



Defense Health Agency

Notification and Federal Employee Antidiscrimination and Retaliation Act (NoFEAR)

Fiscal Year 2018 Report

**Fiscal Year 2018 Notification and
Federal Employee Antidiscrimination
and Retaliation Act of 2002 2018
Annual Report**

Cost Reporting Template

A 12/27/2010 Secretary of Defense memorandum directed that all congressional reports have a cost sticker affixed to the front cover/page before delivery to Congress. The Cost Assessment and Program Evaluation (CAPE) Office is executing this requirement and has strict requirements for the cost data that must be collected for each Congressional report. The below template should *only* include the costs associated with *writing and directly producing the report*, from initiation to signature.

Directions for completing the template:

- 1.) CAPE requires costs for contract support, government manpower and government travel, which have been broken out into three sections below.
- 2.) The dates listed above each Section are *approximate dates* for which your Service was working on the Annual Report.
- 3.) Section 1: Please enter the contract number and costs in the yellow boxes on Lines 8 and 9. If multiple contracts were used to support this effort, please include all contracts/contract numbers/costs.
- 4.) Section 2: Please enter the requested information for all government employees supporting the report in Lines 11-14.
 - Line 11: Enter military grade or civilian GS-equivalent. If additional columns are needed, please add as necessary.
 - Line 12: Designate whether the employee's role was Study Activity (prepared non-oversight activities in preparation of the report) or Oversight (provided supervision in preparation of the report)
 - Line 13: Using one word, describe the type of activity performed by the employee (e.g. analysis, oversight)
 - Line 14: Enter the number of man-hours associated with the activity/oversight. The total of all man hours will automatically populate in the Total cell.
 - Note: If four GS-14's conducted the same role and activity, please include only one column for GS-14 with the total hours for all four individuals in the Man Hours cell.
- 5.) Section 3: Please enter travel destination and costs required to support the report in Lines 16 and 17.
 - Line 16: Enter destination of travel
 - Line 17: Enter total cost of travel

		2018 Annual Report efforts			
Section 1: Contract Support	Contract/Task Order #	NA			
	Contract cost spent on the Annual Report	NA			
		FY 2018 (1 Oct 2017-30 Sep 2018)			
Section 2: Government Activity	Military grade or civilian GS-equivalent	GS-15	GS-14		
	Role (Study Activity or Oversight)	Study Activity	Study Activity		
	Activity Performed (e.g. analysis, oversight)	Oversight	Analysis		
	Man Hours (per rank, grade or GS-equivalent)	40	16		
		FY 2018 (1 Oct 17 - 30 Sep 18)			
Section 3: Government Travel	Travel destination/description	0			
	Total cost (per Service, not per individual)	0			

**Total
56**

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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 December 18, 2017.
2. Drafted submitted for coordination **Anti-Harassment Program Procedures Administrative Instruction** (AI) in October 2018.
3. Reviewed and updated **Anti-Harassment Policy** signed January 2, 2018.
4. Attended **DoD Anti-Harassment Meetings**.
5. Established **Anti-Harassment Council** to oversee harassment complaints.
6. Managed and processed 58 **ADR (Mediation) Requests**.
7. Established **DHA ADR Program** in January, 2018 (Initial Operations Capability) (IOC).
8. Attended **DoD ADR Coordinating Committee** quarterly meetings.
9. Drafted and submitted FY18 **DoD ADR Report** in February, 2018.
10. Drafted and coordinating **Pre-Complaint Standard Operating Procedures**.
11. Drafted and coordinating **ADR Standard Operating Procedures**.

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 (including settlement) of such cases (5 C.F.R. 724.302(a)(2)(i)).*

Statute	Cases Opened in FY18	Cases Resolved in FY18		Cases Pending at Close of FY18
		Settled	Other	
Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	53	6	19	63
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	23	1	7	12
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	16	1	5	10
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 to Agency Budget
0	\$154,500.00	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 (reprimand, suspension without pay, reduction in grade or pay, or removal) 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		
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Title VII, Civil Rights Act of 1964 42 U.S.C. 2000e-16	16	SUSPENSION, TERMINATION (7), LETTER OF COUNSELING (4), DEMOTION (2), REMOVAL (2)
Age Discrimination in Employment Act 29 U.S.C. 631, 633a	8	TERMINATION (4), LETTER OF COUNSELING (2), REMOVAL, DEMOTION
Fair Labor Standards Act of 1938 29 U.S.C. 206(d)	0	0
Section 501 of Rehabilitation Act 29 U.S.C. 791	5	SUSPENSION, DEMOTION, TERMINATION, LETTER OF COUNSELING (2)
Equal Pay Act 29 U.S.C. 206(d)	0	0
Whistleblower Protection Act 5 U.S.C. 2302(b)(1)	0	0
Matters that did <u>NOT</u> result in a federal court case	0	0

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

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 FY18, DHA recorded 121 formal complaints. This was a decrease of 5 from the 126 in FY17. Overall, 53 new complaints were filed in FY18 versus 70 in FY17. Those 53 were filed by 53 complainants with 0 repeat filers. In FY17, the 70 filed were from 61 complainants with 16 repeat filers.

Carryover complaints from FY17 to FY18 included 68, compared to 56 carried over from FY16 to FY17.

The decrease in complaints filed in FY18 was based on the assignment of EEO Managers at three DHA activities (Walter Reed National Military Medical Center (WRNMMC), Bethesda, Maryland; Fort Belvoir Community Hospital (FBCH), Fort Belvoir, Virginia), and DHA San Antonio, as well as the establishment of a robust ADR program, resulting in the resolution of more pre-complaints.

Although there was no increase in complaints based on Race, sex and reprisal from 2017, they continue to constitute the largest number of complaints. Cases involving harassment (to include hostile work environment) decreased by 20 from 2017, however this continues to be the biggest issue, followed by assignment of duties, evaluation/appraisal and promotions (all of which increased since 2017). Cases involving reasonable accommodations and termination decreased from 2017.

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 FY18, DHA recorded 199 bases overall in 53 formal complaints filed, with Race (38), Sex (36), Reprisal (30), Disability (27), and Age (25) being the top five.

In FY17, DHA recorded 205 bases overall in 70 formal complaints filed, with Race (38), Sex (37), Age (32), Reprisal (30), and Disability (30), being 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 95 issues recorded in FY18 of the 53 complaints filed, Harassment (34), Evaluation/Appraisal (11), Assignment of Duties (10), Promotion/Non-Selection (9), and Termination (8) were the top five.

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

Overall, Harassment, Assignment of Duties, 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

In January 2018, we added a GS-0301-14 position in San Antonio with 50% of the duties in EEO related programs. This will give EODM a POC in the San Antonio area where the DHA has seen the fastest growth.

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.

Coordination efforts continued on the draft DHA Anti-Harassment Administrative Instruction (AI) in FY 19.

d. Actions Planned or Taken for Improvement Measures

In FY19 we will begin IOC for the ADR/Conflict Resolution Program and staffed with one GS-0260-11. The manager assigned will expand our ADR area into the ADR and Conflict Resolution Program.

IV. CONCLUSION

During FY18 DHA reorganized its structure and added 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. Also, EODM in turn reorganized its functions for the growing needs of the Agency. This involved restructuring two current Branches, and realigning functions, to provide better use of our limited resources, and help resolve compliance and timeliness issues.

EODM restructured the Chief, DM Branch position into the Chief, Complaints Branch, effective January 1, 2018. The functions formerly under DM was reassigned to other Branches as follows: DM to EEO; SEP and Training to MEO.

1. Restructured the Chief, EEO Branch into the Chief, Diversity and Inclusion Branch effective January 1, 2018.
2. Functions absorbed in the new Branch included: DM, Administration, and Field Office Support.
3. Functions to be realigned were: 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 one Complaints Manager (GS-14) to 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 brought all the related functions under one Branch for better use of resources and compliance. EODM Director now has four branches assigned: Diversity and Inclusion; Military EO, Complaints Program; and Civil Rights (Unfunded).

Our EODM goals for FY19 are:

- **Communicate** EODM services to DHA activities and tIMO/MTF activities
- **Educate and train** senior staff and workforce on EODM Program Strategic Priorities

- **Develop** Military EO, ADR and Anti-Harassment programs towards Full Operational Capability (FOC)

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.

Please provide link where this data is posted.

