitled to official time to prepare (organize and reproduce materials, compose, type, etc.) your grievance. You are cautioned that use of any of these resources may result in the initiation of further disciplinary action against you.

You are entitled to a reasonable amount of official time to present your grievance if you are in a duty status. Arrangements for the use of any official time for this purpose must be made with your supervisor.

Should you desire additional information, _____ of Management Employee and Labor Relations will provide you guidance relative to procedures and make pertinent regulations available for your review. If you and/or your representative wish to review this material, please call _____ at (703) 681-_____ to schedule an appointment. You are entitled to a reasonable amount of official time to obtain such official information if you are in a duty status and request and schedule the time for this purpose in advance from your supervisor.

If you believe that this action is being taken for any discriminatory reason covered by equal employment opportunity (EEO) regulations as detailed in the paragraph above that lays out appeal rights for probationary terminations, you have the right to file an EEO complaint. If you elect to file a complaint of discrimination, you should contact Mr. Gregory Byard, EEO Director, TMA, within 45 calendar days of the effective date of this action. You may contact him at (703) 681-4029. You may not file both an EEO complaint and an appeal with the Merit Systems Protection Board (MSPB) concerning this action. Where you first file will determine how this matter will be processed. Should you elect to file a complaint of discrimination, your complaint will be processed in accordance with Equal Opportunity Commission regulations at Title 29 CFR, Part 1614, Sec. 301. If you elect to file an appeal with MSPB, your appeal will be processed in accordance with their rules.

If you have a problem that you believe is impacting your ability to conduct yourself in an appropriate manner, you may avail yourself of the services of the Employee Assistance Program (EAP) by calling (800) 222-0364. Official time will be granted for an initial visit if you seek assistance from EAP. I assure you that discussions with EAP counselors are private matters that will not be disclosed to anyone, including me, without your permission. Please sign and date the Acknowledge Receipt copy of this decision. Your signature does not indicate your agreement or disagreement with this action. Failure to sign will not void the content of this notice.

(Supervisor Name)
(Title)

Acknowledge Receipt:

Signature

Date

ENCLOSURE 15SAMPLE NOTICE OF PROPOSED SUSPENSION OF 1-14 DAYS

MEMORANDUM FOR

SUBJECT: Notice of Proposed Suspension

The purpose of this memorandum is to advise you that I propose to suspend you from a duty and pay status from your position of _____ for ____ calendar days for _____. Details supporting this proposed action are as follows:

- a. (All specifics, i.e., who, what, where, when, and how.)

The incident cited above reflects behavior on your part that is totally unacceptable and will not be condoned. Therefore, this proposed action is being taken to stress upon you the need for more responsible behavior on your part, and to emphasize the intolerance of this organization toward such misconduct as cited above. This proposed suspension is considered to be constructive and corrective in nature and for such cause as to promote the efficiency of the service. The proposed penalty is consistent with TRICARE Management Activity (TMA) Administrative Instruction No. 29, "Disciplinary and Adverse Actions."

You have the right to reply to this proposal in person, in writing, or both, stating why this proposed action should not be taken. You may submit affidavits and other documentary evidence to support your reply. Any reply should be made to _____ no later than 10 calendar days after you receive this notice. You may schedule an appointment to reply in person at _____. If more time is needed for the preparation of your reply, you must request an extension in writing from _____ explaining why you need more time within the stated time period. Your reply will be given full and fair consideration. Whether you reply or not, you will receive a written notice of final decision. You will remain in a duty status during the notice period, and any absence during this period will be charged appropriately.

You have the right to select an attorney or other representative to assist you in the preparation and presentation of your reply. However, you may not choose a member of the TMA Human Resources staff; an agency Equal Employment Opportunity Manager, counselor, investigator or specialist; or anyone whose service as a representative would result in a conflict or apparent conflict of interest or position, conflict with the priority needs of the agency, or cause unreasonable costs to the Government. Any choice of representative or change in representative must be designated in writing; include your representative's name, address, and phone number; be signed and dated by you; and be submitted to _____. You may request a reasonable amount of official time to prepare and present your reply if you are in a duty status. Arrangements for the use of official time for this purpose must be made with me. You must make all arrangements for and pay all costs associated with representation. Your representative, if an employee of the TMA customer-service area, may also request a reasonable amount of official time for these purposes if he or she is in a duty status. He or she must make arrangements for the use of official time for such purpose with his or her supervisor.

The material being relied upon to support the reasons for this proposed action, to include documents and applicable regulations, are available for review by you and/or your representative. If you and/or your representative wish to review the material, please contact (703) 681-_____, Employee Relations Specialist, to schedule an appointment.

If you have a problem that you believe is impacting your ability to conduct yourself in an appropriate manner, you may avail yourself of the services of the Employee Assistance Program (EAP) by calling (800) 222-0364. Official time will be granted for an initial visit if you seek assistance from EAP. I assure you that discussions with EAP counselors are private matters that will not be disclosed to anyone, including me, without your permission.

Please sign and date the Acknowledge Receipt copy of this memorandum. Your signature does not indicate your agreement or disagreement with this action. Failure to sign will not void the content of the memorandum. I am available to explain policies or procedures related to this matter in order to preclude a recurrence.

(Supervisor Name)
(Title)

Acknowledge Receipt:

Signature

Date

ENCLOSURE 16SAMPLE NOTICE OF DECISION ON PROPOSED SUSPENSION OF 1-14 DAYS

MEMORANDUM FOR

SUBJECT: Notice of Decision on Proposed Suspension of (Number of) Days

On ____, you were advised of the proposal to suspend you from a duty and pay status for ____ calendar days for _____. By that same memorandum, you were advised that you had 10 days to reply orally, in writing, or both to the proposed action. You (did/did not) reply. In making this decision, I have carefully and objectively reviewed the charge and specification in the Notice of Proposed Suspension, the supporting evidence in the record, and your written reply from the address below (if one was made).

(Address information included in the response if one was made.)

After full consideration of all the facts, I find that (Insert what was found and whether the incident occurred or did not occur. If a reply was made, discuss why it was/was not persuasive.). My review has led me to conclude that the charge(s) stated in the (date) Notice of Proposed Suspension (is (are))/is (are) not) supported by a preponderance of the evidence. (In determining the appropriate penalty, write out the penalty factors considered.) After careful deliberation of the above, I find that the severity of the incident and the possible repercussions outweigh the mitigating factors and a (number of days) suspension is warranted. This discipline is considered corrective in nature. Please note that any further misconduct on your part could result in more severe disciplinary action, up to and including your removal from Federal service.

You have the right to grieve this decision according to the agency administrative grievance procedures set forth in TRICARE Management Activity (TMA) Administrative Instruction No. 20, "TRICARE Management Activity Administrative Grievance System." If you choose to grieve this action, you must submit your grievance in writing to the following address for receipt no later than 15 calendar days after your receipt of this decision. Your grievance must identify you by name, title, grade, and organizational unit. You must state the exact nature of your grievance and the corrective or remedial action you are seeking.

TRICARE Management Activity
Human Resources Division
Attn: Management Employee and Labor Relations Branch
Room 3M684A
7700 Arlington Boulevard
Falls Church, VA 22042

You are entitled to a reasonable amount of official time to present your grievance if you are in a duty status. Arrangements for the use of any official time for this purpose must be made with your supervisor.

You are entitled to represent yourself or you may choose as your representative an attorney or other representative to assist you in the preparation and presentation of your grievance. Your representative may not be a member of the TMA Human Resources staff; an Equal Employment Opportunity Manager, investigator, counselor, or specialist; or anyone whose service as a representative would result in a conflict or apparent conflict of interest or position, conflict with the priority needs of the agency, or cause unreasonable costs to the Government. You must make all arrangements for and pay all costs associated with representation. Any choice of representative must be designated in writing and include your representative's name, address, and phone number; be signed and dated by you; and be submitted with your grievance. Similarly, any change in representative must be submitted in writing to the Director, Human Resources Division (HRD), at the address listed above. The representative, if an employee of the TMA HRD-serviced area, is also entitled to official time to assist you in the presentation of your grievance if he or she is in a duty status. He or she must make arrangements for the use of official time for this purpose with his or her supervisor.

You are not entitled to use Government resources, such as typing assistance, copy machines, typewriters, or word processing equipment; facsimile transmission equipment; or supplies and material, including letterhead or bond paper, envelopes, etc., in preparing your grievance. Furthermore, you are not entitled to official time to prepare (organize and reproduce materials, compose, type, etc.) your grievance. You are cautioned that use of any of these resources may result in the initiation of further disciplinary action against you.

If you believe that this action is being taken for any discriminatory reason covered by equal employment opportunity (EEO) regulations as detailed in the paragraph above that lays out appeal rights for probationary terminations, you have the right to file an EEO complaint. If you elect to file a complaint of discrimination, you should contact Mr. Gregory Byard, EEO Director, TMA, within 45 calendar days of the effective date of this action. You may contact him at (703) 681-4029. You may not file both an EEO complaint and an appeal with the Merit Systems Protection Board (MSPB) concerning this action. Where you first file will determine how this matter will be processed. Should you elect to file a complaint of discrimination, your complaint will be processed in accordance with Equal Opportunity Commission regulations at Title 29, Code of Federal Regulations, Part 1614, Sec. 301. If you elect to file an appeal with MSPB, your appeal will be processed in accordance with their rules.

Should you desire additional information, _____ of the Management Employee and Labor Relations Branch, Human Resources Division, will provide you with guidance relative to procedures and make pertinent regulations available for your review. If you and/or your representative wish to review this material, please call _____ at (703) 681-____ to schedule an appointment. You are entitled to a reasonable amount of official time to obtain such official information if you are in a duty status and request and schedule the time for this purpose in advance from your supervisor.

Please sign and date the Acknowledge Receipt copy of this decision. Your signature does not indicate your agreement or disagreement with this action. Failure to sign will not void the content of this notice.

(Deciding Official Name)
(Title)

Acknowledge Receipt:

Signature

Date

ENCLOSURE 17SAMPLE NOTICE OF PROPOSED ADVERSE ACTION - SUSPENSION
OF 15 DAYS OR MORE, REDUCTION IN GRADE, OR REMOVAL

MEMORANDUM FOR

SUBJECT: Notice of Proposed Suspension, Reduction in Grade, or Removal

The purpose of this memorandum is to advise you that I propose to suspend you from a duty and pay status from your position of _____ for _____ calendar days for _____. A decision will be effected not earlier than 30 calendar days following your receipt of this notice.

Details supporting this proposed action are as follows.

- a. All specifics (i.e., who, what, where, when, and how.)

The incident cited above reflects behavior on your part that is totally unacceptable and will not be condoned. Therefore, this proposed action is being taken to stress upon you the need for more responsible behavior on your part, and to emphasize the intolerance of this organization toward such misconduct as cited above. This proposed suspension is considered to be constructive and corrective in nature and for such cause as to promote the efficiency of the service. The proposed penalty is consistent with the TRICARE Management Activity (TMA) Administrative Instruction No. 29, "Disciplinary and Adverse Actions."

You have the right to reply to this proposal in person, in writing, or both, stating why this proposed action should not be taken. You may submit affidavits and other documentary evidence to support your reply. Any reply should be made to _____ no later than 10 calendar days after you receive this notice. You may schedule an appointment to reply in person at _____. If more time is needed for the preparation of your reply, you must request an extension in writing from _____ explaining why you need more time within the stated time period. Your reply will be given full and fair consideration. Whether or not you reply, you will receive a written notice of final decision. You will remain in a duty status during the notice period, and any absence during this period will be charged appropriately.

You have the right to select an attorney or other representative to assist you in the preparation and presentation of your reply. However, you may not choose a member of the TMA Human Resources Division (HRD) staff; an agency Equal Employment Opportunity Manager, counselor, investigator, or specialist; or anyone whose service as a representative would result in a conflict or apparent conflict of interest or position, conflict with the priority needs of the agency, or cause unreasonable costs to the Government. Any choice of representative or change in representative must be designated in writing; include your representative's name, address, and phone number; be signed and dated by you; and be submitted to _____. You may request a reasonable amount of official time to prepare and present your reply if you are in a duty status. Arrangements for the use of official time for this purpose must be made with me. You must make all arrangements for and pay all costs associated with representation. Your representative, if an employee of the TMA HRD-serviced area, may also

request a reasonable amount of official time for these purposes if he or she is in a duty status. He or she must make arrangements for the use of official time for such purpose with his or her supervisor.

The material being relied upon to support the reasons for this proposed action, to include documents and applicable regulations, are available for review by you and/or your representative. If you and/or your representative wish to review the material, please contact me at _____ to schedule an appointment.

Please sign and date the Acknowledge Receipt copy of this memorandum. Your signature does not indicate your agreement or disagreement with this action. Failure to sign will not void the content of the memorandum. I am available to explain policies or procedures related to this matter in order to preclude a recurrence.

(Supervisor Name)
(Title)

Acknowledge Receipt:

Signature

Date

ENCLOSURE 18SAMPLE NOTICE OF DECISION ON PROPOSED ADVERSE ACTION - SUSPENSION
OF 15 DAYS OR MORE, REDUCTION IN GRADE, OR REMOVAL

MEMORANDUM FOR

SUBJECT: Notice of Decision on Proposed _____

This is my decision on your proposed _____. By memorandum dated _____, and received by you on _____, you were informed of a proposal to _____ you from your position of _____, and the Federal service, for _____. By that same memorandum, you were advised that you had 10 days to reply orally, in writing, or both to the proposed action. You (did/did not reply). In making this decision, I carefully and objectively reviewed the charge and specification in the Notice of Proposed Suspension, the supporting evidence in the record, and your written reply from the address below (if one was made).

(Address information included in the response if one was made.)

After full consideration of all the facts, I find that (Insert what was found and whether the incident occurred or did not occur. If a reply was made, discuss why it was/was not persuasive.) My review has led me to conclude that the charge(s) stated in the _____, Notice of Proposed Suspension, (is (are)/is (are) not) supported by a preponderance of the evidence.

(In determining the appropriate penalty, write out the penalty factors considered.) After careful deliberation of the above, I find that the severity of the incident and the possible repercussions outweigh the mitigating factors and _____ is warranted. You have the right to appeal this action to the Merit Systems Protection Board (MSPB). If you choose to appeal this action, your petition of appeal must be filed in writing or electronically anytime during the period beginning the day after the effective date of the action being appealed, but no later than 30 calendar days after the effective date of the action you are appealing. You may not file your appeal before the effective date. If you file your appeal in writing, you must file at the appropriate address since MSPB has different geographical locations.

Chief, xxxxxxxx Regional/Field Office

U.S. Merit Systems Protection Board

(To file appeal to appropriate location, see Enclosure 19 for listing of MSPB addresses.)

Your appeal must set forth your reason(s) for contesting this decision with such proof and pertinent documents as you are able to submit. If you do not submit your appeal within the cited timeframe, the administrative judge may dismiss it as untimely unless a good reason for the delay is shown. You will be provided the opportunity to show why the appeal should not be dismissed as untimely.

