DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUPERVISOR 101

Office of Human Resources
Strategic Programs Directorate
Enterprise Workforce Development and Performance

April 2013

SUPERVISOR 101
Introduction

Participant Coursebook

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Introduction to Supervisor 101

Purpose The purpose of this module is to introduce you to the course objectives, agenda, the Employee View Point Survey, and merit principles and prohibited personnel practices

Objectives By the end of this course, you will be able to:

- Explain the purpose of the Employee Viewpoint Survey and your role in using the survey results.
- Identify and describe the "Do's and Don'ts of Management" to include Merit Principles and prohibited personnel practices.
- Explain the basic hiring process, position classification, and behavioral interviewing, and the supervisor's role in each.
- Explain the PMAP Policy and process.
- Manage performance toward results by using a process to diagnose potential performance problems, provide feedback, recognize good performance, develop employees, and develop a performance improvement plan.
- Explain the different leave types and the supervisor's role in leave administration.
- Describe the different quality of work life initiatives that supervisors can use to create a productive work environment.
- Explain the principles of Labor Relations and conduct management (progressive discipline).

Overview

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Course Agenda

Tuesday:

- Introductory Module
    - o Employee View Point Survey
    - o Do's and Don'ts of Management: Merit Principles and Prohibited Personnel Practices
    - o Additional Overarching Principles NO FEAR and EEO

- Module 1: Hiring
    - o Hiring Process
    - o Classification Workshop
    - o Interviewing

Wednesday:

- Module 2: Introduction to Performance Management Appraisal Program (PMAP)

- Module 3: Performance Management

Thursday:

- Module 4: Quality of Work Life (Telework and Employee Assistance Program

- Module 5: Leave Administration

- Module 6: Labor and Employee Relations

Opening Activity

In your table groups:

1. Introduce yourselves and chart one expectation per person.
2. Discuss your transition from individual contributor to supervisor. What were your challenges? How did you handle them? Document your group's discussion by charting your group's top 5 challenges.
3. Select a spokesperson.

15 minutes

Employee View Point Survey (EVS)

Overview of the EVS Process:

- Online confidential survey with invitation sent to all HHS employees
- Formerly known as the Federal Human Capital Survey
- Completed each year at HHS in February/March timeframe
- Data available: 2002, 2004, 2006, 2007, 2008, 2009, 2010, and 2011
- 2007, 2008, 2009, 2010, 2011, and 2012 data available at the HHS, Operating Division/Staff Division, and in some cases lower level offices, centers, and divisions
- Senior leader expectation of EVS data usage as part of Senior Executive Service (SES) performance plans
- Action planning expected at all levels of data availability
- Questions in seven areas: My Work Experience , My Work Unit, My Agency, My Supervisor/Team Leader, Leadership, My Satisfaction, Work/Life

EVS Connected to the Human Capital Framework

- EVS is part of a larger strategy to ensure HHS has a mission-ready workforce to meet program needs of the 21st century
- Provides a consistent, comprehensive representation of human capital system fused to merit system principles
- Five human capital sub-systems make up the Human Capital Accountability and Assessment Framework (HCAAF):
    - Strategic Alignment (Planning and Goal Setting)
    - Leadership and Knowledge Management (Implementation)
    - Results-Oriented Performance Culture (Implementation)
    - Talent Management (Implementation)
    - Accountability (Evaluating Result

Activity: Analyzing HHS' EVS Data

In your table groups, review the handout on the 2012 HHS EVS Results. Assume this data belongs to the organization you supervise. From your analysis, determine the three highest priority areas that YOU would address and then recommend specific strategies to address each area. You want to make sure you focus on areas you have direct control over in your role as a supervisor.

20 minutes

Top Areas to Address:

Strategies:

2012 Results at a High Level

- Overall Satisfaction Scores Improving – Best Places to Work rankings (Partnership for Public Service)
    - HHS ranked 11 out of 19 large agencies in 2012; with 8 of 11 HHS Operating Divisions making the Most Improved list
    - HHS showed a .6 percentage point increase in 2012
    - Government showed a 3.2% decline

- Results vary across the Department
    - Work units are showing dramatic improvement, moderate/slight improvement, and decline
    - Top rated units and lowest rated units within same Operating Division
    - Rankings can be localized and influenced by leadership and other factors

Action Planning Process:

HHS action planning based on 2011 EVS data is ongoing:
- Senior Executive Service (SES) performance plans call for using employee viewpoint data
- While Operating Divisions (OPDIVs) are not required to submit an action plan to HHS, there is an expectation that best practices will be submitted to Office of Secretary, Office of Human Resources (OHR) in support of annual human capital report due in December of each year
- All HHS organizational levels that have EVS data are expected to act on the data by drafting and implementing an action plan to address areas needing improvement
- Action planning training is available upon contacting OHR (see resources section at end of presentation)

Areas of Focus:

Leadership:
- Key focus areas include leadership, training, performance management
- All executives will ensure EVS results are communicated to all their employees.
- All executives will see that action plans are developed to address improvement areas.
- All executives will provide updates to employees on improvement initiatives and results.
- OPDIV/STAFFDIV heads will provide status/results updates as part of their regular program update.

Training:
- Executives will see that employee training needs are identified.
- OPDIV and STAFFDIV heads will ensure appropriate funding levels are set aside to ensure for the long term training needs are met and program integrity is maintained.
- Training functions will evaluate their effectiveness in addressing knowledge and skill deficiencies.

- OPDIV/STAFFDIV heads will provide status/results updates as part of their regular program update.

Performance Management:
- OPDIV and STAFFDIV heads will ensure effective and timely performance plans are in place for all employees.
- All executives will ensure that employee input and supervisor involvement throughout the year is part of the performance management practice.
- All executives will see that all performance evaluations including mid-year feedback sessions seek to make meaningful distinctions in performance across all employees.
- OPDIV/STAFFDIV heads will provide status/results updates as part of their regular program update.

Communication
- Effective communications are positively correlated to satisfaction.
- HHS 2011 EVS study shows for each point effective communications goes up-- overall satisfaction increases 1.04 percentage points.
- Main point here is that offering effective communications is something that can be directly addressed; whereas satisfaction is more in-direct or a more summative position.
- Supervisors are well positioned, and expected, to be effective in personal and organizational communications.

Work/Life Balance
- EVS provides an opportunity for employees to offer their input around work-life balance both in terms of participation in programs and satisfaction with those programs.
- While HHS generally does well when compared to Government scores, there is room for improvement.
- Work-Life balance indications from the EVS provide a comparative set of conditions to such management issues as workload, goals, resources, skills, and other factors necessary for striking a proper and healthy work-life balance.
- Supervisors are well situated to review EVS scores in light of finding the right balance by making adjustments to goals, workload, and taking necessary creative/innovative steps to accomplish the work, given the staff, while striking a necessary healthy work-life balance.

Supervisor Role:

Supervisor plays a critical role in promoting a positive and healthy work environment. There are four basic actions that a supervisor can take, explain the data, explore underlying issues, and act on the data you have at the moment.

Explain the Results:

- One of the main criticisms of surveys in general is that respondents (employees in this case) do not ever hear back about the results

- While HHS/Operating Divisions will be communicating the results at a broad level, HHS supervisors are in a good position to share lower-level results (see Resources section for getting your results)
- Consider reviewing questions/answers in staff meetings, off-site planning sessions, and as part of overall review of your programs
- If you would like assistance in explaining the details and or statistical aspects of the survey, consider contacting survey program managers listed on the Resources slide at the end of this module.
- *Tip...try to make the data/results meaningful to employees by putting it into the context of your particular work unit. You might say something like, "If these results are representative of our unit (if the results are for your unit then they are representative) then our of our group of 10 staff members, they 8 out of the 10 of you feel as though (enter in the particular question/result that you want to explain)*

Explore Underlying Issues:

- All of the questions are positive oriented questions – in other words, we would like to have all employees answer in agreement to the questions
- When there is not agreement, there are reasons why and supervisors are in a good position to explore the reasons by asking employees
- While not necessary to hold a focus group (although this is a good approach as well) just asking for reasons why employees might have answered the questions the way they did might give you insight into some issues in the work environment of which you might have control, influence, or at least perspective.
- Work with your leadership to address areas for improvement
- Contact those in the Reference section of this module to take additional action to address underlying issues
- Use appreciative inquiry techniques* to explore issues with an interest in improving and not defending a particular position
- *According to Wikipedia, "Appreciative Inquiry is a particular way of asking questions and envisioning the future that fosters positive relationships and builds on the basic goodness in a person, a situation, or an organization". See more at: http://en.wikipedia.org/wiki/Appreciative_inquiry*

Develop a Plan with Specific Deliverables and Accountabilities

- Using a project management approach will set up a system of accountability and establish a process to ensure progress toward improvement
- Making yourself and your employees accountable also will establish that you are truly looking for improvement in the organization and employee engagement.
- *Tip...make sure your activities drive you to a specific measurable result; make it simple that anyone can look at the plan to see where you are; put in mid-point milestones, deliverables, and check points to make sure you are on the right path toward your goal.*

Act on the Data:

- Taking action to improve at the lowest level, even if at first directed to the low hanging fruit, is a good first step in making for a positive and healthy work environment
- Supervisors who are interested in improving the work environment can do so by participating in the action planning/focus group session
- The EVS has questions that specifically address supervisory areas. See questions targeted to supervisor actions

Additional Resources:

- Visit the 2012 EVS Intranet page on the HHS Intranet at: http://intranet.hhs.gov/hr/employsurvey/2012evs.html
- Contact your Operating Division Employee Survey Program Lead at http://intranet.hhs.gov/hr/employsurvey/2012evs.html
- Contact the Employee Survey Program Manager at James.Egbert@hhs.gov or (202) 205-2491
- Visit the OPM EVS webpage at: http://www.fedview.opm.go v/2012/What/
- Visit the Partnership for Public Service Best Places to Work ranking website at: http://bestplacestowork.org/BPTW/rankings/

Activity: Determining Violations of Merit Principles and Prohibited Personnel Practices

In your table groups, decide if you think the supervisor in the following scenarios commits a Prohibited Personnel Practice or violates a Merit Principle.

15 minutes

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1. Supervisor gives an employee a dishonest recommendation or appraisal in order to keep a valuable employee or to help another candidate.

2. A supervisor encourages a subordinate not to compete or to withdraw his or her application by making promises of future benefits. Or calling a position by someone's name (i.e. Jerry's position when it is vacant).

3. Supervisor systematically withholds training and developmental activities from an employee who, during his or her off duty hours, participates in an organization or an activity of which the supervisor does not approve. The employee's performance on the job is above average.

4. Manager gives a subordinate supervisor a copy of their cousin's resume and asks them to find that person a place in the supervisor's organization. The cousin is subsequently hired.

5. A manager writes the requirements (qualification factors) for a vacancy announcement. They describe a favored candidate's qualifications rather than the requirements of the job based on the official position description.

6. A manager allows a potential applicant to participate in preparing or discussing the position description and questions prior to a vacancy opening.

7. OF-8, Position Description states:
    "I certify that this is an acceptable statement of the major duties and responsibilities of this position and its organizational relationships and the position is necessary to carry out the Government function for which I am responsible. This certification is made with___"

    An employee is provided work outside their official position description for long periods of time and the HR Center is not notified.

8. Selecting official provides a "name request" for an external recruit action. 3 candidates are provided on the cert. The first two are veterans. The name request was in a tie with others for the third spot and is also provided. Therefore, the "name request is not within

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reach on the cert. The selecting official will not make a selection and cannot provide any reason using the merit factors of the position.

9. Supervisor Nancy denies Employee Bob a promotion because she objects to his frequenting bars on Saturday nights.

10. Supervisor Jane specifies that Spanish-speaking skills are necessary for a vacant position for the purpose of selecting Applicant Bill, who speaks fluent Spanish. The position does not require Spanish-speaking skills.

11. Selecting official Steve terminates the probationary appointment of Employee Ellen because of her letter to her Congressman complaining about inefficient delivery of services by his Agency.

12. Supervisor Paula cancels some scheduled training for employee Rex as he is not completing his reports on time, and those that are submitted contain numerous errors.

Do's and Don'ts of Management

The guiding principles that provide the legal foundations of your HR management role are the:

- Merit System Principles
- Prohibited Personnel Practices

As a supervisor, you will make countless human resources decisions.

To protect yourselves legally, you need a good grasp of the do's and don'ts to make the right decisions in everyday HR situations. The Merit System Principles and Prohibited Personnel Practices provide this guidance.

Merit System Principles

The Merit System Principles provide the "do's" of good HR management. They:

- Form the foundation for the entire Federal Human Resource Management system

- Express the values that govern the Civil Service system and set appropriate parameters for the exercise of HRM authority

- Provide sound management practices based on common sense that ensure Federal employees are treated fairly and equitably and that the Federal HRM system is based on merit.

Under Title 5 U.S.C. 2301 (b), Federal personnel management should be implemented consistent with the following Merit System Principles:

1. Recruit, select, and advance qualified individuals on the basis of merit after fair and open competition to achieve a workforce from all segments of society.

2. Treat employees and applicants fairly and equitably.

3. Provide equal pay for equal work; reward excellence in performance.

4. Maintain high standards of integrity, conduct, and concern for the public interest.

5. Manage the Federal workforce efficiently and effectively.

Do's and Don'ts of Management
(Continued)

Merit System Principles *(continued)*

6. Retain employees based on their adequacy or performance; inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.

7. Educate and train employees to achieve better organizational and individual performance.

8. Provide employees political protection, including:

   a. Protection against arbitrary action, personal favoritism, or coercion for partisan political purposes, and

   b. Prohibitions in place to prevent supervisors from using their official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for election.

9. Protect employees against reprisal for the lawful disclosure of information which the employees reasonably believe evidences:

   a. A violation of any law, rule, or regulation, or

   b. Mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Non-Merit Factors

Non-Merit factors are not job-related and have little or nothing to do with a person's credentials for a given job or job performance. These factors include:

- Political party
- Race
- Color
- Sex
- Religion
- National origin
- Marital status
- Age
- Sexual orientation
- Other non-job-related reasons

Do's and Don'ts of Management
(Continued)

Prohibited Personnel Practices

The Prohibited Personnel Practices describe poor management practices. They are the "don'ts" of good HR management. Under Title 5 U.S.C. 2302 (b), a Federal employee authorized to take, direct others to take, recommend, or approve any personnel action may *not*:

1. Discriminate against an employee or applicant based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.

2. Solicit or consider employment recommendations based on factors other than personal knowledge or records of job-related abilities or characteristics.

3. Coerce the political activity of any person.

4. Deceive or willfully obstruct anyone from competing for employment.

5. Influence anyone to withdraw from competition for any position so as to improve or injure the employment prospects of any other person.

6. Give an unauthorized preference or advantage to anyone so as to improve or injure the employment prospects of any particular employee or applicant.

7. Engage in nepotism (i.e., hire, promote, or advocate the hiring or promotion of relatives).

8. Take, fail to take, or threaten to take a personnel action with respect to any employee or applicant because of any disclosure of information by the employee of whistleblower activity.

9. Take, fail to take, or threaten to take a personnel action against an employee or applicant for exercising an appeal, complaint, or grievance right.

10. Discriminate based on personal conduct which is not adverse to the on-the-job performance of an employee, applicant, or others.

11. Take, fail to take, recommend or approve a personnel action if taking or failing to take such an action would violate a veterans' preference requirement.

12. Take or fail to take a personnel action, if taking or failing to take action would violate any law, rule, or regulation implementing or directly concerning Merit System Principles at Title 5 U.S.C. 2301.

Do's and Don'ts of Management
(Continued)

Consequences

In addition to corrective action, supervisors are punished for violating the Merit System Principles and committing Prohibited Personnel Practices with any of the following:

- Disciplinary action up to removal
- Monetary fines
- Removal of authority
- Debarment from Federal service

Reminders

Supervisors may violate principles and practices for "good" reasons, such as trying to preserve an employee's job in the face of a Reduction-In-Force (RIF), as well as "bad" reasons, such as seeking revenge on someone who previously filed a complaint. Often more than one principle is violated. One faulty HR action can violate numerous principles and prohibitions.

Application of the principles and practices is straightforward. Applying the principles and practices to everyday HR decisions involves knowing them, understanding them, and using good common sense.

Supervisors are advised to:

- Think before taking action
- Consult with HR specialists and other advisors
- Be aware of perceptions even when an action is "strictly legal"

Your servicing HR specialist is entrusted to interpret and explain HR policies and practices to you in a way that keeps you out of trouble. You may not always like the answer he/she gives, but you have to remember the answer is grounded in principles, laws, and regulations.

REFERENCE GUIDE:
ADDITIONAL OVERARCHING PRINCIPLES—
NO-FEAR Act and Equal Employment Opportunity

NO-FEAR Act

On May 15, 2002, the Notification and Federal Employee Anti-discrimination and Retaliation of 2002 (NO-FEAR) Act was signed into law. The NO FEAR Act, effective October 1, 2003, requires that Federal agencies be more accountable for violations of anti-discrimination and whistleblower protection laws.

The NO-FEAR Act covers employment matters relating to:

- Hiring, promotion, pay, leave, awards, assignments, training, suspensions, and terminations

- Requests for reasonable accommodation for religious reasons or for reasons based on disability

- Harassment or creation of a hostile work environment.

Two Types of Discrimination

Disparate treatment refers to discrimination based on treating individuals differently based on their race, sex, or other characteristics that have nothing to do with the job. It includes giving people dead-end assignments, refusing to promote them, and so on. This involves more overt discrimination.

Disparate impact refers to seemingly neutral activities that have a disparate impact on a protected minority. For example, a height or weight requirement may discriminate against women or against Asian or Hispanic applicants who generally are of smaller stature than Caucasian or African American males.

Whistleblowing

Whistleblowing is defined as the process of disclosing information an employee reasonably believes evidences:

- A violation of any law, rule, or regulation
- Gross mismanagement
- Gross waste of funds, or fraud, waste, and abuse
- Abuse of authority
- Substantial and specific danger to public health
- Substantial and specific danger to public safety.

Additional Overarching Principles
(continued)

Whistleblowing *(continued)*

Under the Whistleblower Protection Act (WPA), the Office of Special Counsel (OSC) makes the following requirements:

- Place informational posters regarding laws
- Provide written information about the WPA to new employees
- Provide written information on WPA to current employees on an annual basis
- Train supervisors on WPA every 3 years
- Create a computer link from the Agency to OSC.

Sexual Harassment

Quid pro quo: meaning "this for that," means that employee submission to sexual demands becomes an implicit or explicit term of employment. This type of sexual harassment is blatant and easily identifiable.

Creating a hostile work environment, or sexual conduct which interferes with a person's performance or creates an intimidating or offensive work environment, is another form of sexual harassment.

Retaliation

Retaliation is defined as the process of taking punitive action against an employee for a prior claim or complaint. An example is taking away part of an employee's duties or authorities based on the filing of a formal EEO complaint

Reasonable Accommodation

Reasonable accommodation is applicable to the hiring process and to the benefits and privileges of employment. It also covers different types of accommodations related to job performance, including job restructuring, leave, modified or part-time schedule, modified workplace policies, and reassignment.

Both the EEOC and HHS have available guidance of reasonable accommodation – that guidance is: *EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act*, http://www.eeoc.gov/policy/docs/accommodation.html#intro

HHS Policy and Procedures Manual –
http://intranet.hhs.gov/about/ODMEPolicyandProceduresManual.pdf

Additional Overarching Principles – NO-FEAR Act
(continued)

Reasonable Accommodation *(continued)*

The term "qualified individual" refers to a person with a "qualifying medical condition" as identified under the Americans with Disabilities Act, or ADA. Under The Rehabilitation Act, a "disability" is a physical or mental impairment that substantially limits a major life activity (breathing, walking, seeing, hearing, and performing manual tasks). A temporary or short-term illness is not a disability. You must be able to perform the essential functions of your job with or without reasonable accommodation in order to be qualified to participate. The Agency has no obligation to change performance standards or to eliminate essential functions of an employee's position as a reasonable accommodation. Finally, employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs.

The Equal Employment Opportunity Commission (EEOC) provides guidance that clarifies the rights and responsibilities of employers and individuals with disabilities regarding reasonable accommodation.

"Undue hardship" means that the accommodation is extremely cost-prohibitive or that the work cannot be accommodated using other means. You should check with your servicing HR staff before making this decision.

Available Employee Recourses

Employees must know to whom and by when complaints must be received. For instance, complaints may be filed to the EEOC, OSC, or Merit Systems Protection Board, and each individual office has its own submitting procedures and timeframes.

Equal Employment Opportunity

HHS Equal Employment Program

The EEOC requires Federal agencies to establish and maintain an effective EEO program.

The Equal Employment Opportunity (EEO) Offices provide leadership and advice on issues of diversity, affirmative employment and special emphasis programs, complaints processing, and conflict resolution.

The HHS Office of Diversity Management and Equal Employment Opportunity (ODME) provides leadership in creating and sustaining a diverse workforce and an environment free of discrimination at the Department of Health and Human Services. ODME works pro-actively to enhance the employment of women, minorities, veterans, and people with disabilities. This is achieved through policy development, oversight, complaints prevention, outreach, and education and training programs throughout the Department.

Additional Overarching Principles – Equal Employment Opportunity
(continued)

Source	Description
Title VII of the Civil Rights Act of 1964	Prohibits employment discrimination and harassment based on race, color, religion, sex, and national origin (the "original 5")
Civil Service Reform Act of 1978	Requires "fair and equitable" treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or disabling condition
Equal Pay Act of 1963	Established that workers doing the same or similar work should be paid the same, regardless of their gender
Age Discrimination in Employment Act of 1967	Prohibits age discrimination for individuals who are 40 years of age or older
Rehabilitation Act of 1973 and Americans With Disabilities Act of 1990	Prohibits discrimination because someone is disabled; requires employers to take steps to accommodate the disabled
Civil Rights Act of 1991	Provides the following major provisions for the Federal sector: compensatory damages, jury trials in cases alleging compensatory damages, interest on back-pay awards, and extension of filing time in mixed cases from 30 to 90 days
Pregnancy Discrimination Act of 1978	Prohibits sex discrimination on the basis of pregnancy, childbirth, or related medical conditions (requires employers to treat pregnancy and related conditions like any other short-term disability)
Executive Order (EO) 13087	Prohibits discrimination of those with different sexual orientations
EO 13145	Prohibits discrimination of those involved with genetic testing and protection of genetic information
EO 13152	Prohibits discrimination of those with various parental statuses, e.g., single parents
EO 13166	Prohibits discrimination of those with limited English proficiency and requires agencies to provide people with limited English proficiency, or LEP, with meaningful access to Federally-assisted and Federally-conducted programs and activities

Additional Overarching Principles – Equal Employment Opportunity
(continued)

Vicarious Liability

Vicarious liability makes employers liable for the discriminatory actions committed by its managers and employees

Supervisors should immediately attend to discrimination and harassment issues, and be sure that all employees know about the EEO complaint process

Supervisors will be liable if they fail to exercise "reasonable care" to prevent and correct the discrimination or harassment, or if employees are unfamiliar with the EEO complaint processing system

EEO Complaint Process

If an employee believes he/she has been discriminated against for one or more prohibited factors, an EEO complaint should be filed. These factors include:

- Race
- Color
- National origin
- Gender
- Sexual harassment
- Age (40 and up)
- Disability
- Religion
- Retaliation/Reprisal.

The EEO complaint process is a formal process. The starting point is the Pre-Complaint Process in which the employee contacts an EEO counselor and the counselor attempts to resolve the matter informally.

The Formal Complaint Process begins with the formal filing of the complaint – or – the use of ADR to resolve the complaint.

Additional Overarching Principles – Equal Employment Opportunity
(continued)

EEO Complaint Process *(continued)*

If the formal complaint process is initiated:

- An investigator is assigned and the complainant may request a hearing or request a final Agency decision.

- The employee will be provided with the final Agency decision or final order.

- If the employee is dissatisfied with the Administrative Law Judge (ALJ) or final Agency decision, the employee may appeal the decision to EEOC.

- The employee may also file a civil action in U.S. District Court after final Agency decision, if no final Agency decision is issued, after receipt of the EEOC's final decision, or if no final EEOC decision is forthcoming.

You must contact an EEO counselor within 45 days of the alleged discriminatory action. You must decide whether to proceed with traditional EEO counseling or elect an ADR procedure.

	COUNSELING	ADR	
30/60 DAYS	If you choose counseling, attempts will be made to resolve the case within 30 days. You may agree in writing to extend the timeframe an additional 60 days.	If you choose the ADR process, you and the Agency have 90 days within which to resolve the issues raised. If a settlement is reached, the terms will be incorporated into a resolution agreement for signature by you and an appropriate agency official.	**90 DAYS**

180 DAYS	Agency has within 180 days (not to exceed 360 days) of receiving the complaint to conduct investigation or dismiss the complaint.
30 DAYS	Complainant may request Administrative Judge Hearing or final decision from Agency within 30 days of receiving the investigation
60 DAYS	Agency must make decision and provide notice to complainant within 60 days of request for final decision of right to file a civil action in Federal district court
15 DAYS	Agency has within 15 days of receipt of request for hearing to provide copy of complaint file to EEOC
180 DAYS	Agency has within 180 days of receiving notice of a hearing request to conduct hearing, make decision, and notify complainant and Agency
40 DAYS	Agency has within 40 days to issue the final order or file an appeal with the EEOC

Additional Overarching Principles – Equal Employment Opportunity
(continued)

Positive Work Environment

The best approach to creating a positive work environment is to create a climate in which discrimination and harassment do not occur, but one instead where others' differences are appreciated and valued, by:

- Being aware of environments more at risk for discrimination and harassment;
- Being sensitive to cues indicative of discrimination and harassment;
- Responding to discrimination and harassment complaints;
- Using the servicing EEO office as a resource; and
- Actively fostering a positive work environment.

Slides

Opening Exercise

- In your table groups:
  - Introduce yourselves to each other and chart one expectation per person.
  - Discuss your transition from individual contributor to supervisor:
    - What were your challenges?
    - How did you handle them?
    - Chart your group's top 5 challenges
    - Select a spokesperson to report out
- You will have 15 minutes

Introductions

In your table group:
- Each person will introduce him/herself in less than 30 seconds
  - Name
  - Organization
  - Role
  - How long you've been a supervisor
- Spokesperson will introduce him/herself and discuss the top 5 challenges within 60 seconds

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Supervisor 101 Objectives

- Explain the purpose of the Employee Viewpoint Survey and your role in using the survey results.
- Identify and describe the "Do's and Don'ts of Management" to include Merit Principles and prohibited personnel practices.
- Explain the basic hiring process, position classification, and behavioral interviewing, and the supervisor's role in each.
- Explain the PMAP Policy and process.
- Manage performance toward results by using a process to diagnose potential performance problems, provide feedback, recognize good performance, develop employees, and identify what goes into a performance improvement plan.

Supervisor 101 Objectives, continued

- Explain the different leave types and the supervisor's role in leave administration.

- Describe the different quality of work life initiatives that supervisors can use to create a productive work environment.

- Explain the principles of Labor Relations and Employee Relations--Conduct Management (progressive discipline).

Course Agenda

- Tuesday:
  - Introductory Module
    - Employee View Point Survey
    - Do's and Don'ts of Management: Merit Principles and Prohibited Personnel Practices
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    - Hiring Process
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  - Module 6: Labor and Employee Relations

HHS Supervisor 101 Course
Employee Viewpoint Survey (EVS)

Exploring the supervisor role in promoting a positive and healthy work environment for all HHS employees

6

Overview of the Survey Process

- Online anonymous survey sent to all HHS employees
- Survey administered annually
- EVS data usage included in SES performance plans
- Action planning is strongly encouraged at all levels of data availability
- Questions are grouped in seven areas: My Work Experience , My Work Unit, My Agency, My Supervisor/Team Leader, Leadership, My Satisfaction, Work/Life

7

Activity: Analyzing HHS' EVS Results

- Turn to Page Intro-5

- In your table groups, review the handout on the 2012 HHS EVS Results. Assume this data belongs to the organization you supervise. From your analysis, determine the three highest priority areas that YOU would address and then recommend specific strategies to address each area. You want to make sure you focus on areas you have direct control over in your role as supervisor.