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

For FY 2018 period October 1, 2017 ending September 30, 2018

Complaint Activity	Comparative Data					2018 Thru 30-Sep
	Previous Fiscal Year Data					
	2014	2015	2016	2017		
Number of Complaints Filed	11	8	55	70	53	
Number of Complainants	11	8	51	61	53	
Repeat Filers	4	3	23	16	0	
Complaints by Basis	Comparative Data				2018 Thru 30-Sep	
	Previous Fiscal Year Data					
	2014	2015	2016	2017		
<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	38	
Color	6	5	23	22	23	
Religion	1	0	8	7	4	
Reprisal	11	25	54	30	30	
Sex	12	11	54	37	36	
National Origin	6	7	19	9	16	
Equal Pay Act	1	0	0	0	0	
Age	7	5	44	32	25	
Disability	12	12	50	30	27	
Non-EEO	0	0	0	0	0	
Complaints by Issue	Comparative Data				2018 Thru 30-Sep	
	Previous Fiscal Year Data					
	2014	2015	2016	2017		
<i>Note: Complaints can be filed alleging multiple issues.</i>						
Appointment/Hire	0	0	22	0	0	
Assignment of Duties	6	5	4	7	10	
Awards	2	2	0	0	4	
Conversion to Full-time	0	0	0	0	0	
Disciplinary Action						
Demotion	0	1	0	0	2	
Reprimand	1	0	5	1	0	
Suspension	0	0	3	2	2	
Removal	2	0	0	2	1	
Other	0	0	6	7	0	
Duty Hours	0	0	6	3	1	
Evaluation Appraisal	6	5	19	5	11	
Examination/Test	0	0	0	0	0	
Harassment						
Non-Sexual	11	8	55	54	32	
Sexual	0	0	2	1	2	
Medical Examination	0	0	0	0	0	
Pay (Including Overtime)	1	0	11	3	3	
Promotion/Non-Selection	2	3	16	3	9	
Reassignment						
Denied	2	2	2	2	0	
Directed	0	0	0	0	0	
Reasonable Accommodation	5	5	9	15	5	
Reinstatement	0	0	0	0	0	

[illegible]

[illegible]

Pay (Including Overtime)			0	0	0	0	0	0	0	0	0	0						
Promotion/Non-Selection			0	0	0	0	0	0	0	0	0	0						
Reassignment																		
Denied			0	0	0	0	0	0	0	0	0	0						
Directed			0	0	0	0	0	0	0	0	0	0						
Reasonable Accommodation			0	0	0	0	0	0	0	0	0	0						
Reinstatement			0	0	0	0	0	0	0	0	0	0						
Retirement			0	0	0	0	0	0	0	0	0	0						
Termination			0	0	0	0	0	0	0	0	0	0						
Terms/Conditions of Employment			0	0	0	0	0	0	0	0	0	0						
Time and Attendance			0	0	0	0	0	0	0	0	0	0						
Training			0	0	0	0	0	0	0	0	0	0						
Other - User Defined			0	0	0	0	0	0	0	0	0	0						
Findings Without Hearing			0	0	0	0	0	0	0	0	0	0						
Appointment/Hire			0	0	0	0	0	0	0	0	0	0						
Assignment of Duties			0	0	0	0	0	0	0	0	0	0						
Awards			0	0	0	0	0	0	0	0	0	0						
Conversion to Full-time			0	0	0	0	0	0	0	0	0	0						
Disciplinary Action																		
Demotion			0	0	0	0	0	0	0	0	0	0						
Reprimand			0	0	0	0	0	0	0	0	0	0						
Suspension			0	0	0	0	0	0	0	0	0	0						
Removal			0	0	0	0	0	0	0	0	0	0						
Other			0	0	0	0	0	0	0	0	0	0						
Duty Hours			0	0	0	0	0	0	0	0	0	0						
Evaluation Appraisal			0	0	0	0	0	0	0	0	0	0						
Examination/Test			0	0	0	0	0	0	0	0	0	0						
Harassment																		
Non-Sexual			0	0	0	0	0	0	0	0	0	0						
Sexual			0	0	0	0	0	0	0	0	0	0						
Medical Examination			0	0	0	0	0	0	0	0	0	0						
Pay (Including Overtime)			0	0	0	0	0	0	0	0	0	0						
Promotion/Non-Selection			0	0	0	0	0	0	0	0	0	0						
Reassignment																		
Denied			0	0	0	0	0	0	0	0	0	0						
Directed			0	0	0	0	0	0	0	0	0	0						
Reasonable Accommodation			0	0	0	0	0	0	0	0	0	0						
Reinstatement			0	0	0	0	0	0	0	0	0	0						
Retirement			0	0	0	0	0	0	0	0	0	0						
Termination			0	0	0	0	0	0	0	0	0	0						
Terms/Conditions of Employment			0	0	0	0	0	0	0	0	0	0						
Time and Attendance			0	0	0	0	0	0	0	0	0	0						
Training			0	0	0	0	0	0	0	0	0	0						
Other - User Defined			0	0	0	0	0	0	0	0	0	0						
Pending Complaints Filed in Previous Fiscal Years by Status	Comparative Data																	
	Previous Fiscal Year Data					2018 Thru 30-Sep												
		2014	2015	2016	2017													
	Total complaints from previous Fiscal Years	14	14	55	56	68												
	Total Complainants	11	11	51	50	61												
	Number complaints pending																	
	Investigation	2	0	11	18	18												
Complaint Investigations	ROI issued, pending Complainant's action	0	0	0	0	0												
	Hearing	10	14	33	34	37												
	Final Agency Action	0	0	3	11	2												
	Appeal with EEOC Office of Federal Operations	1	2	11	8	14												
	Comparative Data																	
Previous Fiscal Year Data					2018 Thru 30-Sep													
	2014	2015	2016	2017														
Pending Complaints Where Investigations Exceed Required Time Frames	0	2	6	8	8													

Releasing Authority

Signature/Date

Gregory S. Byard, DHA EODM Director	

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 May 24, 2018
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



Defense Health Agency **ADMINISTRATIVE INSTRUCTION**

NUMBER 029
May 24, 2018

J-1, HRD

SUBJECT: Disciplinary and Adverse Actions

References: See Enclosure 1.

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

a. Establishes the Defense Health Agency's (DHA) procedures for taking disciplinary and adverse actions.

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

c. Cancels and reissues Reference (h).

2. **APPLICABILITY.** This DHA-AI applies to:

a. DHA federal civilians, excluding, the National Capital Region Medical Directorate activities (centers, clinics, and Medical Treatment Facilities), and all employees excluded based on appointment status and those employees excluded in References (d) and (e).

b. Bargaining unit employees who are also governed by the provisions of applicable Collective Bargaining Agreements (CBAs). In accordance with Reference (d), where this DHA-AI conflicts with the provision of an existing CBA, the provisions of the CBA will govern.

3. **POLICY IMPLEMENTATION.** It is DHA's policy, pursuant to Reference (d), that:

a. 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

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the DoD. Disciplinary actions will be taken “only for such cause as will promote the efficiency of the service” and, when warranted, will 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 CBA. Actions are affected through due process that may include a notice of proposed action, an opportunity to respond to charges, a notice of the decision, and access to Appellate or grievance procedures. Management carries the obligation to prove the following by a preponderance of the evidence:

- (1) Reason for the disciplinary or adverse action;
- (2) Action promotes the efficiency of the service; and
- (3) The penalty is reasonable.

b. The authority to initiate disciplinary or adverse actions will 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. Decisions to suspend, reduce in grade, or remove will normally be made by a management official at least one level higher than the supervisor who proposed the action unless the Proposing Official is the Secretary Defense. Prior to initiating an action, a supervisor will seek advice and assistance from Management Employee and Labor Relations (MELR) to ensure regulatory compliance and consistency of actions across DHA.

c. In deciding whether to take a disciplinary or adverse action, there will be no discrimination against an employee for political beliefs, physical handicap, sex, sexual orientation, race, religion, color, national origin, or age.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Not cleared for public release.** This DHA-AI is available to users with Common Access Card authorization on the DHA SharePoint site:
<http://www.health.mil/dhapublications>.