A copy of the Merit Systems Protection Board (MSPB) Appeal Form with instructions is attached. Access to a copy of the MSPB rules and regulations is available at major libraries and on the Internet in many locations such as www.mspb.gov. Additionally, you may as an

alternative file electronically with MSPB at <https://e-appeal.mspb.gov>. You also may obtain a copy by contacting _____ of the Human Resources Division, Management Employee & Labor Relations Branch; you may contact Mr./Ms. _____ at (703) 681-_____, or at XXXXXX@tma.osd.mil. Should you decide to file an appeal, be sure to specify in Part II, Item 8, on the appeal form the following agency address:

Director, Human Resources Division
 TRICARE Management Activity
 Attn: Management Employee & Labor Relations Branch
 Room 3M684A
 7700 Arlington Boulevard
 Falls Church, VA 22042

If you believe that this action is being taken for any discriminatory reason covered by equal employment opportunity (EEO) regulations as detailed in the paragraph above that lays out appeal rights for probationary terminations, you have the right to file an EEO complaint. If you elect to file a complaint of discrimination, you should contact Mr. Gregory Byard, EEO Director, TMA, within 45 calendar days of the effective date of this action. You may contact him at (703) 681-4029. You may not file both an EEO complaint and an appeal with MSPB concerning this action. Where you first file will determine how this matter will be processed. Should you elect to file a complaint of discrimination, your complaint will be processed in accordance with Equal Opportunity Commission regulations at Title 29, Code of Federal Regulations, Part 1614, Sec. 301. If you elect to file an appeal with MSPB, your appeal will be processed in accordance with their rules.

Please sign and date the Acknowledge Receipt copy of this notice and return to me in the self-addressed stamped envelope. Your signature does not indicate your agreement or disagreement. Failure to sign will not void the content of this memorandum.

(Deciding Official Name)
 (Title)

Acknowledge Receipt:

 Signature

 Date

ENCLOSURE 19MERIT SYSTEMS PROTECTION BOARD
REGIONAL OR FIELD OFFICE FOR FILING APPEALS

All submissions shall be addressed to the Regional Director, if submitted to a regional office, or the Chief Administrative Judge, if submitted to a field office, Merit Systems Protection Board, at the addresses listed below, according to geographic region of the employing agency or as required by Sec. 1201.4(d) of this part. The facsimile numbers listed below are telecommunications device for the deaf (TDD) capable; however, calls will be answered by voice before being connected to TDD. Address of Appropriate Regional or Field Office and Area Served:

1. Atlanta Regional Office, 401 West Peachtree Street, N.W., 10th floor, Atlanta, Georgia 30308 3519, Facsimile No.: (404) 730-2767, (Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee).
2. Central Regional Office, 230 South Dearborn Street, 31st floor, Chicago, Illinois 60604-1669, Facsimile No.: (312) 886-4231, (Illinois; Indiana; Iowa; Kansas City, Kansas; Kentucky; Michigan; Minnesota; Missouri; Ohio; and Wisconsin).
3. Northeastern Regional Office, 1601 Market Street, Suite 1700, Philadelphia, Pennsylvania 19103, Facsimile No.: (215) 597-3456, (Connecticut; Delaware; Maine; Maryland except the counties of Montgomery and Prince George's; Massachusetts; New Hampshire; New Jersey except the counties of Bergen, Essex, Hudson, and Union; Pennsylvania; Rhode Island; Vermont; and West Virginia).
- 3a. New York Field Office, 26 Federal Plaza, Room 3137-A, New York, New York 10278-0022, Facsimile No.: (212) 264-1417, (New Jersey counties of Bergen, Essex, Hudson, and Union; New York; Puerto Rico; and Virgin Islands).
4. Washington Regional Office, 1800 Diagonal Road, Alexandria, Virginia 22314, Facsimile No.: (703) 756-7112, (Maryland counties of Montgomery and Prince George's; North Carolina; Virginia; Washington, DC; and all overseas areas not otherwise covered).
5. Western Regional Office, 201 Mission Street, Suite 2310, San Francisco, California 94105-1831, Facsimile No.: (415) 904-0580, (Alaska; California; Hawaii; Idaho; Nevada; Oregon; Washington; and Pacific overseas).
- 5a. Denver Field Office, 165 South Union Blvd., Suite 318, Lakewood, Colorado 80228-2009, Facsimile No.: (303) 969-5109, (Arizona, Colorado, Kansas except Kansas City, Montana, Nebraska, New Mexico, North Dakota, South Dakota, Utah, and Wyoming).
6. Dallas Regional Office, 1100 Commerce Street, Room 620, Dallas, Texas 5242-9979, Facsimile No.: (214) 767-0102, (Arkansas, Louisiana, Oklahoma, and Texas).

GLOSSARY

PART I. ACRONYMS

AWOL	Absence without Leave
EAP	Employee Assistance Program
EEO	Equal Employment Opportunity
HRD	Human Resources Division
MELR	Management Employee and Labor Relations
MSPB	Merit Systems Protection Board
OPF	Official Personnel Folder
OPM	Office of Personnel Management
SES	Senior Executive Service
TMA	TRICARE Management Activity

PART II. DEFINITIONS

advance notice. A written notice whose period of time is computed as follows:

A calendar day is the 24-hour period between 12 midnight of one day and 12 midnight of the next. The day on which the notice is delivered is not counted. Saturday, Sunday, or a legal holiday is never counted as the last day.

adverse action. A disciplinary or non-disciplinary removal, suspension of more than 14 days, furlough without pay for 30 days or less, or reduction in grade or pay taken for such cause as will promote the efficiency of the service.

bargaining unit employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.

charge. The label or characterization of an offense; the reason stated in a notice of proposed action and in the final decision when the action is disciplinary.

critical element. A component of the employee's job that is of such importance that performance below the minimum standard requires remedial action and may be the basis for reduction in grade, removal, or other corrective action without regard to performance on other components of the job.

day. A calendar day. The day a notice is delivered is not counted. If the last day of a notice period falls on a weekend or holiday, the last day of the notice period becomes the next business day following the weekend or holiday.

Deciding Official. The official who issues a notice of final decision on a disciplinary or adverse action. The deciding official shall be of a higher level than the official who proposes the action, unless the proposing official is SecDef.

formal disciplinary action. An action that is made a matter of record for inclusion in the employee's OPF, such as a reprimand or a suspension of 14 days or less.

furlough. A temporary non-duty and non-pay status of 30 days or less because of lack of work or funds, or for other non-disciplinary reasons.

harmful error. An error by management in the application of its procedures that, if corrected or alleviated, might have resulted in a different conclusion.

indefinite suspension. A temporary non-duty and non-pay status for disciplinary or other reasons, pending inquiry.

informal disciplinary action. An action taken by management to correct minor misconduct or delinquency. Informal disciplinary actions include counseling, oral admonishments, and written warnings and are not made a matter of record in the employee's OPF.

nexus. A reasonable connection of factual relationship between the reason(s) for a disciplinary action and the efficiency of the service.

oral admonishment. A very specific discussion between a supervisor and employee to address minor misconduct, clarify expectations, and warn of progressively more severe disciplinary action when the intent of that discussion is to correct the misconduct without initiating more serious disciplinary or adverse action. An oral admonishment is an informal disciplinary measure and should be documented with a memorandum for the record.

penalty selection factors. The factors most commonly used in determining the appropriateness of a penalty include, but are not limited to: the seriousness of the offense, the employee's past disciplinary record, consistency with the table of penalties, consistency with penalties imposed on other employees, effect of the offense on the supervisor's confidence in the employee's ability to perform assigned duties, the employee's potential for rehabilitation, length of service, and past disciplinary record. (See paragraph 2 of Enclosure 3 for further detail.)

preponderance of the evidence. That degree of relevant evidence that a reasonable individual, considering the record as a whole, might accept as sufficient to support a conclusion that the matter asserted is more likely to be true than not true. The agency is required to prove actions taken according to part 752 of Reference (d) with a preponderance of the evidence.

Proposing Official. The management official who proposes the action, normally (but not necessarily) the first-line supervisor.

reduction in grade. The involuntary assignment of an employee to a position of lower classification or job-grading level.

removal. An involuntary separation of an employee from employment with an agency.

reprimand. A formal memorandum issued for employee misconduct. A letter of reprimand is the least severe formal disciplinary action. A copy is placed in the employee's OPF for a set period of time.

Schedule A, B, or C (of the excepted service). OPM provides excepted service hiring authorities to fill special jobs or to fill any job in unusual or special circumstances under "Schedules A, B, and C." These excepted service authorities enable agencies to hire when it is not feasible or not practical to use traditional competitive hiring procedures, and can streamline hiring. Agencies may use any excepted service authority under Schedule A or Schedule B when it applies to a specific situation. Schedule A authorities describe special jobs and situations for which it is impractical to use standard qualification requirements and to rate applicants using traditional competitive procedures. Schedule B authorities also apply to jobs and situations for which it is impractical to rate applicants using competitive procedures. However, under Schedule B authorities, applicants must meet the qualification standards for the job. Only OPM can provide exceptions on a case-by-case basis under Schedule C for jobs having a confidential or policy-determining character. Schedule C appointees keep a confidential or policy-determining relationship to their supervisor and agency head. Generally, the authority to fill a Schedule C job is revoked when the incumbent leaves and agencies need specific approval from OPM to establish or re-establish the position.

substantial evidence. Such evidence that a reasonable individual might accept as adequate to support a conclusion. Substantial evidence is a lesser burden of proof than a preponderance of the evidence and is required to support inefficiency actions taken according to part 432 of Reference (d).

suspension. A temporary non-duty and non-pay status for disciplinary or other reasons, pending inquiry.

unacceptable performance. Performance of an employee that fails to meet established standards in one or more critical elements of the employee's position.

written warning. A very specific memorandum issued to an employee to address minor misconduct, clarify expectations, and warn of progressively more severe disciplinary action when the intent of issuing the memorandum is to correct the misconduct without initiating more serious formal disciplinary or adverse action. A written warning is an informal disciplinary measure and is considered to be more severe than an oral admonishment.



DEFENSE HEALTH AGENCY
7700 ARLINGTON BOULEVARD, SUITE 5101
FALLS CHURCH, VIRGINIA 22042-5101

JAN - 3 2017

MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Policy

On May 15, 2002, Congress enacted Public Law 107-174, the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," commonly referred to as the No FEAR Act. The act requires Federal agencies to provide annual notice to Federal employees, former Federal employees and applicants for Federal employment of their rights, remedies and protections available under Federal antidiscrimination and whistleblower protection laws. Please refer to the attachment for more information on additional requirements under the No FEAR Act.

The No FEAR Act reaffirms our commitment in ensuring that all Federal employees feel free to come forward with allegations of discrimination, wrong doing, or misconduct, and are aware of their rights. If you require more information regarding the No FEAR Act, please contact Mr. Gregory Byard, DHA EODM Director, at DSN 761- 4029 or commercial (703) 681-4029, or email: gregory.s.byard.civ@mail.mil.


R. C. BONO
VADM, MC, USN
Director

Attachment:
As stated

APP B-2

Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Policy

On May 15, 2002, Congress enacted Public Law 107-174, the "Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002," commonly referred to as the No FEAR Act. The act requires Federal agencies to be held accountable for violations of antidiscrimination and whistleblower protection laws, and that each Federal agency:

- Provide annual notice to Federal employees, former Federal employees and applicants for Federal employment of their rights, remedies and protections available under Federal antidiscrimination and whistleblower protection laws;
- Post statistical data quarterly on its public web site, relating to Federal sector equal employment opportunity (EEO) complaints filed with such agency, and for other purposes;
- Train all employees on their rights, responsibilities, and remedies under No FEAR;
- A Federal Agency must reimburse the Judgment Fund for payments made to employees, former employees or applicants for Federal employment because of actual or alleged violations of Federal employment discrimination laws. Federal whistleblower protection laws, and retaliation claims arising from the assertion of rights under those laws; and
- An Agency must submit to Congress, the Equal Employment Opportunity Commission (EEOC), the Department of Justice (DOJ) and the Office of Personnel Management (OPM), an annual report setting forth information about the Agency's efforts to improve compliance with the employment discrimination and whistleblower protection laws, and detailing the status of complaints brought against the Agency under these laws.

Antidiscrimination Laws

A Federal Agency cannot discriminate against an employee or applicant for employment with respect to terms, conditions, or privileges of employment on the basis of race, color, religion, sex (gender, pregnancy, lesbian, gay, bisexual, transgender (LGBT)), national origin, age (40 years of age or older), disability (physical/mental, including reasonable accommodation) or reprisal for previous participation in Equal Employment Opportunity (EEO) protected activity. If you believe you have been discriminated against on one or more of the above bases, you must contact an EODM official within **45 calendar days** of the action, or, in the case of a personnel action, within **45 calendar days** of the effective date of the action, before you can file a complaint of discrimination with your Agency. Also, if you are alleging discrimination based on marital status, parental status or political affiliation, you may file a written complaint with the United States Office of Special Counsel (OSC) using Form OSC-11, at 1730 M Street NW, Suite 218, Washington, DC 20036-4505 or online at <http://www.osc.gov>.

Whistleblower Protection Laws

A Federal employee with authority to take, direct others to take, recommend, or approve any personnel action, must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross management; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs. Also, retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 United States Code (U.S.C.) 2302(b) (8). If you believe you have been the victim of whistleblower retaliation, you may file a written complaint with OSC.

Retaliation for Engaging in Protected Activity

A Federal Agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws. If you believe you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination and Whistleblower Protection Laws section, or if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

Disciplinary Actions

Under the existing laws, each Agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214(d), according to 5 U.S.C. 1214(f), Agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Further, nothing in the No FEAR Act alters existing laws, or permits an agency to take unfounded disciplinary action against a Federal employee, or to violate the procedural rights of a Federal employee who has been accused of discrimination.

Existing Rights Unchanged

Pursuant to Section 205 of the No FEAR Act, neither the Act nor this notice creates, expands, or reduces any rights otherwise available to any employee, former employee, or applicant under the laws of the United States, including the provisions of the law specified in 5 U.S.C 2302(d). Antidiscrimination laws not only include those under the purview of the Defense Health Agency (DHA) EODM Office, but also include discrimination based on genetic information. In addition, it is the policy of the United States, as reflected in Executive Order that discrimination on the basis of sexual orientation, status as a parent, marital status and political affiliation in Federal employment, is also prohibited.

Training

According to the No FEAR Act implementing guidance, Federal Agencies must train all employees on their rights, responsibilities, and remedies available under Federal Antidiscrimination and Whistleblower Protection Laws. This training is mandatory for all employees and will be accomplished within 90 calendar days after assignment for newcomers, and every 2 years thereafter. Training may be accessed through the DHA Learning and Development Division (LDD) at <https://mhs.health.mil/DHATraining/>, under: DHA: No FEAR Act.



DEFENSE HEALTH AGENCY
7700 ARLINGTON BOULEVARD, SUITE 5101
FALLS CHURCH, VIRGINIA 22042-5101

JAN 2 2018

**MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY DIRECTORATES AND
SPECIAL STAFF**

SUBJECT: Anti-Harassment Policy

The Defense Health Agency (DHA) is committed to a workplace free of discriminatory harassment. In this effort, I will not tolerate any harassment, based on sex (including pregnancy, gender, lesbian, gay bisexual, transgender), race, color, religion, national origin, age, disability (mental or physical), genetic information, reprisal and/or participating in the complaint process as a complainant or witness, marital status, parental status or political affiliation, by anyone in the workplace – supervisors, co-workers or non-employees.