- 20 minutes

HHS EVS Data Results – 2012

- Overall Satisfaction Scores Improving – Best Places to Work rankings (Partnership for Public Service)
  - HHS ranked 11 out of 19 large agencies in 2012; with 8 of 11 HHS Operating Divisions making the Most Improved list.
  - HHS showed a .6 percentage point increase in 2012 while rest of Gov showed a 3.2 percentage point decline
- Results vary across the Department
  - Work units are showing dramatic improvement, moderate/slight improvement, and decline
  - Top rated units and lowest rated units within same Operating Division
  - Rankings can be localized and influenced by leadership and other factors

Areas of Focus

- Leadership
- Training
- Performance Management
- Communications
- Work-Life Balance

Action Planning: Supervisor's Role

- Supervisor plays a critical role in promoting a positive and healthy work environment
- There are four actions that supervisors can take
  - Explain the data
  - Explore underlying issues
  - Develop a plan with specific deliverables and accountabilities
  - Act on the data and follow up to ensure activities are done and results achieved

Additional Resources

- Visit the 2012 EVS Intranet page on the HHS Intranet at: http://intranet.hhs.gov/hr/employsurvey/2012evs.html
- Contact your Operating Division Employee Survey Program Lead at http://intranet.hhs.gov/hr/employsurvey/2012evs.html
- Contact the Employee Survey Program Manager at James.Egbert@hhs.gov or (202) 205-2491
- Visit the OPM EVS webpage at: http://www.fedview.opm.gov/2012/What/
- Visit the Partnership for Public Service Best Places to Work ranking website at: http://bestplacestowork.org/BPTW/rankings/

The Merit System

Merit System Principles
And
Prohibited Personnel Practices

Objectives

- Appreciate what the merit system means to the United States and to HHS

- Understand what your responsibilities are for protecting the merit system

- Knowledge of the consequences of breaking the laws, rules, or regulations

- Understand how you can help others stay out of trouble

The Merit System

- Simple definition of a merit system –

  ▪ It is a framework for the orderly, **objective**, and **fair** filling of government jobs through competition to determine who is best qualified based on job-related **knowledge**, **skill**, and **ability.**

  ▪ It also provides a comprehensive and structured approach to managing the **performance** of your most valuable resource, people

Merit System Principles

- 9 Merit System Principles – Overview

The foundation for all personnel decisions in the federal civil service

❑ *Fairness and equality in recruitment, selection, training, promotion, and retention*
❑ *Decisions must be based on merit factors, i.e., knowledge, skill, ability, and performance*
❑ *Decisions must be job related*

The Merit System

- It is your responsibility to -

❑ Comply with and enforce civil service laws, rules, and regulations
❑ Prevent prohibited personnel practices
❑ Ensure that employees are informed of their rights and remedies

Activity: Determining Violations of Merit Principles and Prohibited Personnel Practices

- Turn to Page Intro-10
- In your table groups, decide if you think the supervisor in the following scenarios commits a Prohibited Personnel Practice or violates a Merit Principle.

- 15 Minutes

Merit System Violation

- Supervisor gives an employee a dishonest recommendation or appraisal in order to keep a valuable employee or to help another candidate.

Merit System Violation

- A supervisor encourages a subordinate not to compete or to withdraw his or her application by making promises of future benefits. Or Calling a position by someone's name (i.e. Jerry's position when it is vacant).

Merit System Violation

- Supervisor systematically withholds training and developmental activities from an employee who, during his or her off duty hours, participates in an organization or an activity of which the supervisor does not approve. The employee's performance on the job is above average.

Merit System Violation

- A manager writes the requirements (qualification factors) for a vacancy announcement. They describe a favored candidate's qualifications rather than the requirements of the job based on the official position description.

Merit System Violation

- A manager allows a potential applicant to participate in preparing or discussing the position description and Quickhire questions prior to a vacancy opening.

Merit System Violation

- OF-8, Position Description states:
  - "I certify that this is an acceptable statement of the major duties and responsibilities of this position and its organizational relationships and the position is necessary to carry out the Government function for which I am responsible. This certification is made with___"

  An employee is provided work outside their official position description for long periods of time and the HR Center is not notified.

Merit System Violation

- Selecting official provides a "name request" for an external recruit action. 3 candidates are provided on the cert. The first two are veterans. The name request was in a tie with others for the third spot and is also provided. Therefore, the "name request is not within reach on the cert. The selecting official will not make a selection and cannot provide any reason using the merit factors of the position.

Merit System Violation

- Supervisor Nancy denies Employee Bob a promotion because she objects to his frequenting bars on Saturday nights.

Merit System Violation

- Supervisor Jane specifies that Spanish-speaking skills are necessary for a vacant position for the purpose of selecting Applicant Bill, who speaks fluent Spanish. The position does not require Spanish-speaking skills.

Merit System Violation

- Selecting official Steve terminates the probationary appointment of Employee Ellen because of her letter to her Congressman complaining about inefficient delivery of services by his Agency.

Merit System Violation

- Supervisor Paula cancels some scheduled training for employee Rex as he is not completing his reports on time, and those that are submitted contain numerous errors.

Possible Penalties

- Removal, reduction in grade, suspension, or reprimand

- Debarment from federal employment for up to 5 years

- Civil penalty up to $1100

Helpful Hints

- Know the merit system concepts and keep them on your radar screen
- Seek expert advice when you are unsure
- Watch your what you say and do
- No promises should be made on any personnel actions (i.e. position, pay, etc.)
- Deal with problems as they occur
- Document your conversations and decisions when there is potential for a question to be raised later

The Merit System

- It is your responsibility to -

❑ Comply with and enforce civil service laws, rules, and regulations

❑ Prevent prohibited personnel practices

❑ Ensure that employees are informed of their rights and remedies

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Handout

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2012 Federal Employee Viewpoint Survey

Report for HHS
Health and Human Services 2012 (all employees)

11/27/2012

Organizational Assessment
Human Resources Solutions
U.S. Office of Personnel Management

2012 Response Summary

	Surveys Completed
Governmentwide (official FEVS)	*687,687*
Health and Human Services 2012 (all employees)	*33,761*
Health and Human Services 2011 (all employees)	*26,751*

The **2012 HHS Federal Employee Viewpoint Survey Report** provides summary results for your organization. The results include Positive, Neutral, and Negative response percentages for each survey item.

For each of the three response scales used in the survey, two responses were categorized as "**Positive**" (Strongly Agree and Agree, Very Satisfied and Satisfied, Very Good and Good), one response as "**Neutral**" (Neither Agree nor Disagree, Neither Satisfied nor Dissatisfied, Fair), two responses as "**Negative**"(Disagree and Strongly Disagree, Dissatisfied and Very Dissatisfied, Poor and Very Poor), and one response as "**DNK**" or "**NBJ**" (Do Not Know or No Basis to Judge).

Note: Respondents counted in the DNK/NBJ column are not included in the calculation of the Positive, Neutral and Negative percents. The N column is the total number of respondents who selected a Positive, Neutral, Negative, Yes, No, Not Available to me, or Not Sure response (DNK and NBJ are excluded from this count).

My Work Experience

1. I am given a real opportunity to improve my skills in my organization.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	686,499	63.2%	16.6%	20.2%
Health and Human Services 2012 (all employees)	33,704	67.6%	14.7%	17.6%
Health and Human Services 2011 (all employees)	26,702	66.1%	16.0%	17.9%

2. I have enough information to do my job well.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	684,821	71.9%	14.5%	13.6%
Health and Human Services 2012 (all employees)	33,640	72.5%	14.0%	13.5%
Health and Human Services 2011 (all employees)	26,700	71.6%	14.8%	13.7%

3. I feel encouraged to come up with new and better ways of doing things.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	681,499	57.8%	18.7%	23.5%
Health and Human Services 2012 (all employees)	33,497	62.9%	16.9%	20.2%
Health and Human Services 2011 (all employees)	26,687	61.4%	17.9%	20.7%

4. My work gives me a feeling of personal accomplishment.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	684,685	72.4%	14.4%	13.2%
Health and Human Services 2012 (all employees)	33,626	75.3%	13.3%	11.4%
Health and Human Services 2011 (all employees)	26,691	74.7%	13.8%	11.5%

5. I like the kind of work I do.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	682,133	83.8%	10.4%	5.7%
Health and Human Services 2012 (all employees)	33,521	84.6%	10.0%	5.4%
Health and Human Services 2011 (all employees)	26,663	84.5%	10.2%	5.2%

6. I know what is expected of me on the job.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	681,765	80.1%	10.9%	9.0%
Health and Human Services 2012 (all employees)	33,466	78.7%	11.7%	9.5%
Health and Human Services 2011 (all employees)	26,587	78.4%	11.8%	9.8%

7. When needed I am willing to put in the extra effort to get a job done.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	684,790	96.5%	2.3%	1.2%
Health and Human Services 2012 (all employees)	33,630	97.3%	1.9%	0.9%
Health and Human Services 2011 (all employees)	26,684	97.2%	1.9%	0.9%

8. I am constantly looking for ways to do my job better.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	685,285	91.4%	7.1%	1.5%
Health and Human Services 2012 (all employees)	33,615	92.2%	6.7%	1.1%
Health and Human Services 2011 (all employees)	26,624	91.9%	6.9%	1.1%

9. I have sufficient resources (for example, people, materials, budget) to get my job done.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	684,607	48.0%	16.9%	35.1%	1,655
Health and Human Services 2012 (all employees)	33,587	50.7%	16.3%	33.0%	93
Health and Human Services 2011 (all employees)	26,557	51.2%	17.7%	31.1%	118

10. My workload is reasonable.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	683,078	58.9%	16.2%	24.9%	1,258
Health and Human Services 2012 (all employees)	33,541	59.8%	15.5%	24.8%	74
Health and Human Services 2011 (all employees)	26,601	60.4%	16.2%	23.4%	85

11. My talents are used well in the workplace.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	671,969	59.5%	16.8%	23.7%	3,517
Health and Human Services 2012 (all employees)	33,088	60.5%	16.0%	23.5%	152
Health and Human Services 2011 (all employees)	26,386	59.4%	16.8%	23.8%	224

12. I know how my work relates to the agency's goals and priorities.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	681,644	83.7%	10.1%	6.2%	2,503
Health and Human Services 2012 (all employees)	33,495	85.2%	9.1%	5.7%	93
Health and Human Services 2011 (all employees)	26,516	84.7%	9.7%	5.7%	114

13. The work I do is important.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	680,836	91.2%	6.2%	2.5%	1,769
Health and Human Services 2012 (all employees)	33,416	90.6%	6.7%	2.7%	86
Health and Human Services 2011 (all employees)	26,491	90.8%	6.9%	2.3%	86

14. Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	683,306	67.5%	14.0%	18.5%	2,522
Health and Human Services 2012 (all employees)	33,552	72.0%	12.8%	15.3%	94
Health and Human Services 2011 (all employees)	26,548	71.8%	13.5%	14.7%	110

15. My performance appraisal is a fair reflection of my performance.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	675,095	68.8%	14.8%	16.4%	10,306
Health and Human Services 2012 (all employees)	33,156	69.4%	13.4%	17.2%	488
Health and Human Services 2011 (all employees)	26,131	68.4%	14.3%	17.3%	538

16. I am held accountable for achieving results.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	681,102	82.8%	11.8%	5.5%	3,032
Health and Human Services 2012 (all employees)	33,411	85.2%	10.4%	4.4%	157
Health and Human Services 2011 (all employees)	26,464	84.3%	11.2%	4.5%	147

17. I can disclose a suspected violation of any law, rule or regulation without fear of reprisal.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	656,457	61.5%	19.5%	19.0%	27,152
Health and Human Services 2012 (all employees)	31,484	60.3%	20.8%	18.9%	2,070
Health and Human Services 2011 (all employees)	25,019	58.9%	21.8%	19.3%	1,605

18. My training needs are assessed.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	677,385	53.1%	23.4%	23.6%	7,250
Health and Human Services 2012 (all employees)	33,192	49.8%	24.0%	26.2%	408
Health and Human Services 2011 (all employees)	26,101	50.2%	24.1%	25.6%	411

19. In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (for example, Fully Successful, Outstanding).

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	668,068	67.5%	14.8%	17.7%	18,229
Health and Human Services 2012 (all employees)	32,902	66.1%	14.0%	20.0%	782
Health and Human Services 2011 (all employees)	25,972	65.4%	14.4%	20.2%	679

My Work Unit

20. The people I work with cooperate to get the job done.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	685,205	72.8%	14.3%	12.9%
Health and Human Services 2012 (all employees)	33,597	75.9%	12.9%	11.2%
Health and Human Services 2011 (all employees)	25,722	75.0%	13.3%	11.7%

21. My work unit is able to recruit people with the right skills.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	662,253	43.5%	27.2%	29.4%	23,872
Health and Human Services 2012 (all employees)	32,532	50.7%	23.8%	25.5%	1,152
Health and Human Services 2011 (all employees)	25,765	50.3%	24.2%	25.5%	917

22. Promotions in my work unit are based on merit.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	645,137	33.5%	29.2%	37.3%	39,208
Health and Human Services 2012 (all employees)	30,759	41.8%	27.9%	30.4%	2,835
Health and Human Services 2011 (all employees)	24,242	42.2%	28.1%	29.7%	2,394

23. In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	632,125	29.4%	27.8%	42.8%	51,759
Health and Human Services 2012 (all employees)	29,861	32.8%	28.8%	38.4%	3,733
Health and Human Services 2011 (all employees)	23,607	32.4%	28.7%	38.9%	3,049

24. In my work unit, differences in performance are recognized in a meaningful way.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	652,024	33.8%	29.2%	37.0%	32,505
Health and Human Services 2012 (all employees)	31,204	36.9%	28.6%	34.5%	2,387
Health and Human Services 2011 (all employees)	24,680	37.9%	28.7%	33.4%	1,954

25. Awards in my work unit depend on how well employees perform their jobs.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	648,791	41.0%	25.4%	33.6%	35,445
Health and Human Services 2012 (all employees)	30,973	45.8%	24.6%	29.6%	2,581
Health and Human Services 2011 (all employees)	24,455	46.6%	24.6%	28.8%	2,170

26. Employees in my work unit share job knowledge with each other.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	681,951	72.3%	14.6%	13.1%	2,878
Health and Human Services 2012 (all employees)	33,382	72.7%	13.8%	13.5%	199
Health and Human Services 2011 (all employees)	26,399	70.6%	15.1%	14.3%	201

27. The skill level in my work unit has improved in the past year.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	661,501	54.7%	28.6%	16.8%	23,067
Health and Human Services 2012 (all employees)	32,117	57.1%	28.3%	14.5%	1,450
Health and Human Services 2011 (all employees)	25,167	57.7%	27.8%	14.5%	1,367

28. How would you rate the overall quality of work done by your work unit?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	683,823	83.4%	13.6%	3.0%
Health and Human Services 2012 (all employees)	33,546	86.0%	11.5%	2.6%
Health and Human Services 2011 (all employees)	26,554	83.3%	13.6%	3.1%

My Agency

29. The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	662,287	71.6%	17.2%	11.2%	9,223
Health and Human Services 2012 (all employees)	32,458	74.3%	15.9%	9.8%	634
Health and Human Services 2011 (all employees)	25,531	72.6%	17.3%	10.1%	511

30. Employees have a feeling of personal empowerment with respect to work processes.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	657,623	45.2%	26.0%	28.8%	13,810
Health and Human Services 2012 (all employees)	32,132	47.6%	25.2%	27.2%	963
Health and Human Services 2011 (all employees)	25,309	48.7%	25.1%	26.1%	750

31. Employees are recognized for providing high quality products and services.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	658,648	48.4%	24.1%	27.5%	11,646
Health and Human Services 2012 (all employees)	32,302	53.1%	23.1%	23.9%	753
Health and Human Services 2011 (all employees)	25,407	54.0%	22.9%	23.0%	666

32. Creativity and innovation are rewarded.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	650,663	38.5%	29.6%	31.9%	18,726
Health and Human Services 2012 (all employees)	31,860	44.8%	27.9%	27.3%	1,158
Health and Human Services 2011 (all employees)	25,016	44.8%	27.7%	27.6%	1,020

33. Pay raises depend on how well employees perform their jobs.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	628,870	21.6%	28.1%	50.2%	40,108
Health and Human Services 2012 (all employees)	29,890	28.3%	29.8%	41.9%	3,075
Health and Human Services 2011 (all employees)	23,535	31.4%	30.6%	38.0%	2,501

34. Policies and programs promote diversity in the workplace (for example, recruiting minorities and women, training in awareness of diversity issues, mentoring).

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	625,285	56.8%	29.1%	14.1%	44,977
Health and Human Services 2012 (all employees)	30,605	59.3%	26.5%	14.2%	2,416
Health and Human Services 2011 (all employees)	24,234	59.0%	26.4%	14.6%	1,796

35. Employees are protected from health and safety hazards on the job.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	662,923	76.9%	13.4%	9.7%	7,525
Health and Human Services 2012 (all employees)	32,437	80.8%	12.2%	7.0%	626
Health and Human Services 2011 (all employees)	25,537	80.0%	13.1%	6.9%	529

36. My organization has prepared employees for potential security threats.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	661,974	78.0%	13.9%	8.2%	7,292
Health and Human Services 2012 (all employees)	32,020	71.7%	18.0%	10.3%	988
Health and Human Services 2011 (all employees)	25,141	67.8%	20.2%	12.0%	846

37. Arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	636,579	51.2%	23.4%	25.4%	32,982
Health and Human Services 2012 (all employees)	30,737	54.6%	22.2%	23.2%	2,271
Health and Human Services 2011 (all employees)	24,257	52.3%	23.5%	24.2%	1,745

38. Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veterans' preference requirements) are not tolerated.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	615,998	65.9%	20.0%	14.1%	51,862
Health and Human Services 2012 (all employees)	29,698	67.3%	19.4%	13.4%	3,248
Health and Human Services 2011 (all employees)	23,502	66.0%	19.7%	14.3%	2,438

39. My agency is successful at accomplishing its mission.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	658,423	76.4%	16.7%	6.9%	10,424
Health and Human Services 2012 (all employees)	32,298	78.3%	15.9%	5.8%	670
Health and Human Services 2011 (all employees)	25,405	77.3%	16.7%	6.0%	519

40. I recommend my organization as a good place to work.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	669,665	66.8%	19.9%	13.4%
Health and Human Services 2012 (all employees)	33,021	69.9%	18.5%	11.6%
Health and Human Services 2011 (all employees)	25,952	68.4%	19.6%	11.9%

41. I believe the results of this survey will be used to make my agency a better place to work.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	606,522	42.4%	29.1%	28.4%	63,385
Health and Human Services 2012 (all employees)	29,903	50.5%	27.0%	22.5%	3,163
Health and Human Services 2011 (all employees)	23,828	51.0%	27.3%	21.6%	2,184

My Supervisor/Team Leader

42. My supervisor supports my need to balance work and other life issues.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	663,393	76.7%	11.9%	11.4%	4,030
Health and Human Services 2012 (all employees)	32,789	79.9%	10.2%	9.8%	179
Health and Human Services 2011 (all employees)	25,741	78.2%	11.0%	10.7%	150

43. My supervisor/team leader provides me with opportunities to demonstrate my leadership skills.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	663,693	65.2%	17.7%	17.1%	2,957
Health and Human Services 2012 (all employees)	32,779	68.4%	15.3%	16.3%	154
Health and Human Services 2011 (all employees)	25,710	66.6%	16.6%	16.8%	150

44. Discussions with my supervisor/team leader about my performance are worthwhile.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	658,206	62.2%	19.2%	18.6%	6,888
Health and Human Services 2012 (all employees)	32,497	63.9%	17.8%	18.3%	373
Health and Human Services 2011 (all employees)	25,527	62.8%	18.4%	18.8%	316

45. My supervisor/team leader is committed to a workforce representative of all segments of society.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	615,578	64.5%	24.6%	10.9%	49,711
Health and Human Services 2012 (all employees)	30,110	68.1%	21.7%	10.2%	2,730
Health and Human Services 2011 (all employees)	23,774	66.5%	22.4%	11.1%	2,018

46. My supervisor/team leader provides me with constructive suggestions to improve my job performance.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	662,244	60.8%	20.6%	18.7%	3,265
Health and Human Services 2012 (all employees)	32,674	62.1%	19.3%	18.6%	197
Health and Human Services 2011 (all employees)	25,637	60.5%	20.0%	19.5%	161

47. Supervisors/team leaders in my work unit support employee development.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	657,845	65.1%	18.6%	16.3%	7,510
Health and Human Services 2012 (all employees)	32,449	68.9%	16.6%	14.5%	413
Health and Human Services 2011 (all employees)	25,392	67.6%	17.0%	15.4%	352

48. My supervisor/team leader listens to what I have to say.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	665,079	74.3%	13.2%	12.5%
Health and Human Services 2012 (all employees)	32,866	76.4%	12.1%	11.6%
Health and Human Services 2011 (all employees)	25,812	74.8%	13.0%	12.3%

49. My supervisor/team leader treats me with respect.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	664,171	79.4%	11.1%	9.5%
Health and Human Services 2012 (all employees)	32,826	80.0%	10.5%	9.6%
Health and Human Services 2011 (all employees)	25,766	78.7%	11.1%	10.2%

50. In the last six months, my supervisor/team leader has talked with me about my performance.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	664,039	76.8%	10.5%	12.7%
Health and Human Services 2012 (all employees)	32,813	80.6%	9.4%	10.0%
Health and Human Services 2011 (all employees)	25,781	78.6%	10.3%	11.1%

51. I have trust and confidence in my supervisor.

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	663,909	65.8%	17.2%	17.0%
Health and Human Services 2012 (all employees)	32,783	67.5%	16.4%	16.2%
Health and Human Services 2011 (all employees)	25,661	66.7%	16.4%	17.0%

52. Overall, how good a job do you feel is being done by your immediate supervisor/team leader?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	663,472	68.4%	18.9%	12.6%
Health and Human Services 2012 (all employees)	32,763	71.0%	17.3%	11.8%
Health and Human Services 2011 (all employees)	25,731	69.0%	18.0%	13.0%

Leadership

53. In my organization, leaders generate high levels of motivation and commitment in the workforce.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	651,887	42.9%	26.2%	30.9%	6,310
Health and Human Services 2012 (all employees)	32,095	47.9%	25.0%	27.1%	414
Health and Human Services 2011 (all employees)	25,138	47.9%	25.4%	26.7%	381

54. My organization's leaders maintain high standards of honesty and integrity.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	638,553	55.1%	23.1%	21.8%	19,203
Health and Human Services 2012 (all employees)	31,189	59.7%	22.1%	18.2%	1,303
Health and Human Services 2011 (all employees)	24,487	58.4%	22.6%	19.1%	1,040

55. Managers/supervisors/team leaders work well with employees of different backgrounds.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	631,883	63.4%	22.2%	14.4%	24,592
Health and Human Services 2012 (all employees)	31,045	65.6%	20.7%	13.7%	1,397
Health and Human Services 2011 (all employees)	24,465	64.3%	21.1%	14.6%	1,051

56. Managers communicate the goals and priorities of the organization.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	651,106	62.4%	19.9%	17.7%	5,427
Health and Human Services 2012 (all employees)	32,107	64.0%	19.4%	16.6%	324
Health and Human Services 2011 (all employees)	25,165	62.6%	20.3%	17.1%	301

57. Managers review and evaluate the organization's progress toward meeting its goals and objectives.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	621,279	62.0%	23.4%	14.6%	34,259
Health and Human Services 2012 (all employees)	30,594	63.0%	22.9%	14.1%	1,804
Health and Human Services 2011 (all employees)	24,027	61.9%	23.2%	14.9%	1,413

58. Managers promote communication among different work units (for example, about projects, goals, needed resources).

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	639,009	53.3%	23.0%	23.8%	17,366
Health and Human Services 2012 (all employees)	31,651	55.9%	21.5%	22.5%	787
Health and Human Services 2011 (all employees)	24,772	55.1%	22.0%	22.9%	671

59. Managers support collaboration across work units to accomplish work objectives.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	637,138	56.9%	23.0%	20.1%	18,374
Health and Human Services 2012 (all employees)	31,573	61.1%	20.6%	18.4%	773
Health and Human Services 2011 (all employees)	24,657	59.8%	21.1%	19.1%	649

60. Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor/team leader?

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	625,622	57.9%	24.0%	18.1%	30,480
Health and Human Services 2012 (all employees)	30,910	61.8%	22.4%	15.9%	1,522
Health and Human Services 2011 (all employees)	24,526	59.3%	23.3%	17.4%	896

61. I have a high level of respect for my organization's senior leaders.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	648,951	54.1%	23.3%	22.6%	7,190
Health and Human Services 2012 (all employees)	32,002	59.4%	22.1%	18.5%	421
Health and Human Services 2011 (all employees)	25,156	59.2%	21.7%	19.0%	294

62. Senior leaders demonstrate support for Work/Life programs.

	N	POSITIVE	NEUTRAL	NEGATIVE	DNK
Governmentwide (official FEVS)	598,453	54.0%	27.6%	18.4%	56,981
Health and Human Services 2012 (all employees)	29,554	61.3%	24.1%	14.5%	2,862
Health and Human Services 2011 (all employees)	23,353	58.7%	24.8%	16.5%	2,059

My Satisfaction

63. How satisfied are you with your involvement in decisions that affect your work?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	652,744	51.6%	23.7%	24.7%
Health and Human Services 2012 (all employees)	32,284	55.1%	21.9%	23.0%
Health and Human Services 2011 (all employees)	25,354	54.2%	23.1%	22.6%

64. How satisfied are you with the information you receive from management on what's going on in your organization?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	652,105	48.4%	24.2%	27.5%
Health and Human Services 2012 (all employees)	32,262	51.2%	23.6%	25.3%
Health and Human Services 2011 (all employees)	25,368	50.2%	24.1%	25.7%

65. How satisfied are you with the recognition you receive for doing a good job?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,832	48.0%	23.8%	28.2%
Health and Human Services 2012 (all employees)	32,216	52.6%	21.8%	25.6%
Health and Human Services 2011 (all employees)	25,347	53.2%	22.6%	24.3%

66. How satisfied are you with the policies and practices of your senior leaders?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,372	43.4%	29.3%	27.3%
Health and Human Services 2012 (all employees)	32,164	46.7%	29.1%	24.2%
Health and Human Services 2011 (all employees)	25,300	47.1%	28.6%	24.3%

67. How satisfied are you with your opportunity to get a better job in your organization?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,630	36.4%	28.4%	35.1%
Health and Human Services 2012 (all employees)	32,173	38.8%	30.3%	31.0%
Health and Human Services 2011 (all employees)	25,303	39.3%	30.8%	29.9%

68. How satisfied are you with the training you receive for your present job?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,514	53.7%	23.5%	22.8%
Health and Human Services 2012 (all employees)	32,149	55.2%	24.3%	20.5%
Health and Human Services 2011 (all employees)	25,311	54.3%	24.7%	21.0%

69. Considering everything, how satisfied are you with your job?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,211	68.0%	17.3%	14.7%
Health and Human Services 2012 (all employees)	32,166	70.4%	15.7%	14.0%
Health and Human Services 2011 (all employees)	25,286	70.1%	16.9%	13.0%

70. Considering everything, how satisfied are you with your pay?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	650,947	58.8%	17.2%	24.0%
Health and Human Services 2012 (all employees)	32,195	62.7%	16.7%	20.6%
Health and Human Services 2011 (all employees)	25,312	65.9%	16.6%	17.5%

71. Considering everything, how satisfied are you with your organization?

	N	POSITIVE	NEUTRAL	NEGATIVE
Governmentwide (official FEVS)	651,064	58.9%	21.6%	19.5%
Health and Human Services 2012 (all employees)	32,193	63.9%	19.9%	16.3%
Health and Human Services 2011 (all employees)	25,279	63.7%	20.4%	16.0%

72. Have you been notified that you are eligible to telework? Telework means working at a location other than your normal work site during your regular work hours (excludes travel).

