

FULL-TIME SUPERVISOR'S HANDBOOK



19 Sep 2014

TABLE OF CONTENTS

	<u>Page</u>
FORWARD	5
CHAPTER 1. FULL-TIME PERSONNEL HIRING	6
1-1 General	
1-2 Hiring Process	
1-3 Notification Process	
1-4 Records Retention	
CHAPTER 2. PROCESSING PERSONNEL ACTIONS	8
2-1 General	
2-2 Position Classification	
2-3 Personnel Actions	
2-4 Technician Entry and Return from Active Duty	
2-5 Restoration Rights	
CHAPTER 3. ACTIVE GUARD RESERVE PERSONNEL (AGR)	13
3-1 General	
3-2 Equal Opportunity	
3-3 Employment in AGR Service	
3-4 In-processing and Orientation	
3-5 Dress and Appearance	
3-6 Duty	
3-7 Pay	
3-8 Leave and Passes	
3-9 Physical Fitness Program	
3-10 Weight Control Program	
3-11 Awards	
3-12 Pregnancy	
3-13 Medical Care	
CHAPTER 4. AGR UTILIZATION & PROCESSES	17
4-1 General	
4-2 Priority Placement Roster	
4-3 Lateral Reassignment/Transfer	
4-4 Promotions	
4-5 Tour Continuations	
4-6 Control Grades	
4-7 Performance Evaluations	
4-8 Military Education	

CHAPTER 5. AGR DISCIPLINARY MATTERS	20
5-1 General	
5-2 Jurisdiction	
5-3 Arrest by Civilian Authorities	
CHAPTER 6. AGR SEPARATIONS AND RETIREMENTS	21
6-1 General	
6-2 Voluntary Separations	
6-3 Involuntary Separations	
6-4 Mandatory Separations	
6-5 Separation Pay	
6-6 Medical Separation Process	
6-7 Retirements	
6-8 Out-processing Procedures	
CHAPTER 7. TECHNICIAN EMPLOYMENT	24
7-1 General	
7-2 Equal Employment Opportunity	
7-3 Excepted Service Employment	
7-4 Temporary Limited Employment	
7-5 Indefinite Employment	
7-6 Promotions and Internal Placement	
7-7 Employment of Relatives	
7-8 Trial Period	
7-9 Wearing of the Uniform	
CHAPTER 8. TECHNICIAN TRAINING, PERFORMANCE AND AWARDS	27
8-1 General Training	
8-2 Needs Assessment Survey	
8-3 Training Requests	
8-4 Training for Employees within 1 Year of Retirement	
8-5 Mandatory Training	
8-6 Performance Improvement Plan	
8-7 Individual Development Plan	
8-8 Performance Appraisal System	
8-9 Incentive Awards	
CHAPTER 9. TECHNICIAN PAY	30
General Schedule	
9-1 General	
9-2 Entitlement to Within Grade Increases	
9-3 Required Waiting Periods for Within Grade Increases	
Wage Grade Positions	
9-4 General	

- 9-5 Within Grade Increases
- 9-6 Granting or Withholding Within-Grade Increases
- 9-7 Severance Pay
- 9-8 Entitlement to Severance Pay
- 9-9 Computation and Payment of Severance Pay
- 9-10 Premium Pay
 - Overtime
 - Night Differential
 - Holiday
- 9-11 Environmental Differential Pay

CHAPTER 10. TECHNICIAN ATTENDANCE AND LEAVE

35

- 10-1 Weekly and Daily Scheduling of Work
- 10-2 Federal Holidays
- 10-3 Rest Periods
- 10-4 Lunch Periods
- 10-5 Administrative Dismissal – General
- 10-6 Absence Without Charge to Leave
- 10-7 Court Leave
- 10-8 Leave Without Pay (LWOP)
- 10-9 Annual Leave
- 10-10 Sick Leave
- 10-11 Military Leave
- 10-12 Law Enforcement Leave (LEL)
- 10-13 Absent Without Leave (AWOL)
- 10-14 Leave Transfer Program
- 10-15 Federal Family Leave
- 10-16 Compensatory Time

**CHAPTER 11. TECHNICIAN LABOR RELATIONS AND
EMPLOYEE ASSISTANCE**

49

- Section I – Voluntary, Non-Disciplinary, & Disciplinary Actions
 - 11-1 Voluntary and Non-Disciplinary Actions
 - 11-2 Discipline and Adverse Actions
- Section II – Arkansas National Guard Grievance Plan
 - 11-3 General
 - 11-4 Definitions
 - 11-5 Coverage
 - 11-6 Procedures
 - 11-7 Hearing Examiner
 - 11-8 Miscellaneous
- Section III – Employee Assistance Program
 - 11-9 Purpose
 - 11-10 Background
 - 11-11 Policy
 - 11-12 Employee’s Role and Responsibilities
 - 11-13 Supervisor’s Role and Responsibilities

- 11-14 Employee Assistance Program Coordinator's Responsibilities
- 11-15 Administrative Considerations
- 11-16 Coordination

CHAPTER 12. TECHNICIAN WORK RELATED INJURIES

66

- 12-1 Notice of Injury
- 12-2 Claim for Compensation
- 12-3 Medical Care
- 12-4 Temporary Total Disability
- 12-5 Permanent Total Disability
- 12-6 Partial Disability
- 12-7 Funeral and Death Expenses
- 12-8 Responsibility of Technician
- 12-9 Responsibility of Supervisor
- 12-10 Representation
- 12-11 Medical Care
- 12-12 Notice of Injury or Illness
- 12-13 Report of Injury by Supervisor
- 12-14 Medical Report
- 12-15 Termination of Disability or Return to Work
- 12-16 Case Types
- 12-17 Claim for Compensation for Continuing Disability
- 12-18 Recurrence of Disability
- 12-19 Medical Expenses
- 12-20 Report of Death
- 12-21 Hearings
- 12-22 Reconsideration
- 12-23 Appeals
- 12-24 Forms

CHAPTER 13. TECHNICIAN RETIREMENT AND DEATH BENEFITS

78

Section I – Retirement CSRS and FERS

- 13-1 General
 - 13-2 Optional (Voluntary) Retirement
 - 13-3 Discontinued Service (Involuntary Loss of Military Membership) Retirement
 - 13-4 Deferred Retirement
 - 13-5 Disability Retirement
 - 13-6 The Special Retirement Supplement
- ### **Section II- Death Benefits CSRS and FERS**
- 13-7 Death of a Technician
 - 13-8 Death Benefits
 - 13-9 Minimum Requirements of Technician
 - 13-10 Minimum Requirements of Spouse
 - 13-11 Minimum Requirements of Child/Children

CHAPTER 14. TECHNICIAN PERSONNEL RECORDKEEPING

83

- 14-1 Supervisory Recordkeeping Responsibilities

FORWARD

The purpose of this handbook is to prescribe policy and provide guidance to supervisors and managers with responsibility for full-time employee administration and utilization within the Arkansas National Guard. This handbook provides implementing instructions of the basic personnel management policies and principles published by the Office of Personnel Management (OPM), the National Guard Bureau (NGB) and the respective services.

Information/guidance of limited term applicability will be published by the Human Resources Office (HRO) in Information Bulletins. Policy/procedural changes of long term applicability will be published as changes to this handbook.

In cases where negotiated agreements have been approved by National Guard Bureau and portions of the agreement regarding personnel policies are in conflict with this handbook, the provisions of the agreement will apply, but only for those employees who are employed at the activity or installation covered by the agreement. The Human Resources Office is the staff element through which The Adjutant General discharges his obligations for employment and administration of the Arkansas National Guard Full-Time Employee Program. The Human Resources Office will:

- a. Establish and maintain liaison with the Regional and Area Offices of OPM, other appropriate Federal and State personnel offices, and representatives of recognized employee organizations.
- b. Develop and furnish necessary specific personnel policies and procedures to commanders and full-time employee supervisors of the Arkansas National Guard.
- c. Ensure that The Adjutant General and staff are informed of OPM and NGB policies and regulations pertaining to the administration of the Arkansas National Guard Full-Time Employee Programs.
- d. Disseminate routine day-to-day matters through normal command channels for field organizations, and through program managers for support activities. The HRO is the office of record and channel for communications to agencies outside the Arkansas National Guard on full-time personnel matters.
- e. Establish and maintain Official Personnel Folders (OPF) for Arkansas National Guard technicians. The OPF is the official record of civilian service. HRO will also maintain a personnel drop file for all AGR, Temp AGR and Full Time National Guard Duty – Operational Support (FTNGD-OS) personnel.

This handbook is intended to serve as a quick reference resource to assist you in answering your questions as it pertains to full-time employee supervision. While we endeavor to address the most common employee processes and issues we are unable to address them all. If you have questions on issues not addressed in this handbook please contact the Human Resources Office at 501-212-4201.



DAMON N. CLUCK
LTC, FA, ARARNG
Human Resource Officer

CHAPTER 1

FULL-TIME PERSONNEL HIRING PROCEDURES

1-1. General. It is the policy that the Arkansas National Guard to hire and retain the best qualified employees based on merit, fitness, and capability to do the job. Personnel actions will not violate the principles of equal opportunity and will endeavor to support our diversity initiatives.

1-2. Hiring Process. The Human Resources Office (HRO) will forward nominating officials a hiring package with a certificate listing all qualified applicants for the job. After receipt of the hiring package the following steps must be followed:

a. All applicants forwarded by HRO must be interviewed. If an applicant declines to be interviewed the nominating official must request that the applicant provide documentation stating such, i.e. email or signed letter. If nominating official cannot make contact with an applicant within a reasonable amount of time they must document the attempts. Documentation of either of these occurrences must be provided with the selection package that is returned to HRO.

b. A diverse interview panel with a minimum of three members must be convened and documented by name in the justification. If more panel members are desired the nominating official must ensure that the panel consists of an odd number. The hiring panel will always have a minority member and if females are being considered the panel will have a female member. Additionally, all panel members must be of the same or senior in grade/rank as the senior most person considered for the vacancy.

c. All individuals who have met a Command Leadership Board and are on an approved Order of Merit List (OML) may be selected for senior graded jobs i.e. controlled grades. Individuals will be selected in order of ranking from highest to lowest as positions become available and until the list is exhausted. Some senior grade jobs may require an existing Command Leadership Board in order to advertise the position (i.e. First Sergeants, SGTs Major, advertised command / Senior grade competitive positions). In such cases only individuals who have met a convened Command Leadership Board will be considered eligible for consideration.

d. After the panel has convened and interviewed all applicants forwarded by HRO a selection decision must be made. The nominating official must provide a written justification of the selection that addresses how the selected individual meets or exceeds a preponderance of the knowledge, skills and abilities (technician vacancies) or a preponderance of the summary of duties (AGR/FTNGD-OS). If none of the applicants were suitable to fill the vacancy then a justification of non-selection must be provided for each AFSC/MOSQ individual in the package and returned to HRO.

e. If the panel deems that an individual that is not already onboard is the most qualified through experience and education then the nominating official must provide justification of not only the selected individual but also a separate justification for each onboard applicant not selected for the vacancy. These documents must clearly delineate why a new hire is better suited for the position over those individuals that are already full-time federal employees.

f. For AGR jobs if the panel deems that an individual not AFSC/MOS qualified is the most competent through experience and civilian education then the nominating official must provided justification of not only the selected individual but also a separate justification for each AFSC/MOS qualified applicant not selected for

the vacancy. These documents must clearly delineate why a Non-AFSC/MOS qualified individual is better suited for the position over those individuals that already possess the AFSC/MOS required in the job announcement.

g. The nominating official must forward their selection package with proper justification through their command channels to HRO. The Standard Form 52 – Request for Personnel Action must be fully completed with the selected applicant’s information and position block completely filled out. The second line supervisor must concur with the nominating official’s selection. If the second line supervisor disagrees with the selection those issues must be addressed and decided prior to forwarding the selection package to HRO.

1-3. Notification Process. The HRO personnel are the ONLY personnel authorized to make notification of selected applicants. This will occur only after the selection package has been fully vetted through the appropriate offices i.e. Classification, Equal Opportunity, Labor Relations, etc. They will notify the selectee of pre-placement requirements and will coordinate with the nominating official and selected applicant to schedule in-processing and an official start date for the new employee.

1-4 . Records Retention. Any personnel or employment documentation received or made including but not necessarily limited to selection, hire, reassignment and promotion documents of employees or prospective employees will be preserved for a period of two years. Where a charge of discrimination has been filed under Title VI, VII or the Americans with Disabilities Act, personnel records will be preserved until final disposition of the charge or the action. The Human Resource Office (HRO) is responsible for retaining all applications, certification sheets, and any other paperwork generated by HRO in the normal course of the job announcement process. The nominating official will retain all selection criteria, interview questions, evaluations and rankings on all successful and unsuccessful applicants. Documents will be stored in a protected environment for the duration of the retention period to include scanned (computer) backup media. Hardcopy of documents will be destroyed by shredding after they have been retained until the end of retention period and computer copies will be destroyed by proven means to destroy such media. Requests for any documents related to full-time employee actions should be made to the Human Resources Office with justification for the request.

CHAPTER 2 PROCESSING PERSONNEL ACTIONS

2-1. General. This chapter gives general guidance on how to prepare, process, and, approve Requests for Personnel Actions (SF-52) which is the essential for maintaining records of full-time employees.

2-2. Position Classification. Supervisory responsibilities are listed in the Arkansas National Guard Position Management Plan, and NGB Pamphlet 690-1/ANG Pamphlet 40-1, 30 November 1983. (TAB G) Supervisor References)

2-3. Personnel Actions.

a. Use of the eSF 52 (FPM Supplement 296-33)

(1) The eSF 52 (electronic SF 52) is used by supervisors to request personnel and position actions. Non-electronic or hardcopy SF 52s will not be used unless first approved by the HRO. The eSF 52 is the source document used to coordinate requested actions through channels prior to forwarding to HRO. Every effort should be made to insure that the proper documentation is submitted concurrently with the eSF 52 (Compatibility Certification, properly completed Referral and Selection Register, etc.). The HRO uses the information on the form to document staffing, classification, and other personnel determinations. The information is then used to prepare the SF 50, Notification of Personnel Action.

(a) **Requesting Official:** This person is annotated in the “Action Requested By” block of the eSF 52. Normally, the first-level supervisor of the announced position vacancy who nominates the appointee from the best qualified candidates. If the Requesting Official is not available to interview or nominate a candidate, due to TDY, deployment, illness etc. for periods in excess of 15 days, the next line supervisor may act as the Requesting Official (written justification must be submitted with the selection package). The Requesting Official submits his/her nomination to the authorizing official for authorization.

(b) **Authorizing Official:** This person is annotated in the “Action Authorized By” block of the eSF 52. Normally, the second-level supervisor of the announced position vacancy who authorizes the nomination made by the requesting official. In the event the authorizing official does not concur with the nomination, justification from both the requesting official and authorizing official will be forwarded to HRO for determination.

(c) **Appointments/Merit Promotions (TPR 300, NGR 600-5, AR 135-18, ANGI 36-101):** Appointments or Merit Promotion selections of military and competitive technicians will be accomplished by the HRO for The Adjutant General, based upon nominations initiated by the lowest level supervisor and forwarded through channels to the HRO. All nominations will be in accordance with the State Merit Placement Plan. (TAB F)

(d) **Voluntary Reassignments (5 CFR Part 210):** Voluntary reassignments without a change in grade may be made providing the individual meets the qualification requirements for the new position, the concurrence of both the losing and gaining supervisors is obtained, and compatibility requirements are met. The request is initiated in writing by the individual requesting the transfer, and forwarded through supervisory channels to the gaining supervisor. If full concurrence is indicated, the gaining supervisor will submit an eSF 52 to effect the action.

(e) **Management Directed Reassignment (5 CFR Part 210):** Management directed reassignments are used by management to properly align the organization. All management directed reassignments are initiated

by management in writing by an eSF 52 with separate written justification as to why the reassignment is needed. Adequate justification will describe the “how, what, when, where and why”. The “why” will describe mission or force management need/impact. Management has the authority to command direct personnel to any position within the state and primary change of station costs may be offered if the relocation meets the qualifications specified in the Joint Travel Regulation. Management directed reassignments cannot be used to place an employee in a higher graded position; however, the employee may be placed in a lower graded position. If an employee is placed in a lower graded position the employee will receive grade and pay retention. The employee will receive written notice from HRO of the move and have an opportunity accept or decline the position change. If the employee signs the memorandum declining the reassignment, that constitutes as their 30 days notice of termination of employment.

(f) **Demotions (5 CFR Part 715):** A change to a lower grade not at the request of the technician is an adverse action and the provisions of TPR 752 (Tab E) or TPR 430 (Tab B) apply. A change to a lower grade at the request of or for the convenience of the individual concerned may result in lower pay, and the technician will not receive retained pay benefits. Self-initiated requests for a change to lower grade for the convenience of the technician must contain a statement to that effect, signed by the technician.

(g) **Details (5 U.S.C 3341; 5 CFR Section 7.4 Part 300; 315; 316; 338. TPR 300):** A detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his regular duties at the end of the detail. Technically, a position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. It is agreed that details may be used to meet the temporary needs of the work site when necessary services cannot be obtained by other desirable or practical means. Details may be made under circumstances such as the following: To meet emergencies occasioned by abnormal workload, special projects or studies, change in mission or organization, or unanticipated absences; or pending official assignment, pending description and classification of new position, pending security clearance, and for training purposes (particularly where the training is a part of established or developmental programs).

(1) Except for an emergency detail of thirty (30) days or less, an employee shall not be detailed for at least three (3) months after initial appointment.

(2) No detail will be made to evade the principle of recruitment through open competition. The supervisor assumes the responsibility for keeping details within the shortest practicable time limits and making a continuing effort to secure necessary services through use of appropriate personnel actions.

(3) **Details to Equal or Lower-Graded Positions:** Non-bargaining unit technicians may be detailed to the same or lower graded positions in 120-day increments for up to one year. Requests to extend beyond one year should be addressed to HRO, with full justification for submission to OPM for approval. Details of bargaining unit technicians will be administered under the provisions of the appropriate labor-management cooperation agreement or State Merit Placement Plan.

(4) **Detail to Higher-Graded Positions:** Details exceeding 120 days to higher graded positions will be administered through competition under the State Merit Placement Plan, unless further limited for bargaining unit technicians by the labor-management agreement.

(5) **Documentation:** Details in excess of 30 days will be reported on eSF 52 and maintained as a permanent record in the Official Personnel File, unless provisions are changed for bargaining unit members through negotiated agreement.

(h) **Resignations (5 CFR Part 715):** Normally, a resignation must be submitted in writing by the technician. This may be accomplished by completion of Part IV A - E of SF 52 and by submission of a letter. Attach civilian ID card (Optional Form 55) to SF 52 and forward to HRO. Supervisors are responsible for ensuring the out processing checklist is complete prior to separation. Supervisors are cautioned not to effect a personnel action (promotion, reassignment, etc.) prior to receipt of an SF 50, Notification of Personnel Action. Personnel actions are not effective until approved and documented by HRO.

Every effort will be made to make the requested action effective concurrently with the start of a pay period. SF 52's which are not received with the proper documentation by HRO on or before the due date specified below, will be made effective concurrently with the start of the next pay period. Exceptions will be made only in emergency or critical situations, and will be fully justified in writing.

(i) **Routing of eSF 52s:** eSF-52 should not contain PII, however the associated attachments may contain PII. Organizations (Army and Air) will submit eSF-52s and attachments that DO NOT contain PII via the HRO organizational email box (ng.ar.ararnghro@mail.mil). Organizations will submit eSF 52s or associated information that DO contain PII by properly formatting the email IAW service specific PII guidance, email encryption and then submitting directly to HRO Customer Service (keisha.e.williams.civ@mail.mil) or other representative specified by HRO leadership. Due to inevitable changes in personnel, leave and other absences, it is highly recommended that any such submission to an individual be followed up with a phone call in order to validate receipt. HRO Customer Service can be reached at 501-212-4201.

Estimated Time Table for Personnel Actions

Personnel Action	Due HRO Before Pay Period
Excepted Service Appointments	15 days prior
Promotions	15 days prior
Changes to Lower Grade	15 days prior
Reassignments	15 days prior
Position Changes	30 days prior
Details	15 day prior
Placement in Absent Uniform Service (AUS)	7 days prior
Return from AUS (Return to Duty)	Date of return
Retirements	120 days prior/immediately upon loss of military membership
Resignations	15 days prior

The following chart illustrates the correct actions to be requested in Part I, Block C, of a SF 52 when required:

If the Action Changes the Employee	Then the Action is
From one position to another: is entitled to begin or continue a period of grade retention as a result of the action; OR Employee moves (during grade retention period) back to position at retained grade	Position Change
To a position at a higher grade level within the same job classification	Promotion

system and pay schedule; OR To a position with a higher rate of basic pay in a different job classification system and pay schedule	
From one position under the General Schedule to another position at a lower grade under the General Schedule; OR To a lower graded position under the same wage grade schedule; OR To a position at a lower rate of basic pay in a different pay-method category	Change to lower grade
To another position on a temporary basis with the employee expected to return to their regular duties at the end of the assignment	Detail
From one position to another under conditions not covered in Rules 1-9, i.e., action is not a Position Change, Promotion, Change to Lower Grade, or Detail not resulting in change of pay	Reassignment

2-4. Technician Entry and Return from Active Duty

a. **Entry on Active Duty.** A SF 52 must be submitted for each technician who enters on active military duty for over 30 days in a leave without pay status (AUS). Item C, Part 1, of the SF 52, should indicate AUS with NTE date. The effective date should be the first date of AUS. Attach to the SF52 an AG AR FORM 450-R Employee Election Checklist for Federal Technicians Entering Extended Military Active Duty which has been certified (completed and signed) by the technician. HRO must be provided a copy of orders for all periods of active duty over 30 days.

b. **Return from Active Duty.** Upon return from active military duty, in a LWOP status of over 30 days, a SF 52 must be forwarded to the HRO indicating "Return to Duty" effective the day following completion of the tour of duty. HRO will issue a SF 50 authenticating the return to duty status.