7. EFFECTIVE DATE. This DHA-AI:

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



R. C. BONO
VADM, MC, USN
Director

Enclosures

1. References
2. Responsibilities
3. Procedures
4. Offenses and Penalties

Glossary

ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013, as amended
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) DHA-Procedural Instruction 5025.01, "Publication System," August 21, 2015
- (d) United States Code, Title 5
- (e) Code of Federal Regulations, Title 5
- (f) DoD Instruction 1400.25, Volume 431, "DoD Civilian Personnel Management System: Performance Management and Appraisal Program," February 4, 2016
- (g) United States Code, Title 31, Section 1349
- (h) TRICARE Management Activity Administrative Instruction Number 029, "Disciplinary and Adverse Actions," November 7, 2012 (hereby cancelled)

ENCLOSURE 2

RESPONSIBILITIES

1. DIRECTOR, DHA. The Director, DHA, will oversee implementation of this DHA-AI.
2. CHIEF, HUMAN RESOURCES DIVISION (HRD). The Chief, HRD, will:
 - a. Ensure that employees are advised of their rights according to this DHA-AI.
 - b. Coordinate all formal disciplinary actions with MELR to ensure compliance with established laws and regulations.
 - c. Ensure each case is processed promptly and fairly, and that discipline is uniformly applied.
3. CHIEF, MELR/HRD. The Chief, MELR/HRD, will:
 - 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.
4. PROPOSING OFFICIAL. The Proposing Official will:
 - a. Compile, document, and analyze the facts concerning each potential disciplinary or adverse action.
 - b. Issue a notice of proposed disciplinary or adverse action.
5. DECIDING OFFICIAL. The Deciding Official will:
 - a. Review and consider all relevant material regarding a proposed action.
 - b. Issue a notice of the final decision on a disciplinary or adverse action.
6. SUPERVISORS. Supervisors will:
 - a. Conduct themselves 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, as needed.
- d. Consult with MELR prior to initiating action in accordance with this DHA-AI.
- e. Investigate when an employee is involved in an incident of misconduct.
- f. Determine if disciplinary action is warranted; and, if so, what action to take upon completing an investigation and reviewing the facts surrounding the incident.
- g. Document instances of misconduct, misconduct counseling sessions, etc.

7. EMPLOYEES. Employees will:

- a. Conduct themselves, on and off duty, appropriately to ensure that their conduct does not reflect adversely on DoD.
- b. Adhere to the work rules and directives provided by their supervisors.
- c. Comply with the standards of conduct prescribed in Reference (f).

ENCLOSURE 3

PROCEDURES

1. ADVERSE ACTIONS

a. Disciplinary. Actions that may be taken against an employee covered by this DHA-AI only for such cause as will promote the efficiency of the service. A cause must exist as a basis for disciplinary adverse action and will be determined on a case-by-case basis.

b. Administrative. Certain kinds of adverse actions are not considered disciplinary and/or punitive in nature, but are administrative actions taken to promote the efficiency of the service. (e.g., medical inability to perform the essential functions of a position, 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, except for reductions based upon unacceptable performance, which are subject to the provisions of paragraph 10 in accordance with References (d), (e), and (g).

d. Furlough. A furlough is an adverse action in accordance with Part 752 of Reference (e), 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 facts and circumstances of the case will be considered. In determining the proper action, careful judgment must be used to ensure that the penalty is not out of proportion to the character of the offense (i.e., especially a first offense). The decision must 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 and using the Tables of Offenses and Penalties, the supervisor will recommend the appropriate penalty in consultation with servicing the MELR Advisor. The factors most commonly used in selecting the penalty are listed in paragraphs (1) through (12) 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 include the following: whether the offense was intentional, technical, inadvertent, committed maliciously 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 the length of service, performance on the job, ability to get along with fellow workers, and dependability.
- (5) The effect of the offense on the employee's ability to perform at a satisfactory level and its effect on the supervisor's confidence in the employee's ability to perform assigned duties.
- (6) The consistency of the penalty with those imposed upon other employees for the same or similar offenses.
- (7) The consistency of the penalty with DHA's Table of Offenses and Penalties (see Enclosure 4).
- (8) The notoriety of the offense or its impact upon the reputation of the Agency.
- (9) The clarity with which the employee was on notice of any rules violated in committing the offense, and whether he/she had been warned about the conduct in question.
- (10) The potential for the employee's rehabilitation.
- (11) 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.
- (12) The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

3. THE TABLE OF OFFENSES AND PENALTIES. The Table of Offenses and Penalties, (see Enclosure 4), is a guide to discipline, not a rigid standard. Deviations in penalties are allowable based on the facts and circumstances of each case. It is a list of the infractions committed most frequently by employees, along with a suggested range of penalties for each infraction. The penalties are graduated in severity based on an employee's previous record of offenses.

4. INFORMAL DISCIPLINARY ACTIONS. Oral admonishments or written warnings are usually the first steps in executing an informal disciplinary action. 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 or warning can be cited in any future action as evidence that the employee was on notice of the seriousness of the offense and possible future disciplinary action.

5. FORMAL DISCIPLINARY ACTIONS. Such actions consist of official reprimands, suspensions, changes to lower grade, and removals. Formal disciplinary action is usually initiated by the first-line supervisor of the employee being disciplined. Except for official reprimands, the final decision for formal disciplinary actions rests with the Deciding Official.

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

b. Suspensions, Change to Lower Grade, and Removals. A suspended employee will be placed in a non-duty and non-pay status for the period of the suspension. Suspension from a pay and duty status for misconduct or delinquency is generally imposed when an employee fails to improve his/her conduct after receiving informal discipline and/or being reprimanded. A Change to Lower Grade or Removal 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 disciplinary or adverse action, the supervisor must review the incident and obtain witness statements, as appropriate, and any other documentation related to the misconduct. This documentation should include a written or oral explanation from the employee. If the supervisor personally witnesses the misconduct, he/she should prepare a memorandum for the record summarizing the incident. All pertinent information gathered during the review 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 action will:

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

1. Contain the reason, 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 Folder (OPF) for a period not to exceed 2 years.

5. At their discretion, request expungement of these documents at an earlier date.

(b) Advise the employee of appeal rights.

(c) Coordinate all reprimands with MELR.

(2) Delivery and Recording of the Reprimand. The official taking action will deliver the reprimand to the employee and obtain written acknowledgment of receipt on a copy of the reprimand for placement in the employee's OPF. If the employee refuses to sign, the official will annotate on the memorandum, "Employee refused to sign," the date of refusal, and then forward to MELR for placement in the employee's OPF.

c. Requirements for Suspensions of 14 Days or Less

(1) Standards for Issuance of Advance Notice. Except in emergency situations, the employee should be given at least 10 calendar 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/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 will be provided to 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 will 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/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 will 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.

(h) Be signed by the Proposing Official.

(i) Be delivered to the employee by the Proposing Official.

(j) Be signed by the employee. If the employee refuses to sign, the official will annotate on the memorandum, "Employee refused to sign," the date of refusal, and then forward to MELR for placement in the employee's OPF.

(2) Standards for Issuance of Notice of Final Decision. After consideration of the employee's reply, if given, to the written notification of the proposed action, 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 the employee replied to the notice and, if so, that his/her reply was considered.

(c) Inform the employee of his/her appeal rights.

(d) Be signed by the Deciding Official.

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

(f) Be signed by the employee. If the employee refuses to sign, the official will annotate on the memorandum, "Employee refused to sign," the date of refusal, and then forward to MELR for placement in the employee's OPF.

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

(a) A minimum of 30 calendar days advance written notice stating the specific reasons for the proposed action. Unless the action is taken according to the crime provision set forth in paragraph 6.d(3) and Reference (d).

(b) A reasonable time, but not less than 10 calendar days, to answer orally and/or in writing (unless the action is taken in accordance with the crime provision set forth in Reference (d) and 6.d(3) (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.

(e) The advance notice must be:

1. Signed by the Proposing Official.

2. Delivered to the employee by the Proposing Official.

3. Signed by the employee. If the employee refuses to sign, the official will annotate on the memorandum, "Employee refused to sign," the date of refusal, and then forward to MELR for placement in the employee's OPF.

(2) Standards for Notice of Final Decision. After consideration of the employee's reply, if given, to the written notification of the proposed action, the notice of final decision must:

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

(b) Indicate whether the employee replied to the notice and, if so, that his/her reply was considered.

(c) Inform the employee of his/her appeal rights.