	N	YES	NO	NOT SURE
Governmentwide (official FEVS)	651,238	36.2%	57.9%	5.9%
Health and Human Services 2012 (all employees)	32,216	68.3%	27.3%	4.4%
Health and Human Services 2011 (all employees)	25,289	60.2%	34.6%	5.2%

73. Please select the response below that BEST describes your teleworking situation.

	Govwide	HHS 2012	HHS 2011
I telework 3 or more days per week.	2.6%	2.9%	1.9%
I telework 1 or 2 work days per week.	7.7%	30.5%	24.2%
I telework, but no more than 1 or 2 days per month.	3.8%	8.0%	7.2%
I telework very infrequently, on an unscheduled or short-term basis.	9.6%	15.7%	17.5%
I do NOT telework because I have to be physically present on the job.	35.0%	13.1%	14.8%
I do NOT telework because I have technical issues.	6.2%	3.4%	3.9%
I do NOT telework because I did not receive approval to do so.	22.2%	12.1%	16.7%
I do NOT telework because I choose not to telework.	12.9%	14.3%	13.9%

74. Do you participate in Alternative work schedules (AWS)?

	N	YES	NO	NOT AVAILABLE TO ME
Governmentwide (official FEVS)	648,172	32.3%	45.3%	22.4%
Health and Human Services 2012 (all employees)	32,083	32.4%	54.3%	13.2%
Health and Human Services 2011 (all employees)	23,470	32.6%	53.4%	14.0%

75. Do you participate in Health and Wellness Programs (for example, exercise, medical screening, quit smoking programs)?

	N	YES	NO	NOT AVAILABLE TO ME
Governmentwide (official FEVS)	646,836	29.3%	58.7%	12.0%
Health and Human Services 2012 (all employees)	32,052	28.0%	63.9%	8.0%
Health and Human Services 2011 (all employees)	23,422	28.1%	63.4%	8.5%

76. Do you participate in the Employee Assistance Program (EAP)?

	N	YES	NO	NOT AVAILABLE TO ME
Governmentwide (official FEVS)	645,355	14.0%	80.0%	6.0%
Health and Human Services 2012 (all employees)	31,944	13.7%	82.4%	3.8%
Health and Human Services 2011 (all employees)	23,331	12.7%	83.0%	4.3%

77. Do you participate in Child care programs (for example, daycare, parenting classes, parenting support groups)?

	N	YES	NO	NOT AVAILABLE TO ME
Governmentwide (official FEVS)	648,002	3.7%	79.1%	17.2%
Health and Human Services 2012 (all employees)	32,018	4.3%	84.4%	11.2%
Health and Human Services 2011 (all employees)	23,307	3.3%	83.7%	13.0%

78. Do you participate in Elder care programs (for example, support groups, speakers)?

	N	YES	NO	NOT AVAILABLE TO ME
Governmentwide (official FEVS)	647,966	2.5%	80.0%	17.6%
Health and Human Services 2012 (all employees)	32,010	3.1%	85.8%	11.0%
Health and Human Services 2011 (all employees)	23,265	2.5%	84.8%	12.7%

Work/Life

79. How satisfied are you with the Telework program in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	187,559	72.8%	17.5%	9.7%	21,200
Health and Human Services 2012 (all employees)	17,735	80.5%	11.8%	7.7%	743
Health and Human Services 2011 (all employees)	12,177	79.3%	12.5%	8.1%	346

* Results for this item only include employees who indicated that they participated in the Telework program on item #73.

80. How satisfied are you with the Alternative Work Schedules (AWS) program in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	228,200	88.5%	8.0%	3.5%	5,463
Health and Human Services 2012 (all employees)	10,163	88.9%	7.0%	4.1%	261
Health and Human Services 2011 (all employees)	7,442	88.1%	6.8%	5.1%	104

* Results for this item only include employees who indicated that they participated in the Alternative Work Schedules program on item #74.

81. How satisfied are you with the Health and Wellness Programs (for example, exercise, medical screening, quit smoking programs) in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	184,051	80.0%	16.6%	3.4%	12,511
Health and Human Services 2012 (all employees)	8,588	84.5%	13.0%	2.5%	497
Health and Human Services 2011 (all employees)	6,248	84.5%	12.6%	2.8%	265

* Results for this item only include employees who indicated that they participated in Health and Wellness Programs on item #75.

82. How satisfied are you with the Employee Assistance Program (EAP) in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	88,192	75.6%	20.6%	3.8%	11,655
Health and Human Services 2012 (all employees)	4,112	78.4%	17.6%	3.9%	493
Health and Human Services 2011 (all employees)	2,756	81.0%	14.7%	4.4%	168

* Results for this item only include employees who indicated that they participated in the Employee Assistance Program on item #76.

83. How satisfied are you with the Child Care Programs (for example, daycare, parenting classes, parenting support groups) in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	18,627	72.0%	24.3%	3.7%	6,929
Health and Human Services 2012 (all employees)	1,195	78.2%	17.6%	4.2%	370
Health and Human Services 2011 (all employees)	650	78.9%	16.2%	4.9%	105

* Results for this item only include employees who indicated that they participated in Child Care Programs on item #77.

84. How satisfied are you with the Elder Care Programs (for example, support groups, speakers) in your agency?*

	N	POSITIVE	NEUTRAL	NEGATIVE	NBJ
Governmentwide (official FEVS)	12,577	67.9%	30.0%	2.2%	5,846
Health and Human Services 2012 (all employees)	876	71.2%	26.9%	1.8%	322
Health and Human Services 2011 (all employees)	495	77.6%	21.0%	1.4%	80

* Results for this item only include employees who indicated they participate in Elder Care Programs on item #78.

Health and Human Services 2012 (all employees)

Surveys Returned: 33,761

Demographics

D-1. Where do you work?

Headquarters	60%
Field	40%

D-2. What is your supervisory status?

Non-Supervisor	67%
Team Leader	14%
Supervisor	12%
Manager	5%
Executive	2%

D-3. Are you:

Male	35%
Female	65%

D-4. Are you Hispanic or Latino?

Yes	6%
No	94%

D-5. Please select the racial category or categories with which you most closely identify.

American Indian or Alaska Native	10%
Asian	8%
Black or African-American	19%
Native Hawaiian or Other Pacific Islander	<1%
White	60%
Two or more races (Not Hispanic or Latino)	3%

D-6. What is your age group?

25 and under	1%
26-29	4%
30-39	20%
40-49	29%
50-59	32%
60 or older	14%

D-7. What is your pay category/grade?

Federal Wage System ex. WB, WD, WG, WL, WM	1%
GS 1-6	6%
GS 7-12	32%
GS 13-15	50%
Senior Executive Service	1%
Senior Level (SL) Scientific or Professional (ST)	<1%
Political Appointee	<1%
Commissioned Corps - O-4 and below	2%
Commissioned Corps - O-5/O-6	3%
Commissioned Corps - O-7/O-8	<1%
Title 42	5%
Other	1%

D-8. How long have you been with the Federal Government (excluding military service)?

Less than 1 year	2%
1 to 3 years	17%
4 to 5 years	9%
6 to 10 years	18%
11 to 14 years	14%
15 to 20 years	11%
More than 20 years	29%

D-9. How long have you been with your current agency?

Less than 1 year	4%
1 to 3 years	21%
4 to 5 years	12%
6 to 10 years	20%
11 to 20 years	24%
More than 20 years	19%

D-10. Are you considering leaving your organization within the next year, and if so, why?

No	70%
Yes, to retire	5%
Yes, to take another job in the Federal Government	17%
Yes, to take another job outside the Fed. Government	4%
Yes, other	5%

D-11. I am planning to retire:

Within one year	3%
Between one and three years	8%
Between three and five years	9%
Five or more years	80%

D-12. Do you consider yourself to be: (Reported at the Operating Division level)

Heterosexual or straight	84%
Gay, Lesbian, Bisexual or Transgender	4%
I prefer not to say	12%

D-13. Have you ever served on Active Duty in the US Armed Forces (Army, Marine Corps, Navy, Air Force or Coast Guard)?

Yes	12%
No	88%

D-14. Are you an individual with a Disability?

Yes	8%
No	92%

Health and Human Services 2012 (all employees)

HHS Specific Questions	

HHS-1. Do you have access to the 2011 Employee Viewpoint Survey results?

Yes	31%
No	13%
Do Not Know	56%

HHS-2. Has your organization taken steps to improve based on the 2011 Employee Viewpoint Survey results?

Yes	13%
No	10%
Do Not Know	77%

HHS-3. My supervisor / team leader treats me and other team members fairly.

Strongly Agree	36%
Agree	33%
Neutral	16%
Disagree	9%
Strongly Disagree	6%

HHS-4. I believe my HHS Operating Division is the:

Best place to work in the Federal Government	16%
Better than most places in Federal Government	42%
About the same as other places in Federal Gov.	30%
Worse than most places in Federal Government	10%
Worst place to work in Federal government	2%
I do not know / I have no basis to judge (Count)	7,926

HHS-5. I believe my work unit is the:

Best place to work in the Fed. Government	16%
Better than most places in Fed. Government	44%
About the same as other places in Fed. Gov.	26%
Worse than most places in Federal Government	11%
Worst place to work in Federal government	2%
I do not know / I have no basis to judge (Count)	5,639

HHS-6. What is your occupational group (job series / job series family)?

000 - 099 Miscellaneous Occupations	1%
0100 - 0199 Social Science, Psychology, and Welfare	5%
0200 - 0299 Human Resources Management	2%
0300 - 0399 General Admin, Clerical, and Ofc Services	15%
0400 - 0499 Biological Sciences	7%
0500 - 0599 Accounting and Budget	4%
0600 - 0699 Med, Hospital, Dental, and Public Health	30%
0700 - 0799 Veterinary Medical Science	<1%
0800 - 0899 Engineering and Architecture	2%
0900 - 0999 Legal and Kindred	2%
1000 - 1099 Information and Arts	2%
1100 - 1199 Business and Industry	3%
1200 - 1299 Copyright, Patent, and Trade-Mark	<1%
1300 - 1399 Physical Sciences	2%
1400 - 1499 Library and Archives	1%
1500 - 1599 Mathematics and Statistics	2%
1600 - 1699 Equipment, Facilities, and Service	1%
1700 - 1799 Education	1%
1800 - 1899 Inspection, Investigation, Enforcement, and Compliance	2%
1900 - 1999 Quality Assurance, Inspection and Grading	<1%
2000 - 2099 Supply	1%
2100 - 2199 Transportation	<1%
2200 - 2299 Information Technology Management	4%
Other – Not Listed	5%
I do not know my occupational group	9%

Health and Human Services 2012 (all employees)

Relative Strengths	Percent Positive (2012)		
	Govwide	HHS	Difference
22. Promotions in my work unit are based on merit.	34%	42%	8.3%
41. I believe the results of this survey will be used to make my agency a better place to work.	42%	51%	8.1%
62. Senior leaders demonstrate support for Work/Life programs.	54%	61%	7.3%
21. My work unit is able to recruit people with the right skills.	44%	51%	7.2%
33. Pay raises depend on how well employees perform their jobs.	22%	28%	6.7%

Relative Weaknesses	Percent Negative (2012)		
	Govwide	HHS	Difference
18. My training needs are assessed.	24%	26%	2.6%
19. In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (for example, Fully Successful, Outstanding).	18%	20%	2.3%
36. My organization has prepared employees for potential security threats.	8%	10%	2.1%
15. My performance appraisal is a fair reflection of my performance.	16%	17%	0.8%
6. I know what is expected of me on the job.	9%	10%	0.5%

Relative Strengths displays the items where HHS has the highest percent positive responses when compared to the rest of the Federal Government. The greater the difference, the greater the relative strength for that particular item.

Relative Weaknesses displays the items where HHS has the highest percent negative responses when compared to the rest of the Federal Government. The greater the difference, the greater the relative weakness for that particular item.

Health and Human Services 2012 (all employees) - Results Summary

Greatest Increases	Percent Positive (2011-2012)		
	2011 Value	2012 Value	Difference
36. My organization has prepared employees for potential security threats.	68%	72%	3.9%
28. How would you rate the overall quality of work done by your work unit?	83%	86%	2.7%
62. Senior leaders demonstrate support for Work/Life programs.	59%	61%	2.6%
60. Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor/team leader?	59%	62%	2.5%
37. Arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated.	52%	55%	2.3%

Greatest Decreases	Percent Positive (2011-2012)		
	2011 Value	2012 Value	Difference
70. Considering everything, how satisfied are you with your pay?	66%	63%	-3.2%
33. Pay raises depend on how well employees perform their jobs.	31%	28%	-3.1%
30. Employees have a feeling of personal empowerment with respect to work processes.	49%	48%	-1.1%
24. In my work unit, differences in performance are recognized in a meaningful way.	38%	37%	-1.0%
31. Employees are recognized for providing high quality products and services.	54%	53%	-0.9%

Greatest Increases displays the items where the SubAgency increased the most percentage points in positive responses when compared to the previous year. The greater the positive difference, the greater the increase.

Greatest Decreases displays the items where the SubAgency decreased the most percentage points in positive responses when compared to the previous year. The greater the negative difference, the greater the decrease.

Health and Human Services 2012 (all employees) - Results Summary - Key Indices

Satisfaction Index	Percent Positive (2012)		
	Govwide	HHS	Difference
40. I recommend my organization as a good place to work.	67%	70%	3%
69. Considering everything, how satisfied are you with your job?	68%	70%	2%
71. Considering everything, how satisfied are you with your organization?	59%	64%	5%
Satisfaction Index Score	65%	68%	4%

Conditions for Employee Engagement Index	Percent Positive (2012)		
	Govwide	HHS	Difference
53. In my organization, leaders generate high levels of motivation and commitment in the workforce.	43%	48%	5%
54. My organization's leaders maintain high standards of honesty and integrity.	55%	60%	5%
56. Managers communicate the goals and priorities of the organization.	62%	64%	2%
60. Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor/team leader?	58%	62%	4%
61. I have a high level of respect for my organization's senior leaders.	54%	59%	5%
Leaders Lead Index Score (Items: 53, 54, 56, 60, and 61)	54%	59%	4%
47. Supervisors/team leaders in my work unit support employee development.	65%	69%	4%
48. My supervisor/team leader listens to what I have to say.	74%	76%	2%
49. My supervisor/team leader treats me with respect.	79%	80%	1%
51. I have trust and confidence in my supervisor.	66%	67%	2%
52. Overall, how good a job do you feel is being done by your immediate supervisor/team leader?	68%	71%	3%
Supervisors Index Score (Items: 47, 48, 49, 51, and 52)	71%	73%	2%
3. I feel encouraged to come up with new and better ways of doing things.	58%	63%	5%
4. My work gives me a feeling of personal accomplishment.	72%	75%	3%
6. I know what is expected of me on the job.	80%	79%	-1%
11. My talents are used well in the workplace.	60%	60%	1%
12. I know how my work relates to the agency's goals and priorities.	84%	85%	2%
Intrinsic Work Experiences Index Score (Items: 3, 4, 6, 11, and 12)	71%	73%	2%
Overall Conditions for Employee Engagement Score (All 15 items)	65%	68%	3%

Index scores are a mean average of the item scores in each index.

Health and Human Services 2012 (all employees) - Results Summary - Key Indices

Employee Communications Index (ECI 3)	Percent Positive (2012)		
	Govwide	HHS	Difference
53. In my organization, leaders generate high levels of motivation and commitment in the workforce.	43%	48%	5%
58. Managers promote communication among different work units (for example, about projects, goals, needed resources).	53%	56%	3%
64. How satisfied are you with the information you receive from management on what's going on in your organization?	48%	51%	3%
Employee Communications Index Score	48%	52%	3%

Employee Communications Index (ECI 12)	Percent Positive (2012)		
	Govwide	HHS	Difference
19. In my most recent performance appraisal, I understood what I had to do to be rated at different performance levels (for example, Fully Successful, Outstanding).	68%	66%	-1%
44. Discussions with my supervisor/team leader about my performance are worthwhile.	62%	64%	2%
48. My supervisor/team leader listens to what I have to say.	74%	76%	2%
49. My supervisor/team leader treats me with respect.	79%	80%	1%
50. In the last six months, my supervisor/team leader has talked with me about my performance.	77%	81%	4%
51. I have trust and confidence in my supervisor.	66%	67%	2%
53. In my organization, leaders generate high levels of motivation and commitment in the workforce.	43%	48%	5%
56. Managers communicate the goals and priorities of the organization.	62%	64%	2%
57. Managers review and evaluate the organization's progress toward meeting its goals and objectives.	62%	63%	1%
58. Managers promote communication among different work units (for example, about projects, goals, needed resources).	53%	56%	3%
59. Managers support collaboration across work units to accomplish work objectives.	57%	61%	4%
64. How satisfied are you with the information you receive from management on what's going on in your organization?	48%	51%	3%
Employee Communications Index Score	63%	65%	2%

Index scores are a mean average of the item scores in each index.

Leadership and Knowledge Management Index	Percent Positive (2012)		
	Govwide	HHS	Difference
10. My workload is reasonable.	59%	60%	1%
35. Employees are protected from health and safety hazards on the job.	77%	81%	4%
36. My organization has prepared employees for potential security threats.	78%	72%	-6%
51. I have trust and confidence in my supervisor.	66%	67%	2%
52. Overall, how good a job do you feel is being done by your immediate supervisor/team leader?	68%	71%	3%
53. In my organization, leaders generate high levels of motivation and commitment in the workforce.	43%	48%	5%
55. Managers/supervisors/team leaders work well with employees of different backgrounds.	63%	66%	2%
56. Managers communicate the goals and priorities of the organization.	62%	64%	2%
57. Managers review and evaluate the organization's progress toward meeting its goals and objectives.	62%	63%	1%
61. I have a high level of respect for my organization's senior leaders.	54%	59%	5%
64. How satisfied are you with the information you receive from management on what's going on in your organization?	48%	51%	3%
66. How satisfied are you with the policies and practices of your senior leaders?	43%	47%	3%
Leadership and Knowledge Management Index Score	60%	62%	2%

Talent Management Index	Percent Positive (2012)		
	Govwide	HHS	Difference
1. I am given a real opportunity to improve my skills in my organization.	63%	68%	4%
11. My talents are used well in the workplace.	60%	60%	1%
18. My training needs are assessed.	53%	50%	-3%
21. My work unit is able to recruit people with the right skills.	44%	51%	7%
29. The workforce has the job-relevant knowledge and skills necessary to accomplish organizational goals.	72%	74%	3%
47. Supervisors/team leaders in my work unit support employee development.	65%	69%	4%
68. How satisfied are you with the training you receive for your present job?	54%	55%	2%
Talent Management Index Score	59%	61%	2%

Index scores are a mean average of the item scores in each index.

Health and Human Services 2012 (all employees) - Results Summary - Key Indices

Results-Oriented Performance Culture Index	Percent Positive (2012)		
	Govwide	HHS	Difference
12. I know how my work relates to the agency's goals and priorities.	84%	85%	2%
14. Physical conditions (for example, noise level, temperature, lighting, cleanliness in the workplace) allow employees to perform their jobs well.	68%	72%	4%
15. My performance appraisal is a fair reflection of my performance.	69%	69%	1%
20. The people I work with cooperate to get the job done.	73%	76%	3%
22. Promotions in my work unit are based on merit.	34%	42%	8%
23. In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.	29%	33%	3%
24. In my work unit, differences in performance are recognized in a meaningful way.	34%	37%	3%
30. Employees have a feeling of personal empowerment with respect to work processes.	45%	48%	2%
32. Creativity and innovation are rewarded.	39%	45%	6%
33. Pay raises depend on how well employees perform their jobs.	22%	28%	7%
42. My supervisor supports my need to balance work and other life issues.	77%	80%	3%
44. Discussions with my supervisor/team leader about my performance are worthwhile.	62%	64%	2%
65. How satisfied are you with the recognition you receive for doing a good job?	48%	53%	5%
Results-Oriented Performance Culture Index Score	52%	56%	4%

Job Satisfaction Index	Percent Positive (2012)		
	Govwide	HHS	Difference
4. My work gives me a feeling of personal accomplishment.	72%	75%	3%
5. I like the kind of work I do.	84%	85%	1%
13. The work I do is important.	91%	91%	-1%
63. How satisfied are you with your involvement in decisions that affect your work?	52%	55%	4%
67. How satisfied are you with your opportunity to get a better job in your organization?	36%	39%	2%
69. Considering everything, how satisfied are you with your job?	68%	70%	2%
70. Considering everything, how satisfied are you with your pay?	59%	63%	4%
Job Satisfaction Index Score	66%	68%	2%

Index scores are a mean average of the item scores in each index.

Module 1

Recruiting and Hiring Employees
Participant Coursebook

Module 1: Recruiting and Hiring Employees

Purpose   In this module, you will learn the role of the supervisor in the hiring process, as well as define the typical steps that are involved in most recruitment and hiring actions; hiring options available to supervisors when filling positions; different procedures used to validate candidate performance at former positions; and predictors of sound hiring decisions as well as reasons for making bad selections.

Objectives
- Describe the process for filling a position and the key role the supervisor plays in that process.

- Address real-life hiring situations facing HHS supervisors.

- Explain basic position classification principles and the supervisor's role in classifying positions.

- Develop sound behavioral-based interview questions.

- Conduct sound employee interviews.

Overview

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Activity: Hiring Situations

Purpose: To provide you with experience in addressing real-life hiring situations

Instructions: Form small table groups. Each table group will be assigned one of the hiring situations below. Discuss how you would handle your assigned situation.

Time: 20 minutes

1. You are told that you are unable to fill a vacancy on a permanent basis, but instead may hire on a temporary or TERM basis. What considerations come to mind when faced with this situation? What are the advantages and disadvantages when filling on a temporary basis?

2. You decide to fill a position with an external candidate rather than hiring any of the current internal candidates, or those already employed by HHS. What considerations come to mind when faced with this situation? What are the advantages and disadvantages when filling a position externally?

3. You decide to allow many of your employees to fill a higher graded position through noncompetitive, 30-day temporary promotions, as opposed to opening it up for competition and allowing one employee to fill the position for a longer time period. You realize that not all of your employees will be able to serve in this capacity before the position is filled on a permanent basis. You have heard that this situation might cause morale problems within your organization. What considerations come to mind when faced with this situation? What are the advantages and disadvantages of taking your action?

4. You decide to hire a Presidential Management Fellow to fill one of your vacant positions. This program allows for rapid, upward progression for these employees from the GS-09 to the GS-13 grade level within a 2-year period. You have several assistant and journey-level employees at the full performance GS-11 level who do not have noncompetitive promotional opportunities to this GS-12 grade level. You are interested in pursuing this hiring strategy as you want some new blood within your organization. What considerations come to mind when faced with this situation? What are the advantages and disadvantages of taking your action?

Hiring Overview

Hiring Phases

There are three (3) overall phases involved in the hiring process:

Phase	Activity
Pre-Recruitment Consultation Phase	--Request HR Advisor to consult on a potential hire --Review Position Description --Hiring Incentives
Recruitment Phase	--Request Personnel Action --Subject Matter Experts (SME) Participation --Create/Post Job Announcement --Receive Applications/Notify Applicants --Evaluate Applications --Issue Certificate/Notify Applicants
Selection Phase	--Selecting Official Review --Tentative Offer/Accept --Official Offer/Accept --Enter-on-Duty (EOD)

Pre-Consultation Phase

Introduction to the Pre-Consultation Phase:

The Pre-Recruitment Phase acts as a planning phase to take place before any hiring processes have begun. This phase includes a "strategic conversation," which is intended to help supervisors define their success requirements regarding the open position for which they are recruiting. It puts the supervisor in the driver's seat and begins with smart up front planning. The goal is to fill the right job at the right time with the right applicant.

This is a key conversation between supervisors and their servicing HR staff. Thus, the hiring process begins with smart upfront planning among the hiring supervisor, servicing HR staff, others knowledgeable about the organization such as the Executive Officer, and/or various subject matter experts. Collaboratively planning with the HR staff will eliminate rework, cancellations, and late actions.

Strategy Considerations

- Overall need (individual/organizational)
- Consideration for advancement
  – Higher level assignments
  – Higher pay
- Retention
- Motivation
- Available candidate pool
- Urgency to fill the vacancy

The tasks of the Pre-Recruitment Consultation Phase include:

- Developing a position description which includes major duties and percentages of time spent (on average) on each duty (see appendix).
- Evaluating and updating, if necessary, the classification of the position
- Identifying special requirements of the position that candidates should know about to evaluate this job, including:
  - Travel Requirements
  - Overtime
  - Travel
  - Medical Clearances
  - Selective Placement Factors i.e. bilingual
  - Physical Requirements including clothing

Types of Position Descriptions:

- Established/Vice (4 Work Days)
    - Are typically to the same series and grade of the position vacated
    - Identify prior incumbent's name, if applicable
    - If the PD is less than 5 years old and the same supervisor is requesting the position, a new OF-8 is <u>not</u> required

- Standard (4 Work Days)
    - A description of major duties and responsibilities known to be representative of a considerable number of position
    - Addendums are not required
    - OF-8 required, signed by the immediate **official** supervisor

- New (15 Work Days)
    - Justification explaining the reason for the new position (mission changes, new mandate, etc.)
    - OF-8 required, signed by the immediate **official** supervisor
    - Position Description in *Word* format
    - If developmental position, PD draft for all grades required

- Review HHS/OpDiv Standard Position Descriptions position description which includes major duties and percentages of time spent (on average) on each duty (see appendix).

    o Mandatory (if available) – SPD may <u>not</u> be modified
    o Standard PDs are generic and can be used across the agency
    o Program specific information should be captured in Automated Staffing System, Specialized Experience and Performance Plans
    o Program Managers and HR Professionals are responsible for ensuring that the SPD accurately describes the position under review
    o Sound Position Management is key - the position must fit within the organizational structure
    o A new position should not be established that has been identified as a mandatory SPD
    o If management is reluctant to utilize SPDs, the actions will be returned until resolution can be reached
    o HR no longer requires addendums

- Evaluating and updating, if necessary, the classification of the position

- Identifying special requirements of the position that candidates should know about to evaluate this job, including:

– Whether the position will be filled on a temporary, permanent, or TERM basis

– Whether there are any special travel requirements

– Does the position require overtime on a limited or regular basis, are there seasonal peaks in the workload, etc.?

– What medical clearances are required?

– What other selective placement factors are required, i.e., bilingual?

– What physical requirements are needed to successfully perform the job, e.g., lifting more than 75 lbs, special clothing requirements, etc.?

Position Classification Fundamentals

Overarching Guidance

Title 5, United States Code (U.S.C.) governing Federal service classification demands that positions be classified based on the duties and responsibilities assigned and the qualifications required to do the work.

Section 5104 of Title 5, U.S.C. provides definitions for the various General Schedule grade levels.

Classification

Classification is the process of determining a position's proper:

- Occupational series
- Title
- Grade
- Pay.

Position classification in the Federal Government is based on two fundamental principles:

- There should be substantially equal pay for substantially equal work; and

- Variations in pay should be in proportion to substantial differences in difficulty, responsibility, and qualifications required.

It is also a time when other important determinations are made, such as:

- Position sensitivity: Code identifying the level of security clearance required to perform the assigned duties and responsibilities

- Fair Labor Standards Act: Code identifying whether the employee is exempt or non-exempt, meaning whether or not the employee is entitled to receive pay for any hours worked beyond 40 hours a week

- Bargaining unit status code: Code identifying whether an employee is covered under a bargaining unit

- Supervisory/non-supervisory status: Code identifying whether the position being classified is supervisory or non-supervisory

- Financial statement (disclosure) requirement: Code identifying whether an employee's position requires him/her to file a financial disclosure statement identifying bank accounts, stocks, bonds, and other financial affiliations

- Competitive level code: Code identifying whether a position is interchangeable with other positions – used during organizational reductions-in-force.

Position Descriptions

A PD is an official document that identifies:

- The work that is expected to be performed by a given position
- The supervisory controls under which the work is performed
- The knowledge/skills/abilities required to perform the work
- A description of any special requirements needed to perform the duties.

The purposes of a PD include:

- To serve as an official record of the work assigned to an employee

- To determine qualifications used for filling jobs and promoting employees

- To orient new employees to their duties

- To develop performance standards based on assigned work

- To help decide on training courses related to the work

- Most importantly, once the position description is classified, to serve as the legal basis for compensating Civil Service employees.

Common Classification Systems

- **General Schedule, or GS** – Covers most professional, administrative, technical, clerical, and other "white collar" positions.

- **Title 38 (U.S.C) "Physician and Dental Pay" or GP –** Covers Medical Officer and Dentist positions

- **Title 42 (U.S.C) "Scientific Pay" or AD and SL –** Cover positions who are scientific and research-based.

- **Senior Executive Service (SES)** – This covers senior executive level positions, both political and career.