Everyone is encouraged to report harassment before it becomes severe or pervasive. While isolated incidents of harassment generally do not violate Federal law, a pattern of such incidents may be unlawful. Therefore, to discharge our duty of preventing discriminatory harassment in the DHA workplace, I want to make it clear to our employees that we will make every effort to prevent and stop any discriminatory harassment regardless of whether it raises to the level of a violation of Federal law. As employees, it is your responsibility to keep up to date on the latest training on anti-harassment. Annual mandatory training is required for all DHA civilian and contractor employees. This training can be found through the Joint Knowledge Online (JKO), the course number is JKO-JS-US015.

Harassment can be verbal or physical conduct that denigrates or shows hostility or aversion toward an individual; actions or conduct which has the purpose or effect of creating an intimidating, hostile, or offensive work environment; unreasonably interferes with work performance; or otherwise adversely affects employment opportunities for an employee or applicant. Harassing conduct includes, but is not limited to use of epithets, slurs, negative stereotyping, threatening, intimidating, hostile acts, written or verbal comments, or graphic material to denigrate or show hostility or aversion toward an individual or group based upon any protected status, or directed toward an employee or applicant because of his or her membership within a protected category.

Sexual harassment is a form of gender based discrimination that involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is present when such conduct is made a condition of a person's job, or used for employment decisions affecting that person, or when it creates an intimidating, hostile or offensive environment, or interferes with the performance of an employee's duties.

When an employee complains to management about alleged harassment, the Agency is obligated to investigate the allegation regardless of whether it conforms to a particular format or is made in writing. Allowing an employee to bypass his or her chain of supervision, under this policy, provides additional assurance that the harassment complaint will be handled in an impartial manner, since an employee who reports alleged harassment by his or her supervisor may feel that officials within the chain of supervision will more readily believe the supervisor's version of events. Retaliating or discriminating against an employee or applicant for reporting or cooperating with an investigation of allegations of harassment, is known as reprisal, which is strictly prohibited and may result in appropriate disciplinary action. Management should undertake whatever measures necessary to ensure that reprisal and retaliation does not occur.

A100-3

The Agency will protect the confidentiality of the employee or applicant making the harassment allegations to the extent possible. The Agency cannot guarantee complete confidentiality, since it cannot conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. Information about the allegation of harassment will be shared only with those who need to know about it. A conflict between an employee's desire for confidentiality and the agency's duty to investigate may arise if an employee informs a supervisor about alleged harassment, but asks him or her to keep the matter confidential and take no action. Inaction by the supervisor in such circumstances could lead to Agency liability. While it may seem reasonable to let the employee determine whether to pursue a complaint, the employer must discharge its duty to prevent and stop all discriminatory harassment regardless of whether it rises to the level of a violation of law.

The Agency will undertake immediate and appropriate corrective action, including when warranted, disciplinary action up to and including removal of the harasser, whenever it determines that harassment has occurred in violation of this policy. Remedial measures will be designed to prevent and stop the harassment, correct its effects on the employee, and ensure that the harassment does not recur. These remedial measures may not be those that the employee requests or prefers, as long as they are effective. Individuals who perceive they are being harassed or who witness any form of harassment are encouraged to take immediate action to stop the unacceptable harassing behavior. Employees should promptly report incidents of harassment to their supervisor or someone in their chain of supervision.

You may also contact Mrs. Dorin Connelly-Gordon, Chief, Diversity Management Branch, at (703) 681-1504, or at Dorin.l.connellygordon.civ@mail.mil, either to report the incident or to pursue a discrimination complaint, if the harassment is within the scope of the laws and regulations enforced by the Equal Employment Opportunity Commission (EEOC). If you are alleging discrimination based on marital status, parental status or political affiliation, you may file a written complaint with the United States Office of Special Counsel (OSC) using Form OSC-11, at 1730 M Street NW, Suite 218, Washington, DC 20036-4505, or online at <http://www.osc.gov>.

Harassment against an employee or applicant for making a protected disclosure under the Whistleblower Protection Act is prohibited by 5 United States Code (U.S.C.) 2302(b) (8). If you believe you have been the victim of whistleblower retaliation, you may file a written complaint with OSC. For harassment dealing with non-discriminatory reasons, contact the DHA Management Employee and Labor Relations Branch, at (703) 681-2317, on your rights to file an administrative grievance.



R. C. Borge
VADM, MC, USN
Director



DEFENSE HEALTH AGENCY
7700 ARLINGTON BOULEVARD, SUITE 5101
FALLS CHURCH, VIRGINIA 22042-5101

JAN 13 2017

MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Alternative Dispute Resolution Policy

The Defense Health Agency (DHA) is firmly committed to using alternative methods for resolving disputes in all of its operations, where appropriate and feasible. If used properly, the Alternative Dispute Resolution (ADR) can provide faster, less expensive and more productive results in eliminating workplace discrimination through the Equal Employment Opportunity (EEO) program for civilians, and Military Equal Opportunity (MEO) program for Active Duty Service members. The ADR Program is applicable to all activities assigned to DHA.

Equal Employment Opportunity Commission (EEOC) revised regulation 29 CFR 1614.102 (b) (2) requires agencies to establish or make available, an ADR program. The ADR program must be available during both the pre-complaint and formal complaint processes, and ensuring the participation of a management official with settlement authority. The MEO, is outlined in DoDD 1350.2, Department of Defense MEO Program, with the Commanders having the final authority. Types of ADR include:

1. Mediation – intervention in a dispute or negotiation of an impartial and neutral third party (mediator) who has no decision making authority.
2. Early Neutral Evaluation – impartial third party provides an objective evaluation of the strengths and weaknesses of the case.
3. Peer Review – problem solving process where an employee takes a dispute to a group or panel of fellow employees and managers for a decision.
4. Fact Finding – impartial expert with the authority to appoint a fact finder to determine what the facts are in a dispute.
5. Settlement Conference – meetings typically conducted by a settlement judge to assist the parties in reaching a mutually acceptable settlement of the disputed matter.
6. Minitrial – structured settlement process in which both parties present abbreviated summaries of their case before each other and their representatives, who have authority to settle disputes.
7. Ombuds – Utilize many techniques to resolve disputes including counseling, conciliating, fact finding and mediating.
8. Facilitation – Involves the use of techniques to improve the flow of information in a meeting between parties in a dispute.

The preferred type of ADR within the DHA is mediation, conducted by a qualified mediator or group of mediators. Mediation is a confidential process where a neutral third party (mediator) facilitates employees and managers to communicate and decide how to resolve the dispute. Mediators are skilled in conflict resolution and have no official, financial, or personal interest in the issue(s) cited, or the outcome of the dispute.

APP B-4

Responsibility and authority for the DHA ADR Program rests with the Equal Opportunity and Diversity Management (EODM) Division. To enhance the effectiveness of ADR in DHA, management officials will be required to take part, unless extenuating circumstances exist. Additionally, managers, supervisors, and employees have the responsibility under this policy, to resolve non-EEO/MEO workplace disputes dealing with the general workplace, to enhance productivity and promote harmonious work relationships. The EODM office does not provide mediation for workplace disputes.

It is an EEOC requirement that EEO policy statements be re-issued annually. The POC for the ADR Program is Ms. Yolanda Lopez, EODM Manager. She may be reached at (703) 681-5178, or at yolanda.lopez56.civ@mail.mil.



For R. C. BONO
VADM, MC, USN
Director

APPENDIX C

The agency's written plan to train its employees (5 C.F.R. 724.302(a)(9)).

1. Administrative Instruction (AI) 15, Employee Learning and Development Division Processes and Procedures, dated July 17, 2015*

Also, DHA policies: No FEAR Act (3 Jan 17), Anti-Harassment (2 Jan 18), Sexual Assault Prevention Response (SAPR) (19 Jan 16)*, Reasonable Accommodation (7 Nov 16)*, outline EEO requirements for training employees in the following areas available at Joint Knowledge On-Line (JKO):

JKO JS-US012	No FEAR Act
JKO JS-US015	Prevention of Sexual Harassment
JKO JS-US021	SAPR
JKO JS-US330	Reasonable Accommodations

Additionally, EEO training is provided quarterly in the DHA Supervisory Tier I Course training, and the Supervisory Tier I Refresh Course. Tier I is provided on-site and virtual as well, providing eight opportunities annually for supervisor to attend.

Trained in EODM FY17

Overall, 1,050 DHA employees received or complete on-line EEO training in FY17.



Defense Health Agency **ADMINISTRATIVE INSTRUCTION**

NUMBER 15

July 17, 2015

Learning and Development Division
A&MD

SUBJECT: Employee Learning and Development Division Processes and Procedures

References: See Enclosure 1.

1. **PURPOSE.** This Defense Health Agency (DHA) Administrative Instruction (AI), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (p):

a. Hereby sets forth the criteria and responsibilities for the establishment of the DHA Learning and Development Division's (LDD) procedures and program directives. This guidance details how to access various LDD training opportunities; what are the training registration processes; procedures for course payment authorizations, list of mandatory training requirements, and guidelines for withdrawal from or inability to attend training. Guidance is also provided on the Continued Service Agreement and the Competitive Programs opportunity. The LDD aims to be an integral part of the DHA value proposition for employees and employee retention strategy, helping to ensure DHA retains a highly skilled workforce.

b. Effectively replaces the original AI 15 signed and dated September 12, 2011, and the revised AI 15 signed and dated April 3, 2014.

2. **APPLICABILITY.** This AI applies to all DHA civilian employees in the competitive service. This AI does not apply to DHA civilian employees who are members of the Senior Executive Service, members of the Uniformed Services, or contractors.

3. **POLICY.** It is DHA policy, pursuant to DoD policy, that:

a. All employee requests to attend external training courses, university or college courses or programs of study, Competitive Programs opportunities, and long term developmental programs must be submitted according to the enclosed procedures. Requests must be reviewed and approved or disapproved through several levels of authorization: the requesting employee's supervisor/manager, the employee's Directorate Head/Special Staff Element Leader (or their delegates), and an LDD training officer.

APP C

b. Training that is deemed no-cost, on-site training, whether that site is the Defense Health Headquarters (DHHQ) or other location, will require advance registration, with notice to the registering employee's immediate supervisor for their concurrence.

c. Training may also be immediately approved as mandatory by the Director, DHA, if determined "essential" by an external entity, such as the Department of Defense (DoD), Office of Management and Budget, or Federal Regulation; or deemed as specific training in support of essential DHA functions. The Director, DHA, may delegate this authority to the respective Directorate Head or their delegate. The procedures outlined in this AI must then be followed to the extent possible when implementing essential training or career development.

(1) The following is a list of appropriate divisions for coordination/approval of training or career development deemed essential or specific to DHA functions:

(a) Office of General Counsel (OGC): for relevant training in the areas of ethics.

(b) Component Acquisition Executive (CAE): for certification required under the Defense Acquisition Workforce Improvement Act (DAWIA) and Contracting Officer Representative (COR) certification. The Procurement Division will manage the Government Purchase Card program under the authority of the Federal Acquisition Regulation (FAR) Part 4.1.4. CAE shall coordinate with the DHA Office of the Comptroller in accordance with all FAR/Defense FAR requirements.

(c) Human Resources Division (HRD): for relevant training required for supervisors and managers; as well as employee relations topics, and GS performance management.

(d) Office of the Comptroller: for relevant training for all government travel cards and commercial credit cards.

(e) Administration & Management Division: for relevant training required for administrative staff.

(2) The DHA Senior Champions' Board will commence to determine selections for the annual Competitive Programs opportunity. The Director, DHA, will authorize final selection of candidates to attend training in the next fiscal year.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Not cleared for public release.** This AI is available to DHA employees and contractor support personnel with Common Access Card authorization on the DHA Intranet.

7. EFFECTIVE DATE. This DHA AI:

- a. Is effective upon signature.
- b. Will expire effective 10 years from the date of signature if it hasn't been reissued or cancelled before this date in accordance with DoD Instruction 5025.01 (Reference (c)).


Douglas J. Robb, DO, MPH
Lieutenant General, USAF, MC, CFS
Director

Enclosures:

1. References
2. Responsibilities
3. Procedures
4. Supervisor Commitment
5. Selecting Individuals for Learning and Development Opportunities
6. Cost Effectiveness and Priority of Training
7. Approval of Training (Process and Instructions for Training Requests)
8. Mandatory Training Requirements
9. Delivery of Goods and Services in a Subsequent Fiscal Year
10. Individual Development Plans
11. Continued Service Agreement (AI 43)
12. Professional Certification, Licensing, and Education Incentives
13. College/University Tuition Assistance Program for Individual Courses
14. Fellowships, Scholarships, Training with Industry, and Grants
15. Membership in Professional Organizations
16. Retraining and Outplacement Assistance
17. Training of Non-Government Employees
18. Training Needs Assessments
19. Senior Champions' Board Charter and Competitive Programs
20. DHA Competitive Programs, Policy and Procedures
21. DHA Competitive Training Programs Descriptions
22. Competitive Programs Candidate Application Rating and Ranking Form
23. DHA Competitive Programs Frequently Asked Questions

Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) DoD Instruction 5025.01, "DoD Issuances Program," June 6, 2014, as amended
- (d) Section 1535 of Title 31, United States Code, The Budget Process. Chapter 15: Appropriation accounting (1996) (formerly Section 601 of the Economy Act of 1932)
- (e) TRICARE Management Activity Memorandum, "Administrative Instruction and Action Officer Course Material," 16 April 2012
- (f) TRICARE Management Activity Memorandum, "Human Resources Division Expansion of Mandatory Training Courses to include Performance Management and Awards Program," 13 July 2012
- (g) TRICARE Management Activity Memorandum, "Health Insurance Portability and Accountability Act Privacy and Security Policy Statement," 30 August 2012
- (h) TRICARE Management Activity Memorandum, "Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act Policy," 26 January 2012
- (i) TRICARE Management Activity Memorandum, "Reasonable Accommodations for Individuals with Disabilities Guidance," 30 November 2011
- (j) Section 4108 of Title 5, United State Code, Government Employees Training Act (GETA)
- (k) TRICARE Management Activity Memorandum, "Continued Service Agreement Guidance," 15 May 2012
- (l) Section 5757 of Title 5, United States Code National Defense Authorization Act of Fiscal Year 2002
- (m) DoD Instruction 1322.06, "Fellowships, Scholarships, Training With Industry (TWI), and Grants for DoD Personnel," November 15, 2007
- (n) DoD Instruction 1400.25, Volume 410 "DoD Civilian Personnel Management (CPM): Training, Education, and Professional Development," 25 September 2013
- (o) DoD Instruction 1400.25, Volume 1703 "DoD Civilian Personnel Management (CPM): Retraining and Outplacement Assistance," 25 September 2013
- (p) Workforce Investment Act of 1998 Public Law 105-220, 7 August 1998

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA, will:

- a. Appoint members to the Senior Champions' Selection Board (SCB) (see Enclosure 19).
- b. Review and approve selection of candidates for the annual Competitive Programs.

2. DHA DIRECTORATE DIRECTORS and SPECIAL STAFF ELEMENT LEADERS. DHA Directorate Heads/Special Staff Element Leaders will:

a. Select appropriate training sources and methods for subjects or curricula common to more than one occupation.

b. Approve competencies necessary for training purposes or required to be highly qualified for promotion across career program functional lines.

c. Review concept plans and development strategies for specific career program elements, which are developed by the LDD staff in concert with functional work groups, such as appropriate methods for providing career counseling and methods for centralized management of training and curriculum development, training technology, training delivery, and funding.

d. Identify career paths that provide a competency-based road map for employees to aid in their career planning and development.