2-5. Restoration Rights (5 CFR Part 353, 38 U.S.C. 4301-4333)

a. **Status while on active duty tours/AGR.** Technicians who perform active military duty under Title 10 U.S.C. or Title 32 U.S.C. may, at their request, be placed in Absent Uniform Service Status. If they do not elect to be placed in AUS status, they will be separated from technician service. Technicians must have been separated, however, to apply for withdrawal of retirement system deposits.

b. **Title 32 U.S.C. is creditable for retirement purposes only if all of following criteria is met:**

(1) Reemployment exercised under provisions of USERRA after 1 August 1990.

(2) The service interrupts otherwise creditable civilian service.

(3) It must be full-time (and not inactive duty).

(4) The required military deposit is made. The amount of the deposit required will be 3% (FERS) or 7% (CSRS) of the military basic pay or amount of retirement that would have been deducted and withheld from basic pay during civilian service if the employee had not performed the period of military service (whichever is lesser).

c. **Returning from active duty tours/AGR.** Technicians ordered to active duty are entitled to restoration into the technician workforce so long as the military service does not exceed five continuous years. The five year period begins on the first day of continuous military service.

d. **Position to which restored.** Whenever possible, technicians returning from a Absent Uniform Service status or from a separated status will be restored to a position, in the following order of placement:

(1) The position vacated, if available and vacant (if encumbered by a temporary or indefinite technician, action will be taken to reassign or terminate the occupant), or;

(2) A vacant position of like grade or pay, in the same line of work and in the same commuting area as the position vacated, or;

(1) A vacant position of like grade or pay outside the commuting area of the position vacated, or;

(4) A vacant position that most closely approximates (no more than two grades below) the position the technician left which is within the commuting area, or;

(5) As in (4) above which is outside the commuting area.

(6) If Placement cannot be made using the above order of placement, the procedures in TPR 300 (351) will be used to restore the individual.

(7) If desired, the technician may accept any position; if qualified, within the commuting area of the old job. If this option is selected, the technician will make the election in writing and the document will be clear that he or she is accepting the position in lieu of restoration rights listed above.

CHAPTER 3

ACTIVE GUARD RESERVE (AGR) PERSONNEL

3-1. General. The purpose of the Active Guard/Reserve program is to provide a full-time military asset, with the capability for mobilization, to improve the readiness of the Arkansas National Guard. AGRs are assigned to organizations to meet mobilization standards and mobilize with units as required. AGR members provide assistance in organizing, administering, recruiting and retaining, instructing and training National Guard personnel and organizations. They provide skills, stability, continuity, and full-time availability that cannot be reasonably obtained by using Traditional Guard members.

Although on full-time National Guard duty, AGR personnel differ from active duty military personnel in that they are under the command and control of the Adjutant General and Governor rather than the Army or Air Force directly. While AGRs have nearly the same pay allowances, benefits and privileges of active duty personnel, they are in state status (Title 32) and are covered by the same statutes and regulations as traditional Guard members to include the Arkansas Code of Military Justice (ACMJ).

- a. AGR Management for Air National Guard is governed IAW ANGI 36-101.
- b. AGR Management for Army National Guard is governed IAW NGR (AR) 600-5

3-2. Equal Opportunity (NGR 600-21, ANGI 36-7). The Arkansas National Guard is committed to seek out and correct or eliminate any personnel management policy, procedure, or practice that may result in disadvantages in employment or deny equality of opportunity to any group or individual on the basis of race, color, religion, gender, national origin, or retaliation (as a result of a previous EO activity).

3-3. Employment in AGR Service (ANGI 36-101, AR 135-18, NGR 600-5). The Arkansas National Guard AGR Program consists of Title 32 Active Guard Reserve (AGR) Full-Time Support (FTS), Title 32 Temporary Active guard Reserve (AGR) Full-Time Support (FTS) (Air National Guard Only, and Full-Time National Guard Duty – Operational Support (FTNGD-OS) personnel who are responsible for assisting in the organization, administration, recruitment, instruction or training of ANG and ARNG personnel.

3-4. In-Processing and Orientation. When entering the AGR program for the first time, selectees (Army and Air) must in-process and complete new employee orientation. Personnel will physically in-process at the AGR Management Branch at Building 7300, Camp Robinson, AR 72199-9600. In-processing will consist of several briefings and the collection of information and documentation necessary to build your personnel, pay and medical files. This includes information necessary to ensure Soldiers/Airmen and their dependents become eligible for medical care and other benefits. New personnel will be provided copies of orders and complete the In-processing Checklist.

3-5. Dress and Appearance (AR 670-1, DA Pam 670-1, AFI 36-2903). One of the most important areas of military tradition is the military bearing and the proper wearing of the prescribed uniform. All AGR personnel must maintain a high standard of dress and military appearance. This standard consists of four elements: neatness, cleanliness, safety and military image. AGR personnel are expected to have a working knowledge of grooming and uniform standards. Supervisory personnel must ensure that minor infractions which become a pattern or habit are corrected either through disciplinary or administrative action. At the same time, application of the standard must be even-handed and the appearance of "selective enforcement" should be avoided. Supervisors have a number of options for dealing with nonconformance to dress and appearance standards. They may counsel and send the offending member home for a reasonable period to correct the problem. If the individual has been warned that he is violating the standard and shows no improvement, the individual may be punished for failure to obey a lawful order or regulation. Involuntary discharge from the National Guard and the

AGR program are the ultimate option in a well-documented case.

3-6. Duty Hours

a. AGR personnel normally work the same schedule as other full-time employees of the Arkansas National Guard. The actual hours of work and scheduled days off are a matter resolved between the individual and supervisor. The use of flex-time and work schedules are subject to the respective command's policy. Duty hours may be increased on little or no notice for short periods to complete specific missions or required tasks.

b. In the event of a furlough of the technician and civilian workforce, AGR personnel are still required to report for duty. Attendance and participation at weekend drills with the member's unit of assignment is required. Additionally, AGR personnel will work duty hours as required when performing Annual Training with their assigned unit unless they are in a leave status, on a pass, or otherwise approved to be absent.

3-7. Pay . AGR personnel are paid through Defense Joint Military Pay System – Active Component (DJMS-AC) of the Defense Finance and Accounting Office, Indianapolis, IN (DFAS-IN). Army pay inquiries should be directed to HRO, AGR Section, COMM: 501-212-4212 or DSN 962-4212. Air pay inquiries should be directed to the servicing Comptroller Flight at Wing level.

(1) Pay actions take place during Mid-Month and End-of-Month. For an action to take effect on a Mid Month pay, the documents (including the AGR order) must be received by the appropriate office by the 1st of the month. For an action to take effect for an End-of-Month pay, the documents (including the AGR order) must be received by the appropriate office by the 15th of the month. It is the option of AGR personnel to be paid twice a month (on the 1st and 15th depending on holidays), or once a month (on the 1st).

(2) If the individual entered the AGR program after 1 Oct 85, they must have direct deposit of pay (sure pay). The AGR member and the financial institution (bank, savings & loan, credit union, etc) must complete a SF 1199a (direct deposit sign-up form). The form must include signature, account number, the routing number of the financial institution, and the customer service telephone number of that institution.

3-8. Leave and Passes. Leave and Pass management (vacation/time-off) is an important function of full-time supervision. The full-time supervisor of an AGR member has the responsibility to ensure the soldier/airman performs his/her assigned duties, is present for duty when required, and is afforded fair and reasonable treatment (to include reasonable time-off consistent with responsibilities to the mission of the organization). Leave is an individual entitlement that should be pre-planned and scheduled to obtain the maximum benefit for the individual and the organization. Supervisors should make every reasonable effort to grant leave during holiday periods, during significant family events, after major training periods, and other times as appropriate. Refer to applicable service regulations for administrative procedures applicable to the Arkansas National Guard.

3-9. Physical Fitness Program (AR 350-1, AR 40-501, AFI 36-2905, OTAG Policy #)

a. Maintaining an acceptable level of physical fitness is a requirement for continued service in the AGR program. To ensure that AGR personnel have an adequate opportunity to achieve and maintain fitness levels, individuals are authorized three hours during the workweek for Physical Training (PT). Official time may be used in 1 hour increments, with only one increment per day allowed. The scheduling and nature of this PT must be coordinated with the supervisor. Abuse of this privilege can result in its suspension or termination by the chain of command.

b. Army AGRs must pass the Army Physical Fitness Test (APFT) twice a year. Failure to pass the APFT is a serious matter and results in a number of adverse consequences to the individual. These include placing a "flag" on any positive personnel actions such as promotion, attendance at schools, etc. Further, an AGR cannot have their tour of duty extended or renewed if they are Flagged due to APFT failure. Two consecutive APFT failures without a valid medical condition may result in actions being taken to involuntarily separate the individual from their AGR tour immediately for unsatisfactory performance.

Army AGR personnel with a documented medical condition, or pregnant personnel, are eligible for alternate APFT programs. Coordination should be made with the first sergeant or training NCO for participation in these programs. Remedial physical fitness training programs are readily available for those personnel experiencing difficulties with the fitness test.

c. Air AGRs must meet the physical fitness requirements found in AFI 36-2905. Failure to pass the Air Force Fitness Test is a serious matter and will result in administrative action taken by Command. Continued failure will result in progressive administrative action which could include referral evaluations, letters of counseling/reprimand, demotion and/or discharge. Air AGR fitness failures will follow the same course of action as any other Air Guardsman with the exception that the HRO Labor Relations Specialist will be notified for tracking purposes.

3-10. Army Weight Control Program (AR 600-9)

a. In addition to maintaining an acceptable level of physical fitness, Army AGR personnel are also required to keep their body weight within certain levels. The purpose of the physical fitness and weight control programs is to maintain the efficiency, health, and well-being of the individual and to present a proper military image to the public. It is the immediate responsibility of unit commanders throughout the Arkansas National Guard to ensure that those under their command (AGR and traditional guardsmen alike) are in compliance with weight control guidelines and standards.

b. Body Fat Measurement is the determining factor in deciding whether a member is overweight. Although the Army regulation has a weight tables that is used, they are a screening device. During random or scheduled weigh-ins, individuals are weighed, and if they exceed their allowed weight in the weight table, a body fat measurement (BFM) is taken. If this measurement determines that the individual exceeds the maximum body fat, they are then placed into the weight control program. The weight control program requires a pattern of satisfactory weight loss and then keeping the weight off for a fixed period of time. Specifics on weight measurement and requirements of the weight control program can be obtained from your unit orderly room or from a cited reference.

c. Personnel who exceed body fat standards are ineligible for favorable personnel actions such as reassignment, tour extension, promotion, or other career opportunities. Continued failure to meet weight standards could also result in a full range of adverse administrative actions to include discharge. Disciplinary action such as an Article 15 cannot be imposed for solely being overweight, but can be imposed for the failure to perform duties such as to report for a scheduled weigh-in. Supervisors should carefully document a soldier's progress in the weight control program (counseling, weigh-in results) in order to support the appropriate action.

d. The key to this program is for commanders to uniformly apply it to each member of their unit. While each case should be handled on an individual basis, claims of "selective enforcement" within this area are not uncommon and need to be avoided.

3-11. Awards (ARS § 26-165, AR 600-8-22, AR ARNGR 600-8-22, AFI 36-2803). Title 32 AGR (Army and Air) personnel are eligible for the full range of awards and decorations. The criteria for award of any decoration are contained within the cited references. There are a number of awards reserved exclusively for traditional guardsmen for which AGR personnel are not eligible. In addition to federally recognized awards and decorations, the State of Arkansas has a number of awards and decorations for which AGR members are authorized to receive and wear.

3-12. Pregnancy (AR 40-501, AR 135-91, AR 600-20, ANGI 36-101, AFI 48-XXX).

a. Pregnant female Army Guard members and those eligible to become members are eligible for accession to the AGR program. Any AGR who becomes pregnant is allowed to continue performing her assigned duties as long as certain precautions and procedures as outlined in the cited references are followed. Upon notification of a medically certified pregnancy, the commander will advise appropriate medical personnel as to the soldier's assigned duties to determine if a physical profile change is needed. In any event, the individual will receive a temporary physical profile for the duration of the pregnancy. The individual will also be counseled by her chain of command as soon as practicable. She will be advised of her option to separate from AGR service upon delivery as well as the policies and procedures regarding pregnant members. Single mothers will also be advised of the need to establish a Family Support Plan for care of the child should the member elect to stay in the AGR program. AGR personnel are entitled to full medical care and assistance during the period of their pregnancy.

b. Pregnant female Air Guard members and those eligible to become members may ONLY APPLY for AGR positions but are NOT eligible for accession to the AGR program until medical accession standards are met. IAW ANGI 36-101, Individuals on a DD Form 469, *Duty Limiting Condition Report* at the time of AGR physical package evaluation will not be deemed medically qualified. Pregnancy is documented as a duty limiting condition on the DD Form 469 *Duty Limiting Condition Report* and therefore makes the Airman NOT eligible for accession to the AGR program. Airmen on AGR tours, other than occasional and AGR deployment backfill tours, may be continued or released as planned, regardless of the pregnancy. Tours may not be extended merely to provide medical coverage for non-complicated pregnancies. AGRs with complicated pregnancies must provide medical documentation from their provider to their servicing ANG Medical Group. Benefits for medical coverage are IAW AFI 41-115. Occasional and AGR deployment backfill tours will expire as indicated on the orders. Occasional tours will not be extended for complicated or non-complicated pregnancies.

3-13. Medical Care. TRICARE is the medical program for active duty members, qualified family members, eligible retirees and their family members and survivors of all uniformed services. It is designed to expand access to care, assure high quality care, control health care costs for patients and taxpayers alike, and improve medical readiness.

The TRICARE program is managed by the military in partnership with civilian contractors. Each of the regions of the U.S. has a Lead Agent who is a commander of a military treatment facility and responsible for overseeing the program. TRICARE offers beneficiaries three choices for their health care: TRICARE Standard, a fee-for-service option; TRICARE Extra, a preferred provider option that saves money over Standard; and TRICARE Prime, where Military Treatment Facilities (MTFs) and civilian network providers are the principal source of health care. The main challenge for most is deciding which TRICARE option—Prime, Extra or Standard—is best for them. Enrollment is only required for TRICARE Prime and TRICARE Prime Remote. There are no enrollment fees for active duty families in TRICARE Prime.

CHAPTER 4

AGR UTILIZATION & PROCESSES

4-1. General. The objective of the Arkansas AGR Program is to provide highly qualified officer and enlisted personnel to meet support requirements for the Arkansas National Guard, its projects and programs. To achieve this objective a hiring process that selects the best qualified personnel to enter the AGR program screens applicants. Once selected, the AGR program offers opportunities for career development and upward mobility so as to encourage retention by quality individuals. While entry into the program of individuals who may desire only to serve an initial or occasional AGR tour often occurs, the program is structured to allow for the achievement of sufficient years of full-time duty to qualify for retirement. This guidance is not intended to raise an individual AGR member's career expectations unrealistically. It will require careful planning by the individual AGR member, who has the primary responsibility for the management of his or her own career. AGRs should ensure their career goals are made known to their immediate supervisor. Career objectives should be addressed during evaluation counseling sessions.

4-2. Priority Placement Roster (PPR).

a. This program is designed for the management of excess/overgrade individuals who have been placed in a lower graded position due to a Reduction in Force. The PPP will be the initial means utilized to fill vacant positions for which the AGR is qualified. A list of AGR personnel on the PPP is maintained by the AGR Management Branch and will be provided to the selecting command/supervisor when an available vacancy arises. Whenever an action is taken to place an individual in an excess status, a Memorandum for Record detailing the action must be submitted to HRO for approval.

b. Army AGR members affected by changes in the Manning Document requirements, end-strength and grade ceiling limitations may be retained in an excess or overgrade status, as appropriate, for not more than one year after the effective date established by NGB-ARM. Elimination or downgrade of manning document positions will trigger AGR members to be enrolled in the Priority Placement Program (PPP). These members will be given priority over other members in filling vacant authorized positions for which they are qualified. AGR members carried in an excess or overgrade will be offered, in writing, the opportunity to fill vacant positions. Positions offered members may not have a maximum military duty grade which exceeds the member's current grade. The PPP takes precedence over all other personnel selection processes.

(1). AGR commissioned and warrant officers carried in excess status and not reassigned to valid manning document positions within one year after the effective dates established by NGB-ARM will be separated from the AGR program.

(2). Army AGR enlisted members will not be assigned in over-grade positions.

c. Air AGR Priority Placement Program is managed by HRO IAW ANGI 36-101.

4-3. Lateral Reassignment/Transfer.

a. This procedure is an optional means of filling positions within the AGR force (Army and Air) and requires a SF-52 be submitted to accomplish the action. Administrative Officers (AO) have the authority to transfer AGR personnel within their command. Additionally, the Joint Chief of Staff has the authority to transfer personnel as well. This reassignment must be to a position not lower than the individual's current military grade (unless the individual consents to a demotion) nor for promotion without undergoing a competitive process. While not an absolute requirement, an AGR member should be transferred to a position to which they are

MOS/AFSC qualified. If this is not possible, the AGR member will be afforded an opportunity to obtain training to reach the necessary skill level compatible with their new assignment. Members who fail to obtain the necessary qualification skills within a 12-month time will be either reassigned or terminated from their AGR status.

b. AGR personnel (Army and Air) may be reassigned without consent and without geographical limitations within the boundaries of Arkansas to meet the needs of the service. If the AGR member refuses a reassignment, action can be initiated to separate the individual from their AGR tour. An AGR member who is reassigned at the request of the command is eligible to have PCS costs reimbursed. A reassignment initiated at the request of the individual is categorized as a permissive move and the AGR member will be responsible for all costs associated with the move if PCS funds aren't available. (Grade inversion is not permitted as a result of a command or leadership reassignment).

4-4. Promotions. All AGRs must compete for reassignment to higher graded positions via advertisement of AGR vacancies through AGR Equal Opportunity Announcements (EOAs) released by HRO as specified in the AGR Handbook. Promotion is not a right, but a privilege earned by performance of duties and accepting the higher level responsibilities of the duty position.

(1) Army individuals cannot be promoted above the grade authorized for the position held on the Full-Time Support Manning Document, even though the TDA/MTOE may call for a higher grade. The maximum grade allowed is dictated by the Manning Document. There are three important factors affect the selection process for promotion of enlisted AGR personnel:

a. Needs of the Guard. The needs of the Arkansas National Guard change year to year. The number of projected vacancies at the next higher grade determines the number of AGRs promoted. This is called the "select objective" and there is one for each MOS/AFSC. With force modernization and changes to the force structure, the number needed in each MOS may vary from year to year. If the "select objective" increases in an MOS/AFSC, the chances for promotion will likely increase.

b. Qualification. Qualifications may be improved by keeping physically fit, improving military and civilian education levels, and seeking tough leadership positions.

c. In addition to qualifications, AGR personnel should review their official file on an annual basis to ensure all authorized documents are present.

(2) Air - Assignment to the higher graded position does not automatically qualify the AGR for promotion to the Airman's next grade or even up to the highest grade of the position. The AGR must meet all other ANG promotion criteria and be recommended by the commander through normal promotion processes; which may include a State and Federal promotion board. Without further competition, commanders may recommend promotion of AGRs up to the highest "NTE-grade" specified on the last job announcement for which the AGR applied and was selected. HRO will assist with the research needed to make such a determination. With the exception of Key Staff appointments by TAG, AGRs cannot be management/command directed into a higher graded position. As part of the promotion process, units will request a new AGR order through the AROWS system that reflects the higher grade. HRO retains approval authority for all AGR orders. Comptroller Flights will not process AGR promotions for pay without an approved order in hand.

4-5. Tour Continuations. Continuation in the AGR program is a privilege earned by demonstrated performance of assigned duties, maintenance of MOS/AFSC proficiency, maintaining physical fitness, meeting retention standards and having demonstrated potential for future promotion and or assignments of greater

responsibility. An AGR may be separated at expiration of tour if they do not consent to a subsequent tour, non-selected for continuation in full-time military duty, or are ineligible for a subsequent tour.

Subsequent tours will be reviewed for qualification IAW AR 135-18 and ANGI 36-101. All Army initial tours will go before an Initial Tour Continuation Board prior for continuation in the program. All Air initial tours will go before the AGR Continuation Board (ACB). Commanders and supervisors should review regulatory requirements to ensure AGRs in their command meet all requirements for tour continuation.

4-6 Control Grades. In addition to other promotion requirements, individuals seeking advancement to certain senior officer and enlisted ranks must obtain a controlled grade authorization. In order to prevent the organization from becoming "top-heavy", the Arkansas Guard is only allotted a certain number of these authorizations. Controlled grades are E8, E9, and O4 and above. Each service has established procedures for how these controlled grades will be apportioned. Specific guidance can be obtained from the AGR Manager.