(d) Be signed by the Deciding Official.

(e) Be delivered to the employee on or before the effective date of the action.

(f) Be signed by the employee. If the employee refuses to sign, the official will annotate on the memorandum, "Employee refused to sign," the date of refusal, and then forward to MELR for placement in the employee's OPF.

(3) Other Considerations 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.

(4) Personal or Medical Considerations

(a) If a supervisor suspects that an employee has a personal or medical problem that is impacting on his/her conduct or performance, the employee will be encouraged to use Employee Assistance Program.

(b) If an employee responds to counseling or discipline by asserting a medical condition, the supervisor should request medical documentation. Following the review, the supervisor, with assistance from MELR, must decide how to proceed to support the assertion. It should be noted that if during the reply the employee asserts a medical condition and is seeking a Reasonable Accommodation, the supervisor must engage the employee in the interactive process, as defined by the Rehabilitation Act. The interactive process should begin immediately and be coordinated through the servicing Equal Employment Opportunity Office.

7. RECORDS OF DISCIPLINARY AND ADVERSE ACTIONS. MELR will maintain the official Agency files on all disciplinary and adverse actions. These files will be kept apart from the OPF. If the employee appeals an action to the Merit Systems Protection Board (MSPB), the record will be furnished to the employee and MSPB.

8. REQUIREMENTS FOR TRIAL AND PROBATIONARY EMPLOYEES

a. General. The requirement that all career DoD civilian employees serve a probationary period of 2 years provides protection against the retention of any person who, despite having passed preliminary tests, is found lacking in fitness and capacity for permanent government service. If an employee fails to demonstrate fully his/her fitness for continued employment, the supervisor should contact the MELR office to initiate action to terminate the employee.

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

- (1) An advance written notice stating the specific reason for the proposed action;
- (2) A right to reply;
- (3) A reasonable amount of time to submit a written response to the proposal and for furnishing affidavits in support of the response;
- (4) Consideration of any reply;

- (5) A written notice of the final decision at or before the effective date; and
- (6) 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 are serving in positions outside the competitive service generally are limited regarding 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 will be given written notification of the proposed action before the effective date of the action. The written notification will 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 section covers reductions in grade and removals based only on unacceptable performance in accordance with Section 4302 of Reference (d).

a. 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, 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.

(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) Termination 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 in accordance with Section 7521 of Reference (d) against an administrative law judge.

(8) An action taken or directed by Office of Personnel Management (OPM) in accordance with Part 731 (for suitability) or Part 754 of Reference (e) in the interest of national security.

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

(10) A removal from Senior Executive Service to a civil service position outside Senior Executive Service in accordance with Part 359 of Reference (e).

(11) A reduction-in-force governed by Part 351 of Reference (e).

(12) A voluntary action by the employee.

(13) A performance-based action taken in accordance with Parts 430 and 432 of Reference (e).

(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.

b. 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/her on a Performance Improvement Plan (PIP). The PIP must advise the employee of the critical elements and performance standards in which his/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 the PIP. If the employee fails to meet minimally acceptable standards by the end of the 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/she is not reduced in grade or removed, and if his/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, per this section, will be removed from any DHA record relating to the employee.

c. 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 calendar 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 will be considered by the official designated to receive the response;

(3) Representation by an attorney or another representative; and

(4) A written decision within 30 calendar days after the 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; and

(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 will be reviewed in accordance with Section 432 of Reference (d), and prior to being processed in accordance with Section 752 of Reference (d).

ENCLOSURE 4

OFFENSES AND PENALTIES

1. GENERAL. The Table of Offenses and Penalties is intended for use as a guide to select 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 to the first type of misconduct. For example, if an employee who previously was reprimanded for a first offense of absent 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 (e.g., the presence of multiple charges would tend to enhance a penalty selection).

b. A supervisor has a choice of the 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 the decision. Whenever prior offenses are used to support a more severe penalty, those offenses will 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.

Table. Table of Offenses and Penalties

Defense Health Agency 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 regularly 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 against another, causing injury.	30-Day Suspension to Removal		Removal
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

Defense Health Agency TABLE OF OFFENSES AND PENALTIES			
OFFENSE (CAUSE OF ACTION)	FIRST OFFENSE PENALTY	SECOND OFFENSE PENALTY	THIRD OFFENSE PENALTY
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 the 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, providing an adulterated sample, failing to take a drug test, or failing to comply with testing procedures.	Removal		
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 of 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	Reprimand to Removal	30-Day Suspension to Removal	Removal

Defense Health Agency			
TABLE OF OFFENSES AND PENALTIES			
OFFENSE (CAUSE OF ACTION)	FIRST OFFENSE PENALTY	SECOND OFFENSE PENALTY	THIRD OFFENSE PENALTY
perjury, making false sworn statements, and lying to a supervisor.			
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 the use of Government Purchase 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 a 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 or aircraft for other than official purposes. (See Section 1349 of Title 31 United States Code (Reference (g))).	Minimum 30-Day Suspension to Removal	60-Day Suspension to Removal	Removal
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 Removal	14-Day Suspension to Removal	30-Day Suspension to 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
T1.19. Failure to follow appropriate standards for safeguarding Personally Identifiable Information and/or Protected Health Information (PII/PHI).			
T1.19.1. Unauthorized access, use or disclosure of PII or PHI (e.g., Included but not limited to: accessing PII/PHI for any purpose outside of treatment, payment or healthcare operations, including education; Mailing, emailing, or faxing PHI to the wrong address/patient; Improper disposal of PII/PHI; sharing PHI without authorization; Copying or changing PHI without authorization; improper use/disclosure for research activities).	Reprimand	Reprimand to 3-day suspension	Removal
T1.19.2. Failure to apply appropriate safeguards and/or failure to follow established Information Security policies and procedures when accessing, using or	Reprimand	Reprimand to 3-day suspension	Removal

disclosing PHI to prevent impermissible use or disclosure of PII/PHI (e.g., Included but not limited to: leaving computer unattended and failing to logoff from an application containing PHI; failing to properly secure PHI whether in electronic media or in paper form; sharing username/password or using another person's username/password; Failing to encrypt PHI).			
T1.19.3. Using a patient's PHI for personal reasons rather than for legitimate business purposes; use or disclosure of PHI with the intent to sell or use the PHI for personal or financial gain or malicious harm; (obtaining PHI under false pretenses).	Removal		
T1.19.4. Failure to report known or suspected privacy related incident(s)/violation(s) or engaging in retaliatory acts towards an individual(s) for reporting a privacy related incidence(s)/violation(s) (in good faith).	Reprimand	Reprimand to 3-day suspension	Removal
T1.19.5. Failure to complete required Privacy Act and HIPAA training.	Reprimand	Reprimand to 3-day suspension	Disabling network access

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AWOL	absent without leave
CBA	Collective Bargaining Agreement
DHA	Defense Health Agency
DHA-AI	Defense Health Agency-Administrative Instruction
HRD	Human Resources Division
MELR	Management Employee and Labor Relations
MSPB	Merit Systems Protection Board
OPF	Official Personnel Folder
OPM	Office of Personnel Management
PHI	Protected Health Information
PII	Personally Identifiable Information
PIP	Performance Improvement Plan

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this DHA-AI.

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 is 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 a 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 the final decision on a disciplinary or adverse action. The Deciding Official will be of a higher level than the official who proposes the action, unless the Proposing Official is the Secretary of Defense.

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.

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 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.

preponderance of the evidence. The degree of relevant evidence that a reasonable individual, considering the record 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 in accordance with Section 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.

Schedules 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 Schedules A or 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 reestablish 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.

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

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.



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

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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
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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.

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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. BONO
VADM, MC, USN
Director



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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.

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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.



Feb 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)).

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

1. Administrative Instruction (AI) 15, Employee Learning and Development Division Processes and Procedures, dated June 19, 2018*

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 1 Course training, and the Supervisory Tier 1 Refresh Course. Tier 1 is provided on-site, as well as virtually, providing eight opportunities annually for supervisor to attend.



Defense Health Agency **ADMINISTRATIVE INSTRUCTION**

**NUMBER 015
June 19, 2018**

J-1, LDD

SUBJECT: Learning and Development Division (LDD) Processes and Procedures

References: See Enclosure 1.