3. CHIEF, LDD. Chief, LDD, will:

- a. Formulate overall Career Management policies and procedures.
- b. Budget for and manage financial resources to support centralized training.
- c. Centrally administer logistics for any student intern program(s).
- d. Propose schedule and agenda items for SCB meetings.
- e. Compile and analyze data on training needs, staffing forecasts, and occupational competencies based on input from HR and senior leaders.
- f. Coordinate, as needed, with SCB to resolve issues of mutual concern.
- g. Maintain liaison with counterpart organizations and officials in other DoD components.

h. Develop and maintain career patterns based on occupational analysis, qualification requirements, and DoD policies.

i. Provide administrative support to the SCB, to include preparing minutes of meetings.

j. Ensure the availability of staff and financial resources to implement effective professional development programs.

k. Develop and implement activity-wide professional development programs, standards, procedures, guidelines, information systems, and records.

l. Provide guidance, information, publicity, and staff assistance regarding professional development to organizations, managers, supervisors, and employees.

m. Conduct a systematic annual assessment of professional development needs, analyze collective data, and prepare a DHA-wide annual training plan.

n. Interpret and apply guidelines from higher authorities in professional development matters not specifically covered by this Instruction.

o. Assist the LDD Training Specialists in support of and delivery of all professional development activities.

4. CAREER DEVELOPMENT MANAGERS. The Career Development Managers in each Directorate/Special Staff Element will support the responsibilities of the Directorate Head/Special Staff Element Leader and Senior Champions' Board members.

5. TRAINING COORDINATORS. Training Coordinators will:

a. Communicate professional development opportunities and guidance to organization leaders and employees by forwarding announcements in e-mail, in staff meetings, or by sharing with individuals.

b. Provide a critical information link between their organization and LDD by communicating professional development needs and documenting training accomplishments.

c. Review all training requests originated in their organization and verify the inclusion of all required information on the SF182 prior to submission to LDD.SF182@dha.mil.

d. Attend and participate in LDD sponsored training coordinator workshops.

e. Ensure specific professional development requests for DHA-funded courses are submitted at least 90 days prior to course commencement. Requirements for directorate-funded training are

no less than 30 days. If request is submitted less than 30 days before course commencement, the request to Expedite the SF182 procedure noted in Enclosure 7 must be implemented.

f. Identify subsequent fiscal year professional development requirements by the close of the third quarter of the current fiscal year.

6. SUPERVISORS/MANAGERS. Supervisors/Managers will:

a. Provide assigned employees with information and counsel concerning career progression, promotion opportunities, and training and development opportunities.

b. Review DHA employees' assessment, and ensure training requirements are developed, documented, and maintained in an Individual Development Plan (IDP).

c. Provide the opportunity, tools, and direction for ensuring effective job performance of their employees.

d. Certify that each requested professional development event will satisfy an identified need, is mission-related, aligned with the employee's IDP, and eligibility requirements for the training are met.

e. Provide concurrence or approval on employee's requested training in advance of the training dates. If training is not approved, provide counsel to the employee. Ensure employees who attend training are in compliance with training process guidelines in this Instruction.

f. Certify Directorate/Special Staff Element-paid instructor-led external vendor courses in the event computer-based or DHA-funded internal courses are deemed insufficient for the level of training an individual employee requires. Likewise, provide non-concurrence when computer-based courses or DHA-funded internal courses with the same subject and content are available.

g. Determine reasons for unsatisfactory completion of training by any employee, notify the servicing LDD, and take appropriate action.

7. Each DHA civilian employee and military personnel assigned to DHA will:

a. Consider completing an IDP and updating it on an annual basis.

b. Seek out information from their supervisor and/or the LDD staff concerning opportunities for advancement or career development.

c. Remain proficient in career and professional competencies through self-development efforts and government-sponsored continuing professional training, education, or development.

- d. Participate fully in the activities and assignments prescribed in their IDPs.
- e. Strive to improve competencies required in their career field through related self-development activities.
- f. Adhere to the provisions of this Instruction when requesting and participating in professional development activities.
- g. Attend and participate fully in all approved professional development activities.
- h. Complete an online end-of-course evaluation within 5 days of training event.

ENCLOSURE 3

PROCEDURES

1. Training Methods

a. DHA-Funded Courses

(1) LDD monitors and receives all approved requests for technical, leadership, and mission support courses throughout the fiscal year. LDD will take note of the accounting code provided on the Standard Form Request, Authorization, Agreement, Certification of Training, and Reimbursement Form (SF182), and will closely monitor all training courses that are to be paid from the DHA Central Training Fund at no cost to the requesting employee's directorate. Upon verification of approval by the employee's supervisor and Office of the Comptroller, LDD will pay for the requested course or program with the Government Purchase Card, and provide a Training Approval Letter (TAL) to the employee and their supervisor.

(2) LDD also provides no-cost, instructor-led training programs on-site at DHA locations to satisfy professional leadership development and soft skills training needs. When possible, the training will also be delivered virtually for field office locations or employees who are teleworking. Employees must register for the no-cost, instructor-led training by accessing the Adobe Connect registration link provided on the monthly training announcements or in the LDD Course Catalog, or by completing a DHA No Cost/Onsite Course Nomination Form 6. Notice will be provided to the registering employee's supervisor who is expected to provide approval or non-concurrence.

(3) If a significant or justifiable need is identified by the DHA field locations, LDD will make every effort to arrange on-site instructor-led training at no cost to the field locations. A justifiable need is one in which it is determined more cost-effective to absorb the expense of logistically hiring a trainer to conduct a course for multiple attendees at one location outside the National Capital Region (NCR) than to incur the Temporary Tour of Duty (TDY) and tuition costs for many individual attendees to attend the same course at the same time or at different times at the DHHQ or within the NCR, or other locale.

(4) If travel is necessary to obtain the training, the employee's Directorate/Special Staff Element is responsible for the associated TDY costs.

(5) The Government Employees Training Act (GETA) amendments, as outlined in the Federal Workforce Restructuring Act of 1994, eliminated the distinction between non-government and government training, allowing managers to take full advantage of competitively priced training resources.

b. Directorate-Funded Training

(1) If the training is determined mission essential, and a DHA-funded course is not offered within the timeframe to successfully meet the requirement, the employee may submit a mission essential justification letter and completed SF182 to obtain approval.

(2) The employee will complete the SF182, noting the Directorate's appropriate account code in the appropriation fund field in Section C. The correct account code can be obtained from the Office of the Comptroller.

(3) The SF182 must be signed by the employee's supervisor and Directorate Head/Special Staff Element Leader, or delegated resource manager, and forwarded to LDD.SF182@dha.mil for review before the LDD Government Purchase Card Holder can pay for the training and register the employee with the vendor (see Office of Comptroller process, Enclosure 7).

(4) An approved SF182 authorizes the payment of the course, but does not automatically register the employee for the training, or cover any TDY expenses unless specifically noted as included in the tuition cost.

(5) An individual or group SF182 may not be used to procure training in excess of \$25,000. For additional information regarding directorate-funded training and SF182 forms, contact the LDD Government Purchase Card Holder at (703) 681-5360.

c. Video Teleconference (VTC)

(1) Employees attending a professional development event using VTC will still be required to follow the training procedures described in this Instruction.

(2) Employees must coordinate with their Training Coordinator on-site or Information Technology Helpdesk to confirm participation and arrange logistics (room reservation with VTC capability, VTC dial-in number, audio capability) before the event commences.

(3) Employees are responsible for notifying their Training Coordinator or the LDD Training Specialist or other event manager of any changes in attendance status (add-ons or deletions) for your meeting/VTC.

(4) As an alternative to VTC, training may be offered in Defense Connect Online (DCO) or in Adobe Connect, and/or tele-conference. Employees will be notified of the method available, and URL log-in/dial-in information will be provided at the time of registration.

d. Distance Learning

(1) Many learning opportunities are available through distance learning media, such as VTC, webinars, video and audiotapes, and correspondence courses. On-site, in-person courses

and Adobe Connect, are offered monthly by LDD, at no cost. These courses are communicated in the monthly training announcements and the LDD Course Catalog.

(2) In order to reduce duplicate purchases, LDD has made an investment in a variety of media-based training resources. These resources are available for check-out by all DHA employees from the LDD Resource Library at DHHQ. Employees in field locations may contact the Customer Satisfaction Center (CSC) at (703) 681-5360 to request the resource list and check-out procedures.

e. DHA eLearning Platform

(1) Online training for DHA employees is available through the eLearning platform in support of the Office of Personnel Management's E-Government initiatives as mandated by the E-Government Act of 2002 (H.R. 2458/S. 803). LDD is making every effort to provide each DHA employee with an eLearning account, however limited funding may delay the immediate availability of new accounts. Please contact the LDD Customer Satisfaction Center at 703-681-5360 for more information.

(2) The DHA eLearning platform is an online training tool offering a myriad of options designed to increase employee knowledge and improve productivity, performance, and overall excellence. DHA employees can access the DHA eLearning site at no-cost by going to: <http://dhaelearning.skillport.com/skillportfe/login.action> and signing in with their DHA e-mail address and a default password.

(3) The DHA eLearning site is not available to contractors.

2. Eligibility for Training

a. In general, training is unrestricted and available to permanent, full-time DHA civilian employees. Employees may attend government training regardless of their length of Federal service, except in the Competitive Programs, which require a minimum of 1 year of Federal service to participate. Professional development restrictions apply to the following employees: contractors, military personnel, and participants in the Student Educational Employment Program, who are generally not eligible to attend directorate-funded training.

b. Military Personnel

(1) DHA will pay for training for assigned military personnel only when the training is required for their current duties with DHA.

(2) Military Departments provide career development support for their Service members through tuition assistance programs and veterans' benefits. Reference (d).

(3) Military personnel, if eligible, may receive additional educational and training benefits from the U.S. Department of Veterans Affairs.

c. Student Employees

For information regarding the allowances and limitations of student employees participating in the Pathways Program or Student Temporary Employment Program, reference the AI on the Student Educational Employment Program (AI 16).

3. Training Registration/Authorization/Withdrawal/Payment

a. Employees may register for both centrally-funded and directorate-funded training by completing DHA Form 6 or SF182, then routing the respective form to their supervisor for approval. Once the training request is approved, the SF182 must then be forwarded to the LDD.SF182@dha.mil for review. Once reviewed by LDD, Office of the Comptroller will assign a procurement requisition or PRL number, and forward the training request back to LDD. The LDD Government Purchase Card Holder will sign off on the SF182 after Office of the Comptroller approves it, and will pay for the employee's training, effectively registering the employee for class. The employee will then receive a TAL and post-course evaluation form. For more information regarding these forms and routing procedures, reference the Approval of Training section of this Instruction (Enclosure 7).

(1) Professional development that requires TDY travel includes the cost of transportation and per diem. TDY travel orders must be approved through the Defense Travel System (DTS) prior to submitting a training request.

(2) Employees should note that some courses may be designated for specific audiences (i.e., Defense Acquisition University (DAU), or Senior Executive Service). The specified target audience will receive priority seating while other registrants will be automatically wait-listed. Remaining seats may be filled from the waitlist immediately prior to course start date.

b. Authorization

(1) Employees' supervisors must approve all training requests, Form 6, and SF182. Employees may attend training only after receiving confirmation (TAL) from LDD.

(2) In accordance with GETA, reference (j), employees may not attend training without an approved SF182 confirmed by the LDD Government Purchase Card Holder. The employee's supervisor must provide LDD with a written justification for any violation or exception to this rule.

c. Verification and Documentation

(1) Non-centrally funded training requests must be processed with sufficient lead-time no less than 30 days prior to the registration deadline for the training. The deadline for centrally-funded course registration is also 30 days prior to the course start date. Training requests are

reviewed for completion by LDD administrative specialists to ensure compliance with government employee training regulations and to provide follow-up with the supervisor, if necessary, to ensure the educational value, timeliness, and cost-effectiveness of the training.

(2) Training completion is verified when the employee completes the course evaluation survey. Course surveys must be submitted within 5 days of course completion. Employees are responsible for updating their training history (see Enclosure 7).

d. Withdrawal from DHA-Funded Training

(1) All employees approved for training must attend the entire training program for which the government has obligated funds. Any exceptions shall be submitted in a memorandum to the Chief, LDD. Employees who do not attend or complete the approved training will be required to reimburse the government for the cost of the training less any refund or credit obtained, subject to the guidelines in AI 43, (referenced in Enclosure 11, and available on the DHA intranet).

(2) If an employee is unable to complete the requested training, the employee must notify LDD in sufficient time to either reschedule or cancel the training. An employee may withdraw from DHA-funded training by submitting a written request to LDD no less than 10 business days prior to course commencement. In some instances, a substitute individual may be appropriate, or an acceptable replacement may be named from a waitlist. If the withdrawal request is less than the 10-day minimum notification period, the employee's supervisor must provide a written justification to the Chief, LDD. If an employee fails to give this 10-day advance notice, they will be required to pay the full amount of expenses incurred by DHA in the training.

(3) Withdrawal Policy for Competitive Education Program (CEP) for College and University degrees are subject to the same notice as DHA-Funded Training; however, the DHA Continuing Service Agreement (CSA) reimbursement requirement will go into immediate effect, per AI 43 (referenced in Enclosure 11, and available on the DHA intranet).

(4) Employees withdrawing from one of the DHA Competitive Program courses after training has commenced must provide written justification to LDD with the reason for the withdrawal through their organization's most senior leader.

e. Attendance Requirements and Satisfactory Completion of Authorized Training

(1) DHA employees who participate in any DHA-funded training course must attend at least 85 percent of the course, or they will not receive credit or a certificate of completion for the training. If the training course provider/vendor requires 100 percent attendance, their requirements will take precedence.

(2) All trainers and facilitators who conduct training sponsored by LDD must explain the attendance requirements to participants at the beginning of each course and must keep accurate attendance records. Trainers and facilitators must report any frequent, extended, or unexplained absences to the responsible LDD Training Specialist for a final decision on whether an employee has exceeded the allowable time period for absences.

(3) Illness or other excused absences will be reviewed by LDD on a case-by-case basis. The reason for the duration of the absence will determine whether or not the employee must repeat the entire course.

(4) In addition, employees and/or their organizations may be responsible for reimbursing DHA for training expenses for any authorized training if:

- (a) The employee does not cancel the training in time and payment is due,
or
- (b) The vendor requests partial payment as a result of cancellation,
or
- (c) The employee withdraws from a course and fails to notify DHA at least 10 days prior to course commencement,
or
- (d) The employee fails to satisfactorily complete the training,
or
- (e) The employee terminates their employment with DHA, as specified in DHA's Continued Service Agreement, AI 43, reference (k).

(5) Failure to complete training satisfactorily can be defined as: an employee failing to attend at least 85 percent of a DHA-funded course, terminating a course early, not receiving a passing grade for the training, or withdrawing from a course without providing sufficient notification to LDD.