4-7. Performance Evaluations. Officer Evaluation Reports and Noncommissioned Officer Evaluation Reports will be prepared IAW current service regulations and instructions. For Army, published rating schemes should include the rated member's immediate full-time supervisor in the rating chain whenever practical. If there is no full-time supervisor in the rating chain; the FTS supervisor should provide input to the Senior Rater. For Air, the unit/wing commander or a designated representative will establish the supervisory/evaluation chain and the rating IAW AFI 36-2406, *Officer and Enlisted Evaluation Systems*. The rating chain must include a full-time supervisor (AGR or military technician) as the rater, additional rater, or reviewer.

4-8. Military Education. MOS/AFSC qualification is an education requirement for AGR tours. All AGR members must be qualified in the skill level commensurate with the grade in their AGR duty position. Cross training in another MOS/AFSC, when funds are available, is perhaps the most overlooked, but most important item in career development. Members who do not successfully acquire the necessary skill level will either be reassigned to a position for which they are qualified or removed from the AGR program. All full-time positions require ongoing professional development and military education.

CHAPTER 5 AGR DICIPLINARY MATTERS

5-1. General. The underlying philosophy towards discipline within the Arkansas National Guard is that any misconduct should be resolved at the lowest appropriate level. The purpose of discipline is to get the member's attention and put them on notice that certain conduct will not be tolerated. To the extent that this can be accomplished with minor disciplinary measures, it is encouraged. Admonitions and letters of reprimand are suggested methods for dealing with minor disciplinary infractions, while major incidents will require a higher level of discipline. All adverse or disciplinary actions will be coordinated through the AGR Branch Manager and the Labor Relations Specialist at HRO. It is possible that a meeting may need to be scheduled to get all subject matter experts necessary to address a particular employee issue. This meeting will be coordinated by HRO.

5-2. Jurisdiction. Jurisdiction is the term which defines a commander's authority to take disciplinary action. As is the case with traditional Guard members, this jurisdiction can change to the Uniform Code of Military Justice when the member deploys for overseas duty, initial training, or active service and they are placed in a Title 10 status, which should be noted on their orders. Even though AGR members are subject to disciplinary action by their military chain of command, they are still subject to civilian criminal laws. Some offenses are violations of both civil and military laws and both authorities can take action although as a practical matter, the Arkansas National Guard will defer to civilian authorities. There are however, some offenses which are uniquely military (AWOL, insubordination, disobeying orders) in which the chain of command will take exclusive action.

There are also certain offenses (such as sexual assault) for which, depending on the circumstances, the immediate chain of command may or may not have jurisdiction. These cases must be properly referred to higher authority. The Staff Judge Advocate and will be consulted in all such matters.

If an AGR member is convicted of an offense by civilian authorities, the chain of command is not prohibited from taking some form of administrative action or non-judicial punishment. This could include a letter of reprimand, bar to re-enlistment, termination of tour and administrative discharge. The level of action should be dictated by the seriousness of the underlying civilian case. If the member receives a significant sentence of imprisonment (i.e. greater than 6 months), action to involuntarily separate or drop the individual from the rolls should be commenced immediately.

5-3. Arrest by Civilian Authorities. In the event AGR personnel are arrested or charged by civilian authorities with having committed a civilian criminal offense, a number of actions need to be taken. First, the chain of command should contact the civilian authorities and inform them that the individual is a full-time member of the Arkansas National Guard. This will enable the civil authorities to understand why you are calling. Obtain a copy of the police report if you can. Ask what actual charges have been or will be brought, the circumstances of the case, and the maximum punishment possible. This will help determine whether the offense is a "serious offense" for purposes of possible administrative action to discharge the individual. The individual should be advised that a JAG attorney cannot be appointed to represent them in the civilian criminal matter.

During the period that an AGR is awaiting trial, consideration should be given to withholding action on promotions, performance appraisals, retention, and school orders. Any deployment orders should also be

cancelled until the civilian criminal matter is resolved. If the evidence in the case appears strong enough, a decision to administratively discharge the individual can be made prior to the case being resolved. In most cases however, such a decision should await the final outcome of the criminal trial. If the AGR cannot post bail prior to the trial, it is recommended that their absence be charged to annual leave, or if their leave balance is exhausted, as excused. If the final result is a conviction, the member should be charged as AWOL for any jail time after providing them with the due process rights outlined in applicable guidance.

CHAPTER 6 AGR SEPARATIONS AND RETIREMENTS

6-1. General. All separations from the AGR program, voluntary or involuntary, are governed by directives published by National Guard Bureau. Individuals are expected to complete the period of duty specified in their AGR orders unless separated early from AGR status. All separations must be coordinated through the AGR section and approved by the Adjutant General (TAG).

6-2. Voluntary Separations.

(1) Army personnel may request early release from the AGR program by submitting a DA Form 4187 through channels to AGR Management Branch, at least 60 days in advance of requested separation date. The request must state the individual's intentions towards their traditional status with assigned unit. Under no circumstances will the request itself constitute termination. If approved, the AGR Management Branch will issue appropriate orders. REFRAD from AGR status does not affect the remaining Arkansas National Guard enlistment contract. Unless specifically requested and granted, individuals will continue to perform UTA drills with their unit of assignment after REFRAD of their AGR status. Once separated from an AGR tour, an individual is ineligible for another AGR tour for a period of one year. This requirement may be waived by the TAG. Individuals separating from the AGR program do not have restoration rights.

(2) Air personnel may voluntarily request tour curtailment IAW ANGI 36-101. Normally, this can be done in writing by submitting a letter of resignation from the AGR program. The commander/supervisor should attach the letter to an eSF-52 (Resignation) and forward to HRO through the appropriate channels. Separation from the AGR program does not constitute automatic separation from the Air National Guard.

6-3 Involuntary Separations. Full time supervisors at any level may initiate a recommendation for involuntary separation. The recommendation must be referred to the individual for rebuttal. A period of 15 days is ordinarily allowed to prepare and submit a rebuttal. Involuntary separations in this section include medical separations and separation for cause. Some reasons for involuntary separation for cause are:

- a. Inappropriate professional and personal conduct
- b. Moral or professional dereliction
- c. Loss of professional qualifications required for the performance of assigned duties.
- d. Substandard duty performance
- e. Acts of expressed sentiments of racism, sexism, or prejudice against ethnic or religious groups
- f. Failure to attain and maintain medical, physical fitness, and weight standards

The recommendation and rebuttal are forwarded through command channels to AGR Management Branch, and then forwarded to the Adjutant General for a final decision. Records of counseling and attempts to take corrective actions must be attached to the request. If the cause of the action warrants discharge from the National Guard, then that process should be followed, to include any administrative discharge board proceedings.

6-4. Mandatory Separations. This may occur without board action for the reasons listed below, regardless of the expiration date of current tour. Individuals should be given as much advance notice as possible.

- a. Officer Provisions:
 1. Completion of 20 years of Active Service, if not selected by AGR REFRAD Board (Army).

2. Twice non-selected (deferred) for promotion by mandatory consideration board or by a reserve officer promotion board.

3. Selection by the selective retention board (Army).

b. Enlisted Provisions:

1. If not retained during a Quality Retention Board or if selected by AGR REFRAD Board (Army).

2. Failure to meet MOS or AFSC qualification standards.

c. Officer and Enlisted Provisions:

1. At age 60.

2. At Mandatory Removal Date (MRD), or Retention Control Point (RCP) (Army).

3. At Mandatory Separation Date (MSD) (Air)

4. Conviction by civilian or military authorities for an offense that disqualifies the individual for retention.

5. Removal from Active Reserve status (i.e. transferred to Inactive Ready Reserve or does not maintain ARNG membership).

6. When a member is no longer medically qualified to serve.

7. Security Clearance withdrawn, cancelled or cannot obtain (Air)

6-5. Separation Pay. Personnel who are involuntarily separated, and have served 6 or more years of continuous active federal service immediately preceding their separation date, may be entitled to separation pay for specific reasons IAW the DoD Pay and Entitlements Manual. Currently, the only types of separation which warrant payment of separation pay are: (1) Failure on weight control program (5%) and (2) Board Action (i.e. QRB, etc) (10%). If the individual subsequently becomes eligible for retirement pay, any separation pay received must be repaid. Deduction for repayment will be automatically taken from their retired pay. Personnel involuntarily separated from active duty for any reason are entitled to Transition Counseling and Benefits or Transitional Assistance Program Seminar.

6-6. Medical Separation and Severance. AGR personnel separated from active duty for service related injuries or diseases may be entitled to a monthly disability payment or a lump severance pay. Eligibility rules are very specific and detailed. Individuals will be fully advised of their rights or options if they are potentially eligible for medical disability separation.

6-7. Retirements. Personnel are eligible for retirement from Active Guard/Reserve (AGR) duty upon completion of 20 years accumulated active federal service which includes AGR, Full-Time National Guard Duty (FTNGD), temporary AGR, annual training (AT), extended active duty (EAD), initial active duty for training (IADT), active duty for training (ADT), and all other types of active service under Title 10 USC or Title 32 USC 502-505. When individuals retire with 20 years of active federal service, an individual is entitled to receive an immediate annuity with all rights and privileges of Regular Retired Military except certain VA benefits (VA disability benefits are authorized). Individuals cannot receive retired reserve pay at age 60 if already retired from Active Duty and drawing that retirement annuity. Currently there are three retirement

systems in effect: Final Basic Pay, High-3, and REDUX. All retirement actions must be coordinated with the AGR Management Section.

6-8. Out-processing Procedures. Upon notification of approval for separation, out-processing must be coordinated with your unit, AGR Management Branch. An out-processing briefing will be scheduled with the AGR Management Branch or Wing HRO Remote. All appointments will be coordinated through these offices. Final pay will be made via Electronic Funds Transfer (EFT). **This final process may take 6-8 weeks to complete.**

CHAPTER 7

TECHNICIAN EMPLOYMENT

7-1. General. The Technician Program is responsible for organizing, administering, instructing, and training Soldiers; in addition, the program is responsible for the maintenance of equipment for the entire Arkansas National Guard (ARNG). Technicians can be either Dual Status (DS) or Non-Dual Status (NDS) technicians. DS technicians are federal civilian employees under 32 USC 709 and are assigned to organize, administer, or train Guard members while maintaining membership in the National Guard. DS technicians are required to wear their military uniforms while performing their civilian duties and adhere to all military customs and courtesies. NDS technicians are civilian employees of the Department of Defense (DOD) who are also employed under 32 USC 709. NDS technicians do not have to maintain membership in the National Guard and they provide valuable continuity within their respective states and territories especially when performing support functions without deployment interruptions.

7-2. Equal Employment Opportunity (29 CFR part 1614) (Tab J). The Arkansas National Guard is committed to seek and correct or eliminate any personnel management policy, procedure, or practice that may result in any disadvantages in employment or deny equality of opportunity to any group or individual on the basis of race, color, religion, gender, age, disability, national origin, or retaliation (as a result of a previous EEO activity).

7-3. Employment in the Excepted Service (TPR 300).

a. Excepted technicians must be federally recognized members of the AR ARNG or ANG as appropriate and assigned to an appropriate unit and maintain the military status as specified on their job description.

b. 10 USC 10216 (f), permits National Guard Officer Technicians to be retained beyond their mandatory elimination date. Such consideration will normally be granted when required for a technician to achieve technician retirement eligibility. Each case will be evaluated on an individual basis by The Adjutant General.

7-4. Temporary Limited Employment (TPR 300 Subchapter 2, 2-4). Supervisors may request Temporary Limited Appointments not to exceed 120 days provided all military membership, compatibility, and qualifications criteria are met. Such appointments may be made non-competitively. Requests for extension beyond 120 days will be denied. National Guard military technicians employed in time limited appointments do not serve a trial period (see para 3-10). Appointments can be terminated sooner than the not-to-exceed date upon notice from the supervisor.

7-5. Indefinite Employment (TPR 300 Subchapter 2, 2-14). Excepted indefinite appointments are limited to completion of project or one year (whichever occurs first) and are based upon availability of funds. The appointment may be extended up to a maximum of one additional year for a total of two years upon approval of the Human Resources Office. Competitive procedures must be used when filling a position on an indefinite basis.

7-6. Promotion and Internal Placement (TPR 300). See State Merit Placement Plan, Tab F.

7-7. Employment of Relatives (5 CFR Part 310, TPR 300).

a. Federal law provides that a public official may not appoint, promote, employ, or advance one of their relatives; or the relative of a public official who exercises jurisdiction or control over their agency.

b. Applicability - Applies to appointment, employment, promotion or advancement in either the competitive or excepted service.

c. Relative or family member refers to associations with individuals by blood, adoption, marriage, and/or co-habitation and are defined as: spouse, fiancé, fiancée, mother, step-mother, mother-in-law, father, step-father, father-in-law, guardian(s), sister, sister-in-law, half-sister, brother, brother-in-law, half-brother, ward(s), daughter, step-daughter, daughter-in-law, son, son-in-law, step-son, aunt, uncle, niece, nephew, grandparent, grandchild, and co-habitant.

d. Public official means an officer, an employee, or any other individual in whom is invested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote or advance individuals.

7-8. Trial Period (TPR 300; 5 CFR Part 315). The following is furnished for information and guidance of all supervisors in their dealings with trial period technicians.

a. Purpose of trial period. The trial period for excepted technicians provides a final step in the qualification process. During the trial period, the technician's conduct and performance in the actual duties of their position must be observed, and he/she may be separated from the service if the circumstances warrant. The trial period, provides protection against the retention of any person who, in spite of having passed preliminary tests, is found in actual practice to be lacking in fitness for permanent Government service.

b. Applicability and length of trial period for excepted technicians:

(1) Technicians will serve only one trial period.

(2) The trial period must be served for 12 consecutive months for dual status employees and 36 months for non-dual status employees:

(a) in the same type of occupational series.

(b) in the same state (same appointing authority).

(3) The following service is creditable, providing it meets the above criteria:

(a) Temporary appointments that immediately precede permanent excepted appointment.

(b) Career or career-conditional appointment that immediately precedes a permanent excepted appointment.

(c) Periods of LWOP of 30 days or less which interrupt other qualifying service.

c. Evaluation of trial period individual by supervisor (TPR 430). When an individual is employed who is required to serve a 1-year trial period, the supervisor should:

(1) Immediately give him/her a copy of their performance standards and/or position description. The contents of the standards must be thoroughly explained so that the technician will understand exactly what is expected regarding performance.

(2) Tell the employee that he/she will serve a 1-year trial period and that throughout the year their conduct, general characteristic traits, performance and potentialities for successful Government work will be observed very closely.

(3) Conduct timely counseling sessions with the employee to make sure the technician is apprised of their performance level. These sessions must be documented to support the employee's retention beyond or separation during the 1-year trial period.

(4) Not earlier than the beginning of the 9th month nor later than the end of the 10th month of the 1-year period, submit interim appraisal through supervisory channels certifying either that the employee's performance, conduct, and general character traits are found to be satisfactory or that they have been found unsatisfactory. The rating must contain a positive recommendation whether the employee should be retained beyond the trial period. Removal action can be initiated at any time during the trial period if it becomes apparent, after a full and fair trial, that the employee's conduct, general character traits, or performance do not make him/her fit for satisfactory Federal service. This kind of action should be taken in sufficient time for the employee to be notified 30 days prior to the expiration of the 1-year period that he or she will not be retained.

d. Separation of trial period employees.

(1) Separation action may be based upon deficiency in duty performance, lack of aptitude or cooperativeness, or undesirable suitability characteristics evidenced by the employee's activities either during or outside official working hours.

(2) Termination action should be initiated whenever the probationer's work performance or conduct fails to demonstrate fitness or qualifications for continued Federal Employment, however, a decision to terminate should not be made in haste. Supervisors should avoid waiting until the last possible day to inform a probationer of their impending separation. Trial periods are completed at the end of the tour of duty, and employees who are to be separated must be separated no later than the day before the 1-year period will have been completed.

(3) When separation action is to be effected, the supervisor must request in writing to the HRO that the employee be terminated during their trial period. The request must contain as a minimum the supervisor's conclusion on the inadequacies of the employee's performance or conduct, to include enough factual information (from documented counseling sessions) to make the supervisor's basis for the action clear. If the facts indicate that separation action is warranted, HRO will issue a 30-day notice, in accordance with paragraph "d(2)" above. The employee is not given a right to reply to the notice.

(4) Supervisors of trial period employees who are experiencing difficulties with these employees are required to seek early guidance from the HRO to insure that administrative procedures are followed. In any case, prior to telling the employee he/she is to be separated and prior to requesting such action, all supervisors are required contact the HRO for coordination for the action. All separation actions must be preceded by a 30-day notice.

7-9. Wearing of the Uniform. Technicians in the excepted service will wear the military uniform appropriate to their service and federally recognized grade when performing technician duties and while attending courses of instruction at military service schools and at the Professional Education Center, Camp Robinson, North Little Rock, Arkansas. They will comply with the standards contained in the appropriate regulations pertaining to grooming and wearing of the military uniform. Dual Status Technicians will recognize all military customs and courtesies in accordance with Technician Employee Handbook.

CHAPTER 8 TECHNICIAN TRAINING, PERFORMANCE, AND AWARDS

8-1. General Training. Information and guidance for managers and supervisors on the administration of the Technician Human Resources Development Program are derived from TPR 400, The Technician Human Resources Development Program, and is further detailed in the Technician Training Plan (TAB I). Questions referencing this program can be directed to the Human Resources Development Specialist (HRDS) at (501) 212-or DSN 962-4210.

8-2. Needs Assessment Survey (Army). This survey provides forecasted technician training requirements for the units, directorates, and activities which assists in acquiring training and training travel funds for the next Fiscal Year (FY). The Needs Assessment Survey is conducted annually and is completed during the period 1 – 30 June of each year. Supervisors are required to assess the training needs of their organization and categorize as Priority 1, 2, or 3. Funding will be approved based on the Needs Assessment Survey on file for the current FY. The funding for technician travel and training is the responsibility of the HRDS.

Priority Types:

Priority 1 – Training that is required by law, statute or directive, without which mission accomplishment would be seriously impaired or would impose risk of loss of life, injury, or damage or destruction of equipment.

Priority 2 – Training on new equipment or processes that would affect the employee’s ability to perform in a satisfactory manner, or advanced or refresher training for employees already performing at a satisfactory level.

Priority 3 – Encompasses all other training, i.e. professional development, conferences, workshops, seminars, etc.

8-3. Training Requests.

1. Army Technician training requests that will utilize funds for tuition, registration, books or travel to events will be provided to the HRDS using the SF 182, Authorization, Agreement, and Certification of Training. When completing the SF 182 employees and supervisors will provide a detailed description of the training and how it will benefit the organization. If printed materials (i.e. pamphlets, brochures or web sites) are available they will be submitted with the request. Training requests will be submitted to the HRDS **no later than** ten (10) business days prior to the training event for commercial vendors or 60 days prior to the event for Professional Education Center (PEC) courses to allow for processing time. **No training will be approved without a completed SF 182.** Defense Travel System (DTS requests for training travel submitted without having completed a SF 182 in advance, will not be approved. Within 10 business days after completion of the requested training, employees or their supervisor are responsible for providing a copy of the training completion certificate to the HRDS. Supervisors are responsible for submitting an evaluation 60 days after the employee returns from training evaluating the impact of the training and whether the desired results were obtained.

2. Air Technicians can obtain certain required and elective training that increases the efficiency and effectiveness of an organization. Funding for Air Technicians is provided by each Wing and is paid for with a GPC. The Wing Contracting office will be consulted on all such purchases. If the training is required for qualification and/or upgrade in the position, such should be documented on an Improvement Development Plan

(IDP) as specified in Section 8-7 and submitted to the HRDS for approval. The HRO HRDS will advise supervisors and facilitate scheduling for certain courses and training requirements. If in doubt, ask.

8-4. Training for Employees Within One Year of Retirement. Training funding for employees within one (1) year of retirement will not be approved unless either of the following conditions apply:

- (1) No other employee within the requesting organization meets the prerequisites to attend.
- (2) Failure to attend the proposed training will potentially cause loss of life or mission failure.

8-5. Mandatory Training. Several positions within the workforce have mandatory training requirements which are identified by National Guard Bureau (NGB) through PEC to the HRDS/Deputy Chief of Staff, Operations (DCSOPS) Schools sections. Personnel in these positions have one year from the time they are placed into the position to complete the required training at PEC. The HRDS is responsible for the input and approval of personnel attending these courses. If an employee cancels from a reservation, the supervisor will be contacted and required to counsel the individual concerning the cancellation and forward the counseling, along with the rescheduling plan, to the HRDS.

8-6. Performance Improvement Plans (PIP). It is a formal plan designed for the employee to provide training that will result in the employee's performance being raised to the successful level. This plan can entail computer based training, on the job training, formal training or a combination of platforms that will provide the employee with the specific knowledge and skills required to complete their work in a satisfactory manner. When the supervisor determines that an employee is not performing to a satisfactory level (the level for which the employee was hired) they will contact the HRDS and the Labor Relations Specialist for detailed instructions on implementation Prior to initiating the PIP. The supervisor can place the employee on a PIP at any time they determine the employee is not performing at a satisfactory level. Initiation of PIPs is not tied to the Performance Appraisal and early initiation is encouraged in order to increase performance. The process for placing an employee on a PIP can be found in Technician Personnel Regulation (TPR) 430, National Guard Technician Performance Appraisal Program, Appendices D – F, which includes sample notifications and timelines.