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

a. Establishes the Defense Health Agency's (DHA) procedures for the DHA LDD program directives, including agency training opportunities and registration processes, course payment authorizations, mandatory training requirements, and guidelines for withdrawal from or inability to attend training.

b. Cancels and reissues Reference (m).

2. **APPLICABILITY.** This DHA-AI:

a. Applies to all DHA personnel to include: assigned, attached, or detailed Service members, federal civilians, and other personnel assigned temporary or permanent duties at DHA, to include regional and field activities (remote locations) and the National Capital Region/J-11 activities (centers, clinics, and Medical Treatment Facilities).

b. Does not apply to civilian employees who are members of the Senior Executive Service (SES) or contractors.

3. **POLICY IMPLEMENTATION.** It is DHA's policy pursuant to References (d) through (q), that:

a. All employee requests to attend external training courses, university or college courses, programs of study, Competitive Programs opportunities, and long-term developmental programs

APP C

must be submitted in accordance with this DHA-AI. Requests must be reviewed and approved or disapproved through several levels of authorization: the requesting employee's supervisor/manager, the employee's Directorate Head/equivalent or Director/equivalent reviewing official, and a DHA LDD training officer. Additional authorization approval may apply within a Directorate.

b. Training that is deemed no-cost, on-site training, whether that site is the Defense Health Headquarters (DHHQ) or other locations, 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 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. When implementing essential training or career development, the procedures outlined in this DHA-AI must be followed.

4. RESPONSIBILITIES. See Enclosure 2.

5. PROCEDURES. See Enclosure 3.

6. RELEASABILITY. **Not cleared for public release.** This DHA-AI is available to users with Common Access Card authorization on the DHA SharePoint site at:
<http://www.health.mil/dhapublications>.

7. EFFECTIVE DATE. This DHA-AI:

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


R. C. BONO
VADM, MC, USN
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**
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- 13. Fellowships, Scholarships, Training with Industry and Grants for DoD Personnel**
- 14. Membership in Professional Organizations**
- 15. Retraining and Outplacement Assistance**
- 16. Training of Non-Government Employees**
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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, as amended
- (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013
- (c) DHA-Procedural Instruction 5025.01, "Publication System," August 21, 2015
- (d) United States Code, Title 31, Section 1535
- (e) United States Code, Title 5, Section 4108
- (f) DHA-Administrative Instruction 043, "Continued Service Agreement (CSA) Procedures," January 28, 2015, as amended
- (g) United States Code, Title 5
- (h) Public Law 91-219, "Veteran's Education and Training Act," March 26, 1970
- (i) DoD Instruction 1322.06, "Fellowships, Scholarships, Training with Industry (TWI), and Grants for DoD Personnel," November 15, 2007
- (j) DoD Instruction 1400.25, Volume 410, "DoD Civilian Personnel Management (CPM): Training, Education, and Professional Development," September 25, 2013
- (k) DoD Instruction 1400.25, Volume 1703, "DoD Civilian Personnel Management (CPM): Retraining and Outplacement Assistance," September 25, 2013
- (l) DoD Directive 8570.01-M "Information Assurance (IA) Workforce Improvement Program," November 10, 2015, as amended
- (m) DHA-Administrative Instruction 015, "Learning and Development Division Processes," July 17, 2015 (hereby canceled)
- (n) H.R. 2458 and S. 803, "The E-Government Act of 2002," September 18, 2002
- (o) AFI 90-301, "Air Force Instructions (AFI)," August 27, 2015
- (p) AR 350-1, "Army Training and Leadership Development," August 19, 2014
- (q) AR 600-20, "Army Command Policy," November 6, 2014

ENCLOSURE 2
RESPONSIBILITIES

1. **DIRECTOR, DHA.** The Director, DHA, will:
 - a. Appoint members to the Senior Champions' Board (SCB) (see Enclosure 19).
 - b. Review and approve selection of candidates for the annual Competitive Programs.

2. **DIRECTORS, JOINT STRUCTURE DIRECTORATES, DHA.** Directors, Joint Structure Directorates, DHA, 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 DHA 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.
 - e. Determine if Individual Development Plans (IDPs) will be mandatory within their Directorate and required when attending training.
 - f. Certify the employee needs to obtain 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.

3. **CHIEF, DHA LDD.** The Chief, DHA LDD, will:
 - a. Formulate an overall Career Management Program.
 - b. Budget for and manage financial resources to support centralized training.
 - c. Administer (centrally) 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 Human Resources Division (HRD) 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 DHA-AI.
- o. Assist the DHA LDD Training Specialists in support of and delivery of all professional development activities.

4. SUPERVISORS/MANAGERS. The Supervisors/Managers will:

- a. Provide assigned employees with information and counsel concerning career progression, promotion opportunities, and training and development opportunities.
- b. Provide the opportunity, tools, and direction for ensuring effective job performance of their employees.
- c. Encourage employees to develop an IDP for career and training development, utilizing the Total Workforce Management Services (TWMS) automated IDP. The TWMS automated IDP is accessed via: <https://twms.navy.mil/login.asp>.

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

e. Provide concurrence or approval on an 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 comply with training process guidelines and mandatory training requirements in this DHA-AI.

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

5. TRAINING COORDINATORS. The Training Coordinators will:

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

b. Provide a critical information link between their Directorate and the DHA 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 Standard Form (SF) Authorization, Agreement and Certification of Training Form (SF 182), prior to submission to: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil.

d. Attend and participate in DHA LDD-sponsored training coordinator conferences and workshops.

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

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

6. DHA CIVILIAN EMPLOYEES AND MILITARY PERSONNEL. DHA civilian employees and military personnel, will:

a. Consider completing an IDP and updating it on an annual basis. Participate fully in training and professional development included on the IDP.

b. Seek information from their supervisor and/or the DHA 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. Strive to improve competencies required in their career field through related self-development activities.
- e. Adhere to the provisions of this DHA-AI when requesting and participating in professional development activities.
- f. Attend and participate fully in all approved professional development activities.
- g. Submit a course completion certificate and/or complete an online end-of-course evaluation within 5 days of completing the training event.
- h. Provide any requested documentation for auditing purposes in a timely manner.
- i. Include all required documentation when submitting an SF 182 for training (e.g., Continued Service Agreement (CSA) and training justification).

ENCLOSURE 3

PROCEDURES

1. TRAINING METHODS

a. DHA-Funded Courses

(1) The DHA LDD monitors and receives all approved requests for technical, leadership, and mission support courses throughout the fiscal year. The DHA LDD will take note of the accounting code provided on the SF 182 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 Financial Operations Division (FOD), the DHA LDD will pay for the requested course or program with the Government Purchase Card (GPC), and provide a Training Approval Letter (TAL) to the employee and their supervisor.

(2) The DHA 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, virtual training is also delivered 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 training announcements or on the SharePoint site in the DHA LDD Course Catalog. Notice is provided to the registering employee's supervisor who is expected to provide approval or non-concurrence.

(3) If DHA field locations identify a significant or justifiable need, the DHA 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 than to incur the Temporary 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 National Capital Region, or another locale.

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

(5) The Government Employees Training Act amendments, as outlined in Reference (n), eliminate the distinction between non-government and government training, allowing managers to take full advantage of competitively priced training resources.

b. Directorate-Funded Courses

(1) If the training is determined mission essential, as determined by the Supervisor 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 SF 182 to obtain approval.

(2) The employee will complete the SF 182 noting the Directorate's appropriate accounting code in the Appropriation Fund field in Section C. FOD provides the correct account code.

(3) The employee's supervisor and Directorate Head/Special Staff Element Leader, or delegated resource manager, must sign the SF 182 and forward it to: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil for review before the DHA LDD GPC Holder can pay for the training and register the employee with the vendor (see FOD process, Enclosure 7).

(4) An approved SF 182 authorizes the payment of the course, but it 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 SF 182 may not be used to procure training in excess of \$25,000. For additional information regarding directorate-funded training and SF 182 forms, contact the DHA LDD GPC Holder at: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil.

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 DHA-AI.

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

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

(4) As an alternative to VTC, training is offered in Adobe Connect and/or tele-conference. Employees are notified of the method available, and a uniform resource locator log-in and/or 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 the DHA LDD at no cost. These courses are advertised in the training announcements and the DHA LDD Course Catalog found at: <https://info.health.mil/cos/admin/ld/SitePages/Home.aspx>.