- **Federal Wage System or FWS** – Covers trade, skilled, semi-skilled, or unskilled manual labor occupations in the Federal Government. The major categories of pay plans in the FWS are Wage Grade, or WG; Wage Leader, or WL; and Wage Supervisor, or WS.

Factor Evaluation System (FES) and FWS Classification Factors

The FES system evaluates the grade of a position by evaluating nine individual factors:

- Knowledge and skills required by the position
- Supervisory controls
- Guidelines
- Complexity
- Scope and effect
- Personal contacts
- Purpose of contacts
- Physical demands
- Work environment.

The FWS system evaluates the grade of a position by evaluating four factors:

- Skill and knowledge
- Responsibility
- Physical effort
- Working conditions.

Positions are classified based on the content of a prepared PD compared against standards developed by the U.S. Office of Personnel Management (OPM).

The focus of the OPM standards is that they can be applied Government-wide (from one agency to another, within organizations, and across occupational lines) and provide for "equal pay for equal work."

Position Classification Fundamentals
(continued)

Factors Impacting a Classification Action

The factors impacting a classification decision are:

- Increase or decrease of responsibility

- Addition or deletion of major duties

- Changes in the degree of supervision received

- Requirement for significant new knowledge or skill in order to successfully perform assigned duties.

Factors NOT influencing a classification decision are:

- Volume of work
- Employee's financial need
- Employee's length of service
- Quality of work performed
- Work performed in an acting capacity
- Employee's overall potential.

Supervisor Responsibilities

Desk Audit Requests

A desk audit is a review of duties and responsibilities of a position to determine if the PD is accurate and the position is properly classified.

Information regarding supervisory roles when conducting desk audits is often contained in a specific CBA/MLA article.

A desk audit is considered an informal process, unlike a classification appeal.

Desk Audit Roles

The employee must discuss issues pertaining to the inaccuracy of his/her PD and the perceived misclassification of his/her position with his/her supervisor before proceeding further.

The supervisor:

- Maintains the accuracy of PDs under his/her jurisdiction;

- Explains the classification of the current position; and,

- Requests that HR staff explain the classification of the current position to the employee or conduct a desk audit.

HR Staff:

- Assists in resolving the issue through meetings and other appropriate means;
- Conducts the desk audit;
- Determines if classification is the appropriate route for resolving the issue; and,
- Evaluates the final grade (or classification) of the position.

Classification Appeals

A classification appeal may be filed by an employee any time he/she is dissatisfied with his/her grade, occupational classification, and/or position title.

The typical steps for processing a classification appeal are:

- Step 1: Review and certify the accuracy of the PD.
- Step 2: File a formal classification appeal.

If the employee is a current GS employee, he/she may appeal at any time to HHS (HR Center Director/NIH or IHS HR Director) or directly to OPM, but not both at the same time.

If the employee is a current Federal Wage System, or FWS, employee, he/she must first appeal to the HR Center Director/NIH or IHS HR Director. Then, if dissatisfied, he/she may appeal to OPM.

- Step 3: File a request for reconsideration.

OPM has the final say in position classification.

Pre-Recruitment Consultation Phase, continued

- Conducting a job analysis (which will identify knowledge, skills, and abilities to be addressed during the hiring process)

  – Knowledge: Understanding of an organized body of information relating to a particular subject matter area – the body of information typically may be gained through specific on-the-job work experience, academic information, or attendance at special training classes;

  – Skill: A capacity to perform proficient manual, verbal, or mental manipulation of data or things, or to influence the activities of others – it embodies observable and verifiable performance elements (e.g., typing of a specific number of words per minute, speaking a foreign language, etc.);

  – Ability: Capacity to act in a specific way – the quality or state of being able to perform physically or mentally (e.g., to analyze, draw conclusions, assess, or interpret);

- Establishing a hiring/outreach/advertising strategy to bring in talent;

- Determining the area of consideration;

- Automated system assessments or question;

- Determining how long the vacancy will be open;

- Securing the proper authority's approval for using hiring incentives, as appropriate.

  o Hiring incentives include:

    - Recruitment incentive: Payment up to 25% of an employee's base pay for hard-to-fill positions. This can be up to 100% over a four-year period depending on the Op/Staff Div implementation guide. An agreement to remain in the organization must be signed. This incentive is paid as a lump sum.
    - Relocation incentive: Payment up to 25% of an employee's base pay to a current Federal employee who is relocating to a hard-to-fill position in a different commuting area or in an undesirable location (i.e. overseas). This can be up to 100% over a four-year period depending on the Op/Staff Div implementation guide. An agreement to remain in the organization must be signed. This incentive is paid as a lump sum.
    - Retention incentive: Payment up to 25% of an employee's base pay for hard-to-fill positions or to an employee that has critical skills needed for mission critical functions that is leaving "federal service" (i.e. retirement)

without the incentive. An agreement is not required for this incentive since it is paid bi-weekly. This is reviewed annually for any extensions.

- Superior Qualifications that results in hiring above the maximum (ATM) rate: New government employees are entitled to step one of the appropriate grade. Candidates may be paid a salary which reflects those paid in the marketplace or to match current basic qualifications for hard-to-fill, mission critical and etc. with the appropriate documentation and approvals.
- Transportation assistance (Metro checks): Monthly stipends to offset commuting costs
- Education benefits: Payment for college courses, books, and other incidentals
- Repayment of student loans: Maximum payment of $10,000 per year, and $60,000 maximum payment for any one employee. This is based on the appropriate approvals.
- Telework: Ability to work from home for a specific amount of days.

- Hiring Supplemental Pay:
  - Physicians' Comparability Allowance (PCA): Allowance paid to retain Medical Officers
  - Physician and Dental Pay (PDP): Pay in addition to an employee's regular salary to recruit and retain highly-qualified physicians and dentists at the GS-15 level and above in some managerial positions which perform services that are "incidental to patient care."
  - Information Technology

- Completing a personnel action request to fill the position.

RECRUITMENT PHASE

Preparing a vacancy announcement:

- **Types of Vacancy Announcements:**

  o **Merit Promotion**

  Merit promotion is the competitive process used to recruit, rate, rank, and refer current permanent competitive service employees for consideration for vacant positions.

  o **Merit promotion**
    - Covers current HHS and other Federal agency employees applying for a vacancy

    - May be limited to HHS-only (internal), OpDiv/StaffDiv, (or lower with approval) or opened up to other current/former Federal employees (external), local commuting area or nationwide

    - Involves the submission of

        o an application/resume/curriculum vita (CV),
        o supplemental assessment tools such as questions or assessments, and
        o eligibility documents such as a Notification of Personnel Action, SF-50, transcripts, and etc.

    Examples:

    - Promotion of an internal candidate
    - Temporary promotion to a position for more than 120 days

  o **Noncompetitive Actions**

    - Noncompetitive Actions (NAs) allow HHS supervisors to move employees to positions where they are needed and to better use the employee's skills.
    - Re-promotion of an employee who previously held a hire grade, or held a position with a hire promotion potential.
    - NAs provide opportunities for employees who may have previously lost consideration for vacancies.

    Examples include:
    - Reassignments
    - Career ladder promotions
    - Temporary promotions for 120 days or less.
    - Re-promotion to permanent higher grades previously held

RECRUITMENT PHASE, Continued
Preparing a vacancy announcement, Types of Vacancy Announcements:

o **Competitive Examining/Direct Hiring**

- o Competitive examining is used to recruit, rate, rank, and refer candidates currently outside the civil service.

- o Competitive Examining/Direct Hiring allows applications from all U.S. citizens who currently do not work for the Federal Government.

- o It is typically referred to as Delegated Examining Unit (DEU). This means that candidates have already submitted their applications and been rated by an external organization (OPM), or HHS OHR which has been delegated this authority. When HHS uses this method, it is basically asking OPM to provide a list of those eligible for a given position.

- o It also includes direct hiring authority in which the Agency is given authority to appoint those qualified for hard-to-fill positions (e.g., physicians, information technologists, etc.).

- o This process encourages participation by veterans and includes the application of veterans' preference including the following types of veterans' preference:

  - CPS 10 PT – Compensation disability (30% + service connected)

  - CP 10 PT – Compensable disability (10% service connected)

  - XP 10 PT – Disability – any disabled veteran (non-compensable, less than 10% or disability retirement)

  - XP 10 PT – Other – "Derived Preference" (Widow/widower or mother of deceased veteran; mother or spouse of disabled veteran, Purple Heart recipient)

  - TP 5 PT – Others eligible for veterans' preference

  - NV – Not eligible for preference.

- o There are two ranking procedures in the DEU process:
  - Rule of 3 is traditional. Veterans are provided an additional; five to ten extra points to their score because of veterans' preference. The top three candidates can be considered. However, you cannot by-pass a veteran for a non-veteran in most positions. The only exception is on non-CP/CPS veterans on professional/scientific

positions at GS-9 and above. These candidates are ranked based on score order.

- Categorical Rating: Procedures with allows the maximum names for applicants ranked by category. The categories are Best Qualified (95-100), Well Qualified (85-94.99) and Qualified, (70-84.99). Veterans so not have extra points added to their scores. They CPS/CP automatically go to the top of the highest category. Other veterans are at top of their respective categories. If you have a professional/scientific position at GS-9 or above, the CPS/CP go to the top of their respective categories only. You cannot by-pass a veteran to select a non-vet in a lower category or in the same category.

Special Appointing Authorities

- Allow applications from some U.S. citizens who currently do not work for the Federal Government
- Generally no announcement is required.
- Various authorities include:

- Pathways Program

  o **Internship Program**
    - Consolidates the existing Student Career Experience Program (SCEP) and Student Temporary Employment Program (STEP), and is open to students enrolled in school (part-time or full-time) from high school to graduate level, to provide paid work experience and opportunities to explore Federal careers while still in school. Upon completion, incumbents will be eligible for conversion to the competitive service without further competition.
  o **Recent Graduates Program**
    - New program to target recent graduates of qualifying educational institutions or programs. To be eligible, applicants must apply within two years of degree completion (For veterans, two years are calculated minus their active duty time.) Successful applicants will be placed in a one-year career development program; and, upon completion, will be eligible for conversion to the competitive service without further competition.
  o **Presidential Management Fellows Program (PMF)**
    - Existing leadership development program for advance degree candidates, includes the following program revisions: Expands the eligibility window for applicants, aligning it with academic calendars; Eliminates the school nomination process, candidates evaluated through centrally-administered assessment tools; Individuals can apply for positions up to 2 years after degree completion; Requires mentor assignment within the first 90 days.

  o 30% Disabled Veteran
  o Federal Career Intern Program (FCIP)
  o Schedule A (Disability Hire)
  o Veteran's Reemployment Appointment (VRA)
  o Title 42 for Scientific Positions.
  o Returning Peace Corps Volunteers

Selection Phase

Selection Phase Tasks
The third and final phase of the hiring process is selection. In the Selection Phase, you will complete the following tasks. Some of these can be complete simultaneously during recruitment phase.

- Identifying which interview and screening processes will be used;
- Identifying the participants in the selection process
- Conduct initial screening
- Assess applicant information (e.g., interviews, referrals, review of questions/assessments)
- Evaluate/sort candidates into groupings (e.g., "best qualified")
- Hold interviews
- Make and document selection
- Extend job offer by HR Advisor
- Negotiate Pay by HR Advisor with collaboration with selecting official
- Notify selectee and identify reporting date by HR Advisor with collaboration with selecting

Reasons for Bad Selections

- Haste in hiring
- Failure to gather sufficient data
- Overemphasis on paperwork and application
- Poorly defined qualification standards
- Failure to use assessment tools
- Use of criteria which is NOT than job-related
- Inability to defend selection or subjective criteria

The impact of making a bad selection in terms of cost, productivity, disruption, and time is high and often felt for years.

Structured Interviews

Structured Interviews Overview

Research shows that structured interviews improve the prediction of on-the-job performance.

The key principles of effective employment interviewing include:

- **Job-relatedness**: You should make sure that every topic and question relates to the job or your organizational mission.

- **Objectivity**: All criteria must be as measurable as possible. Even subjective judgments must be based on external events and observable behaviors.

- **Factual data**: During the interview, note what the interviewee says, not how you feel about what you are hearing.

These principles are important because they help to ensure that the selection process is fair, objective, and consistent with the Merit System Principles.

A structured interview:

- Uses multiple strategies, such as questions based on job analysis, detailed rating scales, consistent presentation, and trained interviewers;

- Is more job-related and systematic;

- Differentiates among candidates;

- Asks consistent questions for each candidate; and

- Has the primary questions written prior to the interview.

Structured Interview Elements

- Questions based on a job analysis
- Questions which are designed effectively to elicit certain information
- Questions asked of all candidates in the same order
- Detailed rating scales (behavioral indicators)
- Prepared/trained interviewers
- Interview panels
- Effective notes
- An objective assessment of candidates

Structured Interviews
(continued)

Behavioral-Based Question Characteristics

The best indicator of future performance is past performance. When measured against other methods of interviewing, such as non-behavioral interviews, references, personality tests, work-sample tests, ability, and biographical data, behavioral-based interviews rate higher for their ability to predict success on the job.

Your role is to get the candidate to give you specific examples and stories that describe his/her specific behaviors, thoughts, and actions in actual work situations.

There are some basic techniques to making interview questions more behavioral or situational in nature, which aids the interviewer by providing the following information:

- Situation: What was the problem?

- Behavior: How did you go about solving it?

- Outcome: What difficulties or obstacles did you have to overcome in order to implement your solution?

Behavioral questions are never answered with a mere one-word, "yes/no" response, but rather with a more thought-provoking and subjective response.

They provide critical information in terms of such things as whether the candidate will fit the culture of the organization, the candidate's ability to think on his/her feet, and what the candidate will likely do in another similar situation.

Structured Interviews
(continued)

Interviewing Phases

- **Step 1**: Prepare for the interview.

- **Step 2**: Conduct the interview.

- **Step 3**: Document the results carefully.

- **Step 4**: Make your selection and be prepared to justify your decision based on the knowledge, skills, and abilities used for selection.

Step 2: Conduct the Interview

There are four components of an interview:

- The opening, which is when you greet the candidate, welcome him/her, and state the purpose of the interview

  – Get acquainted with the candidate, and acquaint the candidate with the position

- The body, which includes all types of questions:

  – For key areas of competence, ask multiple questions

- The closing, where you give the candidate a chance to ask questions and tell the candidate what will happen next.

- The evaluation, where you should evaluate and document the interview immediately afterward, so that it stays fresh in your mind.

SELECTION PHASE, Continued

Initial Job Offer

- Certificate is returned with selection
  -Hard copy annotated certificate
  -Must be signed by selecting official
- HR Staffer reviews selection for validity
- HR Staffer completes the Approval to Commit
- HR Staffer makes tentative job offer
- HR Staffer updates HREPS to reflect date tentative offer made
- Offer accepted
- HR Staffer updates HREPS to reflect the EOD
- HR Staffer prepares the appropriate documentation for final processing

HIRING PROCESS RESPONSIBILITY SUMMARY

Supervisor Responsibilities:

- Requests and participates at Pre-consultation discussion regarding recruitment needs (long and short term goals)
- Prepares initial package and submit to HR
- Appoints an Subject Matter Expert(s)(SME) to participate in the process
- Collaborates in identifying appropriate standard PD
- Collaborates in identifying additional program specific questions, if necessary
- Collaborates on completion of the job analyses, if necessary
- Reviews Standard PDs for appropriate usage
- Submits final recruitment packages and personnel actions
- Reviews and validates final PD, if necessary
- Reviews draft vacancy announcement within standard, notifying HR of any changes
- Determines assessment method, questions and participants in selection process
- Processes certificate of eligibles for a selection
- Collaborates with HR Specialist on salary discussions
- Collaborate with HR Specialist on EOD dates
- Prepares on superior qualifications or other incentives justifications
- Follow merit principles in all decisions regarding this process.

HR Specialist Responsibilities

- Advises at Pre-consultation discussion regarding recruitment need (long and short term goals)
- Collaborates in identifying appropriate standard PD
- Collaborates in identifying additional program specific questions, if necessary
- Collaborates on completion of the job analyses, if necessary
- Confirms that recruitment packages are complete
- Advises on use of Standard PDs.
- Finalizes the PD, if necessary
- Announces vacancy within standard, notifying program of opening and closing dates
- Evaluated applications
- Issues certificate(s) to selecting official and notify program via email
- Completes Approval to Commit Form
- Contacts applicants and makes offer(s)
- Negotiates salaries
- Reviews and make recommendations on superior qualifications or other incentives justifications to the appropriate official
- Finalizes offer in writing and forwards the appropriate paperwork
- Processes the action

SLIDES

Module 1 Objectives

- Describe the process for filling a position and the key role the supervisor plays in that process.
- Address real-life hiring situations facing HHS supervisors.
- Explain basic position classification principles and the supervisor's role in classifying positions.
- Develop sound behavioral-based interview questions.
- Conduct sound employee interviews.

Activity: Hiring Situations

- Turn to Page 1-2.

- Form small table groups. Each table group will be assigned one of the hiring situations.

- Discuss how you would handle your assigned situation.

- 20 minutes

OHR Hiring Model Phases

Pre-recruitment Consultation Phase

Recruitment Phase

Selection Phase

45 - 56 Days   71 Days

Request Personnel Action	Review Position Description	Create / Post Job Opportunity Announcement	Receive Applications & Notify Applicants	Evaluate Applications	Issue Certificate / Notify Applicants	Selecting Official: Review Applicants / Conduct Interviews / Check References/ Select/ Return Certificate	Tentative Offer / Accept	Official Offer / Accept	EOD
C	J	H	H	J	H	C	H	H	

Pre-consultation
- Documents Created
- Job Analysis
- Area of Consideration
- Grade/Series
- Position Description

J

Steps w/varying process times

RESPONSIBILITY
C - Customer
J – Joint
H - HR

Number of days excludes job opening period

Hiring Targets

The accelerated hiring targets are possible through:
» *Program and OHR joint responsibility for a consistent process*
» *Accurate tracking and reporting mechanisms*

# of calendar days based on HR Center KPIs and OPM Hiring Model

	Std PD /Single Grade Loc/Series/AOC	Std PD / Multiple Grade/ Loc/Series/AOC	Non-Std PD / Single Grade/ Loc/Series/AOC	Non-Std PD / Multi Grade/ Loc/Series/AOC
Pre-consultation	14	14	14	14
Classification	6	6	22	22
Develop and Post Announcement	15	15	15	15
(announcement posting time not counted)				
Rank and Issue Certificate	15	22	15	22
Program Interview/Selection*	22	22	22	22
Initial Job Offer	3	3	3	3
Total Days	75	82	91	98

*Variable time

Program has the option of not interviewing; may reduce to 10 days

OHR Hiring Model Phases

**Pre-recruitment
Consultation Phase**

**Recruitment
Phase**

Selection Phase

45 - 56
Days

71 Days

| Request Personnel Action | Review Position Description | Create / Post Job Opportunity Announcement | Receive Applications & Notify Applicants | Evaluate Applications | Issue Certificate / Notify Applicants | Selecting Official: Review Applicants / Conduct Interviews / Check References/ Select/ Return Certificate | Tentative Offer / Accept | Official Offer / Accept | EOD |

C   J   H   H   J   H   H   H

Pre-consultation
- Documents Created
- Job Analysis
- Area of Consideration
- Grade/Series
- Position Description

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Steps w/varying process times

RESPONSIBILITY
C - Customer
J – Joint
H - HR

C

Number of days excludes job opening period

Pre-Recruitment Consultation- Strategy Considerations

- **Overall need (individual and organizational)**
- **Consideration for advancement**
  - Higher level assignments
  - Higher pay
- **Retention**
- **Motivation**
- **Available applicant pool**
- **Urgency to fill position**
- **Duties and responsibilities**

Pre-Recruitment Consultation- *Tasks*

- Developing a position description which includes major duties and percentages of time spent (on average) on each duty (see appendix).
- Evaluating and updating, if necessary, the classification of the position
- Identifying special requirements of the position that candidates should know about to evaluate this job.

Pre-Recruitment Consultation *Tasks* - Types of Position Descriptions

- Established/Vice (6 Calendar Days)
  - Are typically the same series and grade of the position vacated
  - Identify prior incumbent's name, if applicable
  - If the PD is less than 5 years old and the same supervisor if filling the position in the same office, a new OF-8 is <u>not</u> required

- New (22 Calendar Days)
  - Justification explaining the reason for the new position (i.e. mission changes, new mandate, etc.)
  - OF-8 required and signed by the immediate **<u>official</u>** supervisor
  - Draft Position Description in Word format
  - If developmental position, PD draft for all grades is required

Pre-Recruitment Consultation *Tasks - Types of Position Descriptions*

- Standard (6 Calendar Days)
  - A description of major duties and responsibilities known to be representative of a considerable number of positions

  - OHR has over 100 mandatory position descriptions covering 21 GS series generally at grades 9/11/12/13.
    - http://hrweb.psc.gov/pdlibrary_ohr/index.cgi

  - OpDivs/StaffDivs could also have mandatory PDs

  - Reasons for usage:
    - Facilitates sharing of certificates agency-wide
    - Expedites the hiring process
    - Managers are not required to develop a new PD

  - Key points:
    - PD cannot be modified
    - OF-8 required and signed by the immediate **official** supervisor
    - Program specific information is addressed in the vacancy announcement assessment and specialized experience and performance plans

Pre-Recruitment Consultation *Tasks– Position Descriptions Other Items*

- Identifying special requirements of the position that candidates should know about to evaluate this job, including:
  - **Travel Requirements**
  - **Overtime**
  - **Travel**
  - **Medical Clearances**
  - **Selective Placement Factors i.e. bilingual**
  - **Physical Requirements including clothing**

A Brief Classification Overview

Overarching Guidance

- **Reference governing Federal service classification – Title 5, U.S.C.**
  - **Demands that positions be classified based on duties and responsibilities assigned and qualifications required to do the work**
  - **Section 5104 provides definitions for the various General Schedule grade levels**

Classification

- Positions are classified based on content of a prepared PD compared against standards developed by OPM
- Focus of OPM standards is that they can be applied Government-wide (from one agency to another, within organizations, and across occupational lines) <u>and</u> provide for "equal pay for equal work"

Common Classification Systems

- General Schedule (GS)
  - Professional, administrative, technical, clerical, and other "white collar" positions

- Federal Wage System (FWS)
  - Trade, skilled, semi-skilled, or unskilled manual labor occupations

- Others (Executive Resources)
  - SES, ST, and etc.

Classification Areas

- **Process of determining a position's:**
  - Occupational series
  - Title
  - Grade
  - Pay
  - Position sensitivity
  - Fair Labor Standards Act (FLSA)
  - Bargaining unit status code
  - Supervisory/non-supervisory status
  - Financial statement (disclosure) requirement
  - Competitive level code

Factor Evaluation System FES) for GS

- **Knowledge Required by the Position**
- **Supervisory Controls**
- **Guidelines**
- **Complexity**
- **Scope and Effect**
- **Personal Contacts**
- **Purpose of Contacts**
- **Physical Demands**
- **Work Environment**

Classification
(continued)

- · **Factors <u>NOT</u> influencing a classification decision**
  - - **Volume of work**
  - - **Employee's financial need**
  - - **Employee's length of service**
  - - **Quality of work performed**
  - - **Work performed in an acting capacity**
  - - **Employee's overall potential**

Managers/Supervisors Responsibilities

- • Use PD Library and standard PDs, when available
- • Exercise authority consistent with OPM and HHS policies and regulations
- • Sign OF-8 certifying the duties are accurate
- • Consult with HR Specialist for interpretation and application of classification standards or guides
- • Consult with HR Specialist for position management advice

Supervisory Certification

I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

Accountability

• Assignment of a grade outside the normal alignment for the organization could be a target for classification appeal/consistency review

• Erroneous decisions could set precedents which, historically, have caused agency directed mass corrections

• Could result in grade controls being imposed

Pre-Recruitment Consultation- Other Tasks

- Conducting a job analysis (which will identify knowledge, skills, and abilities to be addressed during the hiring process)

- Establishing a hiring/outreach/advertising strategy to bring in talent;

- Determining the area of consideration on where the best diverse pool of applicants can be found;

Pre-Recruitment Consultation- *Other Tasks*

- Developing automated system assessments or questions
- Determining how long the vacancy will be open
- Securing the proper authority's approval for using hiring incentives, as appropriate
- Completing a personnel action request to fill the position
- HR Finalizes the Hiring Timeline Agreement

Pre-Recruitment Consultation- Incentives to Consider

- Recruitment incentive
- Relocation incentive
- Retention incentive
- Hiring above maximum rate
- Transportation assistance
- Education benefits
- Repayment of college loans
- Telework
- Other pay supplements
  - Physicians' Comparability Allowance (PCA)
  - Physician and Dental Pay (PDP)

OHR Hiring Model Phases

Pre-recruitment Consultation Phase

Recruitment Phase

Selection Phase

45 - 56 Days   71 Days

Request Personnel Action	Review Position Description	Create / Post Job Opportunity Announcement	Receive Applications & Notify Applicants	Evaluate Applications	Issue Certificate / Notify Applicants	Selecting Official: Review Applicants / Conduct Interviews / Check References/ Select/ Return Certificate	Tentative Offer / Accept	Official Offer / Accept	EOD
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Pre-consultation
- Documents Created
  - Job Analysis
- Area of Consideration
  - Grade/Series
- Position Description

J

Steps w/varying process times

RESPONSIBILITY
C - Customer
J – Joint
H - HR

Number of days excludes job opening period

Recruitment Phase Tasks

- Draft vacancy announcement for Program review (based on pre-recruitment consultation)
  - Specialized experience
  - Job analysis
  - Automated Recruitment System Questions/Assessments questions
- 2-Days for the Announcement Review by Program
- Post vacancy announcement and notify Program of open/close dates
- Issue certificate of eligible candidates

Hiring Strategies

Options for Filling Positions

- Merit Promotion
  - Internal
  - External
- Noncompetitive Actions
- Competitive Examining/ Direct Hiring
- Special Appointing Authorities
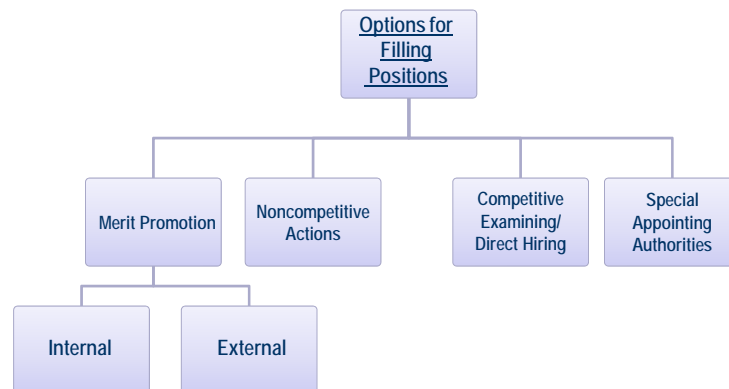
Merit Promotion

- Coverage
  - Current HHS and other Federal agency employees
  - May be limited to HHS/OpDiv-only (internal) or opened up to other current/former Federal employees (external)
- Examples
  - Promotion
  - Temporary promotion (more than 120 days)

Noncompetitive Actions
(with or without announcement)

- Coverage
  - Allow HHS managers to move employees to positions where they are needed
  - Provide opportunities to take care of employees who previously lost consideration for vacancies
  - Re-promotion of an employee who previously held a hire grade or held a position with promotion potential.
- Examples
  - Reassignments
  - Career ladder promotions
  - Temporary promotions (</= 120 days)
  - Re-promotion

Competitive Examining– Overview

- Allows any U.S. citizen who currently does not work for Federal Government to apply

- Is typically referred to as Delegated Examining Unit (DEU)

- Involves hiring authorities given to Agency for hard-to-fill positions

- Includes application of veterans preference
  - Categorical ranking

- Oversight by OPM but OHR has been delegated the authority

Competitive Examining Overview

- Includes application of veterans preference

  - Categorical ranking
    - 3 categories BQ (95-100), WQ (85-94.99), Q (70-84.99)
    - All candidates in category can be referred except where there are veterans.
    - No extra points are provided to veterans.
    - CPS/CP go to the top category (i.e. (BQ)
    - Non-CPS/CP Veterans are at the top of their respective categories
    - Exception is GS-9 and above professional/scientific positions where CPS/CP are at the top of the respective categories

Special Appointing Authorities

· **Allow some U.S. citizens who currently do not work for Federal Government to apply**

· **Generally no announcement**

Special Appointing Authorities *(continued)*

· Pathways Program
    - Intern Program
    - Recent Graduate Program
    - Presidential Management Fellows Program (PMF)
· 30% Disabled Veteran (DAV)
· Schedule A (Disability Hire)
· Veterans Reemployment Appointment (VRA)
· Title 42 for Scientific Positions
· Returning Peace Corps Volunteers

Applicant Evaluation Process

- HR Staffer conducts initial screening for minimum qualifications
- Confirms with SME on the tentative review of applications, if applicable
- HR Specialist issues a preliminary referral list (**for SME review only**)
- SME has two days to review the list and provides assessment
- HR Specialist resolves SME concerns and issues final certificate.