Note: The Performance Improvement Plan is for performance issues only; conduct issues will be addressed through the Labor Relations Specialist.

8-7. Individual Development Plan (IDP). An individual development plan (IDP) is a tool to assist employees (Technicians and AGRs) in career and personal development and used to record and track the training and development of employees. It help employees reach short and long-term career goals, as well as improve current job performance. Supervisors are encouraged to initiate IDPs for all newly assigned employees, however, the IDP is mandatory for employees hired below the target grade of the position. For example, an employee is selected for a GS-09 position, but only has the skill level at a GS-07 level; and IDP would be needed for the employee in order to get them to the GS-09 level. The supervisor and employee will work together to identify the training and development needs of the employee and will record that information on the IDP form. The plan will be forwarded to the HRDS for review and approval. The plan is not complete until final approval by HRO-HRDS.

Upon completion of the approved plan for a below target grade employee, the supervisor will forward a copy of the IDP, all completion certificates, and the promotion SF 52 to the HRDS. The promotion cannot be processed until the entire packet is received by the HRO-HRDS.

8-8. Performance Appraisal System. Guidance regarding the Technician Appraisal System is described in TPR 430 and the accompanying Performance Appraisal Plan (TAB B). Questions referencing the Performance Appraisal System can be directed to the Human Resources Specialist at 501-212-4221 or DSN 962-4221.

8-9. Incentive Awards. Guidance regarding the Technician Incentive Awards System is described in TPR 451, Performance Management Awards, and the accompanying AR/ANG Supplement 1 Arkansas National Guard Technician Performance Management Awards Program (TAB C). Questions referencing Incentive Awards can be directed to the Human Resources Employee Benefits Specialists at 501-212-4223(DSN 962-4223) or 501-212-4218 (DSN 962-4218).

CHAPTER 9 TECHNICIAN PAY

GENERAL SCHEDULE (GS) POSITIONS

9-1. General (5 CFR Part 531). General Schedule positions are those positions for which a specific General Schedule (GS) grade is authorized, and the pay for each grade is established by statute.

a. Salary steps from step 1 to step 10 are established within each grade with a progressive higher salary rate for each succeeding step.

b. Salary for most new appointments will be established at step 1, regardless of experience, education, training, etc. However, salary steps for reappointed technicians who previously held Federal Civil Service positions (within two (2) years) may be set at a rate which does not exceed their highest previous rate as a technician or Federal employee.

9-2. Entitlement to Within-Grade (Step) Increases. An employee paid at less than step 10 of the GS grade of his or her position shall be advanced in pay to the next higher step of that grade upon meeting the three requirements established by law:

a. The employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position; and

b. The employee must not have received an equivalent (excluding IPP) increase during the waiting period; and

c. The employee's performance must be at an acceptable level of competence. To meet this requirement, an employee's most recent performance rating of period must be at least a Level 3 ("Fully Successful" or equivalent). The employee's latest performance appraisal documents the employee's performance. In the absence of a performance appraisal, the employee's performance is presumed fully acceptable.

d. Supervisors are sent an electronic notice that their employee will receive a within-grade increase on a certain date.

(1) If the Technician's performance is still fully successful or better, the WIGI will be granted and no further action is required by the supervisor.

(2) If the Technician's performance has fallen below fully successful then the supervisor must take the following actions:

(a) Notify the Human Resources Office **immediately** that the intent is to render an 'OUT-OF-CYCLE' rating documenting the poor performance and withhold the WIGI.

(b) Provide the Technician written notice of the intent to withhold the WIGI before the effective date of the WIGI. Instruction for the notification can be found in TPR 430. Coordinate with HRO before presenting notification to the Technician.

(c) Complete and forward the original copy of the rating to HRO before the effective date of the WIGI, and this will constitute as an 'OUT-OF-CYCLE' rating. The Human Resources Office will take action to deny the WIGI.

(d) Prepare a new performance plan for the Technician.

(e) The requirement for the annual rating still remains when the technician's annual rating is due. The supervisor will be required to complete a rating or recertify that performance has not changed.

9-3. Required Waiting Periods for Within-Grade Increases:

a. The waiting periods for advancement to the next higher step rate are:

- (1) For advancement to steps 2, 3, and 4 - 52 calendar weeks of creditable service.
- (2) For advancement to steps 5, 6, and 7 - 104 calendar weeks of creditable service.
- (3) For advancement to steps 8, 9, and 10 - 156 calendar weeks of creditable service.

b. The waiting period for within-grade increase begins with the technician's initial appointment. Thereafter, a new waiting period begins whenever a technician:

(1) Receives a within-grade increase or promotion to a higher graded position;

(2) Has a break in service of more than 52 continuous calendar weeks or returns to duty after a continuous period in non-pay status for more than 52 weeks, unless, during such periods, the technician was on active duty or active duty for training.

WAGE GRADE (WG) POSITIONS

9-4. General (5 U. S. C. Chapter 53; 5 CFR Part 532)

a. Wage Grade positions are those positions for which a specific wage grade has been established, and the salary of which is fixed by the wage fixing authority according to the wage area or locality in which the position is authorized.

b. Salary steps 1 to 5 are established for Wage Grade (WG), Wage Leader (WL), and Wage Supervisor (WS) positions.

9-5. Within-Grade Increases are authorized at the completion of the following waiting periods: For WG, WL and WS employees:

- (1) Advancement to step 2 requires 26 weeks creditable service in step 1.
- (2) Advancement to step 3 requires 78 weeks creditable service in step 2.
- (3) Advancement to steps 4 and 5 requires 104 weeks creditable service in steps 3 and 4.

9-6. Granting or Withholding Within-Grade Increases (General Schedule and Wage Technicians) (5 CFR Part 531).

a. The performance appraisal process, emphasizing the most recent appraisal, is the mechanism for determining whether or not a technician's performance is at an acceptable level of competence. In order to normally justify the granting of a within-grade increase, the technician's most recent performance appraisal must be at the "Fully Successful" level or above. If the most recent appraisal is less than "Fully Successful," action will normally be initiated to withhold the increase.

b. Prior to effecting a within-grade increase, HRO will review the technician's OPF to verify the score of the last performance appraisal. HRO will individually contact the supervisors of technicians whose appraisal scores will not support the granting of within-grade (step) increases. When it is determined that a technician is performing below an acceptable level of competence, he or she shall be given a written notice, as soon as possible after completion of the within-grade or step increase waiting period, which contains the following:

(1) The reasons for the negative determination and the respects in which the employee must improve performance in order to receive a within-grade increase. (Note: The employee should be told what he or she needs to do to be at an acceptable level of competence so it is clear what performance is necessary for the within-grade increase to be granted in the future).

(2) Notice to the employee of his or her right to request reconsideration; and

(3) The name of the official to whom the request for reconsideration is to be submitted.

c. When an employee receives a negative determination he or she shall be granted a reasonable amount of time to review the material relied upon to make the determination.

(1) If a negative determination is reversed (either before or upon reconsideration), the effective date of the increase will be the original due date.

(2) If a negative determination is sustained, the employee shall be informed in writing of the reasons for sustaining the negative determination.

9-7. Severance Pay (5 CFR Part 550). Technicians may be entitled to severance pay when involuntarily separated from their employment. Involuntary separation is defined as a separation which is not at the technician's request or is a result of misconduct, delinquency, or inefficiency.

a. The failure to accept an enlisted technician's reenlistment application is an involuntary separation for severance pay purposes except when it can be reasonably established that failure to accept the application is for reasons of misconduct, delinquency or inefficiency. Failure to comply with military regulations concerning height, weight, and/or physical fitness is considered a voluntary action on the part of the technician.

b. Separation as a result of refusal to accept an equivalent position in the same commuting area is considered a voluntary separation. (For the purpose of this paragraph, an equivalent position is one with like seniority, tenure and pay, other than retained pay).

c. Separation for failure to accept reassignment outside the commuting area is considered an involuntary separation.

d. Separation because of entry into the active military service is a voluntary separation.

9-8. Entitlement to Severance Pay: Technicians are entitled to severance pay provided they:

a. Are Permanent, or Indefinite technicians, and,

b. Have been employed currently for a continuous period of at least 12 months, and,

c. Are not entitled to an immediate annuity under any retirement law or retirement system applicable to Federal employees. In this connection:

(1) Social Security benefits do not preclude the payment of severance pay.

(2) Entitlement to immediate retirement pay precludes payment of severance pay.

d. Severance pay consists of two elements: a basic severance allowance and an age adjustment allowance.

(1) The basic severance allowance is computed on the basis of one week's basic compensation (computed at the rate received immediately prior to the separation to include premium pay for standby duty) for each year of creditable civilian service up to and including ten years and two weeks of basic compensation at such rate for each year of creditable civilian service beyond ten years.

(2) The age adjustment allowance is computed on the basis of ten percent of the total basic severance allowance for each year by which the age of the technician exceeds 40 years at the time of separation.

9-9. Computing and Payment of Severance Pay

a. In computing severance pay, credit will be given at the rate of 25 percent of a year for each three (3) months of creditable service which exceeds one year and for each three (3) months that the technician's age exceeds 40.

b. Total severance pay will not exceed one year's pay at the rate received immediately before separation.

c. Severance pay will be paid in pay period intervals or, at the request of the technician, severance pay may be paid in a lump sum. Final payment shall consist only of that portion of the severance pay fund remaining when payments are elected. If the technician is reemployed in the Federal System prior to the expiration of the period covered by the payment of severance pay, the payments are discontinued on the date of reemployment.

9-10. Premium Pay

a. **Overtime Pay.** Technicians under either the General Schedule or wage system are not entitled to compensation for overtime work. If overtime work is required, the technician will be granted an amount of compensatory time off from his or her scheduled tour of duty equal to the amount of time spent in overtime work, subject to management controls (See Para 6-16).

b. **Night Differential Pay (5 CFR Part 550).** Under certain circumstances, the law authorizes an additional night shift differential to be paid in addition to the technician's basic pay, payable in multiples of 15 minutes.

(1) General Schedule (GS) technicians receive night differential pay for all regularly scheduled work performed between 1800 and 0600 hours. The differential is computed at 10 percent of the basic hourly rate for the night shift hours actually worked. Meal time is not included.

(2) Wage Grade (WG) technicians receive night differential pay for the entire shift when five or more hours of their regularly scheduled eight-hour shift occurs between 1500 hours and midnight, or between 2300 and 0800 hours including meal breaks of one hour or less. Shift rates are paid a 7.5 percent for the second shift (1500-2400 hours) and 10 percent for the third shift (2300-0800 hours).

(3) Technicians serving on an intermittent basis with no regularly scheduled tour of duty are ineligible to receive night differential. However, if such a technician is assigned temporarily to a regularly scheduled tour that includes night work, he/she is eligible to receive night differential for the period of temporary assignment.

(4) Recording eligibility for night differential. Night differential will be paid on the basis of time and attendance reports. Standard Form 50 (Notification of Personnel Action) will not be prepared to authorize or rescind payment of a night differential nor will any notation concerning night differential be entered on this form when it is prepared for other purposes. Technicians will be advised of changed salary payments (because of night differential) by means of payroll Leave and Earnings Statements (LES's).

c. **Holiday Pay (5 CFR Part 550)** Holiday pay must be requested and approved in advance from HRO.

(1) Regular full-time technicians receive regular straight time pay for holidays they are not required to work. Part-time technicians will receive their regular pay for holidays falling on their regularly scheduled workdays. When the activity is closed on a Friday or Monday because of a holiday falling on a Saturday or Sunday, such closed days are not considered holidays in determining holiday benefits for part-time technicians, but these technicians may be excused without charge to leave for such days. Technicians hired on an intermittent basis receive no compensation unless actual work or authorized travel is performed.

(2) If a technician (other than a part-time technician) works on a holiday falling on one of their regular workdays or on a holiday falling on the day designated as their "in lieu of holiday," the technician is paid at twice the regular rate for not more than 8 hours of such work. A part-time technician who works on an "in lieu of holiday" will receive only their regular pay for that day. If a technician works on a holiday falling outside their regular workdays, he/she is allowed compensatory time off for all hours worked. A technician who works on a holiday is credited with a minimum of 2 hours of work. If the technician is recalled to work two or more times, he/she is credited with at least 2 hours for each period up to a total of 8 hours.

9-11. Environmental Differential Pay. (See TAB H).

CHAPTER 10 TECHNICIAN ATTENDANCE AND LEAVE

10-1. Weekly and Daily Scheduling of Work. Designation of work weeks and hours of work will be determined by management through coordination, when appropriate, with recognized labor organizations, subject to approval by The Adjutant General and the National Guard Bureau. A listing of inclusive dates of pay periods for ARNG and ANG technicians will be published annually by HRO (TAB H).

10-2. Federal Holidays (5 CFR Part 610)

a. The following days are treated as holidays for purposes of pay and leave for Federal technicians:

New Year's Day -- January 1

Martin Luther King's Birthday -- the third Monday in January

President's Day -- the third Monday in February

Memorial Day -- the last Monday in May

Independence Day -- July 4

Labor Day -- the first Monday in September

Columbus Day -- the second Monday in October

Veterans Day -- November 11

Thanksgiving Day -- the fourth Thursday in November

Christmas Day -- December 25

Inauguration Day -- (in the Washington metropolitan area only)

Any other day designated as a holiday by Federal statute or Executive Order

b. A listing of exact dates of holidays for the coming year will be posted annually on the HRO webpage (TAB H).

10-3. Rest periods (5 U. S. C. Chapter 61. 5 CFR Part 610). Short rest periods during the daily tour may be permitted when such periods are beneficial and/or necessary. Rest periods granted in accordance with these provisions are considered duty time and are included in the daily tour of duty. Rest periods other than those provided herein may not be considered a part of the daily tour of duty; such periods must be charged to the appropriate type of leave.

a. The rest period may not exceed 15 minutes during each four (4) hours of continuous work.

b. If the duty hours from the beginning of the daily tour to the lunch period is less than four (4) hours, a rest period should be granted only in unusual circumstances.

c. The rest period may not be a continuation of the lunch period.

10-4. Lunch Periods (5 U. S. C. Chapter 61. 5 CFR Part 610). Lunch periods, during which the technician is entirely free of duty, may not be considered duty time and must be scheduled outside the hours established for the daily tours of duty.

10-5. Administrative Dismissal - General. Administrative dismissal of technicians, normally pertains to the dismissal from work, without charge to leave, of all or a substantial number of employees of an activity or

installation due to the closing of the installation. Excused absence, normally pertains to the excusal, without charge to leave, of certain individuals for specific reasons and without regard to the closing of any one activity or installation. Except as provided in paragraph 6-6 below, the authority to administratively dismiss technicians or approve excused absences remains with The Adjutant General or delegated authority.

10-6. Absence Without Charge to Leave (5 CFR Parts 63 and 81). Authority is delegated to supervisors to administratively dismiss technicians and/or authorize excused absence without charge to leave for the following reasons, subject to regulatory or negotiated agreement provisions:

- a. To donate blood.
- b. To vote or register to vote when such voting or registration cannot be established outside regular working hours. Generally, an employee is excused from duty so as to permit him/her to report for work three hours after the polls open or to leave work three hours before the polls close, whichever results in the lesser amount of time off.
- c. Technicians, not on military orders, may be excused without charge to leave for medical appointments related to Federal Civil Service appointments. Technicians will not be granted excused absence without charge to leave for appointments which are purely military by nature (i.e. dental appointments).
- d. Participation in funerals. Army and Air technicians performing duty as pallbearers, members of firing squads or other duties relating to military funerals are not eligible for federal employee compensation for injury or illness relating to such duty. They may be placed on military orders, without pay and allowances, to be authorized excused absences (Administrative Leave) and be appropriately covered for military medical compensation. Military orders, without pay and allowances, must be prepared in accordance with applicable regulations. A copy of the order must be attached to the SF 71 documenting the excused absence as administrative leave.
- e. To present grievances and appeals including participation as a union representative on behalf of another technician.
- f. To attend conferences and conventions which have been determined by The Adjutant General as being in the best interest of the National Guard.
- g. To participate as an official observer in a union election or participate in management-employee meetings as a union representative.

10-7. Court Leave (5 CFR Part 63). Court leave is the authorized absence (without loss of pay or leave) for Jury Duty, or for attending judicial procedures in a unofficial capacity as a witness on behalf of a State or local government, or on behalf of a private party when the party is the United States, D.C. or local government.

Time and attendance (T & A) sheets coded court leave for the purpose of performing jury or witness duty should be accompanied by an attendance certificate from the court. If attendance certificates are not available at the time

T & A sheets are forwarded, they should be submitted to the appropriate technician pay office not later than the end of the following pay period. All fees received for the performance of jury duty or witness fees when on court leave must be forwarded to the appropriate technician pay office. Reimbursement for mileage or per diem

expenses should not be forwarded. Checks and/or money order for the amount of fees received should be made payable to the "DFAS-PE" (Defense Finance and Accounting Service- Pensacola).

The following chart should guide supervisors' actions in documenting technician absences for court or court-related services:

EMPLOYEE ABSENCES FOR COURT OR COURT-RELATED SERVICES

Nature of Service	Type of Absence			Fees			Govt. Travel Expense	
	Court Leave	Official Duty	Annual Leave or LWOP	Yes			No	Yes*
				No	Retain	Turn In to Agency		
I Jury Service (A) U.S. or D.C. court (B) State or local court	X X			X		X	X X	
II Witness Service (A) On behalf of U.S. D.C. government (B) On behalf of State or local government: (1) In official capacity (2) Not in official capacity		X		X		X X	X	
(C) On behalf of private party (1) In official capacity (2) Not in official capacity (a) When a party is U.S., D.C., or Local govt (b) When a party is not U.S., D.C., or local govt	X	X				X X X	X X	

*Offset to the extent paid by court, authority, or party which caused the employee to be summoned.

10-8. Leave Without Pay (LWOP) (5 CFR 630.1202). Leave without pay is a temporary non-pay status and absence from duty granted upon an employee's request. The permissive nature of LWOP distinguishes it from absences without leave (AWOL), which is an absence from duty that is not authorized or approved (see paragraph 6-13).

a. Requests for LWOP for over 30 days will be submitted on SF 52 completed as follows:

PART I.

- (1) Item B: Self explanatory.
- (2) Item C: Enter "LWOP", if not for Military Active Duty, or "LWOP-US," if for Military Active Duty and Not To Exceed date*.
- (3) Item D: Enter date LWOP is to commence.
- (4) Items E and H: Self-explanatory.

PART II.

- (5) Items 1-26: Self-explanatory.
- (6) Item 37: Enter reason(s) for request and date of anticipated return to work. Technicians must state whether they intend to return to work.

*AUS (i.e. entry into AGR program) cannot exceed 5 cumulative years total.

b. Technicians requesting LWOP to attend a service school or entering on active duty for over 30 days will furnish to their Supervisor a completed AG AR Form 450-R, Employee Election Checklist for Federal Technicians Entering Extended Military Active Duty, (see Chapter 6 Attachment 1) and a copy of the active duty order. The AG AR Form 450-R and copy of active duty orders will be attached and submitted with the SF52.

c. Time and Attendance sheets must be coded as follows for Leave Without Pay:

KA for LWOP (personal – not called to active duty)

KG for LWOP-US (called to active duty)

d. Upon return of the technician who has been on approved LWOP for over 30 days, the supervisor will forward SF 52 requesting "Return to Duty." The effective date will be the day following completion of the tour of duty. The HRO will issue a SF 50 authenticating the return to duty status.

10-9. Annual Leave (5 CFR Part 630)

a. Earning rates. An employee is entitled to annual leave with pay which accrues as follows:

(1) four hours per pay period for each full biweekly pay period for an employee with less than 3 years of service.

(2) six hours per pay period for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year is one and one-fourth days, for an employee with 3 but less than 15 years of service; and

(3) eight hours per pay period for each full biweekly pay period for an employee with 15 or more years of service.

b. Scheduling. The taking of annual leave is an absolute right of the employee, subject to the right of the head of the activity concerned to fix the time at which leave may be taken. Supervisors will schedule the use of annual leave of technicians to allow for adequate yearly vacation periods. Use of annual leave during slack periods should be encouraged. If annual leave is disapproved, a reason must be given for disapproval. The supervisor must initiate action to reschedule the leave.

c. Maximum Accumulation. Technicians may accumulate annual leave for later use up to a maximum of 240 hours at the end of a leave year.

(1) Supervisors are responsible for assuring that excess annual leave is scheduled to prevent any unintended loss at the end of the leave year. This may be accomplished by establishing a tentative leave schedule at the beginning of each leave year, which will allow plans for leave to be compared with known work and mission related schedules.

(2) The supervisor is responsible for deciding when leave may be taken. This decision is generally made in regard to the needs of the service and not based solely on the desires of the employee.

d. Temporary technicians who are appointed for, or have served in excess of 90 days, without a break in service, are entitled to annual leave. Technicians serving for less than 90 days do not earn annual leave.

e. Requests for advance annual leave for ARNG technicians will be submitted through supervisory channels to HRO for approval or disapproval. Requests must be received at least two pay periods in advance of the leave dates unless an emergency exists. A full justification for the advance leave must be provided. Supervisory personnel must provide recommendations and the basis for their recommendation for approval or disapproval to HRO. For ANG technicians, the current year accrual of annual leave may be advanced if approved by the supervisor IAW DoD Financial Management Regulation. The supervisor will certify that there is reasonable assurance that the technician will remain in duty status long enough to earn the advance.

f. Restoration of Forfeited Annual Leave

(1) Regulations provide for the restoration of forfeited annual leave due to administrative error, sickness, or exigencies of the public business. Failure to use annual leave due to extended active duty is not considered an "exigency of the public business" for purposes of leave restoration. Therefore, technicians with a leave balance in excess of 240 hours should be advised to use such leave to avoid forfeiture.