(6) Employees failing to receive satisfactory grades for undergraduate or graduate courses may be held personally liable for the full cost of the course. A grade of "B" is considered passing for a graduate course, and "C" is passing for an undergraduate course. Grade reports received for all undergraduate and graduate courses completed through a competitive program must be forwarded to LDD for verification.

(7) Employees withdrawing their registration within 2 weeks of course commencement must have their supervisor provide written justification to LDD.

(8) The Chief, LDD, will review reasons for early termination, course failure, late withdrawal, or unapproved absence and recommend action to the supervisor and Directorate Head. The Chief, LDD, will determine the extent of the employee's liability and reserves the right to forward the costs incurred to the employee's supervisor and Office of the Comptroller per DHA AI 43, Enclosure 11. Supervisors are responsible for taking appropriate disciplinary action.

(9) Absences due to illness, family emergency, or authorized recall do not warrant disciplinary action.

(10) Repeatedly failing to cancel, or show up for the scheduled class, or complete training requirements will result in limiting approval of future training opportunities. The Chief, LDD, will make the final determination.

f. Government Purchase Card Payment Policy

(1) DHA requires directorate-funded training to be paid using a Government Purchase Card. The payment procedures require that training requests will be paid by LDD upon receipt of an approved SF182 from the DHA Office of the Comptroller. A completely signed and approved SF182 is required for all training with the exception of DAU and some on-site training.

(2) Participants must ensure the SF182 is submitted a minimum of 30 days prior to the training start date and sent to LDD.SF182@dha.milSF182. After LDD reviews the SF182, and Office of the Comptroller approves the payment, LDD will contact the training vendor, make payment using the Government Purchase Card, and provide details in the form of the Training Approval Letter to the employee or supervisor initiating the request.

(3) Instructions on how to complete an SF182 training request can be found in Enclosure 7.

ENCLOSURE 4

SUPERVISOR COMMITMENT

1. Education and training, both initial and periodic, should be implemented and supported by management as an important component of the organization's culture. Accomplishing a task effectively and efficiently is key to ensuring accomplishment of DHA's mission and objectives. To ensure this, each Directorate/Special Staff element shall provide a new employee orientation program and ongoing career development plan. Accountability, commitment, and training are key attributes for a successful program and are the responsibility of the employee's supervisor, DHA leadership, and LDD. The learning and development program administered by DHA LDD focuses on identifying and offering training opportunities which will improve competencies required to perform the job, and ultimately provide for advancement, and greater job responsibility.
2. Supervisors are expected to focus on providing opportunities that will enhance the continued development of employees and support their professional growth. To help fulfill that expectation, supervisors and leadership in each directorate are responsible for forecasting their training budget requirements based on employee needs and requirements, in cooperation with Office of the Comptroller, in advance of each fiscal year. If additional funds are required during the fiscal year, supervisors should coordinate this request directly with Office of the Comptroller and their leadership.

ENCLOSURE 5

SELECTING INDIVIDUALS FOR LEARNING AND DEVELOPMENT OPPORTUNITIES

1. Directorate Heads/Special Staff Element Leaders must consider all DHA employees for learning and career development opportunities without regard to race, color, religion, creed, gender, national origin, age, disability, veteran status, marital status, sexual orientation, or any other legally protected status.
2. Employees, in coordination with their supervisors, are highly encouraged to prepare an individual development plan (IDP) before requesting training. Plans should identify short-term and long-term career objectives, such as membership or certifications, to include program milestones and how they will accomplish the education, training, and developmental activities needed to achieve their career goals and objectives.
3. Employees, when eligible, are encouraged to participate in the annual Competitive Programs as detailed in Enclosure 19.

ENCLOSURE 6

COST EFFECTIVENESS AND PRIORITY OF TRAINING

1. Government facilities must be utilized when the opportunity for on-site training is reasonably available for DHA employees. Non-government facilities for training shall be considered only when adequate government facilities are not available or when government facilities cost more than non-government facilities. The following priority system shall be used when allocating and approving training resources:

a. Priority I training and development opportunities are considered mission critical or mission essential and must be accomplished during the immediate fiscal year. Deferment of this type of training would adversely affect the immediate mission of DHA.

b. Priority II training is considered required for systematic advancement or replacement of skilled employees through career management or other work force development programs. Deferment may adversely affect the mission in the foreseeable future.

c. Priority III training and development opportunities are designed to increase the efficiency and productivity of employees who are already considered to be competent. Deferment of this type of training would have little immediate adverse mission effect, but may impact or delay mission accomplishment in the long term.

ENCLOSURE 7

APPROVAL OF TRAINING
PROCESS AND INSTRUCTIONS FOR TRAINING REQUESTS

1. The SF182 is an authorized agreement and certification for training used to document an employee's request for training. The SF182 is required for all training which is not offered through DHA eLearning nor offered as no-cost, on-site opportunities. Exceptions which do not require an SF182 are some DAU training and any DHA no-cost, on-site training. This SF182 is a DoD multi-use form which is used to obligate funds for an individual event or planned series of training events, activity, service, or course material that is publicly available, off-the-shelf, and does not exceed \$25,000 per fiscal year and requires no more than minor modification(s) to meet agency requirements. Unless otherwise specified, the employee's Directorate/Special Staff Element bears the costs of the training and any TDY expenses named on the SF182.
2. The SF182 Fillable Form is available online at http://www.opm.gov/forms/pdf_fill/SF182.pdf or by calling the LDD Customer Satisfaction Center at 703-681-5360. Participants must ensure the SF182 is submitted a minimum of 30 days prior to the training start date to the SF182 LDD Mailbox at: LDD.SF182@dha.mil
3. Below are the instructions on how to complete an SF182 training request:
 - a. Section A through C of the SF182s must be typed. The employee must fill-out Sections A through C, ensuring that all information is complete and supporting documents are attached (i.e., course descriptions, contact person, and phone number/fax number, Web site details, etc). DO NOT INCLUDE Social Security Number or Birthdate. Ensuring protection of each employee's Protected Health Information and Personally Identifiable Information (PHI/PII) is always a priority. If the participant is a student of a University or College, please provide the student identification number. If the employee has a member number of the organization/association, please provide it. Employees are responsible for including the Appropriation Fund (your office directorate line of accounting) in *Section C - Costs and Billing Information* in the "Appropriation Fund" blocks 4 and 5. If you do not know this information, you can obtain it by contacting the Office of the Comptroller at (703) 681-4347.
 - b. Section D - 1a through 1e. The employee's immediate supervisor must complete this section, including all contact information such as telephone number, e-mail address, and date signed; nothing should be left blank. Upon completion, forward form to the employee's Directorate Head/Special Staff Element leader for review and approval of funds.

c. Section D - 3a through 3e

- (1) Type in name of LDD Government Purchase Card Holder;
- (2) 703-681-5360;
- (3) LDD.SF182@dha.mil

d. Section E - 1a through 1e

- (1) Type in name of Chief of Operations, Financial Operations Division;
- (2) 703-681-4347;
- (3) FOD.Training.SF182@DHA.mil.

The Office of the Comptroller office will approve and sign off after reviewing, and confirming funds are available. The Office of the Comptroller's office will forward the approved SF182 back to LDD for processing and payment with a Government Purchase Card.

4. Group Training Instructions:

- a. Group training requests may be used when the course, date, and vendor information on the request is the same. Home address is not required.
- b. Write Group Training in Section A, block 1, and on the top of the SF182.
- c. All group SF182s must have an attached list of the attending employees' names and e-mail addresses.
- d. The e-mail address provided on the SF182 for group training must be a Federal employee who is attending the training.

5. After approval is obtained and registration is complete, the LDD CSC administrator will e-mail a Training Approval Letter (TAL) to the registered employee(s). A copy of the TAL can also be sent to the Training Coordinator and supervisor if requested.

6. Participants are required to submit a Certificate of Completion to LDD CSC, via e-mail or fax within 5 days of completion. Participants also must complete the "End of Training" evaluation form. This evaluation is evidence that training has been completed. Complete the survey by clicking on the following link:

https://www.surveymonkey.com/s/LDD_END_OF_COURSE_EVAL

7. Training requests must be submitted to LDD no less than 30 days in advance of the training date. Late submissions may be denied. In the event an SF182 is received less than 30 days prior to the training start date, a written justification letter signed by the immediate supervisor must be

attached. Exemptions will be handled on a case-by-case basis and will require the Request to Expedite Form to be completed (see example, next section).

8. LDD will return SF182s that are submitted with incomplete information. Employees and/or Training Coordinator will receive a "No Action E-mail" from LDD if the corrected and/or missing information is not received within 72 hours.

9. Per this AI policy, all training must be approved prior to training start date. Employees must be in receipt of a TAL prior to their starting their requested training. Otherwise, the costs incurred will become the responsibility of the employee. With the exception of very atypical or unusual circumstances, LDD will not process SF182s after the training has commenced or has been completed. This includes payment or reimbursement of completed training. Only with strong written justification by a Directorate head will LDD consider this situation.

10. Participants are required to update their Training History after completion of their course. Click on the "MyBiz" link and follow directions: <https://compop.dcpds.cpms.osd.mil/>

11. All employees approved for training must attend the entire training program for which the government has obligated funds. Any exceptions shall be submitted in a memorandum to the Chief, LDD. Employees who do not attend or complete the approved training may be required to reimburse the Government for the cost of the training less any refund or credit obtained.

12. If travel is required to attend training, the employee will be responsible for submitting travel approval using the DTS. DTS assistance can be obtained from the DHA Comptroller.

13. A mission essential justification letter should be included with each SF182. The justification should include the below statement and detailed specifics of how the training is deemed mission critical. If the justification letter is not included, the SF182 request will be denied and returned.

MISSION ESSENTIAL: Objective cannot be satisfactorily accomplished less expensively by correspondence, teleconferencing, web-based communications and other appropriate means.

The Sample Mission Essential Justification Letter can be found <https://intranet.dha.mil/home/> or by requesting a copy from the LDD Customer Satisfaction Center. Please call the LDD Customer Satisfaction Center at 703-681-5360 to address your questions and concerns.

ENCLOSURE 8

MANDATORY TRAINING REQUIREMENTS

1. In compliance with DoD and DHA guidelines, References (e) through (i), it is the agency's policy that DHA civilian employees and military personnel must complete all mandatory training requirements within a specific timeframe each year.
2. DHA maintains a list of mandatory training for employees to reference. The list is available on the next page.

**MANDATORY TRAINING COURSE LIST, COURSE SYNOPSES AND
COURSE ADMINISTRATOR CONTACT INFORMATION**

DHA Mandatory Training Courses					
DOD/DHA Required Courses		Course Provider	Contact information	Audience & Timeframe	Delivery Method
1	Action Officer Training	Correspondence Control Division (CCD) & LDD	Matt Minnier 703-681-0363	All Support Personnel	Classroom
2	Antiterrorism Training (Level I) -DoDD 8570	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	All DHA Civilians and Military personnel, to include contractor support staff who work primarily in DHA space - Annually	Online and Instructor led
3	Combating Trafficking in Persons (CTIP) Training	Learning and Development Division (LDD)	Lavonne Williams 703-681-5360	All DHA Civilians and Military personnel, Annually – by Oct 7th	Online
4	Constitution Day Awareness	Learning and Development Division (LDD)	Lavonne Williams 703-681-5360	All DHA Civilians and Military personnel, Annually by September 17th	Online
5	Counterintelligence and Reporting Training (CIAR)	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	All DHA Civilians and Military personnel, to include contractor support staff who work primarily in DHA space - Annually	Online and Classroom
6	DHA Overview for New Employees	Office of Administration (OA)	Percy Taylor 703-681-8707	All new hires are required to attend the briefing once	Classroom
8	Ethics Training	Office of General Council (OGC)	Barnedia Nickerson 703-681-6012	All DHA Civilians and Military personnel	Varied Deliveries
9	HIPAA Training	DHA Privacy Office	MHS Learn Helpdesk 800-600-9332	All DHA Civilians and Military personnel within 30 days of EOD; Employees Birth Month (Annually)	Online
10	Information Assurance (IA) Training	DHA Network Ops	DHA Helpdesk 703-681-9411	DHA Workforce; Anniversary Date	Online
11	Information Security Awareness Training	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	Annual Training is on the employee's anniversary date	Self-Study
12	No Fear Act Training	DHA Equal Employment Office (EEO)	Keith Gaiter 703-681-4029	All DHA Civilians and Military personnel, Every 2 years	Online
13	Occupational Health and Safety	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	TBD	TBD
14	Performance Management and Employee Recognition (AI30 and AI21)	Human Resources Division (HRD)	Vicky Tanner 703-681-2308	3-Phases, 2 hours each throughout the year	Classroom

15	Reasonable Accommodation Training	DHA Equal Employment Office (EEO)	Keith Gaiter 703-681-4029	Managers & Supervisors (ONLY) Annually	Online
16	Sexual Assault Prevention & Response (SARP)	TBD	Keith Gaiter 703-681-4029	All DHA Civilians and Military personnel	Projected 2Q FY15
17	Supervisory Training (Formerly HRM Module 1 & II Training)	Learning and Development Division (LDD)	Paula Sprow-Johnson 703-681-5360	Rating Officials and Reviewing Officials Every three years	Classroom
18	Operations Security (OPSEC)	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	All DHA Civilians and Military personnel – Initial Training within 90 days EOD, then Annually	Classroom
19	Physical Security	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	All DHA Civilians and Military personnel - Annually	Online
20	Prevention of Sexual Harassment	Human Resources Division (HRD)	Keith Gaiter 703-681-4029	All DHA Civilians and Military personnel	Projected 2Q FY15
DOD/DHA Required Courses		Course Provider	Contact information	Audience & Timeframe	Delivery Method
2 1	Records Management Program	DHA Records Management Office	Cruz Riera 703-927-1644	All DHA Civilians and Military Personnel; annually as advertised	Classroom
2 2	Uniformed Services Employment and Reemployment Rights Act (USERRA)	Human Resources Division (HRD)	Gary Bliss 703-681-2317	Supervisors of Reserve Military Personnel Annually	Online
2 3	Workplace Safety	Mission Assurance Division	Brian Jones 703-681-8707 ext.5850	TBD	TBD

Additional Courses For:

NAVY

Category One (face-to-face, instructor-led training sessions provided at the command level)

1	Alcohol Abuse Prevention and Control
2	Equal Opportunity and Grievance Procedures
3	Hazing Policy and Prevention
4	Personal Financial Management
5	Sexual Assault Prevention and Response Awareness
6	Sexual Harassment and Grievance Procedures
7	Stress Management
8	Suicide Awareness and Prevention (These topics are designated)
Category Two (Navy e-Learning or through face-to-face, command-delivered training at the discretion of the unit commander)	
1	Anger Management
2	Antiterrorism/Force Protection
3	Combating Trafficking in Persons
4	Counterintelligence Awareness and Reporting
5	Domestic Violence Prevention and Reporting
6	Drug Abuse Prevention and Control

7	Fraternalization Awareness and Prevention
8	Information Assurance
9	Operational Risk Management
10	Operational Security
11	Physical Readiness
12	Privacy and Personally Identifiable Information Awareness
13	Records Management
14	Sexual Health and Responsibility
15	Tobacco Use Prevention and Cessation
Other Topics	
1	The Active Shooter (CNIC-TRTAS-1.0)
2	Recreational and Off-Duty Safety Training Awareness and ORM (1263)
3	Personal Identifiable Information (PII)
4	Navy Fall Protection (Slips, Trips and Falls) Awareness (One Time Only) (1259)
5	Equal Employment Opportunity (EEO) Training
6	Diversity Training
7	Chemical, Biological, Radiological, Nuclear and High Yield Explosives (CBRNE)

ARMY	
1	Army Substance Abuse Program
2	Army Suicide Prevention Program
3	Composite Risk Management
4	Equal Opportunity Program
5	Operational Security (OPSEC)
6	SAEDA
7	Locally Administered Newcomer Training

AIR FORCE	
1	Ethics & Medical-Legal
2	Id Victims Of Abuse
3	Eoc Electrical And Fire Safety
4	Restraints And Seclusion
5	Organ Donation
6	Mock Code Crash Cart
7	Personnel Reliability Program (Prp)
8	Infection Control
9	Patient Safety Risk Management
10	Communication & Teamwork
11	Additional Safety Topics

12	Cultural Diversity
13	Sapr First Responder For Health Care Personnel
14	Adapt
15	Patient & Staff Rights Customer Service
16	Informed Consent
17	Pain Management
18	Process Improvement
19	Sentinel Events
20	Advance Directives
21	End Of Life Care
22	Info Protection, Infosec, Nato Security, Records Mgmt, Privacy Act, Foia, Opsec
23	Human Relations
24	Free Exercise Of Religion
25	Free Exercise Of Religion -Supervisor
26	"Bls Healthcare Provider"
27	Bls Heartsaver Aed
28	Preceptor Training

ENCLOSURE 9

DELIVERY OF GOODS AND SERVICES IN A SUBSEQUENT FISCAL YEAR

1. Training and development expenses must be charged to the fiscal year appropriation in which the obligation is incurred, regardless of the fact that the training dates may extend into the following fiscal year.
2. As a general rule, DHA-funded courses may not be paid using previous year funds. LDD reserves the option to appropriate current fiscal year funds for the cost of a training course which is scheduled to begin in the next fiscal year, when the course meets a bona fide need, and scheduling the date of the course is not flexible and payment is absolutely required prior to the start date of the course.