Certificate Issuance Phase

- After qualifications determination, HR Staffer issues certificate and notifies Program Manager
- Manager has 22 calendar days currently to make a selection
- HR Staffer updates status codes to notify applicants

OHR Hiring Model Phases

Pre-recruitment Consultation Phase

Recruitment Phase

Selection Phase

45 - 56 Days   71 Days

| Request Personnel Action | Review Position Description | Create / Post Job Opportunity Announcement | Receive Applications & Notify Applicants | Evaluate Applications | Issue Certificate / Notify Applicants | Selecting Official: Review Applicants / Conduct Interviews / Check References/ Select/ Return Certificate | Tentative Offer / Accept | Official Offer / Accept | EOD |

C   J   H   H   J   H   C   H   H

Pre-consultation
- Documents Created
- Job Analysis
- Area of Consideration
- Grade/Series
- Position Description

J

Steps w/varying process times

RESPONSIBILITY
C - Customer
J – Joint
H - HR

Number of days excludes job opening period

Selection Phase Tasks

- Conduct initial screening
- Assess applicant information
- Evaluate/sort candidates into groupings (e.g., "best qualified")
- Hold interviews
- Check References
- Finalize selection within 22 calendars days
- Job offer extended by HR Specialist
- Salary negotiation with collaboration between HR Specialist and Selecting Official
- Notify selectee and identify reporting date

Reasons for Bad Selections

- Haste in hiring
- Failure to gather sufficient data
- Overemphasis on paperwork and application
- Poorly defined qualification standards
- Failure to use assessment tools
- Use of criteria NOT job-related
- Inability to defend selection or subjective criteria

Selection Tools

Available Selection Tools:

- Resume w/ Assessment Responses
- Testing Results
- Writing/Work Samples
- Performance Appraisals/Elements
- Known Performance
- References
- Interview Results
  - Single
  - Panel

Structured Interview Elements

- Questions based on job analysis
- Use of effective questions
- Questions asked of all candidates in the same order
- Detailed rating scales
- Prepared/trained interviewers
- Interview panels
- Effective notes
- Objective assessment of candidates

Interviewing Mistakes

- Failure to establish rapport
- Conducting too brief an interview
- Placing too much emphasis on initial impression
- Allowing unconscious biases or prejudices to influence interview
- Inappropriately listening, or talking too much
- Relying too much on intuition or general feelings
- Asking inappropriate questions

Overview
Behavior-based
Interviewing

Interviewing Phases

- Step 1: Prepare for the interview
- Step 2: Conduct the interview
- Step 3: Document the results carefully
- Step 4: Make your selection and be prepared to justify your decision

Step 1: Prepare for the Interview

- Establish the selection criteria based in the work competencies. Use the Job Analysis and Assessment Questions as your guide.

- Select your process (i.e. single, panel, both)

- Select your panel members.

- Select the appropriate questions based on the job requirements.

- Select the potential date. Use the Hiring Timeline Agreement as your scheduling guide.

Behavioral-Based Questions Overview

- Yield information on the:
  - Situation: What was the problem?

  - Behavior: How did you go about solving it?

  - Outcome: What difficulties or obstacles did you have to overcome to implement your solution?

Sample Behavioral-Based Questions Overview

Tell me about a time when you disagreed with your supervisor in addressing a non-performing employee.

Other good questions begin with:
· "How did you …?"

Step 2: Conduct the Interview

· Opening
  - Keep it short
  - Establish rapport-building questions
  - Explain the job more fully – field applicant's questions about the job
· Body
  - Ask structured interview questions
· Closing
  - Allow applicant to ask more questions
  - Explain what will happen next
· Evaluation
  - Document interview results

Interviewing Phases

- ## Step 3: Document the results carefully

- ## Step 4: Make your selection and be prepared to justify your decision

Job Offer

- Selecting Official documents selection:
  - Annotate selection in USA Staffing and electronically forward to HR Specialist or
  - Annotate hard copy certificate, manager signs, and e-mails, hand carries, mails, or faxes to HR Specialist
- Staffer verifies selection
- HR Staffer completes the Approval
- HR Staffer makes initial contact/job offer within (3 calendar days)
- HR Staff negotiates salary with selecting official

Job Offer (cont.)

- Offer accepted
- HR Staffer updates HREPS pertinent information
- HR Staffer updates HREPS to reflect the EOD
- HR Staffer prepares the appropriate documentation for final processing

Take-Aways

- **Recruit, select, and promote on merit after fair and open competition**
- **Treat employees/applicants fairly and equitably**
- **Follow hiring rules as contained in CBA/MLAs**
- **Take advantage of hiring initiatives (e.g., Schedule A and Veterans Programs)**
- **Consider proper employee recommendations**
- **Avoid giving improper preference or advantage**
- **Consider the impact of morale and other considerations when deciding whether to hire from internal or external applicants**

HANDOUTS

OHR Standard PDs (as of April 22, 2011)

107- Health Insurance Specialist. 9/11/12/13
201- Human Resources Specialist, 9/11/12/13
303- Administrative Support Assistant (OA), 5/6/7
341- Administrative Officer, 9/11/12/13
343- Management Analyst, 9/11/12/13
343- Program Analyst, 9/11/12/13
403- Microbiologist, 11/12/13
501- Financial Management Analyst, 11/12/13
510- Accountant, 9/11/12/13
511- Auditor, 9/11/12/13
560- Budget Analyst, 9/11/12/13
601- Epidemiologist, 11/12/13
679- Medical Support Assistant (OA), 5/6/7
685- Public Health Advisor, 9/11/12/13
685- Public Health Analyst, 9/11/12/13
685- Public Health Analyst (Policy), 9/11/12/13
696- Consumer Safety Officer, 9/11/12/13
1001- Health Communication Specialist, 9/11/12/13
1035- Public Affairs Specialist, 9/11/12/13
1101- Grants Management Specialist, 9/11/12/13
1102-Contract Specialist, 9/11/12/13
1320-Chemist, 11/12/13
1811- Criminal Investigator, 9/11/12/13
2210- Information Technology Specialist (Network Services), 9/11/12/13
2210- Information Technology Specialist (Policy and Planning), 9/11/12/13
2210- Information Technology Specialist (System Analysis), 9/11/12/13
2210- Information Technology Specialist (Security), 9/11/12/13
2210- Information Technology Specialist (Data Management), 9/11/12/13
2210- Information Technology Specialist (Internet), 9/11/12/13

Coming Soon or Under Consideration:

101-Social Science Analyst/Specialist
401-Biologist
403-Microbiologist
601-Epidemologist/Health Scientist
610- Nurse
1530-Statistician

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Handout: 1-1:
Pre-Consultation Phase (Strategic Conversation) with Managers

Component: _____

Title, Grade, and Series _____

Bargaining Unit Status _____

Manager: _____

HR Specialist: _____

Revised Form as of 01/08/07

DEFINING YOUR SUCCESS REQUIREMENTS
Mission   • Describe your organization's mission and culture.   • What are the critical challenges that you face in the short term and long term?
Position/Role   • What is the position? Are the duties accurately reflected in the position description? (If not, the PD needs to be revised.)   • What are the major responsibilities/duties/tasks this person will perform?   • Approximately what portion of the person's time would be spent on each of these key duties?   • How does this position contribute to the mission of the organization?   • Area of Consideration, i.e., HHS-wide, All Feds

<u>**Competencies/Experience**</u>
- What skills/competencies are needed to be successful on the job?
- How would you rank these skills in terms of critical importance for success in this position?
- What does a candidate need to know to be successful in this position?
    - What level of knowledge is required? (Rank each area basic, intermediate, expert)
    - What might you ask a candidate to gauge his/her knowledge in these key areas?
    (Optional if you need to create new screening questions. May entail a separate discussion.)
- What kind of professional experience is required/preferred for the position?
- What degrees/certifications/clearances are required/preferred?
- Who are the subject matter experts in your organization or others who might be helpful in the resume screening and interviewing process?

<u>**Conditions of Employment**</u>
- Does this position require a Security Investigation (HSPD-12)? If Yes, what level of clearance is required (i.e. NAC, NACI, 5 Waiver, 5 MBI, 5 LBI, PT 6, Secret or Top Secret) *<u>**NOTE:**</u> **Please be sure to have your decision tree available for discussion.**
- Is a Financial Disclosure Statement required?
- Positive Education
- Licensure

Pre-Consultation Phase (Strategic Conversation) with Managers, continued

---

Personal Characteristics
- What personal qualities would you like to see in an applicant?
    - Of the qualifications elicited above, which are essential and which are desirable?

Other Requirements
- Are there specific requirements that candidates should know to evaluate this job, including: travel requirements, overtime, seasonal peaks, etc.?

SELLING THE POSITION (Used for candidates outside HHS; All Feds)

- Why would this person want to work here? (Describe the top five reasons why a candidate would find your organization, and this position, of interest, including mission, great team or experts, nature of the challenge, technologies or processes, etc.)

- What do people outside your organization know about your component?
    - How much do we need to educate candidates about your work?
    - What preconceptions do we need to overcome?

• What is the professional development potential for this position? (Describe the career progression to which this position might lead.)

TARGETING STRATEGIES (All Feds)

• Where might we find the best candidates?
 • For what other organizations might potential candidates currently work?
    - Where have you found great candidates in the past?
    - Who are your major contractors that have talent you desire?
 • To what associations might they belong?

RECRUITMENT STRATEGIES

• Diversity Candidates (Provide managers with a copy of the Diversity Handbook as you discuss options.)   • Category rating and ranking   • Noncompetitive candidates   • FCIP   • Engineered position i.e., 9/11/12, 12/13 etc   • ICTAP

Other Information

• Discuss/Review/Develop Crediting Plan and Job Analysis
    1. Develop/refine assessment criteria that provides clear qualitative distinction
    2. Ensure crediting plans are established for each grade level

I acknowledge I have received the handout on Merit System Principles and Prohibited Personnel Practices from my Human Resources Specialist.

_____

Manager Signature and Date

_____

HR Signature and Date

Module 2

Performance Management Appraisal Program

Participant Coursebook

Module 2: Performance Management Appraisal Program

Purpose   This module will familiarize you with the importance of Performance Management (PM) to the organization, supervisor, and employee, identify the five steps in the PM process, timeline, and help you to deal with poor performance.

Objectives   By the end of this module, you will be able to:

- Apply the Department of Health and Human Services Performance Management and Appraisal Plan policies in establishing employees' performance plans during the calendar year appraisal cycles. Engage employees' in the development of their individual performance plans.
- Define performance elements.
- Define meaningful, relevant and measurable performance standards and objectives.
- Differentiate the mid-year and annual review process.
- Explain how a mid-year review is conducted.
- Identify reasons to modify existing elements, standards or objectives.
- Explain how an annual review is conducted.
- Describe the use of various performance award options (e.g., cash award, time-off award, etc.)

Overview

Topic	Page
Performance Management Overview	2-2
Performance Management Process	2-4
Sample Non-SES Elements and Standards	2-9
Slides	2-12
Handouts	2-23

Performance Management Overview

Importance of PM

Performance Management is important to the organization, because it:

- Links individual performance expectations to organizational goals, objectives, and mission

- Monitors strengths and weaknesses

Performance Management is important to the supervisor, because it:

- Provides measurements for evaluating an employee's performance

- Provides metrics against which to assess and consider employees for award/recognition

Performance Management is important to the employee, because it:

- Communicates key performance objectives and expectations (and fairness)

- Conveys importance and relationship of employee's work to organization and mission

- Allows employees to determine what performance level they will strive for

Purpose of PM

The purpose of Performance Management is to:

- Communicate and clarify organizational goals and objectives

- Link performance requirements between individual employee objectives and organizational strategic planning initiatives

- Identify individual and/or team accountability for accomplishing assigned goals

- Address employee developmental needs

- Monitor progress and provide formal feedback

- Use appropriate measures as the basis for recognizing and rewarding employees

- Use results as basis for appropriate personnel actions, e.g., promotion, reassignment, demotions, retention, removals, etc.

Performance Management Overview
(continued)

- Assess and improve individual and organizational performance

PM Overview

Performance Management is defined as applying the integrated processes of:

- Setting and communicating performance expectations (Plan)

- Monitoring performance and providing feedback (Monitor/Provide Feedback)

- Developing performance and addressing poor performance (Develop)

- Rating performance (Rate)

- Rewarding performance (Reward)

… in order to maximize employee performance and development.

The Performance Management Process begins with the planning phase, and includes monitoring/providing feedback, developing, rating, and rewarding. After the reward phase has been completed, the process starts over again.

Supervisors are encouraged to get additional or remedial training as necessary to perform assigned/delegated performance management responsibilities, e.g., providing effective feedback, identifying strengths and weaknesses, etc.

Performance Management Process

PM Timeline

Following are the key dates you should be aware of in the Performance Management process:

- January 1 – Beginning of the appraisal period

- January 30 – Date for performance standards to be in place (30 days after the start of the rating cycle)

- June 30 – Beginning of progress reviews

- October 1 – Last day for performance plan to be in place (minimum 90 days)

- December 31 – End of the appraisal period

The Players

Employee – Assists in developing job objectives, keeps track of accomplishments, and provides accomplishment information to his/her rating official.

Supervisor (rating official) – Establishes job objectives and performance expectations, monitors performance, rates employees, and recommends performance awards.

Second-line supervisor (reviewing official) – Supervisor above immediate supervisor - discretionary based on OPDIV Head - reviews and approves performance plans for consistency and fairness.

Planning/Communicating Performance

At the beginning of the appraisal period, the rating official and the employee should discuss the organization's desired program and management outcomes as well as the individual performance objectives toward which the employee should be focusing his/her efforts, and will be held accountable for, during the upcoming appraisal period.

The discussion should also focus on the development of performance metrics that are quantifiable and results-based for each individual performance objective that clearly define expectations and differentiations in performance levels. The performance metrics should define what is expected at the Achieved Expected Results, Level 3.

In developing the performance plan, the rating official shall review and consider the HHS Strategic Plan, OPDIV objectives, and any other important goals and measures, such as those

Performance Management Process
(continued)

identified by customers/stakeholders. Each rating official will ensure that broad HHS and OPDIV goals have been explained and cascaded to subordinate staff throughout his/her portion of the organization. These cascaded goals will impact organizational activity as well as individual performance expectations.

Each employee should actively participate in developing his/her performance plan for the appraisal period. The final authority for establishing the performance plan rests with the rating official. Written performance plans are provided to the employee within 30 days of the beginning of the appraisal period, which runs from January 1 to December 31. If an employee enters a position after the start of the appraisal cycle, a performance plan must be established within 30 days of the date the employee enters on duty. This system does not require a second level review of the performance plan. However, at the discretion of the OPDIV Head, a second level review may be conducted. The supervisor and the employee will sign and keep a copy of the performance plan.

A tip for establishing the performance plan is to use the term **SMART**:

- **Specific:** Goals and expectations are clearly stated and direct.

- **Measurable:** Outcomes are being achieved in comparison to a standard.

- **Actionable:** Goals or results/outcomes must be achievable and realistic.

- **Relevant:** Goals have a bearing on the overall direction of the organization, including the HHS Strategic Plan,

- **Timely:** Results are measured in terms of deadlines, due dates, schedules, or cycles.

Strategies for measuring performance should be both objective and measurable.

The HHS performance plan has two categories of critical elements: (1) Administrative Requirements; and (2) Individual Performance Outcomes, which include specific individual management and program outcomes that will contribute to the success of the OPDIV's and Department's strategic plans. The Administrative Requirements (Part III of the Performance Plan) will constitute one critical element. Each outcome/result in the Performance Outcomes section (Part IV of the Performance Plan) will be a critical element. It is expected that there will be between three (3) and five (5) outcomes/results listed for each employee in the Performance Outcomes section.

Performance Management Process
(Continued)

Monitoring Performance/Providing Feedback

There should be continuous feedback between the employee and his/her supervisor. At a minimum, one formal, progress review shall be held between the supervisor and the employee, at approximately midpoint in the rating cycle.

Ratings are not assigned for progress reviews.

A written narrative is not required, unless performance is less than Achieved Expected Results. Along with providing an interim assessment of performance, this provides an opportunity for supervisors to discuss and document evolving priorities or other organizational changes impacting employee work assignments.

Developing Employees

Assistance will be provided to improve an employee's performance if he/she is rated below the Achieved Expected Results level on any element. Such assistance may include, but is not limited to, formal training, on-the-job training, counseling, mentoring, and closer supervision. Assistance may also be provided to employees with higher ratings who seek help to improve or enhance their performance.

Rating Performance

Between January 1 and February 15 rating officials will meet with employees to discuss the rating of record.

An employee's rating of record includes a summary rating of Achieved Outstanding Results, Achieved More Than Expected Results, Achieved Expected Results, Achieved Less Than Expected Results, or Achieved Unsatisfactory Results.

Achieved Unsatisfactory Results ratings require that the supervisor give written notice of failure/opportunity period (Performance Improvement Plan) and second-level review.

Although there is no requirement for the establishment of a formal performance improvement period before you initiate any personnel-related action, you should consider this intervention. If you offer this option, provide the employee with a reasonable period and offer appropriate support (e.g., training, counseling, and/or supervisory assistance). A reasonable period is routinely thought of in terms of a minimum of 90 days; and may extend to 180 days. At the end of the period, assess the employee's performance to determine if improvement has been made to an acceptable level, as identified to the employee. Detailed documentation is required.

Performance Management Process
(Continued)

At the conclusion of the appraisal cycle, the OPDIV, in consultation with the ASA Office of Human Resources (OHR) will issue guidance and timelines for the completion of the annual employee evaluations and the submission of performance award nominations. Appraisal process guidance issued by the OPDIV will be consistent with all instructions, procedures, and requirements set forth in these instructions and will not place quantitative limits on the number of ratings at any given rating level. The OPDIV appraisal process guidance will be communicated to all OPDIV staff.

Ratings should be given objectively without using any rating bias. A rating bias is defined as the situation when the rating of reviewing official bases an employee's appraisal on his/her own values, past experiences, or personal opinions rather than on actual performance.

Type of Bias	Description
Horn/Halo	Underrating in all areas when an employee does poorly in one area; alternatively, overrating in other areas when an employee is outstanding in one area of performance.
Central Tendency Error	Attempting to treat all employees equally by appraisal everyone in the middle of the scale, even if some performances clearly warrant a substantially higher or lower appraisal.
First Impression Error	Making an initial positive or negative judgment of an employee and allowing that first impression to distort later interactions.
Similar-To-Me Effect	Appraisal an employee who resembles you more highly than you rate other employees.
Different-From-Me Effect	Giving an employee who is different from you a lower appraisal compared to other employees.
Stereotyping	Generalizing across groups and ignoring individual differences.
Quick and Dirty Effect	Giving all employees the same appraisal regardless of their performance in order to get the evaluations done quickly.
Recency Effect	Allowing events that happened recently to have more influence on the appraisal than events of many months ago.
Time Delay	Forgetting the details of performance over the appraisal period.

Employees are encouraged to discuss disagreements with the supervisor/rating official and the reviewing official (if required by the OPDIV Head) in an attempt to resolve the issue informally. If the employee disagrees with the rating of record, the rating official must advise the employee of his/her right to respond in writing to the rating. This response will be attached to the rating form, but it will not change the rating assigned by the rating official. An employee may also file a grievance through the HHS or OPDIV grievance procedures, as applicable. An employee may pursue EEO complaint procedures, if he/she believes the rating is based on prohibited discrimination.

Performance Management Process
(Continued)

Using Performance Results

Performance awards are an integral part of the performance appraisal process. As such, they are linked to the rating of record, and submitted and considered for approval only at the conclusion of the rating period. Employees whose summary rating is Achieved Outstanding Results will receive a performance award payment up to 5% of salary, including locality payment or special rate supplement. This award is based on the salary as of the last day of the rating period (December 31), subject to funds availability within the OPDIV/STAFFDIV. OPDIV/STAFFDIVs may offer employees an option to convert a cash award into time-off equivalent, not to exceed an aggregate calendar year total of 40 hours time off. Any remaining cash balance will be paid out in cash. Employees receiving an Achieved Outstanding Results rating are also eligible for a Quality Step Increase (QSI). However, employees will not receive both a QSI and a cash award for the same performance. Only General Schedule (GS) employees are eligible to receive QSIs. HHS QSIs shall only be awarded based on an employee receiving the highest rating of record (Achieved Outstanding Results) for the previous rating cycle and not for mid-cycle performance accomplishments. Further, a QSI may not be granted to an employee who has received a QSI within the preceding 52 consecutive calendar weeks. QSI's are not automatic and awarded at management's discretion.

- Employees whose performance is Achieved More than Expected Results may be eligible for a performance award, at the discretion of the OPDIV/STAFFDIV, up to 4% of salary. Also, employees whose performance is Achieved Expected Results may be eligible for a performance award, at the discretion of the OPDIV/STAFFDIV, up to 3% of salary. However, all employees rated Achieved Outstanding Results must be paid **"in full"** first. Employees may choose to convert the cash award amount of the performance award into time-off equivalent, not to exceed an aggregate calendar year total of 40 hours time off. Any remaining cash balance will be paid out in cash.

- In order to receive a QSI, employees must receive a rating of Achieved Outstanding Results. Employees who receive Partially Achieved Expected Results or Achieved Unsatisfactory Results ratings are not eligible for performance rating-based cash awards or QSIs.

- OPDIV/STAFFDIVs may also exercise existing authorities to provide employee recognition for short-term accomplishments using other award types, including, but not limited to, Special Act/Special Service Awards, and Time-Off Awards, as appropriate.

- The Partially Achieved Expected Results level describes performance that is adequate for retention in the position. Supervisors are strongly encouraged to closely monitor an employee who is rated Partially Achieved Expected Results and to offer any assistance needed to bring the employee's performance to the Achieved Expected Results Level.

Performance Management Process
(Continued)

Employees who receive a Partially Achieved Expected Results rating are <u>not eligible to receive a within-grade increase</u>. Supervisors should consult with the servicing Human Resources Center Labor and Employee Relations Office for assistance in dealing with Partially Achieved Expected Results performance.

If performance on any critical element is determined to be Achieved Unsatisfactory Results at any time during the rating period, the supervisor will provide assistance to help the employee improve performance to an acceptable (Partially Achieved Expected Results) level. The supervisor must, at a minimum, give written notice to the employee of his or her failure to demonstrate acceptable performance and give the employee an opportunity to demonstrate acceptable performance under a Performance Improvement Plan (PIP). This written notification must include:

1. The specific element(s) on which the employee's performance is determined to be Achieved Unsatisfactory Results, including specific examples of how the employee's performance fails to meet this level of performance;

2. The performance requirement(s) that must be met;

3. The specific assistance that will be provided to help the employee improve performance;

4. The specific period of time the employee will be given to demonstrate acceptable performance; and

5. Notification that actions may be initiated to reassign, reduce in grade, or remove the employee if performance does not improve to the Partially Achieved Expected Results level.

Supervisors will consult with the servicing Human Resources Center Labor and Employee Relations Office for assistance in dealing with unacceptable performance.

SAMPLE NON-SES PMAP ELEMENTS

1. **EFFECTIVE MANAGEMENT OF THE HUMAN CAPITAL SURVEY PROJECT**
   - AO- Survey results are communicated to the XXX within 45 days of receipt of data followed by or in conjunction with workshops to assist the managers in implementing improvement plans throughout their organization.
   - AE – Survey results are communicated to the XXX within 60 days of receipt of data followed by or in conjunction with workshops to assist the managers in implementing improvement plans throughout their organizations

2. **REPORTING (DEPARTMENTAL INITIATIVES):**
   - AO – 100% of all Division reporting is on time to the HHS department compiling the overall departmental reports for Ethics, Cash-in-Kind reports, Telework Data Call, and other requested data calls. Information is accurate and contains few errors requiring edits before being submitted to the Department.
   - AE- 95% all Division reporting is on time to the HHS department compiling the overall departmental reports for Ethics, Cash-in-Kind reports, Telework Data Call, and other requested data calls. Information is accurate and contains few errors requiring edits before being submitted to the Department.

3. **HHS-WIDE A-123 Compliance** – ALIGNED To**:** HHS Strategic Plan, Chap. 6
   - AO– The Federal Managers' Financial Integrity Act (OMB A-123) Internal Control reviews are conducted annually within the senior leaders' immediate area of responsibility in accordance with the guidance provided by the HHS Senior Assessment Team. When control deficiencies are identified, a remedial plan is developed within 60 days of the report finding, and 75% of the prior year deficiencies have been remediated and acknowledged or validated by a third party.
   - AE – The Federal Managers' Financial Integrity Act (OMB A-123) internal control reviews are conducted annually within the senior leader's immediate area of responsibility in accordance with the guidance provided by the HHS Senior Assessment Team. When control deficiencies are identified, a remedial plan is developed within 60 days of the report finding, and 50% of the prior year deficiencies have been remediated and acknowledged or validated by a third party.

4. **STATUS OF FUNDS REPORTS**
   - AO – Ensures that 95% of the SOFs are issued to Program Offices by the 10th business day, unless impacted by UFMS being Operational or other IT feeder systems being operational. Reports are accurate and contain budget forecasts that assist senior management in making budget decisions as appropriate. 98% of reports generated across all of XXX over a 12 month period contain no material errors which would mislead Program Office or senior management. Customer feedback confirms reports were useful for their budget planning purposes.
   - AE – Ensures that 90% of the SOFs are issued to Program Offices by the 10th business day, unless impacted by UFMS being operational or other feeder systems being operational. Reports are accurate and contain budget forecasts that assist senior management in making budget decisions as appropriate. 95% of reports generated across all of XXX over a 12 months period contain no material errors which would mislead Program Office or senior management. Customer feedback confirms reports were useful for their budget planning purposes.

5. **PROGRAM RESULTS (MICRO-PURCHASE ACQUISITIONS):**
   Description: This element also relates to and supports objectives in the HHS Strategic Plan, specifically Chapter 6 Serve as a micro-purchase card holder responsible for processing emergency service requests in a timely manner based on "emergency" XXX requirements as needed.
   Purchase Card Execution:
   - AO - Obtain a 95% or better on-time completion rating for the total number of service requests processed in the calendar year. On-time is defined as meeting the customer(s) requires due dates. All purchases must be made in accordance with DHHS Purchase Card Program, Volume 5, July 2009:
   - http://www.hhs.gov/oamp/policies/purchaseguide2.pdf
   - AE - Obtain a 90% or better on-time completion rating for the total number of service requests processed in the calendar year. On-time is defined as a meeting the customer(s) required due dates. All purchases must be made in accordance with DHHS Purchase Card Program Guide, Volume 5, July 2009:
   - http://www.hhs.gov/oamp/policies/purchaseguide2.pdf

6. **INTERNAL CONTROL PROGRAM RESOURCES:**
   Identify and recommend staffing resources needed to perform the minimum requirements of the HHS Guidance Manual and comply with FMFIA and A-123. Perform all related COTR duties for the support services contract.
   - AO – By June 15, prepare a proposed plan to transition to provide employees to perform internal control activities so that the support services contract is not needed in 20XX including a projected budget for the following year.
   - AE – Monitor contract performance and submit received invoices to an XX Designated Receiver that, in the aggregate, do not exceed the approved budget for 20XX.