(2) To reduce duplicate purchases, the DHA 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 DHA LDD Resource Library at DHHQ. Employees in field locations may contact the Customer Satisfaction Center (CSC) at: dha.ncr.admin-mgt.mbx.ddd-customer-satisfaction@mail.mil to request the resource list and check-out procedures.

e. DHA eLearning Platform

(1) Online training for DHA employees is available through the DHA eLearning platform in support of the Office of Personnel Management's e-Government initiatives as mandated by Reference (n). The DHA 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 DHA LDD CSC at: dha.ncr.admin-mgt.mbx.ddd-customer-satisfaction@mail.mil 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: <https://dhaelearning.skillport.com> 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. Civilian Employees. 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 requires 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. This DHA-AI covers military personnel for internal purposes when the training program is directly relevant to their duties in their current DHA assignment.

(1) Career development training of military personnel is not covered per Section 4102 of Reference (g). The military Departments have specific legislation that covers the career development of officers and enlisted personnel. However, military personnel are authorized to receive training under this DHA-AI when the training is required to improve competencies specifically needed for job performance in the serviced organization(s). Military personnel are not normally eligible for long-term development programs or tuition assistance. However, they can apply through their Military Service. The DHA LDD sponsorship for academic tuition in the Tuition Assistance Program (TAP) negates any payment under Reference (h). It is a punishable offense to accept duplicate Federal payment for the same training.

(2) The Military Departments will fund the development of military personnel that is considered university/college, career, or professional development, such as leadership or required for one's career occupational field.

(3) Training requests for military personnel must include their anticipated rotation date on the SF 182. Normally, military personnel will not be approved for training within 6 months of completion of tour of duty.

(4) DHA will pay for training for assigned military personnel only when the training is required for their current duties with DHA. However, certification exams (e.g., IT, Project Management Professional, etc.) cannot be funded by DHA, and must be paid by the Service member or the Military Department.

(5) Military Departments provide career development support for their Service members through TAP and veterans' benefits (see Reference (d)).

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

c. Pathways Program. For information regarding the allowances and limitations of student employees participating in the Pathways Program, please contact HRD.

3. TRAINING REGISTRATION/AUTHORIZATION/WITHDRAWAL/PAYMENT

a. Registration. Employees may register for both centrally-funded and directorate-funded training by registering through Adobe Connect or completing SF 182. The form is then routed to their supervisor for approval. Once the training request is approved, SF 182 must be forwarded to: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil for review. Once reviewed by the DHA LDD, FOD will assign a procurement requisition or purchase requisition number. The training request is then forwarded back to the DHA LDD. The DHA LDD GPC Holder will sign off on the SF 182 after FOD approves it and will pay for the employee's training, effectively registering the employee for the class. The employee will then receive a TAL and post-course evaluation form. For more information regarding these forms and routing procedures, reference 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 (e.g., Defense Acquisition University (DAU) or SES). The specified target audience will receive priority seating, while other registrants will be automatically wait-listed. The remaining seats may be filled from the waitlist immediately prior to course start date.

b. Authorization

(1) Employees' supervisors must approve all DHA internal courses and SF 182 training requests. Employees may attend training only after receiving confirmation (e.g. TAL) from the DHA LDD.

(2) In accordance with Reference (e), employees may not attend training without an approved SF 182 confirmed by the DHA LDD GPC Holder. The employee's supervisor must provide the DHA 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 the DHA LDD administrative specialists to ensure compliance with government employee training regulations and to provide follow-up with the supervisor to ensure the educational value, timeliness, and cost-effectiveness of the training.

(2) In cases where there is no certificate of completion available, 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 will be submitted in a justification memorandum to the Chief, DHA 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 DHA-AI 043, CSA Procedures. The guidelines are available on the DHA LDD SharePoint at:
<https://info.health.mil/cos/admin/ld/SitePages/Home.aspx>.

(2) If an employee is unable to complete the requested training, the employee must notify the DHA 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 the DHA 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, DHA 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) The withdrawal procedures for the Competitive Education Program (CEP) for college and university degrees is subject to the same notice as DHA-Funded Training; however, the DHA CSA reimbursement requirement will go into immediate effect, per Reference (f).

(4) Employees withdrawing from one of the DHA Competitive Program courses after training has commenced must provide written justification to the DHA 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 the DHA 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 DHA 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 the DHA LDD on a case-by-case basis. The reason for the duration of the absence will determine whether 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;
- (b) The vendor requests partial payment as a result of cancellation;
- (c) The employee withdraws from a course and fails to notify DHA at least 10 days prior to course commencement;
- (d) The employee fails to satisfactorily complete the training; or
- (e) The employee terminates their employment with DHA, as specified in Reference (i).

(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 the DHA 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 the DHA LDD for verification.

(7) The Chief, DHA 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, DHA 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 FOD, per Reference (g) and Enclosure 11. Supervisors are responsible for taking appropriate disciplinary action.

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

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

f. GPC Payment Procedure

(1) DHA requires directorate-funded training to be paid using a GPC. The payment procedures require that training requests will be paid by the DHA LDD, upon receipt of an approved SF 182 from FOD. A completely signed and approved SF 182 is required for all training, with the exception of DAU and some on-site training.

(2) Participants must ensure that the SF 182 is submitted a minimum of 30 days prior to the training start date and sent to: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil. After DHA LDD reviews the SF 182 and FOD approves the funding, DHA LDD will contact the training vendor, make payment using the GPC, and provide details in the form of the TAL to the employee or supervisor initiating the request.

(3) Instructions on how to complete a SF 182 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 will provide a new employee orientation program and on-going 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 the DHA 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 FOD 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 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 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 will be considered only when adequate government facilities are not available or when government facilities cost more than non-government facilities.
2. The following priority system will 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 PROCESS AND INSTRUCTIONS FOR TRAINING REQUESTS

1. The SF 182 is an authorized agreement and certification for training used to document an employee's request for training. The SF 182 is required for all training which is not offered through DHA eLearning nor offered as no-cost, on-site opportunities and DAU training. The SF 182 is a DoD multi-use form used to obligate funds for an individual event or planned series of a training event, 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 bears the costs of the training and any TDY expenses named on the SF 182.

2. The SF 182 fillable form is available online at: <http://www.dtic.mil/whs/directives/forms/sf-forms.htm>. Participants must ensure that SF182 is submitted a minimum of 30 days prior to the training start date to the SF 182 DHA LDD Mailbox at: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil.

3. Instructions on how to complete SF 182 training request:

a. Sections A through C of the SF 182 must be typed. The employee must fill out Sections A through C, ensuring that all information is complete and supporting documents are attached (e.g., course descriptions, contact person, and phone number/fax number, Website details, etc.). **Do not include** a social security number or birthdate. Ensuring protection of each employee's protected health information and personally identifiable information is always a priority. If the participant is a student of a university or college, please provide a 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 (i.e., your office directorate Line of Accounting) in *Section C - Costs and Billing Information* in Appropriation Fund blocks 4 and 5. If you do not know this information, it can be obtained by contacting the FOD at: dha.ncr.comptroller.mbx.fod-training-sf182@mail.mil.

b. The employee's immediate supervisor must complete Section D - 1a through 1e, including all contact information (e.g., telephone number, e-mail address, and date signed). **Note:** Nothing should be left blank. Upon completion, forward the form to the employee's organization's Directorate Head for review and approval of funds.

c. Section D - 3a through 3e

(1) Type the name of the DHA LDD GPC Holder

(2) Forward the information to: dha.ncr.admin-mgt.mbx.sf182-mailbox@mail.mil

d. Section E - 1a through 1e

(1) Type in name of the Chief of Operations, FOD

(2) Forward the information to: dha.ncr.comptroller.mbx.fod-training-sf182@mail.mil.

FOD will approve and sign off after reviewing and confirming funds are available. FOD will forward the approved SF 182 back to the DHA LDD for processing and payment with a GPC.

4. Group Training Instructions

a. Group training requests may be used when the course, date, and vendor information on the request is the same. The home address is not required.

b. Write "Group Training" in Section A, block 1, and on the top of SF 182.

c. All group SF 182s must have an attached list of the attending employees' names and e-mail addresses.

d. The e-mail address provided on SF 182 for group training must be a Federal employee attending the training.