(2) Requests for restoration of forfeited annual leave should be submitted with full justification, through channels, to the HRO to arrive not later than the end of the second pay period following the end of the leave year.

10-10. Sick Leave (5 CFR Part 630). Technicians earn sick leave at the rate of 4 hours for each full biweekly pay period. Sick leave is earned from the first pay period of employment regardless of the type of employment (temporary or permanent) or length of service.

a. **Authorization.** Sick leave is authorized in the following cases:

(1) When an employee is incapacitated for the performance of their duties by sickness or injury, or in the case of females, pregnancy.

(2) When an employee requires medical, dental, optical, or chiropractic examination or treatment.

(3) When a member of the employee's immediate family is afflicted with a contagious disease and requires the employee's care and attention, or the employee's presence at work would jeopardize the health of others due to exposure to the disease.

b. **Documentation.** Unless already addressed in a labor-management agreement for a bargaining unit consisting of non-supervisory and non-managerial National Guard technicians employed in the state of Arkansas, sick leave will be authorized only in bona fide cases and may be granted orally or may require acceptable evidence. It is the responsibility of the local supervisor to ascertain whether absences are properly chargeable to sick leave. Medical certificates may be required under the following conditions:

(1) For absences in excess of three days.

(2) For absences of short periods at frequent intervals whenever there is a reason to believe that the sick leave privilege is being abused. In such cases, the technician will be advised in writing that sick leave will be granted only when absence is supported by a medical certificate. Medical certificates must be submitted within **2 workdays** after the technician return to duty. Except for sick leave requests for scheduled appointments which require prior approval, all requests must be made within the first hour after the technician is scheduled to report for duty. If the technician fails to notify his/her supervisor within the first hour, their absence will be recorded as absence without leave (AWOL).

c. **Advance Sick Leave.** Requests for advance sick leave not to exceed 240 hours will be submitted through supervisory channels to HRO for approval or disapproval. Requests must be received in advance of the leave dates unless an emergency exists. When requesting advance sick leave the technician does not have to exhaust all accrued annual leave. Consideration of the request will be based on the following documentation:

(1) Written correspondence by a licensed practitioner certifying to the incapacitation of the technician and the date the technician may return to work.

(2) All available sick leave is exhausted before advancement.

(3) Annual leave that would otherwise be forfeited is used.

(4) The supervisor must certify there is reasonable assurance the technician will return and repay the advance credits.

Approval of advance sick leave requests will be based on past years service, nature of illness/injury, prior sick leave history, and the likelihood of repayment. The following table will be used as a guide for amounts of advance sick leave requested

EMPLOYED	ADVANCE SICK LEAVE
90 days or less	No advance
Less than 1 year	40 hours
1 to 3 years	80 hours
3 to 5 years	160 hours
over 5 years	240 hours

10-11. Military Leave (TPR 630, Chapter 6). Permanent and Indefinite technicians appointed for one year are authorized 15 days military leave per fiscal year. Maximum carry over is 15 days (5 U.S.C. 6323 (a)). Eligible technicians are granted any military leave available to them whenever they are ordered to Active Duty/Active Duty for Training/or Inactive Duty Training. Effective 31 December 2000, military leave is chargeable on an hourly basis, and no military leave charge is made for non workdays. The 15 days are converted to 120 hours and charged on the same basis as annual or sick leave, i.e., chargeable for workdays only. An employee working an uncommon tour of duty shall have this leave entitlement adjusted on a pro rata basis as required by the employee’s work schedule. Technicians have the option of using a combination of any leave, i.e., compensatory leave, leave without pay, annual leave, and military leave.

Use of military leave by technicians must be substantiated by Military Orders and must accompany the T & A sheet.

10-12. Law Enforcement Leave (5 U.S.C. 6323(b)). Permanent or indefinite Military technicians are authorized 22 days of Law Enforcement Leave (LEL) each calendar year. This leave is authorized for employees to provide military aid to enforce the law or assistance to civil authorities in protection or saving of life or the prevention of injury. Affected technicians should be placed in an official leave status and placed on state active duty (SAD) orders for the entire period of emergency. Leave granted for this purpose is charged in hours. The 22 workdays are converted to 176 hours and charged on the same basis as annual or sick leave, i.e., chargeable for workdays only. An employee working an uncommon tour of duty shall have this additional leave entitlement adjusted on a pro rata basis as required by the employee’s work schedule. Under the provisions of 5 U.S.C. 5519, an employee’s technician pay is reduced by the amount (other than travel, transportation, or per diem allowance) received by the employee for military service while in a Law Enforcement Leave status. Technician pay is not reduced for military pay received for service on non-workdays. A copy of the orders and a certificate of attendance should be provided to the Customer Service Representative (CSR) with the Time and Attendance Records. Military technicians are not required to use LEL. They may elect to use annual, compensatory or LWOP. If the technician chooses not to use LEL but elects a paid leave status (annual leave or compensatory leave), then the technician salary is not offset by the amount of military pay received.

10-13. Absence Without Leave (5 CFR 551.401). Technicians who fail to report to work as scheduled without being granted leave must be considered as absent without leave and carried in an AWOL status for the period of absences. The technician will therefore, not be entitled to pay for the period of absences, even though he/she may have accrued annual leave, sick leave, or earned compensatory time. If at a later date it is determined that the individual was ill, injured, or that extenuating circumstances prevented their presence at work, he/she may be granted annual leave, compensatory time off, or sick leave, as appropriate and if available.

Authority to determine the individual's status, either AWOL, LWOP, sick leave or annual leave and compensatory time off, as appropriate, rests with the supervisor.

10-14. Leave Transfer Program

a. The Office of Personnel Management has established a Voluntary Leave Transfer Program (VTLP), that permits Technicians to donate or receive **annual** leave directly to another Technician who has personal or family medical emergency and **who has exhausted all of his or her accrued, accumulated, recredited, and restored annual and sick leave**. This program provides for medical or family emergencies or other hardship situations which might require an absence from duty for a prolonged period resulting in a substantial loss of income to the Technician because of the unavailability of paid leave. Consideration of the request will be based on the following documentation:

(1) Written correspondence by a licensed practitioner certifying to the incapacitation of the technician and the date the technician may return to work.

(2) All available sick leave is exhausted before advancement.

(3) All available annual leave is exhausted before advancement.

(4) The supervisor must certify there is reasonable assurance the technician will return and repay the advance credits.

b. Technicians may apply to become leave recipients by completing Optional Form 630 Leave Recipient Application Under the Voluntary Leave Transfer Program (see Chapter 6 Attachment 2), and forwarding it to HRO for approval. If the Technician is not capable of making application on his or her own behalf, another Technician may make written application for him or her. HRO will return a copy of the request to the Technician indicating approval or disapproval. HRO will hold copies of approved requests until leave donor(s) are approved.

c. Technicians who wish to become leave donors may apply by completing Optional Form 630-A Request to Donate Annual Leave to Leave Recipient (*Within Agency*) Under the Leave Transfer Program (see Chapter 6 Attachment 3), or Optional Form 630-B Request to Donate Annual Leave to Leave Recipient (*Outside Agency*) Under the Leave Transfer Program (see Chapter 6 Attachment 4), and forwarding it to HRO for approval. HRO will attach approved Leave Donor Request (Optional Form 630-A) to approved Leave Recipient Request (Optional Form 630) and forward them to the appropriate Technician Pay section. Leave cannot be donated to the technician's immediate supervisor. In any one leave year, a leave donor may donate no more than a total of one half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made. Technicians who accrue:

- 4 hours per pay period may donate 52 hours per leave year.

- 6 hours per pay period may donate 80 hour per leave year.

- 8 hour per period may donate 104 hours per year.

d. The Human Resource Office, through the recipient's immediate supervisor, will monitor the status of the personal emergency of the leave recipient. When it is determined that the personal emergency has ended, the supervisor will send a memo to HRO and the appropriate Technician Pay Branch indicating the date that the

personal emergency ended. Any transferred annual leave remaining to the credit of the leave recipient when the personal emergency terminates, shall be restored to the leave donor(s) to the extent administratively feasible.

e. HRO will maintain files of the leave recipients, leave donors, and the total hours of leave transferred between individual pay account that are forwarded to the Technician Pay Branches. Pay Office records must be maintained in a manner that will record and track the amount of leave donated and by whom.

10-15. Federal Family Leave:

a. **FEDERAL EMPLOYEE FAMILY FRIENDLY LEAVE ACT (FEFFLA):** FEFFLA may be used to: Provide care for a "family member" having illness, injury or other condition which, if employee had such condition, would justify the employee's use of sick leave and/or arrange or attend funerals for family members.

(1) All full-time employees are allowed to use up to 40 hours sick leave a year for these purposes provided they have sick leave, without any sick leave balance limitation.

(2) An additional 64 hours sick leave may be used provided the employee maintains a balance of at least 80 hours sick leave for their own possible use.

(3) Family members under FEFFLA are: Spouse, spouse's parents, children, employee's parents, brothers/sisters and their spouses, and others whose close association creates the equivalent of a family relationship.

b. **FAMILY & MEDICAL LEAVE ACT (FMLA):** FMLA provides 12 workweeks of unpaid leave (LWOP) during any 12 month period for: birth of a child and care of a newborn; placement of child with employee for adoption or foster care; care of spouse, children, parents of employee if they have a serious health condition; and/or a serious health condition of the employee that makes employee unable to perform essential functions of their position.

(1) An employee shall take only the amount of Family Medical Leave necessary to manage the circumstance that prompted the need for leave.

(2) An employee may elect to substitute annual leave or sick leave, if appropriate, for unpaid leave.

(3) Family members under FMLA are spouse, children or employee's parents.

(4) If an employee is physically or mentally incapable of invoking his or her entitlements to FMLA leave during the entire period in which the employee is absent from work for a FMLA qualifying purpose, the employee may retroactively invoke his or her entitlement to FMLA leave within two workdays after returning to work. The incapacitation of the employee must be documented by a written medical certification from a healthcare provider.

c. **EXPANDED FAMILY & MEDICAL LEAVE** allows employees to schedule and take up to a total of 24 hours of unpaid leave in any 12 month period to: participate in school activities related to the educational advancement of a son or daughter such as a parent-teacher conference or interviewing for a new school (school refers to an elementary school, secondary school, Head Start program or a day care facility); accompanying a son or daughter to routine medical or dental appointments; and/or accompanying an elderly relative to routine medical or dental appointment or appointments for other professional services related to the elders' care.

10-16. Compensatory Time (TPR 990-2, 8550.SI)

a. **Policy.** Public law stipulates that compensatory time off will be granted to technicians for the amount of time spent in regular or irregular overtime work, subject to management controls. Except in bona fide emergency situations, overtime work resulting in compensatory time off will be approved in advance, in writing, by a supervisor at least one level higher than the first line supervisor. Procedures for recording the accrual of compensatory time are covered under separate instructions published by the USPFO for ARNG technicians and the appropriate payroll office for ANG technicians.

b. **Time Requirements.** Compensatory time must be taken within 26 pay periods from the pay period in which it was earned, or it will be forfeited. To avoid forfeiture of compensatory time, it should be taken before annual leave, except in instances where annual leave will be forfeited.

c. **Restoration of Forfeited Compensatory Time.** Effective 1 October 1990, the provisions for restoration of Compensatory time were eliminated.

Employee Election Checklist for Federal Technicians Entering Extended Military Active Duty

Printed Name (Last, First, MI):		SSN:	
---------------------------------	--	------	--

Initials	Section I – Leave Without Pay (LWOP) / Leave Scheduling Election
-----------------	---

	I request to be placed on LWOP Beginning:		Thru:	
	I request my leave be scheduled as follows:	From:	To:	Total # Hours:
	Military Leave:			
	Comp Time:			
	Annual Leave:			

Initials	Section II – Federal Employee Health Benefits (FEHB) Election
-----------------	--

	After reading and understanding the reverse side of this form (FEHB Options), I elect to:			
	A	Continue The Enrollment By (choose one):	Signature:	Date:
		Submitting Direct Payments:		
		Incurring a Debt (recommended method):		
	B	Terminate My	Signature:	Date Signed:
				Effective Date:

	FEHB Enrollment:			
Initials	Section III – Federal Employees Group Life Insurance (FEGLI) Election			
	I understand that when placed on LWOP, my FEGLI coverage will continue for 12 months at no cost to me.			
Initials	Section IV – Retirement Benefits			
	I understand that when placed on LWOP, death and disability benefits continue under my current retirement system (CSRS or FERS).			
	I understand that the military service performed is potentially creditable service but that I must make a deposit for that service prior to retirement (interest accrues three years after return to duty).			
Initials	Section V – Thrift Savings Plan (TSP)			
	I have a TSP Loan:	<input type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, TSP Loan #/s:	Loan One:
				Loan Two:
	I understand that upon restoration to my technician position, I may make retroactive contributions and elections, and that I must request, through HRO/ERS, to make retroactive TSP contributions WITHIN ONE YEAR OF RETURN TO DUTY (RTD) AS A TECHNICIAN.			
Section VI – Final Statement of Understanding				
	Signature:		Date:	
I understand my elections:				
Address:			Phone:	

*****NOTICE*****

**FEDERAL EMPLOYEE HEALTH BENEFITS (FEHB) OPTIONS
WHILE IN LEAVE WITHOUT PAY (LWOP) OR INSUFFICIENT PAY STATUS**

You must respond within 31 days (45 days for employees residing overseas) of this notice or your FEHB enrollment will automatically terminate.

Please also note that entering a period of LWOP or returning to pay status from a period of LWOP can impact the tax treatment of your FEHB premium and may permit you to change your participation in premium conversion.

Each pay period you are enrolled in the FEHB Program, you are responsible for payment of the employee share of the premium. When you enter leave without pay status, or your pay is insufficient to cover the premium, you must:

- *Terminate the enrollment; or*
- *Continue the enrollment and agree to pay the premium or incur a debt.*

TERMINATING THE ENROLLMENT: *If you elect to terminate your enrollment (or the enrollment automatically terminates), the termination will take effect at the end of the last pay period in which premiums were withheld from pay. FEHB coverage will continue at no cost to you for an additional 31 days. During the 31 days, you and your covered family members may convert to an individual contract with your insurance carrier. The termination is not considered a break in the continuous coverage necessary for continuing FEHB coverage into retirement. However, the period during which the termination is in effect does not count toward satisfying the required 5 years of continuous coverage. When you return to pay and duty status, or at the end of the first pay period your pay becomes sufficient to cover your premium, you must reenroll within 60 days if you want FEHB coverage. You will also have the opportunity to change your premium conversion participation when you return to pay and duty status and reenroll in FEHB. When coverage terminates because of military duty not limited to 30 days or less, the effective date will be the date the employee is separated, furloughed or placed on Leave Without Pay (LWOP) [5 CFR 890.304 (a)(vi)].*

CONTINUING THE ENROLLMENT AND AGREEING TO PAY THE PREMIUM (Not Recommended): *If you elect to continue your coverage, you must elect to pay the premiums directly or to incur a debt in the amount of the unpaid premiums. If you elect to pay the premiums directly, these payments will be made with after-tax monies since health premium deductions can only be treated as pre-tax payments if they are deducted from pay. If you elect to pay directly, mail a check or money order payable to **(Obtain from HRO/ERS if elected)**. Include on the check your name, social security number, a note that the payment is for "FEHB premium", and the pay period for which the payment is being made. Mail payment to: **(Obtain from HRO/ERS if elected)**.*

CONTINUING THE ENROLLMENT AND AGREEING TO INCUR A DEBT (RECOMMENDED): *If you elect to incur a debt, the repayment of the debt is deducted from your pay, and you are participating in premium conversion at the time the deduction is made, it will be treated as a pre-tax payment. You can change your premium conversion participation when you return to a pay status. It does not matter whether you participated in premium conversion at the time the debt was incurred. If you are participating when the debt repayment deductions are made from your pay they will be afforded pre-tax treatment. If you elect to incur a debt, or if you elect to pay directly but fail to pay the entire amount due, you will receive a notice stating the total amount due. The notice will be sent when you return to pay status, your pay becomes sufficient, or you separate from employment. By electing to continue coverage you agree to repay the resulting debt in full and to allow the debt to be collected by withholdings from any salary payments to you from the Federal Government, up to **(see HRO/ERS for approximate amount)**. If the amount due cannot be withheld in full from salary, it will be recovered from a lump sum payment of accrued leave, income tax refunds, amounts payable under the Civil Service Retirement System or Federal Employees Retirement System, or any other source normally available for the recovery of a debt due the United States.*

****Important Notice for Those With Allotments/Child Support Payments/Garnishments, etc.****

*These deductions **will stop** and it is up to the individual to make arrangements to satisfy these debts. Contact the parties responsible for the deductions (to include child support, garnishments, tax levies, savings allotments, NGAUS, Vulcan Life*

Insurance, Union Dues, and Military Service Deposits) and make **legally sufficient** arrangements to protect yourself from possible legal action. These arrangements may include authorized deductions from military pay...contact payroll.

You do not want to return from a deployment to find yourself in trouble with the law!!!

AG AR FORM 450-R (Reverse) (31 January 2001)

LOCAL REPRODUCTION IS AUTHORIZED HRO SUPV REF TAB A CHAP 6 ATTACHMENT 1

CHAPTER 11 LABOR RELATIONS AND EMPLOYEE ASSISTANCE

SECTION I

VOLUNTARY, NON-DISCIPLINARY, AND DISCIPLINARY ACTIONS

11-1. Voluntary and Non-Disciplinary Actions. Guidance pertaining to voluntary actions initiated by the technician and those actions initiated by management for non-disciplinary reasons is described in TPR 715, dated 13 July 2007 (TAB E).

11-2. Discipline and Adverse Actions. Guidance pertaining to disciplinary actions, adverse actions, appeal rights, administrative hearings and the NGB Hearing Examiner System is described in TPR 752, dated 27 August 2010 (TAB E).

SECTION II

ARKANSAS NATIONAL GUARD TECHNICIAN GRIEVANCE PLAN

11-3. General (TPR 700, dated 16 August 1982 with revisions). The following grievance procedures apply to all military and competitive technicians who are not in bargaining units covered by collective bargaining agreements. These procedures are established to provide each technician the opportunity to obtain personal relief in a matter of concern or dissatisfaction that is subject to management control.

a. Objectives.

- (1) To prevent undermining of employee morale by the destructive effect of unsettled complaints and grievances.
- (2) To take preventative action and develop an effective procedure for handling complaints and grievances.
- (3) To provide a channel, in which a technician is assured freedom from reprisal, for voicing complaints and submitting grievances.
- (4) To promote effective employee-management relations and efficiency of agency operations.

b. A technician may request the assistance of another person of their own choosing in preparing or presenting their grievance.

c. A technician and/or their representative will be given a reasonable amount of time to present the grievance.

d. The time limits specified in these procedures pertain to calendar days and may be extended by mutual agreement of the technician and supervisor or deciding official concerned.

11-4. Definitions.

a. Dissatisfaction - a matter of concern to a technician regarding the interpretation or application of management policies.

b. Complaint - a dissatisfaction that has been brought to management's attention either oral or in writing.

c. Grievance - a complaint that has not been satisfactorily resolved through the informal procedure established herein.

11-5. Coverage

a. Except as provided in subparagraph b below, these procedures apply to any matter of concern or dissatisfaction to a technician which is subject to the control of The Adjutant General or any subordinate management official or supervisor. Such grievances may include, but are not limited to, such matters as:

(1) Working conditions and environment.

(2) Relationships with supervisors and with other technicians and officials.

(3) Management decisions specifically covered by these grievance procedures.

(4) Implementation of personnel policies and questions on the interpretation and application of policies or directives to a technician or group of technicians.

b. These procedures do not apply to:

(1) The content of published Arkansas National Guard policy.

(2) Non-selection for promotion from a group of properly ranked and certified candidates.

(3) Discharge, suspension, furlough without pay, or reduction in rank or compensation.

(4) Non-adoption of a suggestion or disapproval of a performance award or Quality Salary Increase.

(5) A grievance that has been processed under the procedures negotiated in agreement with a labor organization.

(6) Performance ratings.

(7) Classification.

(8) EEO.

(9) Adverse Actions.

(10) Withholding of Within Grade Increase.

11-6. Procedures.

a. Informal:

(1) A technician who has a complaint will present the matter to their immediate supervisor. The complaint may be presented either orally or in writing. A technician will present a complaint concerning a particular act or occurrence.

(2) If the immediate supervisor is unable to resolve the complaint within ten (10) days, the technician may present his complaint, either orally or in writing, to the second level supervisor. The technician has five (5) days from receipt of the first level supervisor's decision to present his complaint to the second level supervisor.

(3) If the technician is dissatisfied with the second level supervisor's decision or has not received a decision from the second level supervisor within 10 days, they may file a formal grievance.

b. Formal:

(1) A technician may present a grievance under the formal procedure if they have completed action under the informal procedure and submits their formal grievance within 10 days of receipt of the second level supervisor's decision or within 20 days of submission to the second level supervisor if no decision was received from the second level supervisor.