ENCLOSURE 10

INDIVIDUAL DEVELOPMENT PLAN (IDP)

1. An IDP is a document that specifies an individual's learning and development goals. The IDP is developed jointly by the employee and supervisor. It is a planning document that compiles training, education, and development activities (formal and informal) that address competencies needed to meet career goals. The IDP is intended to:

- a. Identify and assess current and future development needs and related competency areas.
- b. Provide structured learning experiences linked to organizational needs and job requirements.
- c. Establish an agreed-upon list of learning objectives and development activities as part of an individual's career development plan.

2. The IDP is used to set the employee's short range (1–2 years) and long range (3–5 years) goals.

3. Supervisors shall ensure the IDP aligns employee career considerations with the needs of DHA and the performance appraisal process. The overall goal of this alignment is to improve the effectiveness of the organization by improving individual performance.

4. IDPs are not mandatory organization-wide, but are strongly encouraged. IDPs are mandatory for certain specific programs, such as Competitive Programs, acquisition careers, academic degree training, Federal intern programs, and various leadership development programs.

5. Evidence of an IDP is not an automatic approval for training. Training requests (SF182) must still be reviewed and approved in accordance with Enclosure 7 in this DHA AI.

ENCLOSURE 11

CONTINUED SERVICE AGREEMENT AI 43

DHA LDD will require all DHA civilian employees to abide by AI 43, which sets forth the authority, criteria, and responsibilities for implementing and enforcing the DHA CSA.

1. The basic premise and purpose of AI 43 is to:

a. Interpret and apply the GETA, Title 5, United State Code, Section 4108, Reference (j), which gives agency heads authority to determine the conditions for requiring CSAs for training provided. The law states that, before an employee is assigned to training, the employee must agree in writing to continue to serve in the Federal Government for, at minimum, three times the length of the training period. If the employee voluntarily leaves the Federal Government before the agreed upon service period, the agency has the right to recover payment.

b. Actively promote DHA as a responsible guardian of capital resources, while offering the opportunity to pursue world-class educational opportunities to employees in a fair and equitable manner.

2. The AI 43 guidance applies to eligible DHA civilian employees. This CSA policy will apply if the employee separates from DHA before fulfilling their CSA requirements; then that employee will be required to re-pay the cost of the training, full cost or pro-rated amount according to the guidelines below. If the employee fails to continue to serve in the Federal Government for the agreed amount of time, the agency may recover the cost of the training by setoff against accrued pay, compensation, retirement credit, or other monies due the employee. Members of the Uniformed Services are subject to similar requirements but are not covered under this AI.

a. AI 43 states that all training courses lasting longer than 39 hours require a CSA to be signed by the employee. It is DHA's policy that DHA employees must agree in writing before the training begins. If an employee fails to sign a CSA before training begins, the employee can be denied training. Examples of training subject to DHA's CSA policy are listed here, but not limited to: internal and external Leadership Development programs, Senior Executive Service Candidate Development programs, academic degree programs, certification or certificate programs, continuing education unit courses, seminars, conferences, and any other training deemed appropriate for a CSA requirement by the Chief, LDD.

b. The length of the service obligation is determined by the Service Obligation Reference Charts, found on page 8 of the AI 43, and referenced on the next page. Continuing Service obligations are based on the cost of the training, according to the chart. The final decision regarding service obligations in excess of what is stated in the chart will belong to the Chief, LDD.

Cost of training is under \$3,000	Cost of training is \$3,000 to \$7,999	Cost of training is \$8,000 to \$20,000	Cost of training is \$20,001 to \$50,000	Cost of training is over \$50,000
Service Obligation: Minimum of 3 months is required*	Service Obligation: Minimum of 6 months is required*	Service Obligation: Minimum of 12 months is required*	Service Obligation: Minimum 24 months is required*	Service Obligation: Minimum 36 months or more is required*

*The Minimum Service Obligation to the Federal Government cannot be less than three times the length of the training period, calculated based on training duty hours away from DHA; factored by way of the equation: (____ weeks of training times (5) days times (8) hours = ____ training duty hours) x 3 = ____ minimum service obligation to DoD. The greater of the minimums noted shall prevail.

c. In the event the only cost for the training is TDY expenses, or if training duty hours are the sole basis for establishing the service obligation, then the service obligation will be based on actual training duty hours, or time spent in training, which may be different than the actual length of the training period (dates). Subject to this scenario, the service obligation will be based on the chart below:

Training duty hours under 100 hours	Training duty hours between 101 and 240 hours	Training duty hours total over 240 hours
Service Obligation: Minimum of 2 months is required*	Service Obligation: Minimum of 4 months is required*	Service Obligation: Minimum of 6 months is required*

*The Minimum Service Obligation to the Federal Government cannot be less than three times the length of the training period, calculated based on training duty hours away from DHA; factored by way of the equation: (____ weeks of training times (5) days times (8) hours = ____ training duty hours) x 3 = ____ minimum service obligation to DoD. The greater of the minimums noted shall prevail.

d. All service obligations referenced above are calculated using business days or work duty hours, not calendar days.

3. For academic degree programs, the employee's continued service obligation begins after the completion of each semester/quarter. After each completed semester/quarter, the service obligation period is recalculated to reflect extension of obligation. For any single academic course or single online course, the service obligation begins upon completion of the course according to the service obligation chart(s) above. Total semester cost or total course hour cost will be the basis for determining service obligation for academic degree programs/courses, and the minimum service obligation cannot be less than three times the length of the course.

4. Additional details pertaining to AI 43 are available for review, including procedures when an employee separates before completing their service obligation, or when an employee withdraws from a training program. Please review the AI 43, in full on the DHA intranet or contact the LDD Customer Satisfaction Center, 703-681-5360.

ENCLOSURE 12

PROFESSIONAL CERTIFICATION, LICENSING, AND EDUCATION INCENTIVES

1. The National Defense Authorization Act of Fiscal Year 2002, Section 5757, Reference (I), allows agencies to use appropriated funds to pay expenses for civilian employees to obtain professional certifications and licenses.

a. Licensing is the process by which an agency of [federal, state, or local] government grants permission to an individual to engage in a given occupation upon finding that the applicant has attained the minimal degree of competency required to engage in that occupation.

b. Certification is recognition given to individuals who have met predetermined qualifications set by an agency of government, industry, or a profession.

c. Individuals may not request the agency pay for licenses or certifications from organizations that discriminate on the basis of race, color, religion, age, sex, national origin, parental status, or disability.

2. DHA leadership encourages civilian employees to seek continuous professional development and academic achievement, while enhancing individual career development and job performance. DHA encourages employees to pursue opportunities to demonstrate mastery knowledge and skills in various professional fields through a series of industry standards. DHA Directorates/Special Staff Elements or LDD will reimburse expenses related to obtaining or maintaining professional licenses or certifications for civilian employees that meet eligibility requirements. Reimbursement of costs will be made from the DHA central training budget or Directorate/Special Staff Element funds. The employee or supervisor is responsible for ensuring funds are available before committing to payment.

3. DHA will not pay for multiple attempts to obtain certification or licensing. The employee must pursue, at their personal expense, if the certification or licensing is a requirement of their position, and submit an SF-1164 for reimbursement.

ENCLOSURE 13

COLLEGE/UNIVERSITY TUITION ASSISTANCE PROGRAM FOR
INDIVIDUAL COURSES

1. Tuition assistance is available to assist and encourage employees to increase their knowledge, skills, and abilities to meet the performance expectations of their job and/or the mission. All requests for tuition assistance must be approved prior to the beginning of the course and are subject to the same constraints and regulations as any other training in a non-government facility. The following procedures apply:

a. Employees who wish to receive funding from DHA to pursue or obtain a degree from a college or university must apply through the annual DHA Competitive Programs opportunity during the open application window for one of the Competitive Education Program (CEP) opportunities. Applications for the Competitive Education Program opportunities must be submitted as part of a candidate's application package along with all required documents, and will be evaluated by the SCB. Selectees are chosen based on funding availability, vendor seats availability, and merit according to specified selection criterion. Selectees approved by the SCB are expected to attend college courses beginning in the subsequent fiscal year. Selectees approved for the CEP will utilize funding from the DHA Central Training budget.

b. If an employee misses the annual window of opportunity to apply for Competitive Programs, they must wait until the next year's Competitive Programs to submit an application (generally in the March-May timeframe for the subsequent fiscal year).

c. Employees may also apply for the Competitive Programs, Competitive Education Program Tuition Assistance Program (TAP) which pays up to \$3000 in a fiscal year. Applicants selected by the Competitive Programs Senior Champions' Board must submit an SF182 per course up to the limit of \$3,000 per fiscal year, subject to funding availability. Payment is for an individual college or university course which is specifically considered job-related.

d. Directorate Heads/Special Staff Element Leaders and supervisors are responsible for encouraging employees to apply through the DHA Competitive Program. If an employee is seeking a degree and will be using DHA funding, they must apply to the CEP and be selected by the SCB. Supervisors are responsible for enforcing the requirement for employees to apply to the CEP instead of spending directorate funding. Employees cannot participate in both the CEP and the CEP-TAP simultaneously. If an employee has applied to the DHA Competitive Programs, for the CEP opportunity, and not been selected by the Senior Champions' Board, only then can the employee seek approval from their Directorate/Special Staff Element to utilize

funding from the Directorate's/Special Staff Element's line of accounting, adhering to the SF182 process in Enclosure 7. Upon funding approval by Office of the Comptroller, LDD will provide the employee and supervisor with the training approval letter confirming registration and payment of course, and request a DHA Continued Service Agreement from the employee.

e. Employees must submit an approved SF182, "Request, Authorization, Agreement and Certification of Training" a minimum of 30 days prior to course registration. Applicants must annotate "Tuition Assistance Program" in the objectives section of the SF182. Classes must be listed on employee's IDP.

f. All participating employees agree to adjust hours of work to assure that a full 40 hours are accomplished each week." This statement must be initialed by the employee and approved by the supervisor. Employees are prohibited from receiving administrative leave for any part of the time they spend in educational courses. Supervisors may adjust work schedules for those courses which occur during work hours.

g. TAP is subject to the availability of funds in the DHA Central Training budget (if selected for DHA Competitive Programs) or in the Directorate's/Special Staff Element's own budget, as determined and approved by Office of the Comptroller.

2. DHA, LDD, and Office of the Comptroller will not approve funding for the following academic fees:

- a. Degree-related fees (typing or reproducing a thesis, transcript fees, etc.).
- b. Placement tests (unless required for an agency-funded course).
- c. Tests to obtain academic credit in lieu of a course.
- d. Courses required for a degree, but are not related to the employee's job or the agency's mission (art, music, physical education, etc.).
- e. Registration for thesis or research projects that do not directly benefit the agency.
- f. Tuition for degree programs associated with non-credit programs.
- g. Seminars required for off-campus degree programs that are not job related.
- h. Degree training from colleges or universities that are not accredited.

3. Post-attendance tuition reimbursement is not available at DHA. Requests for tuition reimbursement related to the TAP are generally not allowed and would only be considered on a case-by-case basis.

ENCLOSURE 14

FELLOWSHIPS, SCHOLARSHIPS, TRAINING WITH INDUSTRY, AND GRANTS FOR
DEPARTMENT OF DEFENSE PERSONNEL

1. Reference (m), establishes policy and assigns responsibilities under which DoD personnel may accept fellowships, scholarships, training with industry (TWI) opportunities, or grants from corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes.

According to this AI:

a. It is DoD's policy, references (n) and (d) that programs shall be established for DoD personnel to participate in fellowships, scholarships, and grants. The intent of the Department's establishment of, and subsequent participation in, these programs is to fulfill a present need, anticipated requirement, or future capability that contributes to the effectiveness of the respective Military Department and DoD.

b.. The DoD Legislative Fellowship Program provides an opportunity for military and civilian personnel of the Department to learn the operative process of the Legislative Branch of Government.

c. The DoD Components may establish TWI programs for military and civilian personnel to provide training and/or development of skills in private sector procedures and practices not available through existing military or advanced civilian education programs or other established training and education programs.

2. The DHA CSA (AI 43) may be required and enforced, see Enclosure 11.

ENCLOSURE 15

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

1. DHA will NOT pay for or reimburse individual membership(s) in professional organizations (such as Project Management Professional, or Professional Human Resources, or Certified Public Accountant), unless it is included in the fee to attend a conference, and the conference fee cannot be reduced by the cost of the individual membership.
2. DHA may reimburse its attorneys if a paid membership in the bar association is necessary to maintain a license to practice law.

ENCLOSURE 16

RETRAINING AND OUTPLACEMENT ASSISTANCE

1. DHA will abide by and provide support for DoD Instruction 1400.25, Volume 1703, subject title: "DoD Civilian Personnel Management System: Retraining and Outplacement Assistance," reference (o) which specifies adherence to the U.S. Department of Labor's Public Law 105-220 Workforce Investment Act, reference (p) commonly known as the "WIA".
2. DHA LDD will partner with HRD to provide assistance, as necessary for eligible DHA employees that HRD has identified as facing displacement and require re-training and readjustment assistance.