7. **HHS-WIDE RECORDS MANAGEMENT**
   Compliance with internal review and oversight processes – ALIGNED To: HHS Strategic Plan, Chap. 6
   - AO – OS Internal Control Program records schedules has been developed as appropriate in accordance with Federal Records Management guidelines and internal records management audits have been conducted with no more than 3 deficiencies identified. A remedial plan to correct all deficiencies is in place with milestones and estimated completion dates.
   - AE – A project plan to develop the appropriate XX Internal Control Program records schedules has been developed and approved by the XX Records Officer in accordance with Federal Records Management guidelines. A baseline inventory of all required records has been conducted in preparation for an initial records audit in FY20XX.

8. **REASONABLE ACCOMMODATION/ACCESSIBILITY REQUEST ARE PROCESSED PURSUANT TO EXECUTIVE ORDERS, EEOC'S GUIDANCE, THE REHABILITATION ACT, THE AMERICANS WITH DISABILITIES ACT AS AMENDED AND ESTABLISHED CASE LAW PRECEDENT.**
   - AO – Establish a reasonable Accommodations Process for X, Y and Z by May 30, 20XX. Schedule and conduct training for 50% of employees for each of the Agencies listed by the end of the fiscal year. Establish a tracking system for requests.
   - AE – Establish a Reasonable Accommodations Process for XX by May 30, 20XX. Schedule training for management by September 30, 20XX.

SLIDES

Module 2 Objectives

- Apply the Department of Health and Human Services Performance Management and Appraisal Plan policies in establishing employees performance plans during the calendar year appraisal cycles. Engage employees' in the development of their individual performance plans.
- Define meaningful, relevant and measurable performance standards and objectives.
- Explain how a mid-year review is conducted.
- Identify reasons to modify existing elements, standards or objectives.
- Explain how an annual review is conducted.
- Describe the use of various performance award options (e.g., cash award, time-off award, etc.)

Importance of PMAP

- To the organization:
  - Links individual performance expectations to organizational goals, objectives, and mission
  - Monitors strengths and weaknesses

- To the supervisor:
  - Provides measurements for evaluating employees' performance
  - Provides metrics against which to assess and consider employees for award/recognition

Importance of PMAP, Con't.

- To the employee:
    - Communicates key performance objectives and expectations (and fairness)
    - Conveys importance and relationship of employee's work to organization and mission
    - Allows employees to determine what performance level they will strive for

PMAP Purpose

- Communicate, clarify, and link organizational (strategic) goals and individual employee objectives
- Identify individual and/or team accountability for accomplishing assigned goals
- Address employee developmental needs
- Monitor progress, assess performance, and provide formal feedback
- Recognize and reward employees
- Use results as basis for appropriate personnel actions, e.g., promotion, reassignment, demotion, retention, removal, etc.

PMAP – Timeline
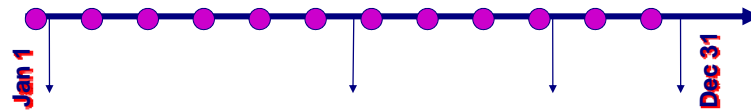
Key Dates:

January 1 – Beginning of appraisal period
January 30 – Date for performance standards to be in place
June 30 – Beginning of progress reviews
October 1 – Last day for performance plan to be in place
(minimum 90 days)
December 31 – End of appraisal period

The Players

- Employee
  - Assists supervisor in developing objectives and keeping track of accomplishments
- Supervisor (Rating Official)
  - Establishes job objectives and performance expectations, monitors performance, determines ratings and recommends performance awards
- Second-line supervisor (Reviewing official)
  - Discretionary based on OPDIV Head, reviews and approve performance plans for consistency and fairness

Planning/Communicating Performance

For discussion* with the employee:

- Address the organization's desired program and management outcomes (including strategic plan, OPDIV objectives, and other important goals and measures)

- Individual performance objectives

Emphasis should be placed on developing performance metrics that are quantifiable and results-based

Planning/Communicating Performance, Con't

- Should involve active involvement by employees
    - Note: Final authority for establishing performance plan rests with rating official (supervisor)

- Typically completed within 30 days of beginning of appraisal cycle (January 30)

Planning/Communicating Performance, Con't

- Strategies for Measuring Work
  - Numbers
  - Percentages
  - Dates
  - By exception (i.e., No more than….)
  - Qualitative descriptors (adjectives)
  - Additional work examples/descriptors

Planning/Communicating Performance: PMAP Elements

- All critical elements

- 1 administrative requirements element should include such items as performance management, employee development, workforce activity, customer service, and recovering improper payments

- Remaining 3-5 – individual performance outcomes should cascade organizational goals of the agency

Monitoring Performance/Providing Feedback

•Includes continuous feedback between employees and supervisors

•Requires supervisors to conduct one formal progress review at approximately midpoint of the appraisal cycle
   •Written narrative is not required unless performance is less than Level 3
   •Provides opportunity to discuss and document evolving priorities or other organizational changes

Monitoring Performance/Providing Feedback

•Midpoint progress review discussion will include:
   •What is going well
   •Areas needing improvement
   •Any changes to performance goals, resource levels, etc.
   •Guidance provided by ASA/OHR or OPDIV Head
   •Discussion of employee performance feedback received from agency managers and staff
   •Written documentation if performance is less than Level 3
   •Assistance to improve employee's performance

Rating Performance

•January 1 – February 15: Period by which rating official will meet with employee to discuss the rating of record

•Involves summary rating

•Level 5: Achieved Outstanding Results (AO)

•Level 4: Achieved More than Expected Results (AM)

•Level 3: Achieved Expected Results (AE)

•Level 2: Partially Achieved Expected Results (PA)

•Level 1: Achieved Unsatisfactory Results (UR)*

*Requires supervisor to give written notice of failure/opportunity period (Performance Improvement Plan) and second-level review

Rating Performance, Con't

•Rates each identified objective based on comparison of action performance with written critical elements

•Based on guidance provided by the ASA and management concerning impact of organizational assessments on individual performance appraisals

•THERE ARE NO QUOTAS OR FORCED DISTRIBUTIONS MANDATED BY MANAGEMENT

Rating Performance, Con't

•Ratings should be conducted without using rating bias, which is defined as when the rating or reviewing official bases appraisal on own values, past experiences, or personal opinions rather than actual performance

•Types of biases:

   •Judgment of performance: horn, halo, central tendency, etc.
   •Personal preference or style: first impression, similar/different to me, stereotyping
   •Time factors: Quick and dirty, recency, or time-delay

Rating Performance, Con't

If the employee disagrees with the rating:

•Should begin with a discussion with rating and reviewing officials to resolve issue informally
•Rating official advises employee of right to respond in writing
•Response is attached to the appraisal form
•Employee may also file a grievance or EEO complaint

Using Performance Results

•Performance awards directly linked to performance appraisal ratings
> •**Level 5** (will receive cash award between up to 5% of salary)
>> •Eligible for a quality step increase
>> •May not receive both cash award and QSI for same performance
> •**Level 4** (are eligible for cash award up to 4% of salary)
> •**Level 3** (are eligible for cash award up to 3% of salary)
> •**Level 2/Level 1** (not eligible for performance-based cash awards)

Using Performance Results, Con't

•Level 2 Performance
> •Requires assistance to bring employee's performance to the Level 3
> •Not eligible to receive within-grade increases

•Level 1 Performance
> •Requires mandatory offering of assistance to bring employee's performance to Level 2
> •Requires issuance of Performance Improvement Plan (PIP)

Using Performance Results, Con't

- •PIP Contents
  - •Specific elements where performance is unsatisfactory (Level 1)
  - •Performance requirements that must be met
  - •Specific assistance which should be provided to employee to improve performance
  - •Specific period of time (window of opportunity) to demonstrate acceptable performance
  - •Actions that will be taken if performance does not improve

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HANDOUT

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Module 3

Managing Performance
Participant Coursebook

Module 3: Managing Performance

Purpose   The purpose of this module is to provide skills and tools for effectively managing performance.

Objectives   By the end of this module, you will be able to:

- Identify managers' key responsibilities in managing performance.

- Distinguish between conduct and performance.

- Describe the components of the performance management cycle.

- Describe what creating a context for high performance means.

- Write effective performance expectations using the SMART criteria.

- Implement a decision-making tool for analyzing performance and closing performance gaps which includes the following steps:

  – Identify if performance is having a significant negative impact

  – Clearly communicate performance expectations to employees

  – Apply a process for recognizing positive performance

  – Give constructive feedback to employees regarding performance

  – Identify obstacles to employee performance and strategies for overcoming or minimizing the impact of obstacles

  – Identify strategies for developing employees to include on-the-job training, coaching, mentoring, and individual development plans.

  – Determine if consequences are aligned with performance

  – Identify when more formal action is required and what steps to take.

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Overview

Performance Management Responsibilities

The manager is responsible for:

- Establishing goals and other performance standards – identifying the standards which will measure the quantity, quality, or timeliness of the work performed

- Planning and assigning work

- Monitoring and reviewing completed work

- Measuring progress toward established goals/standards

- Providing feedback to employees

- Developing employees' skills so that they reach their goals/performance standards

- Coaching and motivating employees to achieve established standards and improve performance

- Taking performance-based action to improve overall work performance

- Evaluating overall work performance

- Rewarding employees.

Misconduct and Poor Performance

Misconduct

The first step in the process is to determine if the employee's actions or lack thereof represent a conduct problem.

Misconduct is defined as a "Failure or refusal to follow workplace rules or supervisory instructions."

In simple terms, misconduct is generally an "I won't" – a failure to comply with a rule, regulation, or requirement.

The following table depicts the more common types of misconduct:

Type of Misconduct	Examples
Violation of Agency regulations	▪ Abuse of leave ▪ Falsification of travel vouchers ▪ Falsification of time cards ▪ Tardiness ▪ Absence without leave (AWOL) ▪ Misuse of Government property
Violation of Agency conduct standards	▪ Conflict of interest ▪ Failure to comply with financial disclosure requirements ▪ Favoritism in personnel actions
Violation of general conduct standards	▪ Insubordination ▪ Disrespectful behavior ▪ Making threats against others ▪ Drug- and alcohol-related problems ▪ Harassment

Poor Performance

Poor performance is defined as an "inability to perform the duties of a position at an acceptable level."

In simple terms, poor performance is an "I can't" in terms of complying with a rule, regulation, or requirement in the course of assigned duties and responsibilities. For example, if an employee cannot properly operate his/her assigned vehicle, then it would be considered poor performance.

Misconduct and Poor Performance
(Continued)

The distinction between misconduct and poor performance involves:

- Different procedures for addressing the problem
- Different types of required documentation
- Different employee rights
- Different waiting periods
- Differences in difficulty in pursuing official actions.

Misconduct and performance problems are handled differently. For example, conduct problems often lead to disciplinary actions, such as a warning or suspension. Performance problems, however, are usually dealt with through coaching, training, performance assistance or enhancement opportunity periods, and other work improvement efforts.

It is important to handle specific problems appropriately. An employee who violates a rule is not the same as an employee who is having problems performing his/her duties. Conduct problems should be dealt with swiftly; performance deficiencies usually involve a more gradual improvement over time.

Do not delay in taking action when conduct or performance is an issue.

Mixed Cases

Sometimes misconduct and performance problems occur together.

Sometimes misconduct leads to poor performance, or vice versa.

For example, the administrative assistant who makes a lot of errors may do so because he comes to work late, leaves early, and doesn't pay attention to his work. The fact that he makes a lot of errors is a performance issue. The fact that he gets to work late, leaves early, and doesn't pay attention is misconduct.

Activity: Conduct vs. Poor Performance

Objective: To practice determining whether specific employee actions are misconduct, poor performance, or combined conduct/performance issues

Instructions: Working with your table group, read the following four scenarios and determine whether each situation is a conduct-related, performance-related, or combined conduct/ performance problem.

Time: 10 minutes

_____

Situation 1

Karen has been late for work five times in the last month and was late again today. You had to ask another person to type documents that had to be done immediately for an important meeting. This is the second time this month you've had to find someone else to complete Karen's work because of her late arrival.

_____

_____

_____

_____

Situation 2

You manage Peter, a clerical employee who wastes most of his time socializing on the job. He spends considerable time talking on the phone with friends. For example, you saw him chatting with a girlfriend for over 30 minutes yesterday. He also spends several hours a day just walking around the office and chatting with friends about non-business topics. He is usually 10 to 20 minutes late each day and takes long breaks and lunches. Peter is fully capable of performing his work, but routinely fails to complete assignments on time. Recently, you have received numerous complaints from others in the office that Peter is bothering them and interrupting their work by socializing on the job.

_____

_____

_____

_____

_____

Activity: Conduct vs. Poor Performance
(Continued)

Situation 3

Mark is a supervisor who manages first-line supervisors. He has been in his job for 3 years and is well aware of the performance management system requirements. Despite this, Mark required two subordinate supervisors to backdate their own performance appraisal progress reviews. The dates now show that Mark conducted the reviews on time, although this is not true. Mark has admitted to the incident and to his own misjudgment. Additionally, Mark has a critical performance element of "Support EEO and Personnel Programs."

Situation 4

For the fourth time this week, Cynthia has misfiled key program documents. Yesterday, the Director called to request a document dating back to February 2006. Cynthia was unable to locate the document in the office files. You later learned the document was misfiled. Unfortunately, you were not able to get the document to the Director until Susan, the employee who actually wrote the document, came into work – and Susan was later than usual due to a dental appointment. The Director was not pleased. You have twice sent Cynthia to a files management course and have also spent many hours coaching her on properly filing documents. Still, Cynthia is unable to grasp the organization's filing system and continues to misfile documents.

The Performance Management Cycle
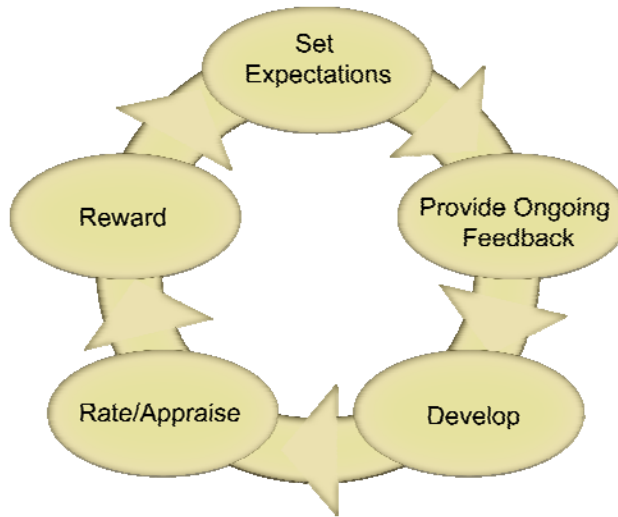
In order to get results through others, the following components of managing performance are essential:

- Set performance expectations that are aligned with work unit and organizational objectives.

- Provide ongoing feedback, both positive and constructive, to let employees know where they stand.

- Develop employees by addressing poor performance and improving good performance.

- Periodically rate/appraise performance in a summary fashion.

- Reward good performance.

Performance management goes beyond the regulatory requirements to appraise and rate performance. Appraising performance is only one part of the overall process.

The "giving" and "getting" communication skills learned in Segment I are used throughout the performance management process to stimulate employee involvement and accountability and minimize surprises at appraisal time.

Federal Human Capital Survey Data 2008/2010/2011

Listed below are key HHS findings relevant to performance management from the Federal Human Capital Survey (FHCS) conducted in 2008 and 2010. The percentages reported below indicate those HHS employees who responded positively to the items.

- 2008: 33%/2010: 37.3% /2011: 37.9% -- "In my work unit, differences in performance are recognized in a meaningful way."

- 2008: 30%/2010: 33% /2011: 32.4% -- "In my work unit, steps are taken to deal with a poor performer who cannot or will not improve."

- 2008: 43%/2010: 46.7%/2011: 46.7% -- "Awards in my work unit depend on how well employees perform their jobs."

- 2008: 52%/2010: 54.4%/2011: 53.2% -- "I am satisfied with the recognition I receive for doing a good job."

- 2008: 63%/2010: 69.2% /2011: 68.4% -- "My performance appraisal is a fair reflection of my performance."

- 2008: 65%/2010: 67.8% /2011: 66.1% -- "I am given a real opportunity to improve my skills in my organization."

Setting the Context for High Performance

Context Defined

The right context or climate must exist for high performance. By right context we mean an environment that stimulates and supports manager and employee efforts toward achieving results. A context for high performance allows managers and employees to direct their efforts toward high performance.

Managers are key contributors to setting the context for high performance. They are adept at balancing business results with human interactions and set clear performance expectations up front.

Creating the Environment

*For employees to fully support the organization, they must first understand how their accountabilities fit into the larger context. This requires disciplined communication about:

- The "whats," "hows," and "whys" of the two levels above them
- Your framework for interactions among the workgroup
- Global Picture: background mission and major thrusts
- Bigger Picture: assignments that your boss has and his/her plan and "logic" for addressing them
- Immediate Picture: assignments that you have, along with your plan and "logic" for addressing them
- Teamworking Context: the main interactions likely to be required among workers

        *From the Levinson Institute's "Executive and   Organizational Development"

Balancing Business Purposes and Human Interactions

It's important for managers to be aware of the balance required between the business purpose of their interactions and the human needs of the people they manage.

Every interaction at work operates on a business and a human level. The business level focuses on the mission and work results while the human level satisfies the employee's need for participation, encouragement, and support.

Establishing Performance Expectations

Establishing performance expectations means setting achievable objectives and timeframes for individuals and groups to channel their efforts toward achieving work unit objectives.

Performance expectations are critical to setting the right context for high performance to occur. Getting employees involved in this process will help them understand the goals of the organization, what needs to be done, why it needs to be done, and how well it should be done.

Characteristics of Performance Expectations

- Performance expectations provide a foundation for all performance management activities. Expectations are used throughout the appraisal cycle to monitor performance, provide feedback, coach and counsel, frame progress reviews, and rate and recognize performance. Therefore, performance expectations must be established at the beginning of the performance management cycle.

- Expectations provide focus for the employee on the most important or critical aspects of the job.

- They should be as specific and concrete as possible, without being overly restrictive.

- Expectations should be in writing and serve as a beneficial working document that is discussed often, not merely paperwork that is filed in a drawer and seen only when ratings are done. When/if problems arise during the year; managers should be able to return to discussions of individual goals/expectations.

- Expectations should be explicitly communicated to employees and understood, if not agreed upon, by both parties.

The Performance Analysis Framework

The performance analysis framework is a problem-solving process that can be used with problem performers or star performers who are working to achieve higher goals. The framework allows you to define the performance problem/area for improvement and its causes before selecting and implementing solutions.

Performance Analysis Framework

Question		Action
Is there a significant impact?	—NO→	Don't waste your time.
YES ↓		
Does the employee know what's to be done and when?	—NO→	Set expectations.
YES ↓		
Does the employee know what he or she is doing well?	—NO→	Recognize and reward.
YES ↓		
Does the employee know there is a performance gap?	—NO→	Provide feedback.
YES ↓		
Are there obstacles beyond the employee's control?	—YES→	Remove obstacles.
NO ↓		
Does the employee know how to do the task?	—NO→	Train/Show how.
YES ↓		
Do the consequences fit the performance?	—NO→	Change the consequences.
YES ↓		
*Could he/she do it if he/she wanted to?	—NO→	Consider options/ Consult with Human Resources.
YES ↓		
*Counsel the employee. Consult with Human Resources.		

These steps relate to performance problems.

Activity: Case of the Slipping Performer

Objective: To determine what should be done in the case of an otherwise good employee whose performance has recently been slipping

Instructions: Form small groups and read through the following scenario to determine what can be done to correct the employee's poor or slipping performance identified in the scenario.

Time: **35 minutes**

_____

You supervise Bruce. He is one of your senior analysts, holding a GS-13 position. Over the past three months or so, you have noticed that Bruce's reports are not as professional as they've been in the past. Specifically, Bruce's reports contain numerous errors and outdated information. You are very surprised by this situation, as Bruce has always been one of your best employees. You are also concerned as Bruce is one of your more senior employees, and has always served as a good role model for the more junior employees in your organization. You have spoken to Bruce about the quality of his reports a few times. Each time you do, Bruce indicates that he is overwhelmed with his workload, and believes that the reports interfere with him "doing his work." You explain that the reports are, in fact, a major part of his work assignment, and inform him that these analytical reports actually justify the high grade of Bruce's position. Each time you talk to Bruce, you inform him that you are confident that he can produce quality reports, and you expect his reports to improve in the future.

In the past, Bruce has always displayed a positive and "can-do" attitude. Lately, you have caught him on many occasions complaining about his projects and the "silliness" of the many rewrites that are required in order to finalize them. While you've heard Bruce making these comments, you admit that you have not taken them seriously, nor spoken to Bruce about his comments. You are aware that Bruce is experiencing some marital problems recently, and wonder if this may be a contributing factor to Bruce's poor performance.

Can Bruce be saved?

Decision Point #1:
Is There a Significant Impact?

The first decision point is to determine if the performance in question is having a significant impact. That is, is there a performance gap that is significantly impacting performance?

Performance Gap Defined

A performance gap is a discrepancy between the employee's current level of performance and expected level of performance. That is, how well is the employee performing now compared with how well he/she should be performing according to performance expectations?

How to Determine if There Is a Performance Gap

- Observe or measure current performance and identify indicators of the problem: What is the employee doing that is negatively affecting performance? Indicators should be specific, objective, and measurable.

- Compare current performance with expectations and standards set forth in the performance plan, making sure the expectations are realistic.

- Develop a clear statement of the discrepancy between the employee's actual and expected levels of performance.

Determining Significance

Questions to determine if the performance gap is having a significant impact include:

- What would the negative consequence be?
- Has the negative consequence occurred or is it likely to occur?
- If it occurs once, are you willing to accept the consequences?

Decision Point #2:
Does the Employee Know What is to be Done and When?

Alice: *"Which way should I go?"*
Cheshire Cat: *"Where do you want to end up?"*
Alice: *"I don't know!"*
Cheshire Cat: *"Then it really doesn't matter which road you take."*

– Lewis Carroll, *Alice's Adventures in Wonderland*

Once you have determined that there is a significant performance issue, your next task is to move to Decision Point #2, "Does the Employee Know What's To Be Done and When?" In other words, you need to ensure that performance expectations are clear to the employee.

Even with clear written expectations, managers can trip up in communicating them. When there are discrepancies between expected performance and current performance (i.e., performance gaps), consider the possibility that performance expectations were not communicated clearly.

SMART Criteria for Developing Performance Expectations

Guidelines for Developing Performance Expectations

When writing performance expectations, you first want to identify the outputs (major products or services) required for the employee's job, i.e., what needs to be done. Examples of outputs include responding to customer inquiries or writing reports.

Next, identify at what level you want this to be achieved. You may already have existing elements and standards to go by.

SMART Criteria for Developing Performance Expectations

- **Specific** means that expectations are clear, concrete, and definite.

- **Measurable** means that expectations are quantified – i.e., observable or verifiable – so you can evaluate performance.

- **Achievable** means that expectations are realistic and attainable. Expectations should be a stretch, but not impossible.

- **Relevant** means that the expectations are linked to the job and work unit and organization objectives.

- **Time-based** means that work unit objectives have reasonable timeframes that include dates and deadlines.

SMART Criteria for Developing Performance Expectations
(continued)

Which example below is a SMART performance expectation?

SMART Example #1: Develop high-quality training materials for performance management course to increase awareness of the program; conduct at least two training sessions during the appraisal period; receive a satisfactory score of at least 4 on a 5-level scale from at least 80 percent of attendees.

_____

_____

_____

_____

_____

SMART Example #2: Achieve 100 percent satisfaction rate on new process for coordinating health-related information; over the next 2 years, establish program for monitoring satisfaction levels; receive no complaints during implementation period.

_____

_____

_____

_____

_____

Activity: Developing SMART Performance Expectations

Purpose: To practice developing performance expectations using the SMART criteria

Instructions: Working individually, think of an employee who reports to you and write two performance expectations for that employee's position following the SMART criteria. When you are finished, talk to your table group to get feedback on whether your expectations fit the SMART criteria.

Time: 10 minutes

Expectation 1: _____

_____

_____

_____

_____

_____

_____

Expectation 2: _____

_____

_____

_____

_____

Are the expectations:

❑ Specific

❑ Measurable

❑ Achievable

❑ Relevant

❑ Time-based

Decision Point #3:
Does the Employee Know What He or She Is Doing Well?

"You can expect to see the behaviors you reward."

– Michael LeBoeuf, GMP

"A pat on the back is only a few vertebrae removed from a kick in the pants, but it is miles ahead in results."

– Ella Wheeler Wilcox

If you have clarified performance expectations, your next decision point is to ask, "Does the employee know what he/she is doing well?"

Decision Point #4:
Does the Employee Know There Is a Performance Gap?

The next decision point in the framework is to ask, "Does the employee know there is a performance gap?" If there is a performance gap which the employee has not recognized, the manager must provide the employee with performance feedback.

Characteristics of Effective Constructive Feedback

- <u>Directed at something that can be changed</u> – Feedback should focus on something the person can actually change.

- <u>Descriptive rather than judgmental</u> – Feedback should be based on facts and observed behavior, not opinions or judgments. People can usually accept feedback as long as they don't feel personally attacked. Always avoid negative generalizations (e.g., lazy, irresponsible, bad attitude). For example, say, "Your report has several grammatical and spelling errors in it" rather than "Your work is sloppy."

- <u>Specific</u> – Feedback should include specific examples and details of what the employee actually did or does on the job. Vague generalizations such as "always," "never," "usually," or "you did a good job" do not help the person who is receiving the feedback. Tell the person how the behavior is impacting you, the customer, and/or work unit objectives. For example, say, "Your delay in getting those chapters to me slows down the entire project" rather than "You're always late."

- <u>Timely</u> – It is best that feedback be given as soon after the event as possible. If you wait too long, you may forget important information. However, sometimes it's best to think about what you need to say and set aside a time and place to give the feedback.

- <u>Private</u> – It is more appropriate and respectful to correct behavior in private.

- <u>Accurate</u> – Be sure to have your facts straight before providing feedback. Inaccurate feedback will only cause defensiveness and can undermine trust.

- <u>Checked with the receiver for understanding</u> – "Do you remember what I am talking about?" "What do you gather from what I said?"

Steps for Giving Constructive Feedback
(From Achieve Global's Module on Giving Constructive Feedback)

- The first step, <u>state the positive purpose of your feedback</u>, assures the recipient of your feedback that you are there to help him or her improve, not just to criticize him or her.

- The second step, <u>Describe specifically what you have observed</u>, lets the other person know that you are giving feedback about something that he or she is doing and not attacking the individual as a person.

- The third step, <u>State the results or impact of the behavior or action you've observed</u>, helps the person become aware of the behavior and the consequences of that behavior.

- The fourth step, <u>ask the other person to respond</u>, gives you the opportunity to learn about the situation from the other person's point of view.

- The fifth step, <u>Focus the discussion on solutions</u>, involves exchanging ideas on how to resolve the issue. The best solutions will be the ones that the recipient of the feedback wants to implement on his or her own.

- The sixth step, <u>Show your support and set a follow up date to check progress</u>.

Activity: Feedback Practice

Purpose: To practice giving constructive feedback to employees

Instructions: Working individually, think about an employee, who you supervise, who needs feedback on a work-related behavior, a work product, or performance result. The feedback should be focused on something that you personally observed. Using the steps on the previous page, write out what you'd like to say to this employee. Then, you will be asked to work with a partner to practice giving the feedback. Your practice partner will play the part of your employee. Provide your partner with information about how this employee might respond to this feedback. After you practice giving the feedback, your partner will give you feedback on how well you did. Your partner will facilitate the feedback session by asking you the following questions in this order: 1) What went well, and 2) What would you do differently? After you have given yourself feedback, your partner will answer the questions in the same order.

Time: 10 minutes per round

_____

Decision Point #5:
Are There Obstacles Beyond the Employee's Control?

Causes of Performance Gaps

This decision point encourages you to look at obstacles beyond the person's control, that is, something or someone that is getting in the way of performance.

- When looking for causes of performance gaps, it is important to look at both the environment and the employee. Managers often focus on what's missing in the employee without regard to external causes.

- This decision point encourages you to consider potential obstacles in the environment that are beyond the person's control (i.e., something or someone that is getting in the way of performance).

- These obstacles can take many forms, and you have to use your knowledge, experience, and influence to modify or remove those obstacles to support performance.

Strategies for Removing Obstacles to Performance

Strategies for removing obstacles to performance that are outside a person's control include:

- Provide staff resources (e.g., additional people on the project).