(2) The written grievance must:

(a) Be submitted in triplicate utilizing the technician grievance form. (See enclosure one at the end of this section)

(b) Contain sufficient detail to identify and describe the basis of the grievance.

(c) Specify the personal relief desired.

(3) The grievance will be submitted to the appropriate deciding official, or, if that official is the second level supervisor, direct to The Adjutant General.

(4) The deciding official will make every effort to resolve the grievance including coordination with the AG, if resolution is outside the scope of that deciding official's authority. The supervisor will complete Part II of the technician grievance form and return the original plus one copy to the technician with their decision within 20 days of receipt of the grievance. An information copy of the technician grievance form with the decision reached will be forwarded to the Personnel Officer who will insure that the AG is advised of the grievance and action taken.

(5) The aggrieved technician, upon receipt of the technician grievance form with the deciding official's decision will complete Part III of the form and forward the original copy to the HRO within 15 days of receipt of the decision by the deciding official. If no reply is received from the technician within the 15 day period, the grievance will be canceled for failure to duly proceed with the advancement of the grievance.

(6) If the technician requests referral of the grievance to a hearing examiner, the HRO will first advise The Adjutant General, and will then refer the matter to a hearing examiner selected by The Adjutant General by completing Part IV of the technician grievance form.

11-7. Hearing Examiner

a. Hearing Examiners will meet the standards of experience and training prescribed by the National Guard Bureau. Upon approval of The Adjutant General, a Hearing Examiner assigned to conduct an inquiry and to make recommendations will withdraw from a proceeding at any time they deem themselves disqualified, or they may be withdrawn by The Adjutant General for good cause found after timely affidavits alleging personal bias or other disqualifications have been filed and the matter has been reviewed by The Adjutant General. A Hearing Examiner may be substituted at any time by The Adjutant General for the Hearing Examiner previously selected, or should a Hearing Examiner become unavailable during the course of an inquiry, The Adjutant General may designate another Hearing Examiner for the purpose of completing the inquiry and issuance of a report of findings and recommendations.

b. The Hearing Examiner will conduct an inquiry of the nature and scope appropriate to the issues involved in the grievance. At the examiner's discretion, the inquiry may consist of:

- (1) Securing documentary evidence.
- (2) Personal interviews.
- (3) Group meetings.
- (4) A hearing.
- (5) Any combination of the above.

c. If a hearing is held, the examiner shall determine how the hearing shall be reported, either by verbatim transcript or by written summary, either of which when used will become part of the record of the proceedings. In the case of a written summary, the technician and/or their representative will be allowed to submit written exceptions if they fail to agree with the contents of the summary which also becomes part of the record of the proceedings.

d. The examiner will establish a file containing all documents relating to the grievance and will make the grievance file available to the technician and/or their representative for review and comment. Any written comments will become part of the file.

e. After the employee and/or their representative have been given a chance to review the grievance file, the examiner will prepare a written report of the findings and recommendations and submit the report to The Adjutant General. The technician will be furnished a copy of the report.

f. The Adjutant General will make a final decision on the grievance not later than 30 days after receipt of the Hearing Examiner's recommendation.

11-8. Miscellaneous

a. The HRO will provide necessary administrative support to the Hearing Examiner and will provide advice and assistance to both supervisors and the aggrieved employee and/or representative in the presentation and resolution of a grievance.

b. Procedures for submitting Equal Opportunity Complaints are published in NG (AR) 690-600/NGR (AF) 40-1614 and NGR 600-22/ANGI 36-3.

c. Grievance procedures will be made available for review by all technicians. Technicians will be fully informed of their rights in this area and of the procedures they should follow in exercising those rights.

d. A grievance may be withdrawn at any stage upon request of the aggrieved technician or their elected representative by the submission of a written request, or on notification that the full remedy has been granted whether or not the technician requests cancellation.

e. A grievance may be canceled by The Adjutant General or his designated representative by notifying all parties promptly in writing of this action for it for the following reasons:

(1) For failure to prosecute if the technician does not furnish required information and duly proceed with the advancement of his case, after having been warned in writing of the possibility to cancellation. This notice must also inform the employee of any appeal rights they may have.

(2) Upon the death of the technician, or upon their separation for reasons not concerned with the grievance, provided there is no question of pay involved or other relief that could be granted to the technician.

(3) Upon notification that the same matter has been presented to and accepted for adjudication by the Office of Personnel Management or any other agency authorized to review it.

GRIEVANCE FORM

1. Name of Grievant:	2. Duty Phone:
3. Position/Grade:	4. Duty Site:
5. Grievance Presented to:	6. Date of Incident:

7. Background and Nature of Grievance: (Attach separate sheets if required. Describe in detail the incident or action on which the grievance is based. Provide names, dates, times, places, where applicable. Attached supporting documents, if appropriate. State the Article/Section of the Contract or law, rule, or regulation allegedly violated.)

8. Resolution Requested:

9. Grievance Steps (Initial, date, and attach previous decisions)

Step #1: _____ Date: _____

Step #2: _____ Date: _____

Step #3: _____ Date: _____

10.

SIGNATURE OF GRIEVANT:

Date:

11. Record of Receipt: (Management Official will sign and date each step)

Step #1: _____ Date: _____

Step #2: _____ Date: _____

Step #3: _____ Date: _____

*Grievant will complete Items 1 through 10)

SECTION III EMPLOYEE ASSISTANCE PROGRAM (EAP)

11-9. Purpose. This publication implements the Employee Assistance Program (EAP) of the Arkansas Army and Air National Guard. It relates to situations where the employee's ability to perform the job is affected by personal problems. These may stem from a variety and combination of sources such as substance abuse, marital/family problems, legal, financial, or health concerns, or emotional traumas. This plan details appropriate supervisory actions to assist the employee in returning to successful job performance.

11-10. Background. In recent years, more information has become available to help individuals manage stressful life situations. However, not everyone is fully equipped with the ability to use these skills. This may be the result of feeling so overwhelmed by various problems that an employee feels helpless and frustrated. When this occurs, supervisors may notice any one of several symptoms. These include a reduction in the quality of work, frequent, unplanned absences or tardiness, inability to get along with co-workers, irritability, depression, change in physical appearance or behavior, among other changes. By the time these symptoms are apparent, the problem may be fairly well developed. Employees often forget in the midst of the trauma that there are resources available to help them to overcome their circumstances. This type of isolation occurs when the individual feels that their problems are too personal and often too painful to address. However, most health insurance packages offered by the Arkansas National Guard do cover counseling and substance abuse rehabilitation costs. Substance abuse and counseling are included because studies have concluded that they are conditions which can be treated as any other which impacts job performance.

11-11. Policy.

a. The goal of The Adjutant General is mission accomplishment. As morale and productivity relate to this goal, it is incumbent on management and command to be responsive to situations where personal concerns affect the individual's ability to perform the vital tasks required for mission accomplishment.

b. The Arkansas National Guard Employee Assistance Program (EAP) has the following specific objectives:

(1) That the agency recognizes alcoholism/drug abuse and mental health problems as treatable health problems.

(2) That the agency is concerned with the employee's medical/behavioral problems as soon as they begin to affect an individual's job performance or the efficiency of the service.

(3) When management has reason to believe criminal conduct is directed toward or potentially harmful to the person or property of others, management's first obligation is to the safety and health of the person or property of others, then to the employee involved.

(4) That no employee will have his or her job security or promotion opportunities jeopardized by requesting counseling or referral assistance.

c. This agency will not condone any illegal drug activity. Any employee possessing, using, selling, or distributing illicit drugs or a controlled substance on Government premises or in a duty status will be considered for disciplinary actions and/or separation for misconduct under TPR 752.

d. No person may be denied or deprived employment solely on the grounds of prior alcohol abuse, alcoholism, and or drug abuse. Likewise, no employee will have their job security or promotional opportunities jeopardized by their request for assistance or referred rehabilitation. This does not prohibit management from taking appropriate action for failure to maintain the requirements of the position as outlined in TPR 715.

11-12. Employee's Role and Responsibilities:

a. It is the employee's primary responsibility to maintain satisfactory or above satisfactory work performance. If personal problems are the cause for lowered work performance or conduct problems it is the employee's responsibility to seek the necessary help to overcome their personal problems in order to restore their performance or conduct within job and regulatory guidelines.

b. If an employee recognizes that a personal problem has the potential to interfere with their work performance they may initiate a "self referral" to the Employee Assistance Program (EAP). This simply means that he/she can contact the Employee Assistance Program Coordinator (see Attachment A) and get assistance confidentially.

c. If the employee's personal problem has already affected their work performance or conduct the supervisor may direct the employee to see the EAP Coordinator. This is called a "supervisor referral."

d. Whether an employee is a self-referral or a supervisory referral to the EAP Coordinator, it is their decision to enroll into the EAP program and get the necessary help. If the employee does not respond to offered assistance and their performance does not improve, the employee will be subjected to corrective action.

11-13. Supervisor's Role and Responsibilities: The role of the supervisor is crucial in the Employee Assistance Program. The supervisor is in the best position to identify changes in personality or work performance, and usually knows the extent of absenteeism or tardiness that negatively affects the efficiency of the organization. The supervisor should never assume the role of diagnostician or counselor of employees' problems. Rather, the role of the supervisor is to detect and document deteriorating work performance or workplace efficiency and to confront an employee based on those problems.

a. Maintain confidential personal notes on all specifics where an employee's work performance or behavior fails to meet expected standards, where their individual pattern of performance seems to be deteriorating, or where conduct becomes disruptive to the efficiency of the workplace (See Attachment B on Possible Patterns of Performance Deterioration.) Note should be specific about day, time, place, and nature of incident. A brief record of each occurrence and patterns of deteriorating job performance can be maintained on the employee's Supervisor Brief.

b. When corrective action becomes unavoidable, consult HRO then conduct a corrective-counseling interview with the problem employee. See Attachment C on How to Confront an Employee with Performance/Conduct Related Problems. The supervisor will issue the Supervisory Referral Form Letter located in Attachment D. They should have the employee sign receipt of the referral letter and keep a copy in the secured work folder. A copy will be provided to the employee and the original will be forwarded to the EAP Coordinator, along with a Supervisory Referral Form.

c. If an employee requires treatment or counseling for their personal problems, leave will be granted in accordance with appropriate leave policies and procedures, including the Family Medical Leave Act (FMLA). In case of a low or non-existent leave balance, the employee may request leave without pay or leave advance. Advanced sick leave may be granted in cases where complete return to work is expected and will be considered on a case by case basis.

d. In circumstances where management has a reasonable belief that criminal activity is involved or where there is an imminent threat of physical violence, supervisors will immediately contact the Camp Robinson Police Department and inform the EAP Coordinator or the Human Resources Officer. A supervisor may decide to "Enforce Leave" (authorized under TPR 715) when there is evidence of threats or unsafe acts. The supervisor must also be mindful of striking a balance between the safety of other employees and monitoring the work place climate to reduce the potential of panic.

11-14. Employee Assistance Program Coordinator's Responsibilities: Works under the direction of the HRO and will oversee the program as follows:

a. Implement the program IAW with this guidance and all updated policy guidance from NGB, internal Employee Assistance Plan, and Standard Operating Procedures.

b. Coordinate all training and orientation for the work force through the HRO to ensure that all members of the work force are aware of the program.

c. Coordinate and conduct training for managers and supervisors concerning the procedures of the program.

d. Establish liaison with local counseling, community education, and recovery programs.

e. Counsel individuals about the program, refer individuals to local resources, and follow-up as needed.

f. Maintain all records in a confidential manner.

g. Log all time spent and other relevant information as required for submission of reports to National Guard Bureau.

11-14. Administrative Considerations:

a. Persons who enroll in a daytime treatment program will be granted leave in accordance with appropriate leave policies and procedures, including FMLA, for purposes of treatment.

b. Disclosure of information.

(1) Information may be disclosed without the consent of the individual ONLY under the following circumstances:

(a) Only to medical personnel in the event of a bona fide medical emergency and only to the extent necessary at the time.

(b) In the conduct of financial or management audits, or scientific research by qualified personnel. However, such personnel will not identify any particular individual or the facts of their case in any reports or evaluations, or in any way disclose identities.

(c) Under an authorized court order rendered of a competent jurisdiction showing good cause.

(d) Necessary to prevent loss of life, injury, or damage to property.

(2) Disclosure with consent of the employee is still subject to strict confidentiality and will be made directly from the medical or treatment facility to the EAP Coordinator (the facility will administer disclosure statements prior to releasing any information to the EAP). In other circumstances, the employees may elect to disclose information and can either use the information procedure as provided by the facility or may choose to complete the attached form (Atch E) which details purpose, extent of disclosure, name of employee giving consent, and name of program/facility providing treatment.

(3) Authorized receipt of disclosure. Information will be disclosed only to the Human Resources Officer and/or the EAP Coordinator. Supervisors or co-workers of troubled employees are not authorized recipients of information of this nature.

(4) Maintenance of Records.

(a) Supervisory Records concerning EAP cases are maintained in the same confidential manner, as are other employee records.

(b) Records containing medical or rehabilitation treatment information will be maintained by the EAP Coordinator.

(c) Official Personnel File will not contain information relating to an individual's involvement with the EAP, or any aspect of the substance abuse or rehabilitation, except as related to specific disciplinary or separation actions that are issued from the employee's refusal to correct behaviors, conduct, or performance problems as identified by the supervisors.

(5) Rehabilitation Expenses. At present, the Arkansas National Guard does not have an in-house or contracted counseling/rehabilitation program. The EAP is an information and referral activity so employees can seek the qualified assistance they require to return to full and satisfactory work performance. The various health benefits packages offered by the organization typically have provisions for substance abuse and counseling programs. Some pay full or partial costs as described at the time of enrollment. There are also other resources available in the community on a sliding fee scale according to the individual's ability to pay. While

the EAP may recommend various facilities or resources, the individual selects a program of his or her own choosing. The Arkansas National Guard is not responsible for any costs related to treatment of this nature.

11-16. Coordination: For an effective program, all pertinent staff functions will effect coordination, particularly in cases where an individual may have multiple-referral needs, such as legal and financial, among many other possible combinations. However, information disclosed to various staff entities will be based on the extent that the problem relates to the subject area.

EMPLOYEE ASSISTANCE PROGRAM MANAGER

State Equal Employment Manager

Human Resources Office

Camp J.T. Robinson

North Little Rock, AR 72199-9600

Commercial: (501) 212-4216 DSN: 962-4231

POSSIBLE PATTERNS OF PERFORMANCE DETERIORATION

B-1. ABSENTEEISM.

- a. Unauthorized leave.
- b. Excessive sick leave.
- c. Monday and/or Friday absences.
- d. Repeated absence of 2-4 days.
- e. Excessive tardiness, e.g., Monday mornings or returning from lunch.
- f. Leaving work early.
- g. Peculiar or increasingly improbable excuses for absences.
- h. Unsatisfactory performance of duty.

B-2. HIGH ACCIDENT RATES.

- a. On the job
- b. Off the job, which affects work performance on the job.

B-3. DIFFICULTY IN CONCENTRATION.

- a. Job takes more time than usual.
- b. Hand tremors while concentrating.

B-4. CONFUSION.

- a. Difficulty recalling instructions and details.
- b. Increasing difficulty in handling complex assignments.
- c. Difficulty recalling own mistakes.

B-5. SPORADIC WORK PATTERNS.

- a. Very high and very low production, differential increase.
- b. Coming to work in an obvious abnormal condition.
- c. Missing deadlines.
- d. Making mistakes due to inattention or poor judgment.
- e. Wasting materials.
- f. Making bad decisions.
- g. Complaints from individual's co-workers.
- h. Improbable excuses for poor performance.

B-6. EMPLOYEE RELATIONS ON THE JOB.

- a. Overreacts to real or imagined criticism.
- b. Wide variance in morale.
- c. Avoids co-workers.
- d. Uncooperative.
- e. Borrows money from co-workers continuously.

REMEMBER: Most employees exhibit some of these job performance problems occasionally. It is the repeated pattern of these problems over a period of time that should be noted and documented.

HOW TO CONFRONT A TROUBLED EMPLOYEE

1. BE AWARE of your own expectation. How much irresponsibility will you tolerate? What is acceptable and unacceptable to you?
2. DOCUMENT all absenteeism, poor job performance, etc. Specific behavioral descriptions are necessary.
3. BE CONSISTENT – Don't tolerate more with one employee than you would with another because you feel sorry or inadequate.
4. AVOID LABELING – Don't be an "armchair diagnostician."
5. BASE THE CONFRONTATION ON JOB PERFORMANCE – not alcoholism, drug addiction, schizophrenia, etc.
6. BE FIRM – But tell her/him you are there to help. Try to gain their trust.
7. BE HONEST – Don't hedge; speak with authority. She/he will respect you for it.
8. ACCEPT NO EXCUSES – If you accept excuses for failure, you don't really care and the employee will know it. If she/he uses excuses, go back to the specific job criteria you expect her/him to meet.
9. ACKNOWLEDGE THE PROBLEM – Try to get her/him to acknowledge the problem, then, work from that.
10. SET UP A PLAN FOR IMPROVEMENT - Establish a progress slope so that you both know if she/he is making progress or not. Evaluate performance periodically together.
11. DON'T MAKE VALUE JUDGEMENT – Better to say: "I don't like this or that," than "I think you are wrong." Rely on your own feelings and specific job performance criteria.
12. DON'T MORALIZE - Avoid the appeal to "should" and "shouldn't." (Don't tell her/him what she/he should do or shouldn't do.) This creates hostility. Better to tell her/him what you expect.
13. NEVER ASK WHY do you do this or that, or why do you drink so much, etc. Why serves as an excuse for her/him. Remember, she/he is responsible for her/his own behavior, always.
14. TRY TO GET THE EMPLOYEE to tell what the problem is, even if you know. Avoid saying so, if she/he resists. Indicate your willingness to get involved or indicate your concern and desire to get the problem resolved for her/his own sake.
15. IF SHE/HE SAYS THEY ARE "SICK" – or makes other excuses, let her/him know that there is no excuse for prolonged impaired job performance; it is her/his responsibility to seek help.
16. DON'T GET "BOXED IN" – Hold fast to your contention that it's her/his responsibility to improve her/his job performance by seeking help. Yours is a therapeutic and legitimate argument – hers/his isn't!
17. USE THE UNION – Don't let her/him play you against higher management and/or the union – you're not in the middle here, she/he is - NO UNION EVER PRAISED POOR JOB PERFORMANCE. Ideally, the

employee should eventually be confronted by both the supervisor and the union representative together. Many times the union can be of valuable assistance in motivating the employee. A combined labor management effort increases her/his chances for improvement.

18. **GET A COMMITMENT** – Set down specific work criteria, which the employee agrees to work for during a certain time period. **DOCUMENT** the goals and expectations agreed upon.

19. **DON'T MAKE IDLE DISCIPLINARY THREATS** – Follow through with your warnings. (Use specific time intervals - day, week, certain number of shifts, etc.)

20. **WHEN CONFRONTING** a problem drinker or other troubled employee, identify specific behavior when you discuss her/his job performance. A legitimate and effective approach may be one similar to the following: "It is possible that personal problems may contribute to your impaired job performance. Therefore, I strongly urge you to contact a medical department or a local agency. Whether you do or not, I will meet with you again (at a specific time and day) to consider more severe disciplinary action if there is no significant improvement."

21. **TAKE THE RESPONSIBILITY TO INTERVENE** - Don't be afraid to get involved. You have a legitimate right to intervene when her/his behavior is interfering with job performance. Remember, it is highly probable that a troubled employee's performance (both on and off the job) will improve when she/he is confronted constructively and consistently. It is a fact that she/he may get worse if she/he is ignored or just warned occasionally.

SAMPLE LETTER

MEMORANDUM FOR:

SUBJECT: Employee Assistance Program (EAP)

1. As we have discussed, your recent performance and/or behavior has caused me concern for your overall well being, as well as how it impacts mission accomplishment. I have given you the attached information regarding the Employee Assistance Program (EAP) and how it may be of benefit to you.
2. You are hereby directed to contact CW2 Melissa LeCrone, Employee Assistance Program Manager, 212-4231 or DSN 962-4231 to enter the EAP. Should you elect to enter into the EAP, any disciplinary or adverse action against you will be held in abeyance while you are actively enrolled and participating in the program. However, if your work performance/behavior does not improve, or you fail to cooperate, action will continue.

SUPERVISOR

ACKNOWLEDGE RECEIPT OF THE FOREGOING INFORMATION THIS _____ DAY OF _____.

EMPLOYEE

Encl ATTACHMENT D
EAP Info Ltr

EMPLOYEE ASSISTANCE PROGRAM

WHAT IS THE EMPLOYEE ASSISTANCE PROGRAM?

The Employee Assistance Program is a referral service. It is not a counseling service, nor does it provide treatment. Using the referral services of EAP is not a condition of employment. Depending upon the nature of the problem, employees seeking assistance are referred to a program, service or agency within the community for appropriate counseling or assistance. The Arkansas National Guard values each employee and believes that with appropriate help problems can be addressed and treated.

WHAT IS THE PURPOSE OF SUCH A PROGRAM?

The primary purpose of the program is to help employees cope with personal problems which negatively affect their lives and which might intrude upon their jobs. Emotional stress, family disintegration, financial and legal difficulties, alcoholism, drug abuse and marital disruption impair not only an employee's personal life, but also workplace productivity. While the purpose is to assist individuals, it also increases the ability of employees to completely perform the job they were hired to do and to retain those employees who may be experiencing personal or job-related problems.