ENCLOSURE 17

TRAINING OF NON-GOVERNMENT EMPLOYEES

1. DHA will not pay any professional development costs of contractors, unless specifically cited in the contract. Contractors are selected for their expertise in a subject area, therefore contractors may only be trained in skills they are not required to bring to the job.
2. In addition, contractors may be trained in rules, practices, procedures, and/or systems that are unique to the employing agency and essential to the performance of the contractor's assigned duties, such as agency-specific computer security requirements.
3. However, the authority for training of contractors is not in training law. It is in the authority to administer contracts. Any training of contractors is subject to the decision of the COR.

ENCLOSURE 18

TRAINING NEEDS ASSESSMENTS

1. DHA LDD will evaluate overall Agency professional development programs on an annual basis. The annual training plan will summarize immediate and long-range professional development needs, identify the priorities for training, and interpret previous results for planning purposes.
2. Organizational, occupational, and individual professional development needs shall be reviewed at least annually by respective leadership.
3. The Chief, LDD will specify, in writing, dates for developing the annual training plan, deadlines for submitting consolidated development plans, and appropriate procedures for collecting data.
4. As a result of the data collected, the LDD team will create the annual Agency training program, course catalog and the monthly training schedules.

ENCLOSURE 19

SENIOR CHAMPIONS' BOARD CHARTER AND COMPETITIVE PROGRAMS

1. PURPOSE. The Defense Health Agency (DHA) Senior Champions' Selection Board was established under TRICARE Management Activity (TMA) on 4 January 2011 as a formal committee to nominate and select employees for Competitive Programs under the direction of the Director, DHA. DHA Administration and Management, Learning and Development Division, will announce the Competitive Program opportunities to include long term training, accredited institution courses and degree programs, external vendor classes, and internal training programs. These opportunities will be shared with the organization as a whole. Employees may self-elect with their supervisor's approval, or be nominated by their supervisors. If there is more than one nominee from a branch the individuals will need to be ranked in order of recommendation by the senior leader for that office for review by the Senior Champions' Selection Board. The candidate(s) will be selected depending on the amount of seats and/or funding available for the particular program.

2. SCOPE OF ACTIVITY. The Senior Champions' Selection Board provides their recommended candidates to the DHA, Director on the basis of promoting professional development of the DHA workforce and to demonstrate active involvement in promoting career training opportunities.

As part of the selection process:

- a. Board members will consider each candidate's resume, professional background, academic discipline and if applicable, grade point average.
- b. Board members will evaluate work experience, accomplishments, adaptability, character, leadership ability, potential for future growth and other recommendations.
- c. Board members will use a criteria-ranking sheet for all nominees; following written instructions, and guidance as set out in this charter and updates to responsibilities.
- d. Required documentation may vary according to program being offered, i.e. justifications, transcripts, performance appraisals, original documents and/or number of copies may be requested. However the minimum required documents for each application package include a completed application specific to the program, completed SF182, updated individual development plan, signed Continued Service Agreement, signed Directorate Approval form, Supervisor Justification form and a current resume. The information may not be modified,

withdrawn, or supplemented after confirmed receipt of the application package, unless otherwise warranted by the Director, Defense Health Agency.

e. To ensure fairness in the selection process, no single factor leads to an individual's selection or non-selection. Each candidate will be awarded points for each criterion within the ranking factors and tallied for an overall calculation.

2. **MEMBERSHIP:** The selection board consists of four DHA Senior Executives, Flag-level officers and Senior Level Managers as appointed, in writing by the Director, DHA. The SES or Flag-level officers will have the authority to appoint alternates to serve in instances whereas board members are absent or not available.

CHAMPION BOARD MEMBERS:

Directorate Head or Delegated Officer (Permanent Appointment)	Chair Chief, Administration and Management Division (Permanent Appointment)	Regional Director (ex. TRO Director) (Annual Appointment)	DHA Directorate Chief Level (Annual Appointment)
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3. CRITERIA FOR NEW BOARD MEMBERS:

The Senior Champions' board will evaluate proposed new members against the following criteria:

- Proven leadership ability;
- Previous experience serving on committees or boards (either internal to DHA or external);
- Diversity, including but not limited to gender, ethnicity, race, age, disabilities and geography;
- Current or prior executive, officer, director, or chief level experience;
- Community and/or health care experience.

4. **MEETINGS:** Two to three SCB meetings will be held each year and will require Board Member attendance in person or through VTC. The meetings may include Special Board Meetings, Individual Board Member Briefings, and Selection Panel Board Meeting typically held after the application window closes. The Board shall convene to consider all candidates on the nomination list and rank each and discuss major discrepancies (e.g. scores, eligibility, differences in range or points, etc.) Meetings will be coordinated and scheduled by DHA Learning and Development Division (LDD). All materials, instructions, applications, and agenda items will be gathered for the board at the time of meeting by LDD. The LDD will serve as advisors to the Senior Champions' Board.

5. RESPONSIBILITIES:

The Members on the Senior Champions' Board will be responsible for the following:

- Ensuring that the training program contributes to the organization's mission and is aligned with the Agency's strategies.
- Encouraging DHA employees to participate in the competitive programs and long term training opportunities.
- Budget for and manage financial resources to support centralized training.
- Resolving issues internally with the guidance of appointed chairperson.
- Responding to candidate of selection or non-selection within six to eight weeks after submitting the nomination application.
- Ensuring that all employees receive fair and equitable treatment in all aspects of the competitive selection process for training and career development opportunities is made without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disabled condition, and with proper regard for their privacy and constitutional rights as provided by the merit system principles.

Approved/Date

John Morse
Chief, Administration & Management Division
Defense Health Agency

ENCLOSURE 20

DHA COMPETITIVE PROGRAMS POLICY AND PROCEDURES

1. POLICY.

This policy establishes the authority for the DHA Senior Champions' Board as the selection authority for centrally funded and non-centrally funded short-term and long-term training programs. This policy version supersedes any previous guidance.

2. PROCEDURES.

a. DHA Senior Executives, Flag-level officers and Directorate Heads/Special Staff Element Leaders will be designated by the Director, DHA, as Senior Champions' to serve on the Board. The Board will be responsible for selecting and approving candidates for the DHA Competitive Programs (e.g. CDP and CEP) in accordance with the Senior Champions' Board Charter.

b. The Learning and Development Division will serve as advisors to the Senior Champions' Board.

c. Objectives:

(1) Meet long-term leadership needs for the DHA workforce.

(2) Prepare high potential employees for increased responsibility and leadership.

(3) Ensure fair selection of the right person at the right time for the right training.

(4) Ensure that all employees receive fair and equitable treatment in all aspects of the competitive selection process, and that selections are made without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disabled condition and with proper regard for merit system principles.

d. Operating Guidelines – Competitive Opportunities:

(1) DHA LDD will manage the competitive programs and announce these opportunities to workforce. Long term and short term training program descriptions and requirements will be distributed through various communication channels and briefings.

(2) Employees must submit applications and any supporting documents through their supervisors and Directorate Heads/Special Staff Element Leaders (or delegate) to LDD by established due dates.

(3) To be considered by the Senior Champions' Board, applicants must be recommended by their supervisors and Directorate Heads/Special Staff Element Leader (or delegate) for selection.

(4) Directorate Heads/Special Staff Element Leaders are asked to encourage their eligible employees to compete when programs are announced DHA-wide.

e. Competitive Selection Process:

(1) LDD will arrange a Champions' Board selection session to review applications and finalize selections after application window closes and applications to the programs have been received.

(2) LDD will forward application packages to Senior Champions' Board members prior to the scheduled selection session as read-ahead material to rate and rank using the Criteria Rating and Ranking Form. Read-ahead material will include, but is not limited to:

(a) Candidate's application package, list of candidates and details about each of the programs (i.e. CDP, CEP, OSD-Long Term Training).

(b) Candidate ranking in order based on Senior Leaders' rating, if provided.

(3) Senior Champions' Board may nominate additional candidates if slots are available.

(4) The Senior Champions' Board will review each nomination package and make selections based on the following criteria:

(a) Ranking of applicants and supporting documentation.

(b) Knowledge of applicant's skills, knowledge, abilities.

(c) Performance Rating of 3 (Acceptable Performance) or above for the two (2) most recent rating periods.

(d) Competitive Programs Rating and Ranking form

(e) Evaluation of the candidate's previous participation in the Competitive Programs opportunity. (Candidates may apply for more than one program in a fiscal year, but may not be selected for more than one program per year).

(5) LDD will obtain the approval of the Director, DHA of the final candidates, and then provide notification letters to all candidates notifying them of their selected or non-selected status. These letters will also be copied by email to the candidate's immediate supervisor.

ENCLOSURE 21

DHA COMPETITIVE TRAINING PROGRAMS DESCRIPTIONS (CDP/CEP)

DHA Competitive Programs consist of short-term and long-term training programs. Long-Term Training refers to programs/courses of 120 consecutive work days or more and may be used to develop managerial and professional staff. Special long-term assignments and other professional development opportunities may be proposed for extended study, research, or development. A Continued Service Agreement shall be required for all training programs lasting more than 39 hours. The proposed study or research program must have a direct relationship to the duties the employee is expected to perform.

1. Competitive Program Selection Criteria:

a. Candidate selection will be based on the quality and merit of the individual's application and supervisor/manager recommendation according to the following criteria:

(1) Applicant's performance, professional goals, and career potential for leadership roles in DHA and DoD.

(2) Applicant's ability to successfully manage a highly rigorous leadership development program.

(3) Organization requirements and/or a strategy for the employee to apply the training and experience to DHA and DoD work environment.

(4) Supervisor/Manager endorsements citing the applicant's potential for success and the leadership and organizational benefits.

b. Tuition is paid by DHA's central training funds (for CDP and CEP opportunities) or the Department of Defense (for OSD opportunities). Effective starting FY15, TDY and travel related costs will also be covered by the DHA central training fund. The employee's Directorate/Special Staff Element will be responsible for providing any needed staff support due to candidate absence during CDP and CEP.

2. DHA Competitive Development Program (CDP). The DHA CDP is a cadre of nationally prominent developmental programs. DHA offers the CDP programs competitively to high performing civilian and military personnel. These programs broaden and enhance leadership skills through advanced academic courses, focused training, and challenging developmental assignments. Information about the individual programs will be announced throughout the year. These programs may include the following components:

a. Intensive offsite training and development

b. Career broadening rotational assignments

c. Component/career specific development programs

d. Mentoring programs

e. Minimum eligibility requirements for candidates of Competitive Programs training:
Employee:

(1) Must demonstrate acceptable or exceptional performance in their duties, and exhibit intellectual maturity and leadership abilities;

(2) Must be a permanent employee, with a minimum of 1 year of Federal service, at the time of application.

f. An employee who normally works 40 hours a week and who is assigned for full-time study is considered to be on training duty for 40 hours each week during the academic study period, including any academic recess periods, providing the student devotes these recesses to study and research in support of the full-time study program. Employees selected for these programs will be regarded as on training duty until the classes and/or tests end, except that additional time will be allowed for authorized travel when required. If an employee takes time off from schoolwork, or is absent because of sickness, the employee must report this time off to his or her directorate as leave. Employees are advised to limit annual leave to periods of academic recess.

g. Some CDP programs require a secondary board review, and attendance is contingent upon the individual being approved by the sponsoring institution. Selected candidates may be asked at a later date to provide additional information and documentation according to the requirements of the specific program.

3. DHA Competitive Education Program (CEP). DHA CEP consists of two opportunities: \$20,000 toward a Graduate (includes Masters and Ph.D.) or Undergraduate course of study; or \$3000 in tuition assistance (TAP) toward one or two classes in a fiscal year. The DHA CEP and DHA CEP-TAP provide DHA civilians an opportunity to pursue focused academic study, to improve technical and business knowledge in a competitive work environment, and to foster professionalism. DHA CEP, and CEP-TAP is open to full-time permanent DHA civilian employees. An applicant must have one year of Federal service to be eligible. Selection in DHA CEP is contingent on acceptance by the academic institution; applicants must provide a copy of their acceptance letter in their application package, or if not available at the time of application, to LDD with their updated SF182 prior to the start of class.

The DHA CEP tuition cap for an undergraduate study program is \$20,000 over a 4-year period, to be used within 4 years. This includes costs for tuition and textbooks. The tuition cap for the Graduate Program (includes Ph.D.) is a maximum of \$20,000 over a 3-year period, to be used within 3 years. This includes costs for tuition, textbooks, research, and thesis/ dissertation credits. The course of study must be in support of the candidate's directorate's mission and goals and/or the DHA's mission. TDY expenses are not expected to be incurred with CEP, however if travel expenses are expected, the selected applicant will submit an SF182 with travel expenses noted for payment from the DHA Central Training budget.

Candidates are highly encouraged to apply to local or state universities to maximize tuition discount benefits. Candidates should make every effort to select a study program which can be attended during non-duty hours (evening classes, or distance learning). Study programs which are most likely to be considered by the Board for selection are those regarded as being in support of the Directorate/Special Staff Element or Agency mission; the most beneficial study programs would be in the realm of Health Administration, Health Services, Information Technology, Acquisition Management, Business Administration, Program Management, and Human Resources Management.

ENCLOSURE 22

COMPETITIVE PROGRAMS
CANDIDATE APPLICATION RATING AND RANKING FORM

CANDIDATE'S NAME: _____ DATE: _____

Evaluation Criteria	Supporting Documentation	Package Complete	POINT VALVE
Career History	Resume		
Recommendations by Authority	Recommendation Letters Letters of Recognition		
Professional/Training/Education	Resume Certificates Performance Appraisal		
Honorary Awards	Certificates Achievements/Accomplishments Letter of Recognition		
Civic/Community Recognition	Certificates Letter of Recognition		
Applicant executive potential	Endorsements Narrative Justification		
Does applicant's requested training benefit the division/directorate/DHA mission?	Supervisor Justification Applicant Application Essay		LOW MEDIUM HIGH
CEP ONLY: Former Educational Performance, if applicable	Transcripts Honor Societies Dean's List		
Overall Assessment of Application	Overall Record Continued Service Agreement		

TOTAL _____

NOTE: The Senior Board Panel members have the discretion to make nomination decisions based on review of the candidate in general and their entire resume, and are not necessarily limited to the examples provided herein, or time limits dictated (i.e. three years for awards).

CANDIDATE RATING CRITERIA

Career History (25 pts max): Type and level of work experiences as demonstration of technical and professional competencies.

Superior (25 pts): Work experiences demonstrate breadth and depth of experience through significant technical and managerial experiences external and internal to immediate organization; Work experiences in several occupational disciplines/series which include experience in private industry/civic groups.

Very Good (15 pts): Demonstrates limited work experience outside immediate organization; Work experiences in at least 2 different disciplines/series to include private industry.

Acceptable (10 pts): Work experiences limited to immediate organization; Work experience limited to one occupational discipline/series.

Recommendations by Authority (25 pts max): Type and level of work experiences as demonstration of technical and professional competencies.

Superior (25 pts): Recommendations are exceptional and from a diverse range of authority.

Very Good (15 pts): Recommendations are noted as “above average”, from multiple organizations and are from supervisory level authority.

Acceptable (10 pts): Recommendations are good, limited to immediate organization and are from peers and/or current supervisor.

Professional/Certifications, Training, and Education (13 pts max): Level of academic achievement and professional development (i.e. Society for Human Resource Management (SHRM), Certified Government Financial Manager (CGFM), etc.).