5. After approval is obtained and the registration is complete, the DHA LDD CSC administrator will e-mail a 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 the DHA LDD CSC via e-mail or fax within 5 days of completion. Participants that do not receive a certificate of completion must complete the "End of Training" evaluation form. The survey can be found at: <https://www.surveymonkey.com/r/EndCourseEvaluation>.

7. Training requests must be submitted to the DHA LDD no less than 30 days in advance of the training date. Late submissions may be denied. If a SF 182 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.

8. The DHA LDD will return SF 182s that are submitted with incomplete information. Employees and/or Training Coordinators will receive a "No Action E-mail" from the DHA LDD, if the corrected and/or missing information is not received within 72 hours.

9. Per this DHA-AI, all training must be approved prior to the training start date. Employees must be in receipt of a TAL prior to the start of their requested training. Otherwise, the costs incurred will become the responsibility of the employee. With the exception of unusual circumstances, the DHA LDD will not process SF 182s after the training has commenced or has been completed. This includes payment or reimbursement of the completed training. Only with strong written justification by a Directorate head will the DHA LDD consider this situation.

10. Participants are required to update their Training History after completion of their course. MyBiz can be accessed at: <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 will be submitted in a memorandum to the Chief, DHA 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 DHA FOD.

13. A Mission Essential Justification Letter should be included with each SF 182. The justification should include the below statement and detailed specifics on how the training is deemed mission critical. If the justification letter is not included, the SF 182 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.

14. The Mission Essential Justification Letter Sample can be found on the DHA LDD Sharepoint or by requesting a copy from the DHA LDD CSC. Please e-mail the DHA LDD CSC at: dha.ncr.admin-mgt.mbx.ddd-customer-satisfaction@mail.mil to address your questions and concerns.

ENCLOSURE 8

MANDATORY TRAINING REQUIREMENTS

1. MANDATORY TRAINING. DHA's mandatory training requirements are in accordance with Reference (j). The DoD Components ensure employees complete all training mandated by law, regulation, Executive order, or other memorandums. This list may be supplemented by training mandated by the DoD Component heads or functional leaders of DoD- wide career development programs. Training will be completed as dictated by governing statute or regulation, including frequency of training and any required content. A complete list of the mandatory training requirements is available on the DHA LDD SharePoint site: <https://info.health.mil/cos/admin/ld/SitePages/Home.aspx>.

2. MANDATORY MILITARY TRAINING. Military members are required to complete the above DHA mandatory courses in addition to their service-specific required courses. Duplicate courses, will only be completed once.

a. Air Force - will complete online training at: https://golearn.adls.af.mil/kc/rso/login/ADLS_login.asp in accordance with Reference (o).

b. Army - will complete online training at: <https://login.us.army.mil/suite/login/> in accordance with Reference (p) and Reference (q).

c. Navy Training - will complete online training at: <https://www.nko.navy.mil/> in accordance with Reference (al).

3. CIVILIAN AND CONTRACTOR MANDATORY TRAINING. Civilians and contractors will complete training via the DHA Learning Management System (LMS) hosted by Joint Knowledge Online: <https://jkodirect.jten.mil/Atlas2/page/login/Login.jsf>.

4. CONTRACTOR TRAINING. Contractors are required to complete the DHA courses mandated for contractors in addition to the training specified in their contract.

ENCLOSURE 9

DELIVERY OF GOODS AND SERVICES IN A SUBSEQUENT FISCAL YEAR

1. Training and development expenses are 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. The DHA 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

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. Supervisors are encouraged to have their employees create and maintain an IDP utilizing the TWMS, automated IDP. The TWMS IDP can be accessed via: <https://twms.navy.mil/login.asp>. 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 will ensure that 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 (SF 182) must still be reviewed and approved in accordance with Enclosure 7.

ENCLOSURE 11

PROFESSIONAL CERTIFICATION, LICENSING, AND EDUCATION INCENTIVES

1. Reference (g) 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 or the DHA 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 funds. The employee or supervisor is responsible for ensuring funds are available before committing to payment.

3. If a certification or licensing is a requirement of an employee's position, they may submit an SF 1164, Claim for Reimbursement for Expenditure on Official Business for reimbursement. In cases of licensing or certification exam failure, DHA will not pay for multiple attempts to obtain certification or licensing. The employee must pursue licensure or certification at their personal expense if they fail the initial exam.

ENCLOSURE 12

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 CEP opportunities. Funding covers tuition and books. Applications for the CEP 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, CEP TAP, which pays up to \$3,000 in a fiscal year. Applicants selected by the Competitive Programs SCB must submit an SF 182, 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 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 has not been selected by the SCB, only then can the employee seek approval from their Directorate to utilize funding from the Directorate's Line of Accounting in accordance with the SF 182 process in Enclosure 7. Upon funding approval by Office of the Comptroller, the DHA LDD will provide the employee and supervisor with the TAL confirming registration and payment of course, and request a DHA CSA from the employee.

e. Employees must submit an approved SF 182 a minimum of 30 days prior to course registration. Applicants must annotate "TAP" in the objectives section of the SF 182. Classes must be listed on the 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 own budget, as determined and approved by Office of the Comptroller.

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

a. Degree-related fees (typing or reproducing a thesis, transcript fees, technical lab 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 (e.g., 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.

i. Graduation fees.

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 13

FELLOWSHIPS, SCHOLARSHIPS, TRAINING WITH INDUSTRY, AND GRANTS FOR
DoD PERSONNEL

1. Reference (i) establishes policy and assigns responsibilities under which DoD personnel may accept fellowships, scholarships, Training with Industry opportunities, or grants from corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes. According to this DHA-AI:

a. It is DoD's policy, References (d) and (i), that programs will 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 Training with Industry 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-AI 043, CSA Procedures may be required and enforced (see Enclosure 11).

ENCLOSURE 14

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

1. DHA will **not** pay for or reimburse individual membership(s) in professional organizations 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. This prohibition is not applicable to situations where membership in a professional association is required to maintain a credential (e.g., membership in the American College of Healthcare Executives) or to maintain status as a Fellow in that organization.

2. DHA may reimburse its attorneys if a paid membership in the bar association is necessary to maintain a license to practice law.

ENCLOSURE 15

RETRAINING AND OUTPLACEMENT ASSISTANCE

1. DHA will abide by and provide support for Reference (j), which specifies adherence to Reference (k) commonly known as the Work Investment Act.

2. DHA LDD will partner with HRD to provide assistance, as necessary, for eligible DHA employees that HRD has identified as facing displacement, and who require retraining and readjustment assistance.

ENCLOSURE 16

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 Contracting Officer's Representative.

ENCLOSURE 17

TRAINING NEEDS ASSESSMENTS

1. The 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 will be reviewed at least annually by respective leadership.
3. The Chief, DHA 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 DHA LDD team will create the annual agency training program, course catalog, and the monthly training schedules.

ENCLOSURE 18

SENIOR CHAMPIONS' BOARD CHARTER AND COMPETITIVE PROGRAMS

1. **PURPOSE.** The DHA SCB was established under TRICARE Management Activity on January 4, 2011, as a formal committee to nominate and select employees for Competitive Programs under the direction of the Director, DHA. The Resources and Management J-1/8, DHA LDD, 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 number of seats and/or funding available for the particular program.

2. **SCOPE OF ACTIVITY.** The SCB provides their recommended candidates to the Director, DHA, 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 the program being offered (e.g., 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; a completed SF 182; an updated IDP; a signed CSA; a signed Directorate Approval form; a 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, DHA.
- 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.

3. **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:

Joint Directorate Director or Delegated Officer (Permanent Appointment)	Chair Joint Directorate Director, Resources and Management J-1/8 (Permanent Appointment)	Regional Director (e.g., TRICARE Regional Office (Director)) (Annual Appointment)	Directorate Chief Level (Annual Appointment)
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4. **CRITERIA FOR NEW BOARD MEMBERS.** The SCB will evaluate proposed new members against the following criteria:

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

5. **MEETINGS.** There could be two to three SCB meetings per year requiring board member attendance in person or through VTC. The meetings may include Special Board Meetings, Individual Board Member Briefings, and Selection Panel Board Meetings. They are typically held after the application window closes. The board will convene to consider all candidates on the nomination list, rank each, and discuss major discrepancies (e.g., scores, eligibility, differences in range or points, etc.). The meetings will be coordinated and scheduled by DHA LDD. All materials, instructions, applications, and agenda items will be gathered for the board at the time of meeting by the DHA LDD. The DHA LDD will serve as advisors to the SCB.