HOW DO YOU ENTER THE EAP?

If you recognize that a personal problem has the potential to interfere with your work performance you may initiate a "self referral," which simply means that you can contact the Employee Assistance Program Manager and get assistance confidentially. If your work performance has been affected, your supervisor has the authority to direct you to the EAP Coordinator, which is called a "supervisor referral." If referred by your supervisor, it usually is an indicator that disciplinary or adverse action is being considered. If this is true, entering the EAP program may hold any disciplinary/adverse action in abeyance. If you are successful in bringing your work performance or behavior within standards any proposed disciplinary/adverse action may be dismissed, however, if you work performance/behavior does not improve the proposed disciplinary/adverse action will continue.

WHAT HAPPENS ONCE YOU ENTER THE EAP?

Whether you are a self-referral or a supervisor-referral, you do not have to enroll in the Employee Assistance Program. Some employees choose to seek assistance on their own. Those who choose to enroll in the EAP will be authorized to use leave will be granted in accordance with appropriate leave policies and procedures, including the Family Medical Leave Act (FMLA).

SUBJECT: Release of Patient Information

1. I, _____ do hereby authorize the Employee
(Employee's Name)

Assistance Program Manager to disclose the following information (extent/and or nature):

TO: _____
(Name of program, organization, referral agency or person to whom disclosure is made)

For the purpose of: _____

I understand that my records are protected under the Privacy Act of 1974, and the Federal Civilian Employee Alcoholism and Drug Abuse Confidentiality of Records (42CFR Part 2). I understand that information about me cannot be disclosed without my written consent unless otherwise provided for in the regulations. I also understand that I may revoke this consent in writing at any time, except that action has been taken in reliance on this informed consent. I understand that, even if I do not withdraw the consent, this statement of consent will automatically expire upon disenrollment from the program or upon successful completion of the program.

OR

I understand that my records are protected under the provisions of AR 600-85 and NGR 600-85.

2. Executed on _____ (date)

Employee's Signature

EAP Manager's Signature

Attachment E

CHAPTER 12

TECHNICIAN WORK RELATED INJURIES

GENERAL INFORMATION AND CLAIMS PROCEDURES FEDERAL EMPLOYEES COMPENSATION ACT (FECA)

REFERENCE: FEDERAL EMPLOYEES COMPENSATION ACT

12-1. NOTICE OF INJURY. When an employee sustains a traumatic injury in the performance of duty, he or she should file a report on Form CA-1. It may be filed on the paper form or electronically, depending on the employing agency participation. The report should be submitted to the supervisor as soon as possible, but not later than 30 days from the date of injury. If the employee is incapacitated, this action may be taken by someone acting on his or her behalf, including a family member, union official, representative, or the supervisor may provide such notice as well. The paper form must contain the original signature of the person giving notice. Employing agencies that submit claims electronically must print a copy of the form and retain the claimant's or representative's signature.

12-2. CLAIM FOR COMPENSATION.

a. Claim for disability compensation.. A notice must be filed within three years of the date of injury. However, if a claim is not filed within three years, compensation may still be paid if written notice of injury was given within 30 days, or the employer had actual knowledge of the injury within 30 days after it occurred.

b. Claim for death compensation. If the technician dies, a written claim for compensation by or on behalf of the dependents is required before compensation may be paid. This claim is to be filed within three years after the death, unless within 30 days the supervisor had actual knowledge of the death or written notice was given to the supervisor within 30 days.

c. Minors and incompetents. The time limitations do not apply to:

(1) a minor until attaining the age of 21 or a legal representative is appointed; and

(2) an incompetent during the period of incompetency and there is no duly appointed legal representative.

d. The time limitations do not apply in the case of an individual whose failure to comply is excused on the grounds that such notice could not be given because of exceptional circumstances.

12-3. MEDICAL CARE.

An employee is entitled to medical, surgical and hospital services and supplies needed for treatment of an injury as well as transportation for obtaining care. The injured employee has initial choice of physician and may select any qualified local physician or hospital to provide necessary treatment or may use agency medical facilities if available. Except for referral by the attending physician, any change in treating physician after the initial choice must be authorized by OWCP. Otherwise, OWCP will not be liable for the expenses of treatment.

The term "physician" includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists and chiropractors within the scope of their practice as defined by State law. Payment for chiropractic services is limited to treatment consisting of manual manipulation of the spine to correct a

subluxation as demonstrated by x-ray to exist. If the physician selected has been excluded from participating in the Compensation Program the OWCP District Office will advise the employee of the exclusion and the need to select another physician.

12-4. TEMPORARY TOTAL DISABILITY

a. Continuation of Pay (COP) - Traumatic Injury:

(1) COP is continuation of an employee's regular salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. The intent of this provision is to eliminate interruption of the employee's income while OWCP is processing the claim. COP is not considered compensation and is therefore subject to deductions for income tax, retirement, etc. Public Law 93-416 provides for the continuation of pay for up to 45 calendar days without charge to leave when a technician suffers a disabling work related traumatic injury. Continuation of pay will be recorded on the time and attendance card as administrative leave with an annotation in the remarks section stating, "continuation of pay" (COP) and showing the total number of hours charged, to include date of injury.

(2) A traumatic injury is defined as a wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable by time and place of occurrence and member of the body affected; it must be caused by a specific event or incident or series of events or incidents within a single day or work shift. Traumatic injuries also include damage to or destruction of prosthetic devices or appliances, including eyeglasses, contact lenses, and hearing aids, if they were damaged incidental to a personal injury requiring medical services.

(3) An agency's objection to paying COP for one of the reasons provided by regulation is called controversion. The supervisor may controvert a claim by completing the indicated portion of Form CA-1 and submitting detailed supporting information to OWCP. Even though a claim is controverted, the agency must continue the employee's regular pay unless at least one of the following conditions applies:

- a. The disability is a result of an occupational disease or illness;
- b. The employee comes within the exclusions of 5 USC 8101 (1) (B) or (E) (which refer to persons serving without pay or nominal pay, and to persons appointed to the staff of a former President);
- c. The employee is neither a citizen nor a resident of the United States, Canada, or the territory under the administration of the Panama Canal Commission (i.e., a foreign national employed outside the areas indicated);
- d. The injury occurred off the employing agency's premises and the employee was not engaged in official "off-premises" duties;
- e. The employee caused the injury by his or her willful misconduct, or intended to bring about his or her injury or death or that of another person, or the employee's intoxication was the proximate cause of the injury;
- f. The injury was not reported on a form approved by OWCP (usually Form CA-1) within 30 days following the injury;
- g. Work stoppage first occurred more than 90 days following the injury;

h. The employee initially reported the injury after employment was terminated;

i. The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, work study program, or other group covered by special legislation.

The agency may not continue pay under any of the above circumstances.

(4) The agency may dispute an employee's right to receive COP (and/or the validity of the claim as a whole) on other grounds, for instance on the basis that the employee was not performing assigned duty when the injury occurred, or that the condition claimed is not the result of a workrelated injury. Any such objection should be supported by objective evidence such as witness statements, pictures, accident investigations, or time sheets. If the validity of a claim is disputed for reasons other than the nine conditions listed above, regular pay must be continued for up to 45 calendar days and may not be interrupted during the 45-day period unless one of the conditions in Chapter 5-6 or 5-8 is met.

(5) The 45 days Continuation of Pay (COP) are interpreted as calendar days to include holidays and weekends, in some instances. If the technician has stopped work due to the disabling effects of the injury, the period starts at the beginning of the first day or portion of a day of disability after the date of injury. The date of injury is "charged" to administrative leave. If the technician stops work for only a portion of a day or work shift, other than the date of injury, such day or work shift will be considered one (8-hour) calendar day of COP. If the technician is not immediately disabled due to the injury, the 45 days COP will begin on the first full day or portion of a day of disability after the date of injury, as long as disability is incurred within 90 days from the date of injury.

b. Compensation. Compensation for loss of wages is payable on the fifth day after the expiration of 45 days COP in traumatic injury cases, or from the beginning date of pay loss in other injury cases ("injury" including illness or disease).

(1) When an injured technician suffers pay loss due to temporary total disability resulting from injury, compensation is payable at the rate of 66-2/3% of the employee's pay rate with no dependents; the compensation rate is payable at 75% with dependents.

(2) Compensation shall not be paid while an injured technician receives pay for leave. Dual compensation is prohibited by law. The technician does have the right, however, to elect whether to receive pay for leave or compensation.

12-5. PERMANENT TOTAL DISABILITY. FECA provides compensation benefits based on loss of earnings capacity and schedule awards for the loss or loss of use of specified members, organs, and functions of the body when there are permanent effects of a job-related injury.

12-6. PARTIAL DISABILITY.

a. Loss of wage-earning capacity. An injured technician may receive compensation benefits computed on loss of wage-earning capacity when unable to return to regular employment due to partial disability resulting from job-related injury. Compensation will be paid at the rate of 66-2/3% of the technician's loss in wage-earning capacity with no dependents and 75% of the loss if the technician has one or more dependents. Compensation may be paid as long as there is a loss of wage-earning capacity.

b. Scheduled awards. Compensation is provided for specified periods of time for the permanent loss, or loss of use of certain parts and functions of the body, such as limbs or organs. Compensation is paid for periods of time (scheduled awards) appropriate for the severity of the loss or loss of use of each member, organ or function. Compensation for scheduled awards is calculated in the same manner as a partial disability (66-2/3% of the technician's regular pay with no dependents and 75% with dependents).

12-7. FUNERAL AND DEATH EXPENSES. Up to \$800 will be paid for funeral and burial expenses. If the employee dies away from his or her area of residence, the cost of transporting the body to the place of burial will be paid in full. Itemized funeral bills should be submitted to OWCP for consideration of payment or reimbursement. In addition, a \$200 allowance will be paid in consideration of the expense of terminating the deceased's status as a Federal employee.

12-8. RESPONSIBILITY OF TECHNICIAN.

a. Traumatic injury:

(1) When a technician sustains a traumatic, disabling injury in the performance of duty, the technician or someone acting on their behalf must give a written report on Form CA-1 to their supervisor within 30 working days following the injury.

(2) Upon reporting the injury, the technician may be authorized medical treatment on request, subject to certain time limitations. If treatment is rendered, the technician must secure written documentation from the treating physician as to a duty status or return to work status (Form CA-16 and OWCP-1500 available through supervisor).

(3) A "Duty Status Report", Form CA-17, will be used every two weeks to document a medical evaluation supporting the technician's duty status. If, during the 45-day period the treating physician indicates the technician is able to return to work but he/she refuses to do so, the continued absence from work will result in an overpayment, and, consequently, a "charge" to personal leave.

(4) If medical evidence shows disability is expected to continue beyond 45 days and compensation is desired after expiration of COP Form CA-7 must be completed and filed with HRO within five working days before expiration of the 45-day period.

(5) Affected employees are responsible for ensuring their doctors provide Agencies with a "medical burden of proof" of the disabling traumatic injury within 10 working days of the date of injury.

b. Non-traumatic injury is defined as a condition produced over a longer period than one workday or work shift. A technician, or someone acting on the technician's behalf, is required to give notice of occupational disease or illness filed on a Form CA-2 provided for this purpose. The completed form should be submitted to HRO by the supervisor upon receipt from the employee.

12-9. RESPONSIBILITY OF SUPERVISOR.

a. Traumatic Injury Cases:

(1) Upon receiving notice that a technician has sustained a job related traumatic injury, the supervisor will promptly authorize medical care, if requested, either limited to one-time medical evaluation or guaranteed payment of expenses for 60 days.

(2) Provide the technician with Form CA-1 to report the injury and upon receipt of the completed form, return the "Receipt of Notice of Injury" to the technician. Also provide the technician with Forms CA-16 and OWCP-1500 if medical treatment is requested by the technician.

(3) Advise the technician of the right to elect continuation of regular pay or annual leave, sick leave, and LWOP if the injury is disabling.

(4) Advise the technician whether continuation of pay will be controverted; and, if so, whether it will be terminated and the basis for such action.

(5) The original Form CA-1 fully completed by both technician and supervisor, together with all other medical evidence and required forms, must be submitted to the office within 10 working days following the supervisor's receipt of the form from the technician.

(6) If the supervisor controverts the claim (whether or not payment of a claim is terminated), explanation for the controversion shall be submitted to the HRO on the supervisor's portion of Form CA-1 and/or by separate narrative report attached to the CA-1.

(7) Report to HRO any injury resulting in probable disability or death in accordance with the regulations; and thereafter make any additional reports HRO may require.

b. Occupational Disease Cases:

(1) Upon receiving notice that a technician has sustained an occupational disease, the supervisor (before authorizing medical care) will follow the instructions contained in paragraph 8-11 below. Authorization for medical treatment of occupational illness or disease must be certified through the Department of Labor (DOL).

(2) Provide the technician with Form CA-2 for reporting the occupational disease and upon receipt of the completed form, return the "Receipt of Notice of Injury" to the technician.

(3) Advise the technician to furnish supporting medical and factual information requested on the instruction sheet attached to the CA-2. If possible, this information should accompany the form when it is submitted to HRO. The Form CA-2 should be submitted to the HRO upon receipt from the technician without delay.

(4) Advise the technician of the right to elect sick leave, annual leave, or LWOP pending adjudication of the claim by the OWCP.

12-10. REPRESENTATION. A claimant may be represented by a Federal union official or other individual on any matter pertaining to an injury or death occurring in the performance of duty. Such representation should be authorized in writing by the claimant. No claim for legal services or for other services rendered in respect to a case, claim or award of compensation shall be valid unless approved by the OWCP.

12-11. MEDICAL CARE

a. Authorizing Examination and Treatment:

(1) The supervisor may immediately authorize examination and appropriate medical treatment when a technician sustains an injury while in the performance of duty and requests treatment. Form CA-16, Authorization for Examination and/or Treatment, and Form OWCP-1500 should be issued to any duly qualified physician or hospital of the employee's choice. Only in rare instances is medical care authorized by the employing agency in occupational disease claims, and OWCP must authorize the issuance of Form CA-16. Preventive care, however, may not be authorized.

(2) The injured technician has the option to initially select a "qualified physician" or other provider in the area. Generally speaking, the area is defined as within 25 miles of the employing agency, duty station, or the technician's home.

(3) The term "physician" includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice as defined by State law. The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist. Other practitioners of the healing arts are not recognized as physicians within the meaning of the law.

b. Use of Form CA-16:

(1) Form CA-16 is used only for traumatic injury.

(2) Item 6B(1) of Form CA-16 should be checked when the supervisor has personal knowledge that the technician was injured while in the performance of duty and concurs with facts stated in the technician's "Notice of Injury". When this item is checked, the form authorizes all necessary treatment with the exception of elective surgery. Item 6B(2) should be checked by the supervisor when there is doubt that the technician's disability was caused by an injury while in the performance of duty. This item is also for use in authorizing one-time examination or conservative treatment (or both), such as in case of disease or illness, providing prior approval has been obtained from OWCP.

c. The local version of Form OWCP-1500 will be used by all medical providers except for pharmacies, hospitals, Veterans Administration facilities and providers of ambulance services, and should be submitted to HRO for processing claims for payment of charges incurred.

d. **Emergency Treatment.** In cases of traumatic injury where emergency treatment is necessary, the technician may contact the nearest qualified physician or hospital for initial treatment. If oral authorization for treatment is given by the supervisor, Form CA-16 should be issued within 48 hours thereafter. The supervisor is the authorizing official for medical treatment for the injured technician, exclusive of illness or disease.

e. **Recurrence of Disability.** The supervisor, at their discretion, may issue Form CA-16 to authorize examination or treatment for a recurrence of disability, if it resulted from an injury previously recognized as

compensable by OWCP. The supervisor may not authorize examination or treatment when OWCP has disallowed the original claim or when more than six months have elapsed since the employee last returned to work.

12-12. NOTICE OF INJURY OR ILLNESS. Immediately after the injury or illness the technician should give written notice to the supervisor on the appropriate form, CA-1 or CA-2. Notice may also be given by someone else on behalf of the injured employee, if the employee is unable to do so. When the notice of injury is completed by the technician, the supervisor should complete the "receipt" at the bottom of the instruction sheet (attached to the form) and give it to the technician. If witnesses are reported, statements should be obtained from any available witness and timely forwarded to HRO.

12-13. REPORT OF INJURY BY SUPERVISOR. The supervisor is required to submit a written report of the injury or illness on the appropriate form (CA-1, CA-2 or CA-2a) to HRO.

12-14. MEDICAL REPORT. In all cases reported that require medical treatment, HRO should immediately be furnished with a medical report from the attending physician. This report may be made on Form CA-16 (Part B), Form CA-20, Form CA-20a, or by narrative report on the physician's letterhead stationery. A "Duty Status Report," Form CA-17, is used to obtain interim medical reports concerning the technician's duty status (light or limited). The supervisor will furnish these forms to the technician for completion by the physician every two weeks. When submitting Form CA-17, the physician should forward the original to HRO. Submission of medical billings is required on Form OWCP-1500.

12-15. TERMINATION OF DISABILITY OR RETURN TO WORK. The supervisor should notify HRO immediately when the injured technician returns to work or disability terminates. Form CA-3 is provided for this purpose.

12-16. a. Traumatic Injury Cases:

(1) In order to provide continuity of payment where disability continued beyond 45 days, the technician and supervisor must complete and file a Form CA-7 with HRO, not more than five working days before the expiration of the 45-day period.

(2) Form CA-7 must be accompanied by a narrative medical report showing continued disability for work beyond the 45-day period.

b. Occupational Disease Cases:

(1) OWCP requires a claim for compensation before payment may be awarded for loss of wages for total temporary or permanent disability. The claim should be filed on Form CA-7 and submitted to HRO as soon as technician is subject to negative or LWOP status.

(2) Form CA-7 must be accompanied by a medical report showing continued disability beyond 10 days and should be filed within 10 days after pay terminates.

(3) The technician, or someone acting on the technician's behalf, is required to complete the technician's portion of Form CA-7.

c. Use of Form CA-20: Form CA-7 has the medical report Form CA-20 attached. The supervisor should complete items 1-4 on the front and either forward to physician's office or request that technician hand carry to physician.

12-17. CLAIM FOR COMPENSATION FOR CONTINUING DISABILITY. Form CA-8, Claim for Continuing Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA-7 is submitted to OWCP. While temporary total disability continues, claim on this form is to be submitted every two weeks until the technician is otherwise instructed by OWCP (approximately 6-8 weeks). The injured technician, or someone acting on the technician's behalf, is required to complete and sign Form CA-8, Statement of Injured Employee (Items 1-14). The supervisor should complete the Statement of Official Superior (Items 15-24); the supervisor should also complete Form CA-20a (Items 1-6) prior to submission to the physician. Form CA-20a should be sent to the attending physician or hand carried by the technician to his office for documentation of medical evidence. The physician should promptly complete and return the form to the HRO office, Attn: Workers' Compensation Specialist, Employee Services Section.

12-18. RECURRENCE OF DISABILITY. In many cases, an employee will return to work without using all 45 days of entitlement of COP. Should such an employee suffer a recurrence of disability, he or she may use COP if no more than 90 days have elapsed since the date of first return to work, including part-time work and light duty, following the first work stoppage. If the recurrence begins later than 90 days after the first return to work, the agency should not pay COP even though some days of entitlement remain unused. A period which begins before the 90 day deadline and continues beyond it may be charged to COP as long as the period of time is uninterrupted. If a third-party credit has been established, the supervisor should contact HRO before paying COP.

a. OWCP will require factual information from the employer according to the type and severity of the medical condition involved. (Simple occupational disease claims, for example a claim for poison ivy where the job duties involved exposure to the plant, and the medical evidence confirmed the diagnosis, require less evidence to adjudicate.) The information specified in the instructions for completing Form CA-2 and on the evidence checklist appropriate to the disease in question should be forwarded with the initial submission. If sufficiently detailed descriptions of the circumstances surrounding development of the claimed condition are not received, OWCP will request whatever additional information is considered necessary for adjudication.

b. If a second request is necessary, the agency will be advised that if timely response is not received the OWCP will process the claim based on the evidence submitted by the employee. As with traumatic injury cases, if that evidence is sufficient and/or credible, the employee's statements will be accepted and the claim will be adjudicated accordingly. If the evidence is not sufficient and/or credible, the claim will be denied because one or more of the five basic elements required to approve a claim has not been established.

12-19. MEDICAL EXPENSES. Doctors and hospitals may send their bills directly to the HRO, Attn: Workers' Compensation Specialist. Each bill must be fully itemized, properly coded, and submitted on Form OWCP-1500. The injured technician may claim reimbursement for medical expenses incurred (including travel and other related expenses), by sending properly itemized and receipted bills to HRO, Attn: Workers' Compensation Specialist. All medical expenses claimed/filed must be fully supported by medical evidence.

12-20. REPORT OF DEATH. When a technician dies because of an injury incurred while in the performance of duty, the supervisor should immediately report it to HRO by telephone. The supervisor should also promptly document the death on Form CA-6, Official Superior's Report of Employee's Death and submit to the HRO accompanied by a certified copy of Death Certificate. When Form CA-6 is used to report a death, neither Form CA-1 or CA-2 is required.

12-21. HEARINGS. A claimant who is not satisfied with a formal decision made by OWCP may ask for a hearing before an OWCP representative. The request for a hearing must be made to the Branch of Hearings and Review of OWCP through HRO within 30 days of the formal decision. At the hearing, which will be held at a location within 100 miles of the claimant's home, the claimant may present additional evidence in support of the claim; after the hearing is completed, OWCP will issue a new formal determination.