Superior (13 pts): Masters or above academic study and/or equivalency; academic honors; awards outside Activity (include civic, community awards); recent significant mission-related training courses within the last 2 years or professional certification

Very Good (10 pts): Bachelor’s Degree or advanced graduate level course work; outstanding or valued employee performance ratings; mission-related training courses within the last 3 years or completed all professional coursework or study for a related professional certification.

Acceptable (7 pts): Associate Degree or advanced undergraduate course work; evidence of commendation awards; mission-related training within the last 5 years.

Awards: (5 pts max): Special awards received within the last three years (e.g. Civilian Meritorious Awards).

Superior (5 pts): Certificates and/or letters of special achievements. Activity and/or Civilian awards, recognition.

Very Good (3 pts): Certificates and/or letters of special achievements for directorate and/or team award (i.e. special projects, etc.)

Acceptable (2 pts): Certificates and/or letters of special achievements for individual/special act award.

Civic/Community Recognition: (5 pts max): Honorary Awards received outside the Activity and community involvement/recognition (e.g. Participation in Mentoring, Coaching, and Outreach Programs).

Superior (5 pts): Certificate and/or letter of appreciation from external government agencies, organizations and programs within the last three years.

Very Good (3 pts): Certificate and/or letter of appreciation on from external private organizations and businesses within the last three years.

Acceptable (2 pts): Recognition from community organizations within the last three years.

Applicant Executive Potential (12 pts max): Assessment of leadership potential, ability to make major contributions in a leadership capacity to Component and DoD.

Superior (12 pts): Demonstrates superior ability in leading people, change, results driven, business acumen, and building coalitions and communication. Seeks to develop leadership in others by coaching or mentoring; sought out by senior Component or DoD management to lead cross-functional or multi-disciplinary task forces, working groups, focus groups, panel discussions; takes leadership role in professional organizations; reviews policy proposals; invited to edit articles for government, industry or academic publications; organizes/coordinates conferences, seminars; strong support of applicants qualifications and leadership capabilities from immediate superior and/or Directorate.

Very Good (9 pts): Demonstrates excellence in at least three of the executive core qualifications. Participates in task forces, working groups, focus groups, and panel discussions; actively participates in professional organizations; develops policy proposals; contributes articles to government, industry or academic publications; sets standard for others; promotes team spirit; keen interest in learning;

Acceptable (8 pts): Demonstrates superior ability in less than three of the executive core qualifications.

Does applicant's requested training benefit the division/ directorate/DHA mission?

HIGH: DoD/DHA will benefit significantly from experiences of individual upon completion of program.

MEDIUM: DoD/DHA/Directorate/Division may benefit at a basic level from experiences of individual upon completion of program.

LOW: DoD/DHA/Directorate/Division will receive low or no benefit from individual's participation in or completion of program.

Continuing Education Program ONLY (10 pts max): Assessment of previous educational performance, whether a continuation of school attendance, or former attendance. May include transcripts, Dean's List distinction, Honor Society/Fraternity/Sorority membership, letters from professors or other academic authority, etc.

Overall Assessment of Application (15 pts max):

Superior (15 pts): Careful attention to detail. Clear articulation of long-term goals and aspirations; Overall record indicates high level of leadership potential; Significant technical/managerial work experiences.

Very Good (10 pts): Goals short-term; Overall record indicates moderate potential for leadership positions.

Acceptable (5 pt): Goals not clearly articulated; Overall record indicates little potential for leadership positions.

ENCLOSURE 23

DHA COMPETITIVE PROGRAMS FREQUENTLY ASKED QUESTIONS

1. Who is eligible to participate in the Competitive Programs?

Employees may apply for programs competitively after one year of Federal service. Permanent, full-time DHA civilian employees are eligible to apply to the Competitive Programs. New DHA personnel transitioned from the Services (Army, Navy, Air Force) are also eligible to apply for these FY15 opportunities, provided they have one year federal service.

Military personnel assigned/detailed to DHA, PHS Officers and equivalent may submit applications for consideration in Competitive Development programs (CDP) which are UNDER two weeks in duration, or those programs specifically offered to military personnel. Military personnel assigned to DHA, PHS Officers, and equivalent, are not permitted to apply for the Competitive Education Program (CEP). A DHA Continued Service Agreement (CSA) will be required and enforced. Professional development restrictions apply to the following employees: contractors and temporary employees are not permitted to apply.

2. Are student employees eligible to participate in the Competitive Program opportunity?

No. Students who are in STEP programs and regular temp employees are not permitted to participate in the Competitive Programs opportunity. However, employees in the SCEP and regular interns are eligible to participate in the Competitive programs.

3. Are part-time employees eligible to participate in the Competitive Program opportunity?

No. Training opportunities are permissible for full-time DHA civilian employees, only.

4. Are there any restrictions for attended training in a non-government facility?

No. Training opportunities can be attended away from the job site on a full-time basis for an extended period, as determined by the approved training program. It may be conducted in a Government or non-Government facility. DHA places trust in all selected participants to represent their agency and profession admirably when interacting with external organizations.

5. Are the Competitive Programs (CEP and CDP) open to DHA civilian employees at field locations?

Yes, the Competitive Programs are open for applications from all permanent, full-time DHA civilian employees including those at any DHA field location. Military personnel assigned/detailed to DHA, PHS Officers and equivalent may submit applications for consideration in Competitive Development Programs (CDP) which are UNDER two weeks in duration, or those programs specifically offered to military personnel. However military personnel assigned to DHA, PHS Officers and equivalent are not permitted to apply for the Competitive Education Program (CEP).

6. Will there be any briefing sessions outlining the details of the Competitive Programs opportunity?

Yes, the Learning and Development division (LDD) conducts open briefing sessions in the Spring each year. Details will be shared in flyer announcements distributed through DHA Admin.

7. Where can I find the program details for each individual program?

Information on where you can access application materials for all the Competitive Programs will be communicated in open briefings held in the Spring each year.

8. Is there any way to obtain program details other than online?

Yes. Employees are encouraged to attend one of the nine briefings in person or via DCO.

9. On the SF 182 in Section B, box 1A what do we put for the name and mailing address of the training vendor? Should I use the address the vendor lists on their website?

Yes, please use the appropriate vendor address for the training/seminar you will attend. You may need to access the vendor's website for specific details.

For example, if the employee is attending the Executive Leadership Program, list the Graduate School's contact information, as shown below.

Executive Leadership Program, Center for Leadership and Management Graduate School 600 Maryland Avenue, SW, Suite 330 Washington, DC 20024-2520 Phone: (202) 314-3580
--

10. How do I determine the service requirement for the Continuing Service Agreement (CSA)?

Please review the DHA CSA AI 43. Length of service is determined by the cost of the program, or at minimum, 3x the length of training, whichever is greater. See page 6 of the CSA AI43. You and your supervisor will need to sign the DHA CSA form, which is located with the course/program application material.

11. On the SF182, and also on the applications, there is a field for the Program Coordinator. Whose name should I put in this section – i.e. training coordinator or supervisor?

List the DHA Learning and Development Division program coordinator in this field, NOT your supervisor's name. Contact the LDD Customer Satisfaction Center at 703-681-5360 to obtain the name of the current program coordinator to populate in Part C of the application. This information will be provided when the application window opens each year.

12. Is the Competitive Programs opportunity for civilians ONLY or can military apply also?

Some Competitive Programs are targeted specifically for military (such as OSD's Seminar XXI) and DHA military employees are encouraged to apply for these specifically targeted programs. In general, Competitive Programs are open for applications from all permanent, full-time DHA civilian employees. Military personnel assigned/detailed to DHA, PHS Officers and equivalent may submit applications for consideration in Competitive Development Programs (CDP) which are UNDER two weeks in duration, or those programs specifically offered to military personnel. However military personnel assigned to DHA, PHS Officers and equivalent are not permitted to apply for the Competitive Education Program (CEP).

13. What items should be answered in sections B & C of the SF182 form?

Section B - everything needs to be answered – i.e. 1a through 1d, 2a, 2b if applicable, 3 through 17, and Section C – 1a & c & 6. See the example SF182 for guidance, which can be found in the About Competitive Programs-WHAT YOU NEED TO KNOW folder on the Intranet (see question 7 for directions).

14. Can an employee be reimbursed if his/her school doesn't accept a government credit card? If so, what's the process?

Only if the organization does not accept an official government credit card, then the employee can pay with his/her personal check and apply for reimbursement using SF-1164. In general, employees cannot be reimbursed for payments made by the employee for Competitive Program courses or expenses.

15. Has senior leadership been briefed on the Competitive Programs opportunity? Yes. The Front Office and the Director of DHA, is briefed on the program annually, and provides approval of the selected candidates.

16. If an employee has to attend a Residency for school, can the employee use his/her RDO days to attend Residency for school?

When an employee attends training, he/ she removed from a compressed work schedule and put on a 5 days a week schedule Monday - Friday.

17. Do the Federal benefits still apply when an employee participates in the Competitive Program?

Yes. All Federal employees will continue to receive their regular benefits and accrue their annual leave.

18. Who pays for the expenses to travel to these vendors if required by the program, such as per diem, mileage, airfare and hotel?

While funding from the DHA Central Training line of accounting (LOA) pays for the tuition charged by the educational vendor, a separate line of accounting has been established by the DHA Office of the Comptroller to cover reasonable TDY expenses.

19. Can I pursue a Graduate Certificate through the Competitive Education Program? As part of that course of study, will Pass/Fail grades be acceptable?

DHA Employees wishing to pursue a Graduate Certificate program through an accredited university may submit their application for consideration in the CEP opportunity. Provided the Board approves the candidate's application to attend, then the DHA Employee may draw funds up to \$20,000 over three years or less to complete the Graduate Certificate. The student must receive a grade of Pass in order to continue receiving funding from the CEP.

20. Do I need to submit the whole SF182 with my application package?

No. Please complete and submit pages 1-2 only. The DHA Continued Service Agreement form replaces page 3-5 of the SF182. Also do not print or forward the additional pages with codes and instruction.

GLOSSARY

PART 1. ABBREVIATIONS AND ACRONYMS

AI	Administrative Instruction
A&MD	Administration & Management Division
CAC	Government-issued access card
CAE	Component Acquisition Executive
CEP	Competitive Education Program
CDP	Competitive Development Program
CFO	Chief Functional Officer
COR	Contracting Officer Representative
CSA	Continuing Service Agreement
CSC	Customer Satisfaction Center (part of LDD)
CTIP	Combatting Trafficking in Persons training
DAU	Defense Acquisition University
DAWIA	Defense Acquisition Workforce Improvement Act
DCO	Defense Connect Online
DHA	Defense Health Agency
DHHQ	Defense Health Headquarters
DoD	Department of Defense
DTS	Defense Travel System
EEO	Equal Employment Opportunity or Office
GETA	Government Employees Training Act
GS	General Schedule
HRD	Human Resources Division
HR	Human Resources Division
IDP	Individual Development Plan
FAR	Federal Acquisition Regulation
FOD	Finance Operations Division (also OFFICE OF THE COMPTROLLER)
FY	Fiscal Year
LDD	Learning and Development Division
LTT	Long Term Training
MTDB	Mandatory Training Database
NCR	National Capital Region

OFFICE OF THE COMPTROLLER Office of the Chief Financial Officer

OGC	Office of General Counsel
OSD	Office of the Secretary of Defense
PHI	Protected Health Information
PII	Personally Identifiable Information
PHS	Public Health Service
PRL	Procurement Requisition for Miscellaneous Documents
SCB	Senior Champions' Board
SES	Senior Executive Service
SF	Standard Form
TAL	Training Approval Letter
TAP	Tuition Assistance Program
TCD	Training and Career Development Division (now LDD)
TDY	Temporary Tour of Duty
TMA	TRICARE Management Activity
TRO	TRICARE Regional Office
VTC	Video Teleconference
WIA	Workforce Investment Act

PART II. DEFINITIONS

Career Development: Activities that develop knowledge, skills, and abilities to meet the strategic needs of DHA.

Career Management Program: Systematic competency-based approach to manage workforce training and development; utilizes sub-specialty competencies: functional, professional, and leadership.

Centrally Funded: a limited amount of funds provided by Office of the Comptroller to LDD to assist with the cost of long-term training and the DHA Competitive Programs, as well as other training resources deemed necessary to provide professional development of DHA employees.

Centrally-Funded Electronic Learning: Training conducted using technology and consists of several methods, including Internet or Web-based modules, compact disc, DVD, video teleconferencing, and satellite television.

Claim for Reimbursement for Expenditure on Official Business (SF-164): Form used for filing claims for reimbursement for official business and expenditures.

Continued Service Agreement: For training that exceeds 39 hours, employees must sign and abide by the service agreement interval dictated in AI 43, DHA Continued Service Agreement.

Course Registration Form (DHA Form 6): Training request form used for no-cost on-site courses; to be used when the online LDD Connect registration option is not available or accessible.

Education: Developmental activities and courses that are designed to improve the overall competence of the employee.

Employee/Professional Development: The process of employee growth through planned activities; Director, DHA, serves in an advisory capacity and ultimately approves all human capital strategies and initiatives.

Individual Development Plan (IDP): Tool used by supervisor and employee to chart an employee's training and development over a specified period, usually the performance year and up to 5 years out. Establishes opportunity to determine, discuss, and mutually understand the employee's career goals and interests and how they fit in with the Agency's goals and the Career Management Program. An IDP is not required for all employees; however, IDPs are strongly encouraged throughout the organization. IDPs are mandatory for certain programs such as applying to the DHA Competitive Programs. Training identified may be formal classroom instruction, informal on-the-job training, developmental work assignments, rotational assignments, or work experience assignments.

Long-term Training: Training and education attended away from the job site on a full-time basis for an extended period of more than 120 days. It may be conducted in a Government or non-Government facility, or as a rotational assignment.

Failure to Satisfactorily Complete Training: In the event an employee fails to adequately complete training or fails to provide sufficient notice of withdrawal, a penalty may be assessed for the employee to pay up to the full cost of the training and related expenses.

Authorization, Agreement, and Certification of Training (SF182)-Group Training: Form used when two or more employees from the same command are attending the same training event; (or when an individual is taking one class/course/program and funding needs to be authorized, see next definition). An official DoD form which is used to obligate funds for an individual event or planned series of the same training event, activity, service, or course material that is publicly available; off-the-shelf; does not exceed \$25,000 per fiscal year; and requires no more than minor modification(s) to meet Agency requirements. Form must be completed with the correct accounting code designating where the obligated funds will be drawn from.

Authorization, Agreement, and Certification of Training (SF182)-Individual Training: Form used when an individual is taking one class/course/program and funding needs to be authorized, see next definition). An official DoD form which is used to obligate funds for an individual event or planned series of the same training event, activity, service, or course material that is publicly available; off-the-shelf; does not exceed \$25,000 per fiscal year; and

requires no more than minor modification(s) to meet Agency requirements. Form must be completed with the correct accounting code designating where the obligated funds will be drawn from.

Re-training: Activities provided to an employee to address obsolete skills in the current position or designed to equip an individual with knowledge and skills leading to another occupation or position.

Self-Development: The process of growth through self-planned activities that increase the employee's competence. These efforts are primarily paid for and undertaken by employees on their own time to become more proficient in their career field or better qualified for advancement in a new field.

Training: A program of learning experiences designed to improve job performance through achievement of specific learning objectives.