- Use your influencing skills to get needed tools, equipment, and/or supplies.

- Allow adequate time for completion of work.

- Provide the necessary information to complete the task (e.g., data, rationale, standard operating procedures).

- Identify possible stressors in the environment and work to reduce them (or at least provide an opportunity for the employee to have a break from them).

- Eliminate environmental conditions that have negative consequences for successful performance (e.g., align workloads; ensure employee isn't punished for efficient performance with extra work).

- Consider ways in which you could be an obstacle (e.g., creating stress, not allowing sufficient time).

- Ask the employee for solutions and use them if possible.

Decision Point #6: Does the Employee Know How To Do the Task?

I've learned from my mistakes. I'm sure I could repeat them exactly.
                                        – Peter Cook, *Frog and Peach*

If external obstacles are not impacting performance, the next step is to consider if the employee has the knowledge, skills, and/or ability to perform the task or tasks at hand. Even your best or most experienced performer may have difficulty with some tasks. For example, the employee may never have received training on a new task.

Working through this decision point also provides an excellent opportunity to identify employees' developmental needs and to increase their capacity to perform.

Activity: Identifying Strategies for Developing Employees

Purpose: To consider a variety of strategies for developing employees on the job

Instructions: Working individually, consider the current training/developmental needs of your employees. Review the strategies on this and the following page and identify ones that:

- You have used and will continue to use (Have Used)
- Are new to you but you would like to use and/or need to use (Can Use)
- Would not work in your current work environment (Can't Use).

Time: 5 minutes

Developmental Strategy	Description	Have Used	Can Use	Can't Use
Individual Development Plan (IDP)	A formal document that identifies an employee's learning and development goals. The manager and employee jointly develop the IDP. It contains training, education, and development activities (formal and informal) to acquire the competencies needed to meet IDP goals.			
Special Assignments/ Job Rotation	Temporary duties performed by the employee on a full-time or part-time basis, or a temporary lateral move into an established or "shadow" position.			
On-the-Job Training	A manager or an experienced employee instructing an employee at work to develop new skills, enhance performance, or correct deficiencies.			
Coaching	A manager or an experienced employee providing insight and guidance to help an employee achieve his/her potential.			
Mentoring	A formal or an informal relationship between senior and junior employees for the purpose of supporting learning and development. The mentor provides ongoing support, advice, and career direction to an employee. A mentor holds a higher position and is usually outside the employee's chain of supervision.			

Activity: Identifying Strategies for Developing Employees
(continued)

Developmental Strategy	Description	Have Used	Can Use	Can't Use
Action Learning	A continuous process of learning and reflection with the intention of solving a real work problem.			
Learning Groups (Teams)	Employees meeting to focus on their own learning and development in a particular interest area such as information technology, public speaking, or career paths.			
Self-Development	The employee taking personal responsibility for his/her own learning and development through a process of assessment, reflection, and taking action.			

Guidelines for Providing On-the-Job Training

1. Provide an overview of the task and its importance to the work group or organization. Wherever possible, relate the new task to something the employee already knows.

2. Describe what you expect the employee should be able to do.

3. Start with general steps, and then break it into small pieces. "Chunk it." Allow the employee to jump in with questions throughout the demonstration. Proceed to the next chunk only when the employee has mastered the previous chunk.

4. Demonstrate each step.

5. Allow for ample practice. Start with the employee doing the task with your help and conclude with the employee completing the task independently.

6. Provide feedback and give additional instructions if needed.

Using the Individual Development Plan (IDP) as a Performance Tool

Purpose:

- Master skills and competencies
- Focus on the competencies to be developed
- Close Develop a skill gap
- Help a star performer perform even better

Steps for Developing an IDP:

1. Review the employee's present job, performance plan and anticipated assignments.
2. Review the employee's existing knowledge, skills, and abilities (competencies).
3. Set goals for development
4. Encourage your employee to construct the IDP

   - The IDP should contain:
     - Target competencies or developmental objectives
     - Learning methods (training, developmental assignments, special projects, memberships in professional organizations)
     - Target dates for accomplishing these objectives and competencies
     - Approximate cost, if any

5. The employee and manager should set dates to review the IDP periodically to see adjustments are necessary

Coaching and Mentoring Employees in the Context of Performance:

Professionals in the field of professional coaching will make attempts to make clear distinctions between coaching and mentoring. However, your role as a supervisor/manager requires that you play the role of both mentor and coach to your employees. The major difference is that you are not a disinterested party. You have "skin" in the game since you are accountable for the work your employees do and the results they achieve. The International Coach Federation defines coaching as partnering with individuals and groups in a thought-provoking and creative process that inspires them to maximize their personal and professional potential. Having said this, your ability to balance your need to get work done through others and being both a coach and mentor to your employees will no doubt increase your effectiveness as a supervisor, and the morale and productivity of your team. Your outcome for coaching or mentoring is to get optimal results through the engagement and development of others. As a mentor you also have a longer view of the employee's career goals and aspirations and what things might be able to help them along that path and balance that with the goals and priorities of the organization.

Essential Coaching Skills

To be an effective coach/mentor, empathic and active communication skills are paramount. Effective coaches and mentors use the following sets of skills:

- Observe
- Ask powerful questions
  - Replaces "telling," "directing," giving advice
  - "What" and "how" NOT "WHY"
- Offer grounded assessments or feedback (provide your assessments based on observable data)
- Listen
  - Listening without the filter of your experience
- Create momentum
  - Offer ideas for homework
  - Keep the conversation fluid and alive
  - Offer suggestions (not telling them what to do) for their consideration "You might want to try…" or "You might want to look into _____ for further consideration." Provide your employee with choices

Some attributes of successful coaches/mentors:

- Curious
- Open
- Present
- Timely and regular in feedback
- Focused and balanced in feedback
- Self-aware
- Studied

Activity: Coaching Practice

Purpose: To practice coaching and mentoring employees

Instructions:

- Form pairs and work with someone who you haven't worked with before.
- Complete two rounds of coaching where each person has turn as role of both coach and employee

Each round involves:

- 7 minutes of coaching for each round
    - Coach each other on a real concern
    - Be aware of "Coaching" vs. "Telling"

- 3 minutes of feedback (positive and developmental)
    - What went well?
    - What would you do differently?

20 Minutes

Decision Point #7:
Do the Consequences Fit the Performance?

Once you have addressed potential causes of the performance gap – obstacles or skills – you next check to see if the consequences you are providing fit the performance. Following are three questions that you can ask to determine an adequate fit between performance and consequences:

1. Are there negative consequences when the employee performs properly or appropriately (e.g., does the person get extra work assignments because he/she is efficient in meeting deadlines)?

2. Are there positive consequences when the employee does not perform properly (e.g., if an employee misses a deadline, is the work assigned to someone else)?

3. Is the employee held accountable for performance (i.e., are any consequences provided at all)?

Activity: Aligning Consequences With Performance

Purpose: To identify current consequences at work that are not aligned with performance

Instructions: Work in table groups to answer the following questions regarding the employees you supervise.

Time: 10 to 15 minutes

---

1. Identify any negative consequences that currently exist for your high performers (e.g., does the person get extra work assignments because he/she is efficient in meeting deadlines?).

2. List what you can do to remove these negative consequences and replace them with positive ones.

3. Identify any positive consequences that currently exist for your poor performers (e.g., if an employee misses a deadline, is the work assigned to someone else?).

4. List what you can do to remove these positive consequences and replace them with more appropriate ones.

Decision Point #8:
Could the Employee Do the Job if He or She Wanted To?

At this juncture, it is important to ask if the employee has the capacity to perform.

Options for handling employees who don't have the capacity to perform include:

- Transfer the employee.
- Change the job function.
- Terminate the employee.
- Refer the employee to the Employee Assistance Program (EAP).

Managers should consult with a member of the Human Resources team when considering any of these options.

If the answer is "yes," i.e., the employee does have the capacity to perform but is not motivated to do so, you may first want to consider how to motivate the employee before moving to formal counseling.

Taking More Formal Action: Counseling the Employee

Our assumption up to this point has been that the employee will see the benefit of improving his/her performance and participate actively in the process.

You may need to provide formal performance counseling to the employee. If this is the case, you will need to involve Human Resources.

The purpose of the formal counseling discussion is the same as that of all the steps we've discussed thus far – to redirect an employee's behavior to improve performance.

Dealing with Poor Performance

If performance is determined to be Unacceptable at any time during the rating period, the supervisor will provide assistance to help the employee improve performance to an acceptable (Minimally Successful) level. The supervisor must, at a minimum, give written notice to the employee of his or her failure to demonstrate acceptable performance and give the employee an opportunity to demonstrate acceptable performance under a Performance Improvement Plan (PIP).

- The Performance Improvement Plan (PIP) must include the following:

    1. The specific element(s) on which the employee's performance is determined to be Unacceptable, including specific examples of how the employee's performance fails to meet the *(acceptable)* level of performance;

    2. The performance requirement(s) that must be met;

    3. The specific assistance that will be provided to help the employee improve performance;

    4. The specific period of time the employee will be given to demonstrate acceptable performance; and

    5. Notification that actions may be initiated to reassign, reduce in grade, or remove the employee if performance does not improve to the Minimally Successful level.

Importance of Dealing with Poor Performance

Dealing with performance problems is a real challenge and may be one of the toughest parts of your job. It is a key supervisory responsibility, and failure to address poor performance can have greater impact than you may expect.

Failure to address poor performance:

- Impacts the organization's ability to achieve its mission

- Sends a clear message to other employees

- Usually gets worse over time

- Rarely corrects itself without action from you

Taking action against one employee who is not performing often leads to a more productive work environment. Constructive counseling given early and regularly may eliminate the need to consider more formal action that is more unpleasant.

Poor Performance Tenets

When you detect a performance problem, intervene early. Identify and communicate to the employee the specific performance expectations that require improvement. Counsel the employee and try to determine the cause of the poor performance. This is critical if the employee has previously produced at an acceptable or higher level. Look for issues such as lack of training, motivation, employee "burn out," or some other cause (e.g., personal problems or conflicts with co-workers).

Poor Performance Documentation Requirements

If you deem an employee's performance as unsuccessful, the Performance Improvement Plan (PIP) must include the following:

1. The specific element(s) on which the employee's performance is determined to be Unacceptable, including specific examples of how the employee's performance fails to meet the *(acceptable)* level of performance;

2. The performance requirement(s) that must be met;

3. The specific assistance that will be provided to help the employee improve performance;

4. The specific period of time the employee will be given to demonstrate acceptable performance; and

5. Notification that actions may be initiated to reassign, reduce in grade, or remove the employee if performance does not improve to the Minimally Successful level.

DEPARTMENT OF HEALTH & HUMAN SERVICES
OPDIV

Memorandum

Office/Center
Division/District
Street Address, Suite #

City, State, Zip

Phone/Fax #

Method of Delivery

Please do not issue this document without prior consultation with your servicing Employee and Labor Relations Specialist.

Date:

From: Title of rating official
              Organization

Subject: Notification that You Are Failing OR Have Failed
           Critical Element(s) of Your Performance Management Appraisal Plan (PMAP) and
          Implementation of Performance Improvement Plan (PIP)

To: Employee's name
            Title
            Organization, up to and including Center/Office

This is to advise you that you have failed OR are currently failing critical element(s) entitled, *list element(s)* of your *year* PMAP

> *State background of what led up to the notification and PIP and include information on applicable counseling such as discussions with the employee, progress reviews, performance appraisals, within-grade increase denials, etc.*

FORMAT – to be completed for each failed/failing element

Critical Element # of your PMAP is *state element*. The Performance Measures for this element are: *state Performance Measures*. The following are examples of how your performance in this element does not meet the Performance Measures of this critical element and is considered unacceptable.

> *Provide specific, clearly stated, and documentable examples of the employee's performance deficiencies and explain why they do not meet the Performance Measures.*

This is also to advise you that you have # *(no less than 30)* calendar days from your receipt of this memorandum to improve your performance on this/these critical element(s) to an acceptable level. During this period you must:

COMPLETE the following for each failed element:

> *Tell employee exactly what improvement must be shown and/or give specific assignments to work on/complete during this period.*

> *Advise the employee what specific assistance will be provided to help the employee improve on the failed element. Example: We will meet* [state schedule or frequency] *to review your work and give feedback OR you are scheduled to attend* [identify time/date/place of training].

I will also be available to provide appropriate guidance or clarification on your Performance Measures and assignments, so please seek my assistance.

If your performance on this/these critical element(s) does not reach an acceptable level of performance as described in your current PMAP by *date*, I may propose you be removed from your position and from the Federal service or demoted based on unacceptable performance.

You may contact Labor and Employee Relations Branch, Workforce Relations Division on 301-827-4180, if you have any questions concerning the procedures applicable to putting a PIP in place.

Name of rating official

Attachment
    Year PMAP – Current

Receipt Acknowledgment
To acknowledge that you have received this notice, please sign and date in the space below (or – sign, date, and return this memorandum using the enclosed envelope). Your signature does not mean that you agree or disagree with this notice and, by signing you will not forfeit any rights to which you are entitled. Your failure to sign will not void the contents of this memorandum.

I acknowledge receipt of this memorandum:

_____   _____
Name of employee   Date

> *The statement above goes directly on a reproduced copy of the signed and dated original. Once the employee signs the acknowledgement, this copy should be forwarded to the Employee and Labor Relations Specialist for filing in the case file. If the employee declines to acknowledge his/her receipt of the document, the issuing official should annotate the reproduced copy, e.g., "Employee declined to sign acknowledgement of receipt of this document," and initial and date the annotation before forwarding the document to the Employee and Labor Relations Specialist.*

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Slides

Module 3 Objectives

- Identify managers' key responsibilities in managing performance.
- Distinguish between conduct and performance.
- Describe the components of the performance management cycle.
- Describe what creating a context for high performance means.
- Write effective performance expectations using the SMART criteria.

Module 3 Objectives

- Implement a decision-making tool for analyzing performance and closing performance gaps which includes the following steps:
  - ✓ Identify if performance is having a significant negative impact
  - ✓ Clearly communicate performance expectations to employees
  - ✓ Apply a process for recognizing positive performance
  - ✓ Give constructive feedback to employees regarding performance
  - ✓ Identify obstacles to employee performance and strategies for overcoming or minimizing the impact of obstacles
  - ✓ Identify strategies for developing employees
  - ✓ Determine if consequences are aligned with performance
  - ✓ Identify when more formal action is required and what steps to take.

Managers' Responsibilities

- Establish goals and other performance standards
- Plan and assign work
- Monitor and review completed work
- Measure progress toward established goals/standards
- Provide feedback to employees

Develop employees' skills

Coach and motivate employees

Take performance-based action

Evaluate overall work performance

Reward employees

The Fork in the Road
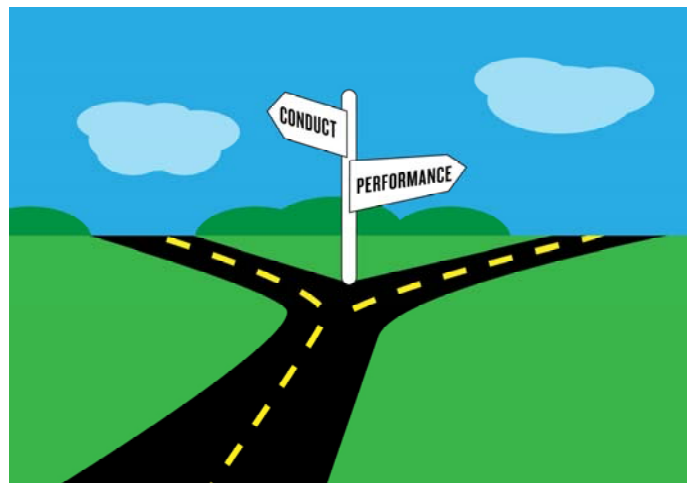
Misconduct

- Failure or refusal to follow workplace rules or supervisory instructions
- Basically involves an "I won't" situation
- Examples include tardiness, failure to complete assigned work projects, disrespect toward supervisor or coworker, using Government property for personal use, etc.

Types of Misconduct

Violations of:

- Agency regulations (e.g., misuse of Government property, leave abuse)
- Agency conduct standards (e.g., conflict of interest)
- General conduct standards (e.g., insubordination)

Poor Performance

- **Inability of the employee to perform the duties of a position at an acceptable level**

Mixed Cases

Sometimes

- Misconduct and poor performance occur simultaneously
- Misconduct leads to poor performance, or vice versa

Performance Management Cycle

Performance Analysis Framework
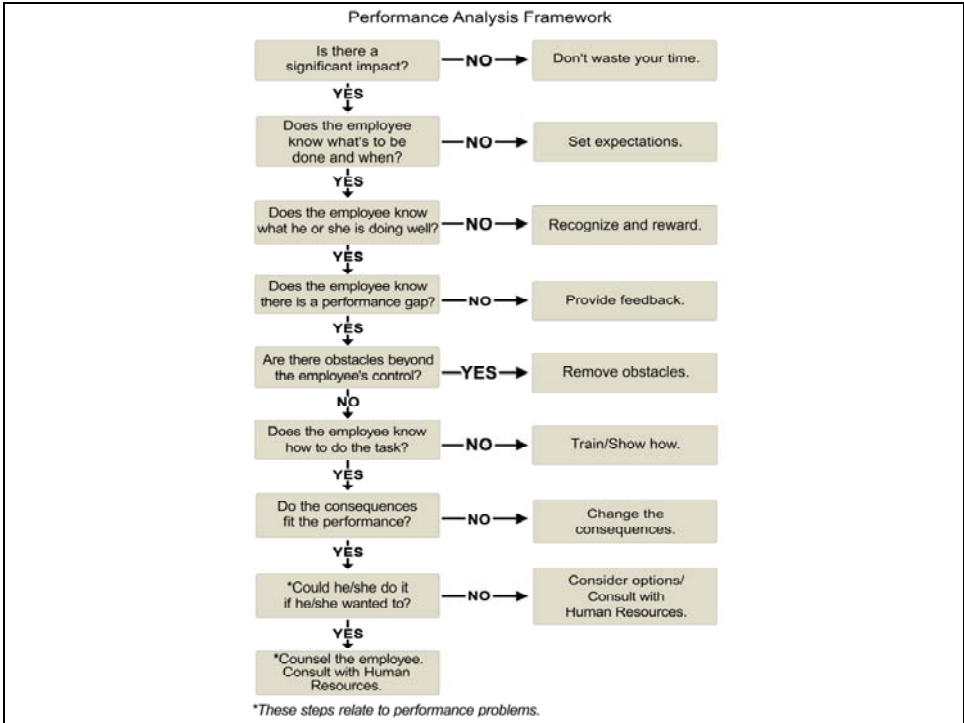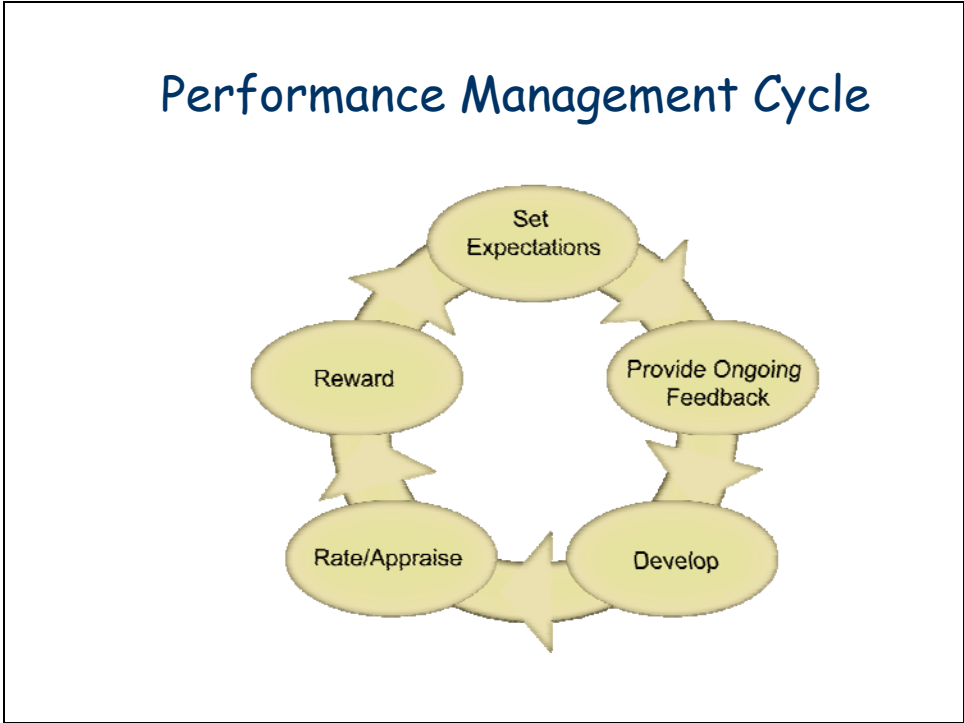
Activity

CASE OF THE SLIPPING PERFORMER

Setting the Context for Performance

Managers set the context by:

- Creating an environment that stimulates and supports manager and employee efforts toward achieving results.
- Balancing business results with human interactions
- Setting clear performance expectations

Creating the Environment

For employees to fully support the organization, they must first understand how their accountabilities fit into the larger context. This requires disciplined communication about:

- The whats, hows and whys of the two levels above them
- Your framework for interactions among the workgroup

From the Levinson Institute's "Executive and Organizational Development"

Creating the Environment, con't.

- Global Picture: background mission and major thrusts
- Bigger Picture: assignments that your boss has and his/her plan and "logic" for addressing them
- Immediate Picture: assignments that you have, along with your plan and "logic" for addressing them
- Teamworking Context: the main interactions likely to be required among workers

- From the Levinson Institute's "Executive and Organizational Development"

Balancing Business-Level and Human-Level Interactions

Establishing Performance Expectations

Setting achievable objectives and timeframes for individuals and groups to channel their efforts toward achieving work unit objectives

Characteristics of Performance Expectations

- Provide a foundation for all performance management activities
- Provide focus for the employee
- Are as specific and concrete as possible
- Are in writing and serve as a beneficial working document
- Are explicitly communicated to employees

Performance Analysis Framework

Question	Response	Action
Is there a significant impact?	NO →	Don't waste your time.
↓ YES		
Does the employee know what's to be done and when?	NO →	Set expectations.
↓ YES		
Does the employee know what he or she is doing well?	NO →	Recognize and reward.
↓ YES		
Does the employee know there is a performance gap?	NO →	Provide feedback.
↓ YES		
Are there obstacles beyond the employee's control?	YES →	Remove obstacles.
↓ NO		
Does the employee know how to do the task?	NO →	Train/Show how.
↓ YES		
Do the consequences fit the performance?	NO →	Change the consequences.
↓ YES		
*Could he/she do it if he/she wanted to?	NO →	Consider options/ Consult with Human Resources.
↓ YES		
*Counsel the employee. Consult with Human Resources.		

These steps relate to performance problems.

Decision Point #1

| #1
Is there a significant impact? | NO → | Don't waste your time. |

YES ↓

| #2
Does the employee know what's to be done and when? |

Determining a Performance Gap

- Observe or measure current performance
- Compare current performance with expectations and standards
- Develop a clear statement of the performance discrepancy

Expected Performance Level

Current Performance Level

Is there a discrepancy?

How extensive is it?

Questions To Determine Significance

- What would the negative consequence be?
- Has the negative consequence occurred or is it likely to occur?
- If it occurs once, are you willing to accept the consequences?

Decision Point #2
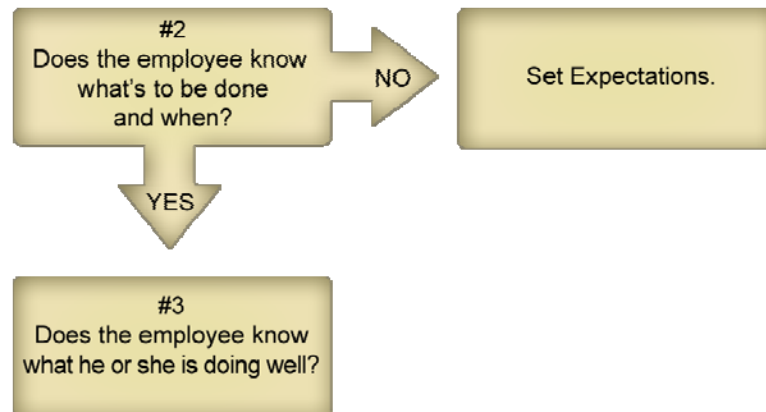
SMART Criteria

- **Specific**
- **Measurable**
- **Achievable**
- **Relevant**
- **Time-based**

SMART Example #1

- Develop high-quality training materials for performance management course to increase awareness of the program; conduct at least two training sessions during the appraisal period; receive a satisfactory score of at least 4 on a 5-level scale from at least 80 percent of attendees.

SMART Example #2

- Achieve 100% satisfaction rate on new process for coordinating health-related information; over the next 2 years, establish program for monitoring satisfaction levels; receive no complaints during implementation period

Decision Point #3

#3
Does the employee know what he or she is doing well?

NO → Recognize and reward.

YES

#4
Does the employee know there is a performance gap?
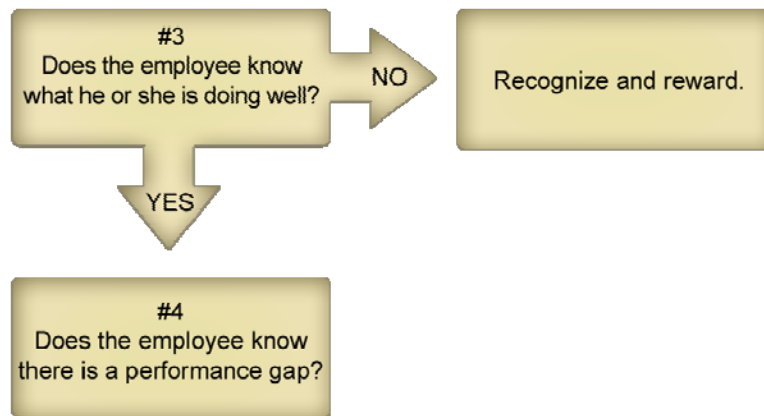
Recognizing and Rewarding Positive Performance

"You can expect to see the behaviors you reward."

– Michael LeBoeuf, GMP

"A pat on the back is only a few vertebrae removed from a kick in the pants, but it is miles ahead in results."

– Ella Wheeler Wilcox

Decision Point #4
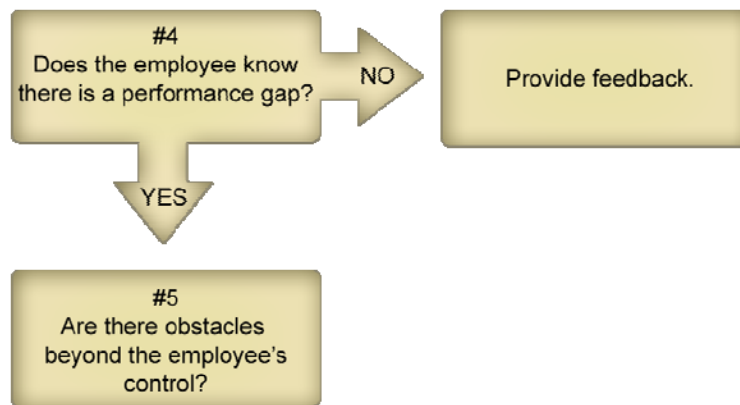
Withholding Feedback

Withholding feedback is like sending people out on a long and complicated hike without a compass

Characteristics of Effective Constructive Feedback

- Directed at something that can be changed
- Descriptive, not judgmental
- Specific
- Timely
- Private
- Accurate
- Checked with receiver for understanding

Action Steps for Giving Constructive Feedback

- State the positive purpose of your feedback
- Describe specifically what you have observed
- State the results or impact of the behavior or action you observed
- Ask the other person to respond,
- Focus the discussion on solutions,
- Show your support and set a follow up date to check progress

Decision Point #5

#5
Are there obstacles beyond the employee's control?

YES

Remove obstacles.