12-22. RECONSIDERATION. A claimant may ask OWCP to reconsider formal decisions made by the district office. No special form is required, but the request should clearly state the ground on which it is based and must be addressed to OWCP (forwarded through HRO). It must also be accompanied by evidence not previously submitted such as new medical reports, new statements, or new affidavits. Reconsideration must be requested within one year from the date on which the decision was issued.

12-23. APPEALS. A claimant may ask the Employees' Compensation Appeals Board (ECAB) to review final decisions by OWCP. The claimant should file for review directly with the ECAB, U.S. Department of Labor, Washington, D.C., within one (1) year. The Form on which to file for review is provided by OWCP for this purpose to ensure submission of necessary information. The Board's jurisdiction extends to questions of law and fact; it may also consider exercises of discretion to determine their reasonableness. Its' review is based solely upon the case record at the time the final determination was made by OWCP; new evidence is not considered.

12-24. FORMS. The following is a list of basic forms used for filing claims with OWCP:

BASIC FORMS FOR OWCP PROCESSING

FORM	FORM TITLE	PREPARED BY	WHEN SUBMITTED
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation	Employee or someone acting on the employee's behalf; witness (if any); supervisor	By employee within 30 days (but will meet statutory time requirements if filed no later than 3 years after the injury); by supervisor within 10 working days following receipt of the form from employee.
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation	Employee or someone acting on employee's behalf; witness (if any); supervisor	By employee within 30 days (but will meet statutory time requirements if filed no later than 3 years after the injury); by supervisor within 10 working days following receipt of the form from employee.
CA-2a	Notice of Employee's Recurrence of Disability and Claim for Pay/ Compensation	Supervisor	Immediately upon receiving notice that the employee has suffered a recurrence. When the employee stops work as a result of recurring disability, the employee shall advise supervisor whether he/she wishes to continue to receive regular pay provided qualifications are met or charge the absence to sick or annual leave.
CA-3	Report of Termination of Disability and/or Payment	Supervisor	Immediately after the disability or continuation of pay terminates, or the employee returns to work.
CA-5	Claims for Compensation by Widow, Widower and/or Children	Person claiming compensation (for self or on behalf of children) and attending physician	Within 30 days if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.
CA-5b	Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren	Person claiming compensation (or guardian on behalf of children) and attending physician	Within 30 days if possible, but not later than 3 years after death. If the death resulted from an injury for which a disability claim was timely filed, the time requirements for filing death claim have been met.

CA-6	Official Superior's Report of Employee's Death	Supervisor	Immediately upon knowledge by supervisor of the employment related death of an employee.
CA-7	Claim for Compensation on Account of Traumatic Injury or Occupational Disease	Employee or someone acting on employee's behalf; supervisor, and attending physician (on attached Form CA-20)	In case of traumatic injury, the form must be completed and filed with OWCP not more than 5 working days before the termination of the 45 days. In case of occupational disease, this form should be submitted as soon as pay stops.
CA-16	Request for Examination and/or Treatment	Part A - Supervisor Part B - Attending Physician	Part A - In duplicate, within 48 hours following first examination and/or treatment. Part B - By attending physician or medical facility as promptly as possible after initial examination.
CA-20	Attending Physician's Report	Supervisor and attending physician	Promptly upon completion of examination or most recent treatment.
CA-20a	Attending Physician's Supplemental Report	Attending physician	Promptly upon completion of examination or most recent treatment.
OWCP 1500	Federal Employee's Compensation Program Medical Provider's Claim Form	Attending physician; employee must sign in item 12	Promptly upon completion of examination or treatment; physician may submit in usual billing cycle.

12-25. LIMITED/LIGHT DUTY PROGRAM

Many agencies place both newly injured and long-term disabled employees in light duty jobs. Such placements usually benefit both employers and employees. However, when employees continue to hold light-duty assignments after they are able to return to full duty, the availability of such light duty assignments for more recently injured employees is decreased.

Therefore it is the policy of OWCP to monitor injured employees who hold light duty jobs until they have returned to full duty, or until the medical evidence firmly establishes that they will never be able to return to full duty. Employing agencies can aid in this effort by identifying employees who have been in light duty status for over three months. When the physician's report indicates that the employee is no longer totally disabled, he or she is required to accept any reasonable offer of suitable light or limited duty. Such an offer may be made by telephone but must be confirmed in writing in order to be valid; it should include a description of the duties and requirements of the offered position. If a personnel action is involved, the employee must be furnished with a copy of it prior to the effective date.

Continuation of pay should be paid if the employee has been assigned light duty by formal personnel action and pay loss results (e.g., the employee is placed in a light duty position at lower pay). Continuation of pay should also be paid if the light duty consists of work at regular duties for fewer than the usually scheduled number of hours. The dollar amount of COP will be the difference between the pay rates of the job held on date of injury and the light duty position. One full day of COP should be charged for each day of light duty, even though the employee is working a full shift.

If the employee refuses to accept the light duty position offered, COP will be terminated as of the date of the employee's refusal or after five workdays from the date of the offer, whichever is earlier. The Office of Worker's Compensation Programs will then determine entitlement based on the medical reports and the duties of the offered position and issue a formal decision concerning payment of COP.

Questions concerning light duty should be directed to the Employee Relations Section at the HRO, DSN 962-4223 or Commercial (501) 212-4223.

CHAPTER 13
TECHNICIAN RETIREMENT AND DEATH BENEFITS

REFERENCE: Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) Handbook for Personnel & Payroll Offices

SECTION I - RETIREMENT

13-1. General. The purpose of this section is to provide information on the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS), the requirements for each and annuity computations. CSRS and FERS Eligibility Requirement charts are provided as enclosures 1 and 2 (TAB A handout).

13-2. Optional (Voluntary) Retirement

a. Technicians meeting the optional retirement requirements, who desire to retire with an immediate retirement annuity, must advise the Human Resources Office of their intended retirement at least 60 days in advance of the desired effective date. Exceptions to the 60 day requirement will be approved by HRO on a case-by-case basis.

b. The Human Resources Office will verify eligibility and will forward necessary forms and instructions to the technician.

c. Requirements:

(1) CSRS - Technicians must have been employed and making contributions to the retirement system for at least one year within the two year period immediately preceding separation and meet one of the following minimum age and service combinations:

(a) Age 62 and 5 years of civilian service, or

(b) Age 55 and 30 years of creditable service, including 5 years of civilian service.

(c) Age 60 and 20 years of creditable service including 5 years of civilian service.

(2) FERS - Technicians are eligible for immediate annuity without any reduction in annuity due to age if all of the following conditions are met:

(a) Age 62 and 5 years of civilian service, or

(b) Age 60 and 20 years of creditable service including 5 years of civilian service.

(c) Minimum Retirement Age (MRA) and 30 years of service including 5 years of civilian service.

13-3. Discontinued Service (Involuntary Loss of Military Membership) Retirement.

a. Requirements for Discontinued Service Annuity. Technicians must have been employed and making contributions to their retirement system for at least one year within the two year period immediately preceding separation and meet either of the following requirements:

(1) CSRS employees must be age 50 with 20 years of creditable service or any age with 25 years of creditable service. Creditable service must include 5 years of civilian service.

(2) FERS employees must be age 50 with 20 years of creditable service, or any age with 25 years of creditable service. Creditable service must include 5 years of civilian service.

b. Supervisors are responsible for notifying the Human Resources Office when it is apparent a technician may lose their military membership, or has other significant changes in military status that would affect technician employment.

Some examples are:

(1) Loss of military membership. National Guard officers, warrant officers, and enlisted personnel who are separated from their technician position due to elimination under the provisions of Reserve Officers Personnel Management Act (ROPMA), or other selective retention programs (Qualitative Retention Board (QRB) & Selective Retention Board (SRB)) are considered to be involuntarily separated.

(2) Failure to accept reenlistment. The failure to accept an enlisted technician's reenlistment application, if properly qualified, by any method other than qualitative or selective screening retention action, is a basis for discontinued service retirement unless denied reenlistment was for cause on charges of misconduct, delinquency, or inefficiency. This also applies to failure to accept an extension of enlistment.

(3) Military physical disqualification. A technician who is separated from a technician position for failure to meet military physical standards (other than height/weight requirements and physical fitness test) will be considered for either disability retirement or discontinued service retirement if otherwise eligible. **Separation due to failure to maintain height/weight requirements and/or pass the physical fitness test is considered a voluntary action and does not entitle the technician to disability retirement or discontinued service retirement.**

(4) Commissioning of enlisted technicians. When a technician who occupies an enlisted military position as a condition of employment accepts a military commission, and is subsequently terminated from technician employment for failure to hold the military grade specified for their technician position, such separation is considered voluntary. Therefore, the technician would not be entitled to a discontinued service annuity nor severance pay.

(5) Officer technician accepting an appointment as a general officer. If an officer receives and accepts a promotion to general officer, the technician, if otherwise eligible, would be entitled to a discontinued service annuity.

(6) Loss of military membership at age 60. A technician who loses military membership due to reaching age 60 is considered to be involuntarily separated, and would qualify for a discontinued service annuity provided he/she has at least 20 years of creditable service.

c. The Human Resources Office will:

- (1) Determine eligibility for discontinued service retirement annuity.
- (2) Advise the technician concerned.
- (3) Assist the applicant in completing the appropriate documents.

d. Technicians involuntarily separated for reasons other than loss of military membership (reduction-in-force, management directed reassignment outside local commuting area, etc) will be notified by the Human Resources Office with appropriate instructions pertaining to retirement eligibility. A reclassification of a technician's position will not support a finding of involuntary separation for retirement purposes. Those individuals involuntarily separated and not eligible for discontinued service retirement may qualify for severance pay (Chapter 5-9) and/or a deferred retirement annuity at age 62.

13-4. Deferred Retirement.

a. Technicians (CSRS and FERS employees) with over five years civilian (Technician or other Federal civilian service) service will qualify for a deferred annuity at age 62 regardless of their age or number of years of service, providing they leave all retirement funds on deposit at the time of termination.

b. Requesting an application for deferred retirement annuity is an individual's responsibility. An application may be requested through the Office of Personnel Management or by contacting the Human Resources Office for appropriate application forms no earlier than two months before reaching age 62.

c. Annuities for deferred retirement is computed on the actual years of creditable service and "high-three" average annual salary at the time of separation. Military service (under Title 10 only) is normally creditable for computing the annuity after the five year civilian service requirement has been met.

13-5. Disability Retirement.

a. Eligibility for a disability retirement annuity can only be determined by the Office of Personnel Management. The Human Resource Office will coordinate with the technician to fill out the necessary forms and forward to OPM for eligibility determination. No commitment regarding eligibility will be made by the Human Resources Office.

b. While the claim is pending, if the technician is incapacitated to the degree that assigned duties cannot be performed in a satisfactory manner, the technician should be placed in a sick, annual, compensatory time, or LWOP status until final OPM adjudication has been made. Upon determination of eligibility by OPM, the technician will be terminated from technician status only after all sick leave has been used, providing military membership has not yet been terminated. If military membership has already been lost, the technician will be terminated upon receipt of approval of annuity from the Office of Personnel Management. If the applicant has been on leave without pay pending adjudication of disability retirement, the annuity is effective retroactive to the first day in a non-pay status. The Human Resources Office will notify the technician and the supervisor of the retirement date.

c. Requirements. The applicant must meet all of the following requirements:

(1) Must have completed at least five (5) years of civilian service for CSRS employees and 18 months service for FERS employees.

(2) Must have become totally disabled for useful service in their position or any other position of the same grade and class, or fail a military physical and be processed for military separation. Definition of disability is the same for CSRS and FERS employees.

(3) The disease or injury which caused the disability must not be the result of vicious habits, intemperance, or willful misconduct on the part of the employee within the 5-year period immediately prior to becoming disabled.

13-6. The Special Retirement Supplement and Social Security.

a. The retiree annuity supplement is a benefit paid until age 62 to certain FERS employees who retire before age 62 and who are entitled to an immediate annuity. The supplement approximates the value of FERS service in Social Security benefit. Like social security benefits, the FERS annuity supplement is subject to an earnings test. It is reduced if you earn more than the social security exempt amount of earnings in the immediately preceding year. The supplement is reduced by \$1.00 for every \$2.00 of earning over the minimum level. In 2013 that limit is \$15, 120.00. It is possible that the supplement could reduce to \$0. However, the FERS basic benefit will not be reduced. If you are receiving a supplement, you must report your earnings to OPM. You will receive instructions on how to report your earnings, once you begin receiving the annuity supplement.

b. For FERS technicians involuntary separated and entitled to a Discontinued Service Retirement (DSR) annuity, following provisions apply regarding entitlement to the FERS Special Annuity Retirement Supplement:

FERS Excepted Technician Hired **prior** to 10 February 1996:

Age 50 with 25 years service-Eligible for DSR and Special Supplement

Age 50 with 20 years service-Eligible for DSR only

Any Age with 25 yrs service-Eligible for DSR only

FERS Excepted Technician Hired **on or after** 10 February 1996:

Age 50 with 20 years service-Eligible for DSR and Special Supplement

Any Age with 25 yrs service-Eligible for DSR and Special Supplement

c. It's difficult to predict exactly how much you will receive from Social Security. Factors such as whether your spouse has been covered by Social Security, your salary history, and whether or not you plan to work after retirement will affect the amount of your benefits.

SECTION II DEATH BENEFITS

13-7. Death of a Technician. Upon the death of a technician, HRO should be notified immediately. HRO will compute the survivor annuity estimate payable and coordinate with the deceased technician's supervisor for a personal visit by a HRO representative to the widow/widower to give a complete briefing of all benefits payable. All necessary forms will be completed by HRO and forwarded to OPM for the survivor.

13-8. Death Benefits. There are two types of Death Benefits; Survivor Annuity and Lump-Sum-Payment.

a. **Survivor Annuity:** Survivor annuities may be payable upon the death of a technician to the widow or widower and children.

b. **Lump Sum Payment.** A lump-sum benefit may be payable upon the death of a technician if there is no widow, widower, or children entitled to survivor annuity. Payment will be based on Designation of Beneficiary, SF-2808, made by the technician and filed in the Official Personnel Folder.

13-9. Minimum Requirements of Technician. Conditions to be met by the technician for survivor annuity to a widow or widower are:

- a. Must have completed at least 18 months of civilian service and
- b. Died while employed in a position subject to the retirement system.

13-10. Minimum Requirements of Spouse. Conditions to be met by widow or widower for survivor annuity:

- a. Must have been married to the technician for at least nine months immediately preceding the technician's death or
- b. Be the parent of a child born of the marriage with the technician or
- c. Remarriage prior to reaching age 55 terminates the survivor annuity.
- d. Remarriage after age 55 does not affect the survivor annuity.

13-11. Minimum Requirements of Child/Children. Conditions to be met by a child for survivor annuity (this includes legally adopted children, step-children, and acknowledged illegitimate children provided the child had lived with the technician in a regular parent-child relationship).

- a. Must be under age 18 and
- b. Be unmarried
- c. Unmarried children over age 18 who are full-time students may continue to receive survivor annuity until age 22.

CHAPTER 14 TECHNICIAN PERSONNEL RECORDKEEPING

14-1. Supervisory Record-Keeping Responsibilities (TPR 293-31):

a. **General.** Each supervisor must maintain a record of employment for each technician (excepted and competitive) over whom he or she exercises supervision. These records are in addition to the official records contained in the technician's Official Personnel Folder.

b. **Purpose.** Employee records maintained by supervisors provide an up-to-date record relative to all personnel actions (training, performance ratings, service history, awards, conduct, disciplinary actions and a record of discussions relevant to technician employment).

c. **Safeguarding Folder and Contents.** The personnel reports, records and documents in the supervisor's employee file vitally affect the rights and benefits of the employee as well as the interest of the government. Folders are normally kept at the supervisor's work site. It is most important that maintenance and disposition of these files be accomplished in the proper manner and that file folders are protected from casual access, inappropriate disclosure, and invasion of personal privacy.

d. **Access.** Upon request, a technician must be allowed to review their work folder. Technicians wishing to provide access to another person must provide the supervisor written notification which specifically identifies the person to be given access and the records to be provided. The record may be disclosed to other officials/employees who have a need for the record in the performance of their duties.

e. **Type of folders used.** (Standard Form 66, Official Personnel Folder will not be used for supervisor folders.)

(2) Letter sized file folders with internal dividers are suggested to be used for this purpose.

(2) The technician's name will be affixed to the upper left tab of folder.

f. **Filing.**

(1) The first level supervisor will personally maintain the folders to insure confidentiality of the records and preserve the privacy of the technician concerned.

(2) Clerical personnel will not be delegated responsibility for filing or maintenance of the folders.

(3) Two-pronged paper fasteners will be used to separate the temporary documents (left side) from the permanent documents (right side), and to provide a secure means of filing to prevent possible loss of records.

g. **Contents of folder.** The following documents are normally maintained in a supervisor's work folder:

(1) The Supervisor's Employee Brief, (a computer-generated document accessed through HRO by the supervisor) replaces the NGB Form 904-1. The SF 7-B or AF Form 971 will not be used to record technician data. Do not destroy the old NGB Form 904-1 as it should be kept for historical documentation.

(a) The supervisor completes part A by listing employee and emergency information.

(b) The supervisor completes part B with required comments (i.e. Standards of Conduct Briefings, etc.). General instructions are provided on the form.

(c) Part C is maintained by HRO. Updates are furnished when the status of the technician changes or when requested by the supervisor.

(d) A sample copy of the form is provided at enclosure number one to this chapter.

(2) Performance-related records may be maintained for no more than three (3) years. They include but are not limited to performance elements/standards and ratings of record; records kept to track performance; documents concerning reconsideration/appeal of performance-related matters; performance improvement plans; and memorandums or notations of performance counseling.

(3) Conduct-related records are maintained until no longer relevant to a continuing or recurring problem. Only letters of reprimand contain specific disposition dates. Since the HRO maintains the official file, a supervisor would have no need to keep copies of adverse action records once the action is completed (notations on Supervisor's Employee Brief, Part B is sufficient).

(4) Leave schedules prepared annually to assure timely use of annual leave may be filed in work folders or in a central location.

(5) Copies of Standard Form (SF) 52, Request for Personnel Action may be kept until action is completed.

(6) Copies of correspondence or forms related to training may be kept until training is completed. Training plans may be kept until no longer relevant.

(7) Current position descriptions for each basic position may be filed in work folders or maintained in a central location.

(8) Documents required for the position (e.g., copies of licenses, professional accreditation, certificate documenting proficiency with equipment or tools used, and firearms proficiency) may be retained until updated.

(9) Other records which are valuable in reaching decisions on what course of action to take with regard to technician's employment.

(10) Copies of documents supporting an award or commendation may be kept until action is completed.

(11) AF Form 55, Employee Safety and Health Record.

NOTE: Letting a technician know that information has or will be added to the work folder can help to reinforce both positive and negative events.

h. Prohibited Documents. The following documents are prohibited from being filed in a supervisor's work folder:

(1) Copies of the Standard Form (SF) 50, Notification of Personnel Action once the Supervisor's Employee Brief has been posted. The employee copy of the SF 50 will be given to the technician concerned. If it is other than the employee copy, it will be destroyed.

(2) Security investigative records or reports.

(3) Pre-employment vouchers or telephone inquiry notation.

(4) Letters of indebtedness, which have no bearing on a technician's ability to perform their duties or on the reputation of the National Guard.

(5) Medical records to include Individual Medical Readiness (MEDPROS/IMR) and Physical Profile Serial Report (AF Form 422).

(6) SF 181, Race and National Origin identification, or SF 256, Self-identification of Medical Disability.

(7) Photographs of personnel.

(8) Training Certificates.

(9) Resumes.

(10) Personal notes as outlined in Para 2-3i (below).

i. **Personal Notes.** Personal notes maintained as memory aids are not official agency records and are not subject to the Privacy Act because they are: (a) retained for the personal use of the supervisor; (b) not circulated or shown to anyone else; and (c) retained or discarded solely as the supervisor sees fit (not under regulatory control). Such notes may not be maintained in the work folder (see paragraph 2-3h(10) above).

j. **Disposition.** Supervisor employee folders and/or documents for technicians will be disposed of as follows per TPR 293-31 (S8-7), Maintenance of Personnel Records, dated 31 Aug 1988:

(1) Folders will be screened once a year to determine the retention value of all documents. Each individual technician will be afforded an opportunity to review the folder at that time. Once a year is the minimum time established for a technician to review the folder; however, a technician may review the folder at any time by making a request to the supervisor concerned.

(2) When a technician moves to a new position serviced by the same HRO, the folder will be screened and forwarded to the gaining supervisor not later than 15 days following the date of the action. When a gaining supervisor has difficulty in obtaining the folder from the losing activity, he/she should contact the HRO for assistance.

(3) When a technician moves to a new position serviced by a different HRO or is otherwise separated from his Federal service, the folder will be destroyed 90 days after the separation date.

(4) When a technician is ordered to extended active duty and is entitled to restoration rights, the folder will be forwarded to the HRO for retention until the technician returns.

(5) If a former technician is re-employed, a new folder will be created unless the prior folder is still available. The original folder may be reactivated so long as it is purged in accordance with this manual.

(6) There may be instances when the folder should be retained after the prescribed 90-day limit (i.e., litigation pending). In such cases, supervisors will retain the folder until it is no longer needed.