6. **RESPONSIBILITIES.** The members on the SCB will be responsible for the following:

- a. Ensuring that the training program contributes to the organization's mission and is aligned with the Activity's strategies.

- b. Encouraging DHA employees to participate in the Competitive Programs and long-term training opportunities.
- c. Budgeting for and managing financial resources to support centralized training.
- d. Resolving issues internally with the guidance of an appointed chairperson.
- e. Responding to candidate of selection or non-selection within 6 to 8 weeks after submitting the nomination application.
- f. Ensuring that all employees receive fair and equitable treatment in all aspects of the competitive selection process. Ensure that training and career development opportunities are 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.

ENCLOSURE 19

DEFENSE HEALTH AGENCY COMPETITIVE PROGRAMS AND PROCEDURES

1. OVERVIEW. This DHA-AI establishes the authority for the DHA SCB as the selection authority for centrally funded and non-centrally funded short-term and long-term training programs. This version supersedes any previous guidance.

2. PROCEDURES

a. DHA Senior Executives, Flag-level Officers, and Directorate Heads 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., Competitive Development Program (CDP)) and CEP in accordance with the SCB Charter.

b. 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.

c. Operating Guidelines - Competitive Opportunities:

- (1) DHA LDD will manage the Competitive Programs and announce these opportunities to the 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 (or delegate) to the DHA LDD by established due dates.
- (3) To be considered by the SCB, applicants must be recommended by their supervisors and Directorate Heads (or delegate) for selection.
- (4) Directorate Heads are asked to encourage their eligible employees to compete when programs are announced DHA-wide.

d. Competitive Selection Process:

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

(2) The DHA LDD will forward application packages to SCB members prior to the scheduled selection session as read-ahead material to rate and rank using the Criteria Rating and Ranking Form. The 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 (e.g., CDP, CEP, and OSD long-term training).

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

(3) SCB may nominate additional candidates if slots are available.

(4) The SCB 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, and abilities.

(c) Performance Rating of 3 (Acceptable Performance) or above for the two 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) The DHA 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 e-mail to the candidate's immediate supervisor.

ENCLOSURE 20

DEFENSE HEALTH AGENCY COMPETITIVE TRAINING PROGRAM DESCRIPTIONS

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 CSA will 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. To access the DHA Competitive Programs application and frequently asked questions, please visit: <https://info.health.mil/cos/admin/Id/SitePages/Home.aspx>, the DHA LDD SharePoint site.

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 the 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 DoD (for OSD opportunities). Effective starting Fiscal Year 2015, TDY, and travel-related costs will also be covered by the DHA Central Training fund. The employee's directorate will be responsible for providing any needed staff support due to the candidate's absence during CDP and CEP.

2. DHA 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 off-site 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 employees:

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

(2) Must be permanent, 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/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 CEP. DHA CEP consists of two opportunities: \$20,000.00 toward a graduate degree (e.g., Master's and Doctor of Philosophy (Ph.D.)) or undergraduate course of study. \$3,000.00 in tuition assistance (e.g., 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. The DHA CEP and DHA CEP TAP are open to full-time permanent DHA civilian employees. An applicant must have one year of Federal service to be eligible. The selection in the DHA CEP is contingent on acceptance by the academic institution. The applicants must provide a copy of their acceptance letter in their application package; or, if not available at the time of application, to the DHA LDD with their updated SF 182 prior to the start of class.

The DHA CEP tuition cap for an undergraduate study program is \$20,000.00 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 Master's and Ph.D.) is a maximum of \$20,000.00 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. The TDY expenses are not expected to be incurred with CEP; however, if travel expenses are expected, the selected applicant will submit an SF 182 with travel expenses noted for payment from the DHA Central Training budget.

The candidates are highly encouraged to apply to local or state universities to maximize tuition discount benefits. The candidates should make every effort to select a study program which can be attended during non-duty hours (e.g., evening classes or distance learning). The study programs which are most likely to be considered by the board for selection are those regarded as being in support of the directorate or agency mission. The most beneficial study programs would be in the realm of Health Administration, Health Services, IT, Acquisition Management, Business Administration, Program Management, and Human Resources Management.

ENCLOSURE 21

INFORMATION ASSURANCE WORKFORCE MANAGEMENT

1. Information Assurance (IA) Workforce Personnel requires access to information systems to fulfill their duties, and must possess the required favorable security investigation, security clearance, or formal access approvals and fulfill any need-to-know requirements. Security designations are required to distinguish potential adverse effects on DoD functions and operations and, therefore, the relative sensitivity of functions performed by individuals having certain privileges. These positions are referred to as IT and IT-related positions. The requirements are applied to all IT and IT-related positions, whether occupied by DoD civilian employees, Military personnel, consultants, contractor personnel, or others affiliated with DoD (e.g., volunteers).

a. Cyber Security Division implemented a requirement for unit DHA Information Assurance Managers (IAMs), Information Security System Managers (ISSMs), and supervisors to review and approve required Computer Environment (CE) certifications to ensure that they are relevant to the duties currently performed by the certified individual. Organizational, occupational, and individual professional development needs will be reviewed at least annually by respective leadership.

b. The DHA IAM and ISSM will ensure that all IT workforce, within DHA and subordinate units, maintain their base line and CE certification as a condition of employment.

c. The DHA LDD manages and monitors IA Workforce baseline and CE certifications.

d. IA Workforce Personnel review and verify CE certifications are in accordance with detailed guidance in Reference (I). DoD workforce members who are performing DHA IAM or IAT functions and have earned any of the DoD baseline certifications listed in Reference (I) must register with the Defense Workforce Certification Web Application to request the release of their certification status from the certification vendor to the DoD. This is the official means of notifying DoD of their certification status. Once registered, any additional certifications earned from that provider will automatically be released to the DoD. The SF 182 is an authorized agreement and certification for training used to document an employee's request for training. The employee must pursue a renewal fee and maintenance fee at their personal expense, if the certification or licensing is a requirement of their position. The employee can submit an SF 1164 for reimbursement.

2. For questions regarding the IT workforce and requirements, please contact the DHA IAM or ISSM.

GLOSSARY

PART 1. ABBREVIATIONS AND ACRONYMS

CDP	Competitive Development Program
CE	Computer Environment
CEP	Competitive Education Program
CSA	Continued Service Agreement
CSC	Customer Satisfaction Center
DAU	Defense Acquisition University
DHA	Defense Health Agency
DHA-AI	Defense Health Agency-Administrative Instruction
DHHQ	Defense Health Headquarters
DTS	Defense Travel System
FOD	Financial Operations Division
GPC	Government Purchase Card
HRD	Human Resources Division
IA	Information Assurance
IAM	Information Assurance Manager
IDP	Individual Development Plan
ISSM	Information Security System Manager
IT	Information Technology
LDD	Learning and Development Division
SCB	Senior Champions' Board
SES	Senior Executive Service
SF	Standard Form
TAL	Training Approval Letter
TAP	Tuition Assistance Program
TDY	Temporary Duty
TWMS	Total Workforce Management Services
VTC	Video Teleconference

PART II. DEFINITIONS

These terms and their definitions are for the purposes of this DHA-AI.

career development. Activities that develop knowledge, skills, and abilities to meet the strategic needs of DHA.

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

centrally funded. A limited amount of funds provided by the Office of the Comptroller to the DHA 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 the Internet or Web-based modules, compact disc, a digital versatile disk, VTC, and satellite television.

CSA. For training that exceeds 39 hours, employees must sign and abide by the service agreement interval dictated in DHA-AI 043, CSA Procedures.

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

failure to complete training satisfactorily. 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.

IDP. A tool used by a 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. It 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.

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.

retraining. The 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.

SF 1164 (Claim for Reimbursement for Expenditure on Official Business). A form used for filing claims for reimbursement for official business and expenditures.

SF 182 (Group Training). A 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; 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.

SF 182 (Individual Training). A form used when an individual is taking one class/course/program and funding needs to be authorized (see next definition). An official DoD form 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; does not exceed \$25,000 per fiscal year; and requires no more than minor modification(s) to meet agency requirements. A form must be completed with the correct accounting code designating where the obligated funds will be drawn from.

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