NO

#6
Does the employee know how to do the task?
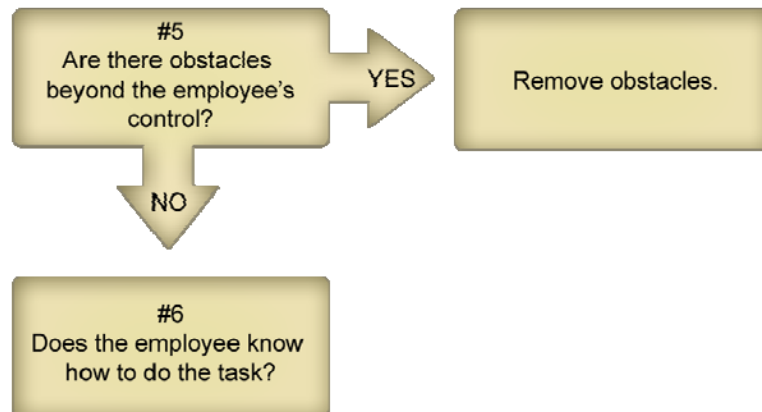
Strategies for Removing Obstacles

- Provide staff resources
- Use influencing skills to get needed tools, equipment, supplies
- Allow adequate time
- Provide necessary information
- Identify possible stressors
- Eliminate negative consequences
- Consider how you could be an obstacle
- Ask employee for solutions

Decision Point #6

#6
Does the employee know how to do the task?

NO → Train him/her; show him/her how.

YES

#7
Do the consequences fit the performance?
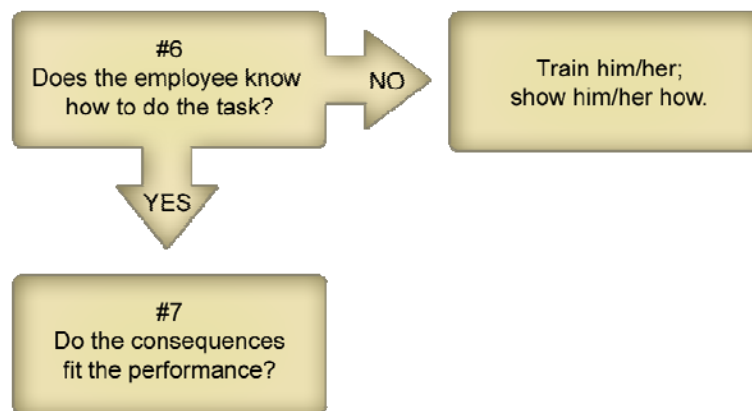
Developing Employees

"I've learned from my mistakes. I'm sure I could repeat them exactly."

– Peter Cook,
Frog and Peach

Guidelines for Providing On-the-Job Training

- Provide overview of task and its importance to work group and/or organization
- Describe what you expect employee should be able to do
- Start with general steps, then break into small pieces
- Demonstrate each step
- Allow ample practice
- Provide feedback and give additional instructions if needed

Developing Employees

· Available Assistance:
  - **Formal training**
  - **On-the-job training**
  - **Counseling**
  - **Professional Coaching**
  - **Peer Coaching**
  - **Mentoring**
  - **Closer supervision**
  - **Job rotations**
  - **Self-study**
  - **Special job assignment**
  - **Specific readings**
  - **Technology**

The Goals of Coaching/Mentoring

• To create awareness around your employee's developmental opportunities

• To convey faith that your employee has the capacity to succeed

• To instill confidence in the employee

• To ensure that the employee has the resources he/she needs to grow

Attributes of Successful Coaching/Mentoring

- Curious
- Open
- Present
- Timely and regular in feedback
- Focused and balanced in feedback
- Self-aware
- Studied

Critical Coaching Skills

- Observing

- Asking powerful questions
  - Replaces "telling," "directing," giving advice
  - "What" and "how"

- Offering grounded assessments (feedback)

- Listening -- without the filter of the coach's experience

- Creating momentum/managing the conversation

  - Offer ideas for homework
  - Keep the conversation fluid and alive
  - Offer suggestions (not telling them what to do) for their consideration "You might want to try…" or "You might want to look into _____ for further consideration." Provide with choices

The Practice Process

- Form pairs
- Complete two rounds of coaching
  - Each person has turn at role of coach and client
  - Each round involves:
    - 10 minutes of coaching for each round
      - Coach each other on real concern
      - Coaching vs. Telling
    - 3 minutes of feedback (positive and developmental)
      - What went well?
      - What would you do differently?

Decision Point #7

#7
Do the consequences
fit the performance?

NO

Change the
consequences.

YES

#8
Could they do it
if they wanted to?
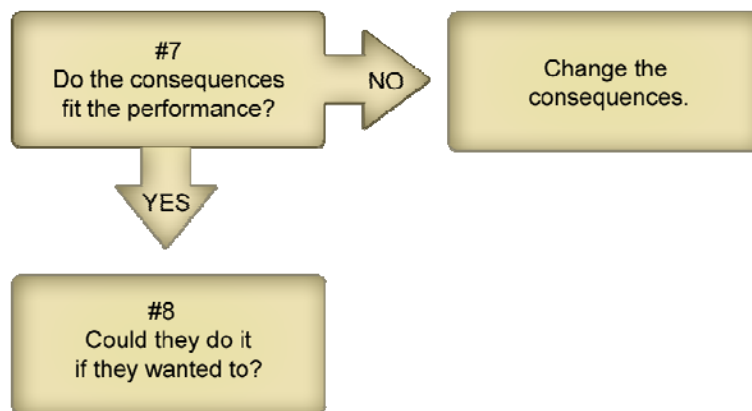
Questions To Determine Fit

- Are there negative consequences when the employee performs properly or appropriately?
- Are there positive consequences when the employee does not perform properly?
- Is the employee held accountable for performance? That is, are any consequences provided at all?

Decision Point #8

#8
Could the employee
do the job if
he/she wanted to?

NO

Consider options

Consult with
Human Resources

YES

*Counsel the employee.
Consult with Human
Resources.
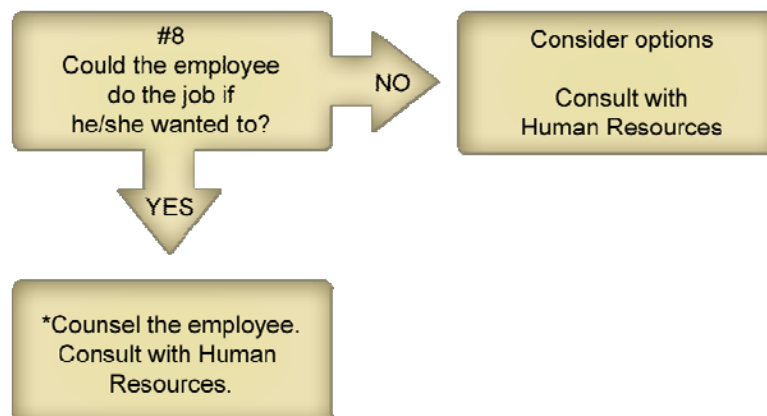
Overview – Poor Performance

- Intervention is key supervisory responsibility
- Challenging part of the supervisor's job
- Failure to address
  - Impacts the organization's ability to achieve its mission
  - Sends a clear message to other employees that poor performance will be tolerated
  - Usually gets worse over time
  - Rarely corrects itself without further action

Poor Performance Tenets

- **Identify correctly (vs. misconduct)**
- **Intervene early**
- **Communicate clearly to employee**
- **Identify specific performance expectations**
- **Explore possible causes of poor performance**
  - **Lack of training**
  - **Boredom**
  - **Lack of motivation**
  - **Employee 'burn out"**
  - **Personality conflicts**
  - **Personal problems**

PM – Poor Performance Formal Documentation Requirements

- Performance Improvement Plan (PIP)
    - Required at any time when overall rating would be "Unacceptable"
        - Any of the Critical Elements are "Unacceptable"
    - Contents
        - Identification of any specific element that would be rated as "Unacceptable"
        - Performance requirements that must be met
        - Specific assistance which should be provided to employee to improve performance
        - Specific period of time (window of opportunity) to demonstrate acceptable performance (usually 60-90 days)
        - Actions that will be taken if performance does not improve (removal, demotion)

Summary and Take Aways

- **Use performance tenets fairly**
- **Avoid tendencies to use personal biases to diagnose and appraise performance (e.g. first impression error, halo effect, horn effect, etc.)**
- **Early detection of performance will lead to more fair and meaningful appraisals**
- **Consider a variety of strategies for improving performance – one size does not fit all**

Module 4

Quality of Work Life
Participant Coursebook

Module 4: Quality of Work Life

Purpose   The purpose of this module is to identify the trends driving Quality of Work Life (QWL) initiatives as well as their purpose and the expected benefits derived from using these initiatives. Additionally, this module will explore the strategic considerations and approaches for implementing QWL initiatives, and roles for effective implementation.

Objectives   By the end of this module, you will be able to:

- Identify trends driving QWL initiatives.

- Clarify the three categories of QWL initiatives: workplace flexibility, family, and health and wellness.

- Identify strategic considerations and approaches when implementing QWL initiatives.

- Specify various roles for effective implementation.

- Describe the benefits of QWL initiatives in conjunction with work/life balance concerns.

Overview

Topic	Page
Overview of QWL	4-2
QWL Initiatives	4-3
Common Management Issues	4-6
Activity: QWL Consideration Discussion	4-7

Overview of QWL

Some Trends Driving QWL Initiatives

- Different generations of workers

- Variety of workforce needs and demands

- Competing work and personal needs, and greater desire to balance those needs

- Greater desire to "cocoon" or stay at home

- Importance of QWL initiatives on recruiting, retention, productivity, morale, and absenteeism

Purpose of QWL Initiatives

- To help employees successfully manage their professional and personal lives; and

- To raise awareness of the relationship between the employee's quality of work/life and his/her productivity, morale, recruitment, and retention.

QWL Initiatives

Categories of QWL Initiatives

The three categories of QWL Initiatives and examples of each are provided below:

- Workplace flexibility
    – Leave programs
    – Alternate work schedules
    – Telework*
    – Part-time work and job sharing
    – Others, including volunteerism and community involvement

- Family
    – Employee Assistance Program*
    – Child care
    – Others

- Health and wellness
    – Fitness programs/physical screenings
    – Health care flexible spending accounts
    – Voluntary leave transfer*
    – Others

* Covered in more detail on following pages

Telecommuting Eligibility

- The employee's work must be portable, i.e., can reasonably be completed at an alternate work station

- The supervisor must be able to evaluate the quantity and quality of the employee's work

- The employee's most recent rating must be, and continue at, the fully successful level or better

- The employee's type and length of appointment, and work schedule must be included as eligible to participate

- The employee must not require frequent input from others in order to perform tasks at the alternate work station

- The employee's absence from the official duty station must not unduly interrupt office operations.

QWL Initiatives
(Continued)

Telecommuting Eligibility *(continued)*

Telework is a Federal initiative beginning in Fiscal Year 2001 to respond to Section 359 of Public Law 106-346 which required that Federal agencies review existing telecommuting policies to reduce and eliminate barriers that inhibit the use of telecommuting and to increase program participation, establish eligibility criteria, and allow employees with satisfactory performance who meet the criteria to participate in the program.

Management officials may terminate involvement when eligibility requirements are no longer met.

HHS has specific guidance on its telecommuting program, which can be found in *HR Manual Instruction 990-1: Telecommuting Program Policy*.

Individual employee participation will be determined on a case-by-case basis: If telecommuting is denied, the employee will receive a written notice explaining reasons for denial/process for requesting reconsideration.

Employee Assistance Program

The Employee Assistance Program (EAP) provides counseling and other individual services to employees with work-related or personal problems. It is a free, voluntary, and confidential service, which:

- Provides short-term in-house professional help
- Works to improve the well-being of employees
- Provides assistance for alcohol, drug abuse, work-related, or family problems.

Contact with EAP is the employee's responsibility and is always voluntary. EAP can also offer assistance to offices in which employees are returning from long absences due to suspensions or other acts of misconduct, or for personal situations (e.g., death of a child). Employees will be held accountable for their work, performance, conduct, attendance, and any other deficiencies which may occur. However, if an employee uses the EAP, a reasonable amount of time may be allowed for him/her to demonstrate improvement in their deficiencies.

QWL Initiatives
(Continued)

Voluntary Leave Transfer Program

An employee may donate annual leave directly to another Federal employee (with the exception of the employee's supervisor) who has a personal or family medical emergency and who has exhausted his/her available paid leave.

Donated leave may be used only for a medical emergency.

There is no limit on the amount of donated annual leave a leave recipient may receive from one or multiple leave donors. However, any unused donated leave must be returned to the/multiple leave donor(s) when the medical emergency ends. In any leave year, an employee may not donate more than one-half of the amount of annual leave he/she would accrue during a leave year.

Common Management Issues

Roles and Responsibilities

- HR staff provides information on available programs, services, and resources.

- Employees may use available options to balance and enhance work and personal needs.

- Supervisors are responsible for managing individual and organizational needs, as well as informing employees of available programs and services.

Activity: QWL Consideration Discussion

Purpose: To discuss the benefits, challenges, and strategies for successfully implementing QWL initiatives

Instructions: Form three groups. Working with your group, discuss the following statements and be prepared to share responses with the larger group:

1. Identify the benefits that QWL flexibilities present to you as a supervisor.

2. Identify the challenges that QWL flexibilities present.

3. Develop strategies for coping with or overcoming identified challenges.

Time: 15 minutes

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Slides

Module 4 Objectives

- Identify trends driving QWL initiatives
- Clarify the three categories of QWL initiatives: workplace flexibility, family, and health and wellness
- Identify strategic considerations and approaches when implementing QWL initiatives
- Specify various roles for effective implementation
- Describe the benefits of QWL initiatives in conjunction with work/life balance concerns

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Trends Driving QWL Initiatives

- Different generations of workers
- Variety of workforce needs and demands
- Competing work and personal needs, and greater desire to balance those needs
- Greater desire to "cocoon" or stay at home
- Importance of QWL initiatives to recruiting, retention, productivity, morale, and absenteeism

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QWL Initiatives – Purpose

· **Help employees successfully manage their professional and personal lives**
· **Raise awareness of relationship between employee's quality of work/life and his/her productivity, morale, recruitment, and retention**

QWL Initiatives – Examples

· **Workplace flexibility**
  - **Leave programs**
  - **Alternate work schedules**
  - **Telework**
  - **Part-time work and job sharing**
· **Family**
  - **Child care + Elder care**
· **Health and wellness**
  - **Fitness programs/physical screenings**
  - **Employee Assistance Program (EAP)**
  - **Health care flexible spending accounts**
  - **Voluntary leave transfer**

Alternate Work Arrangements

- **Alternate work sites**
  - **Allow flexibility in scheduling work**
  - **Provide qualified employees an opportunity to perform duties away from the office**
- **Telecommuting**
  - **Various options available**
    - **Working at home**
    - **Working at designated telecenters**

Telecommuting Eligibility

- **Employee's work must be portable, i.e., can reasonably be completed at an alternate work station**
- **Supervisor must be able to evaluate quantity and quality of employee's work**
- **Employee's most recent rating must be, and continue at, the fully successful level or better**
- **Employee's type and length of appointment, and work schedule must be included as eligible to participate**

Telecommuting Eligibility (continued)

- Employee must not require frequent input from others to perform tasks at alternate work station
- Employee's absence from official duty station must not unduly interrupt office operations
- Management officials may terminate involvement when eligibility requirements are no longer met
- Individual employee participation will be determined on a case-by-case basis
  - If denied, employee will receive a written notice explaining reasons for denial/process for requesting reconsideration

Voluntary Leave Transfer Program

- Allows employees to donate leave to a central bank or an individual for sick leave use
- Involves donating annual, rather than sick, leave

Recent Study Results

- 2007 Monster WorkLife Balance Survey
  - 89% said work/life balance programs are important when evaluating a new job
  - Generation X and Y value work/life balance more
  - 75% believe work/life initiatives result in more loyal, efficient employees

Recent Study Results (continued)

- Decline in sacrificing for work
  - "Reduced Aspirations" – Family and Work Institute studied trends from 1992–2002
    - Percentage of men who desire to ascend down from 68% to 52%
    - Percentage of women who desire to ascend down from 57% to 36%
  - Not just X and Y'ers
    - 67% of top 200 leaders in top 10 companies are plateauing!

Roles and Responsibilities

- HR staff – provides information on available programs, services, and resources
- Employees – use available options to balance and meet work and personal needs
- Supervisors – manage individual and organizational needs; inform employees of available programs and services

QWL Considerations

- Employees want: options, balanced work/life, ability to manage personal needs, to work for an organization that cares about them
- Supervisors/Organizations want: options to help employees meet their needs; high individual and organizational performance and elimination of barriers preventing good performance; good attendance, attitude, and commitment to office; a good reputation to attract employees; strong retention

Take-Aways

- Follow and consistently apply rules
- Don't use QWL initiatives to bend rules to accommodate employees' needs in lieu of promotions, monetary awards, etc.
- Violation of QWL rules and regulations can lead to hostile work environment

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The Employee Assistance Program:
A Tool for Managers

FEDERAL OCCUPATIONAL HEALTH   U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Objectives

- Learn EAP parameters for employees
- Discover how the EAP effectively supports managers and organizational productivity

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The Employee Assistance Program: A Definition

Worksite-based, confidential assessment, referral and short-term consultative service for any personal problem that has a negative impact on work performance

Employees can refer themselves, or can be referred either formally or informally by management, although participation in the program is completely voluntary

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Perspectives: Historical Roots of EAPs

- 1940s: Employers noticed productivity went down after lunch…out of which developed occupational alcohol programs

- 1970s: Scope of EAPs expanded to include any life stressors; number of programs increased dramatically; and counseling resources, such as EAPs, were mandated in the federal government

- Laws and regulations assure confidentiality between employee and counselor, as well as privacy of records

- Designed to help both the employee <u>and</u> the organization

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Perspectives: The Business Case for EAPs

- Study of more than 60,000 cases: Employee absenteeism reduced from 2.37 days of tardy or unscheduled absences in prior 30 day period before using EAP to .91 day after EAP use

- Typical return on investment (ROI) is $3 or more for ever $1 invested

Employee Assistance Society of North America (2009). *The Value of Employee Assistance Programs.* Available online from http://www.easna.org.

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The Facts:
EAP as an Employee Resource

- Emotional reactions
- Stress
- Troubled relationships
- Anxiety or depression
- Grief
- Workplace problems
- Alcohol and drug abuse
- Parenting concerns
- "Sandwich generation" issues

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What Federal Employees Can Expect

- Highly qualified, licensed professionals
- Private in-person meetings – onsite or offsite
- Clinical assessment & problem clarification
- Identification of options and development of a plan
- Short-term counseling and/or crisis intervention
- Referral to appropriate resource if needed
- Follow-up
- Confidentiality in accordance with federal and state laws

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Legal and Financial Consultation

- Telephonic connection for legal and financial advice
- Local in-person attorney services
- Will preparation
- Online legal services
- Identity theft solutions
- Family budgeting/financial planning
- Savings and investment strategies
- Determining amount needed to retire comfortably
- Identifying a local financial planner
- Selecting which credit card to pay off first

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The Facts:
EAP as a Managerial Resource

- The use of the EAP as a counseling resource for employees is often recognized

- Less understood is the fact that EAP is also designed as an organizational resource, where supervisors and managers can access coaching and consultation services

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Consultation, Coaching, & Group Services

- 24/7 management consultations and coaching on workplace behavioral issues, including how to refer an employee to the EAP
- Assistance with organizational changes that may affect employees' well-being
- Crisis response services, e.g. death of an employee, large-scale natural disasters
- EAP orientations and health& wellness presentations for offices and agencies
- Supervisor training

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Strategies to Encourage Employee Use of the EAP

- Dispel ignorance about the EAP – Communicate your new understanding of the program
- Inform employees – Encourage them to view the orientation on the EAP website
- Meet the local counselor - Invite the counselor to a staff meeting to do a brief EAP orientation
- Have materials on hand and posted in the workplace
- Allow employees time for EAP appointments - You may confirm their attendance if they use work time

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Strategies for Managers' Use of the EAP

- Use the EAP counselor as a management coach to practice more effective ways of communicating in conflict situations

- Consult with the local counselor to develop a comprehensive plan that encompasses how the counselor can provide a range of services to you, your employees, and the office or agency as a whole

- Request a supervisor training session from the FOH EAP, where you and other managers and supervisors can meet, discuss, and practice strategies to enhance the ability to stay calm and reasonable in the face of challenging interpersonal situations in the workplace

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The Employee Assistance Program: Available 24/7, 365 Days a Year

1-800-222-0364

1-888-262-7848 (TTY)

www.FOH4You.com

Created by Congress in 1946, FOH is the largest provider of occupational safety and health within the federal government.

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HANDOUTS

The Value of Employee Assistance Programs

Employee Assistance Programs (EAPs) are employer- or group-sponsored programs that are designed to alleviate workplace issues due to mental health, substance abuse, personal problems, and workplace issues.[1] These programs strive to improve employee productivity and organizational performance. EAPs are also called employee and family assistance programs (EFAPs) or member assistance programs (MAPs). EAPs have become widely adopted by businesses in the last 25 years, as the number of organizations with an EAP has gone from 31% in 1985 to 75% in 2009.[2,3]

EMPLOYEE SUPPORT – EAPs Provide No-Cost Counseling for Employees and Their Family Members

- **Behavioral Health Needs Unmet.** About 1 in 4 adults in the U.S. and Canada has symptoms of a mental health disorder,[4,5] a substance abuse disorder,[6,7] or both.[8,9] Over 75% of the people with these behavioral health disorders are employed. Sadly, most do not get care for the problem, often due to fears of social stigma, an inability to afford care, or lack of access to a provider.[10,11] But with an EAP, workers with such issues can talk confidentially (either by phone or office visits) with a licensed mental health professional at no cost and often with little delay. Lately the recession has increased the use of the EAP for assistance with family financial issues.[12]

- **Referral and Follow-up for Severe Cases.** Employees with more serious problems are referred by the EAP to other providers for longer-term mental health treatment, for substance abuse specialty support and/or for psychiatric medications. Many of these "at-risk" individuals are prone to create significant costs if not treated.[13] A benefit of being referred from the EAP is that such cases are more likely to continue treatment because of knowing what to expect from the process and from the follow-up support from the EAP.

HEALTHY WORKPLACES – EAPs Provide Behavioral Health Consultation to the Organization

- **Organizational Risk and Employee Wellness**. EAPs can also intervene in the workplace directly through offering educational campaigns for all employees, group-level interventions for work teams, and problem-specific coaching for individual managers.[14] The EAP can work with leadership, human resources, work/life and wellness programs to raise awareness of mental health issues and to help identify unhealthy workplace practices.[15] The EAP can play role in motivating and supporting people in their personal wellness goals and in reducing stress which causes health problems. EAPs also support organizations to prepare for - and respond to - traumatic workplace incidents, such as violence, crimes, deaths, and disasters.[16] Providing psychological first aid is a specialty of most EAPs.[17]

- **Disability and Chronic Disease.** Mental health disorders are now the fastest-growing and most costly kind of health disability in Canada.[18] Between 10% and 40% of people with the costliest chronic conditions (e.g., diabetes, hypertension, pain, heart disease) also have depression.[19] This high level of comorbidity presents opportunities for the EAP to collaborate more with primary care doctors, disease management programs, and disability case management to assist with mental health related issues.[20]

BUSINESS VALUE – EAPs Support Worker Productivity and Reduce Business Costs

- **Work Performance Focus.** A focus on work performance is one of the components of the "core technology" that guides the EAP profession.[21] Research shows that employees who use EAPs often experience positive changes in their work performance, such as having fewer days late or absent, higher levels of work productivity, and improved work team relations.[22,23,24] For example, a study of over 60,000 cases found that employee absenteeism was reduced from an average of 2.37 days of unscheduled absences or tardy days in the prior 30-day period before using the EAP to only 0.91 days after completing use of the EAP.[25]

- **Cost Savings.** Dozens of applied studies have demonstrated that EAP services can produce positive returns for purchasers in direct cost savings from reduced medical, disability, and workers' compensation claims and even more savings from reducing indirect business cost losses related to poor work performance.[26,27] The typical ROI is $3 or more for every $1 dollar invested in the EAP.[28] According to the *National Business Group on Health*, "a well-run EAP will provide a positive return on investment" (2008, p. 8).[29]

BETTER MENTAL HEALTH – EAPs Restore Hope for Troubling Situations

- **Each Person is Unique.** The real value of EAP is found in each person's story of why they used the service. Every client has a unique and stressful circumstance that causes him or her to reach out for assistance. Getting support from an EAP counselor usually brings relief and offers practical resources to resolve the problem. And in so doing, it also gives one confidence to do what is needed.

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Employee Assistance Society of North America

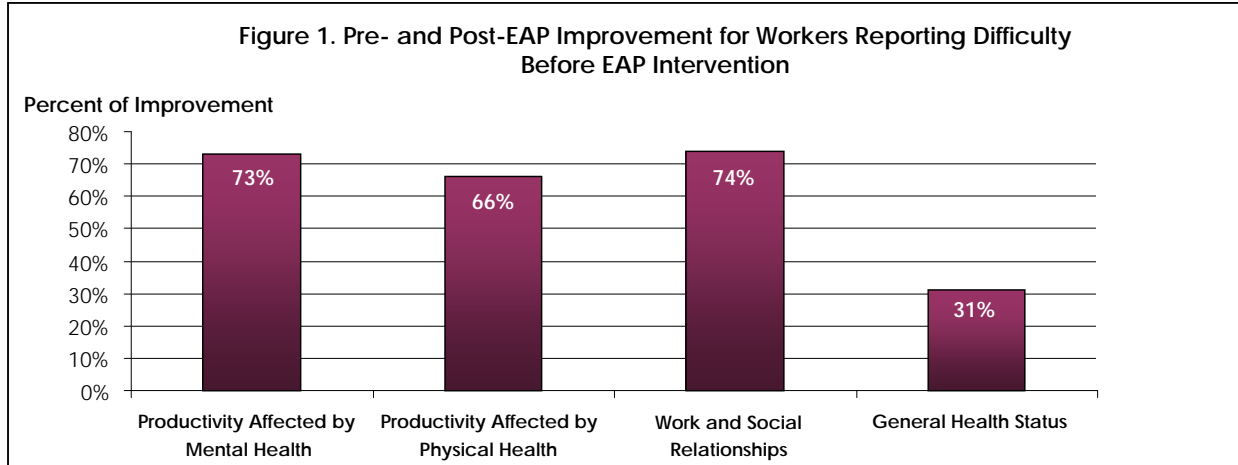# The EAP Impacts Absenteeism and Presenteeism: The "Hard Data"

Could you use some help getting your employees to show up on time at the office? Would you like to have your employees fully engaged in the work on their desks or workroom instead of gazing off thinking about the stress in their marriage or whether the kids are okay at school? The EAP can help.

The FOH EAP gathered data from almost 60,000 clients and analyzed the extent of the EAP client's improvement in major outcome areas relevant to workplace performance and overall health and functioning. Data were collected over a three-year period using a standardized procedure that involved validated self-report instruments and counselor-assessed measures.

Of the six outcome areas surveyed, two gauged work productivity, one absenteeism/tardiness, one work and social relationships. One outcome area gauged perceived health status and one addressed general life functioning. Improvements from when the client began the EAP counseling sessions until concluding the sessions were strong in each of the six areas surveyed. (See Table 1 and Figure 1 for more information.)

Table 1 Summary of EAP Client Improvement				
Outcome Area	**Definition of Deficit Level**	**Pre-EAP**	**Post-EAP**	**% Change Improved**
Productivity Affected by Mental Health	Rating of "extreme difficulty" or "quite a bit of difficulty" doing work	30%	8%	73%
Productivity Affected by Physical Health	Rating of "could not do work" or "quite a bit of difficulty" doing work	15%	5%	66%
Work and Social Relationships	Rating of "extreme" or "quite a bit of interference" in social & work relationships	31%	8%	74%
General Health Status	Rating of "poor" or "fair" perception of own health status	16%	11%	31%
Unscheduled Absences or Tardy from Work	Average number of days in past 30 days	2.37	0.91	62%

FOH found that the number of people who reported having a lot of difficulty performing work before beginning the EAP was reduced significantly after concluding EAP sessions. Those who reported little or no difficulty performing work increased greatly after using EAP. The clients' perception of their own health status increased after using the EAP, even though the EAP does not directly address physical health issues.

Figure 1. Pre- and Post-EAP Improvement for Workers Reporting Difficulty Before EAP Intervention

Percent of Improvement

Category	Improvement
Productivity Affected by Mental Health	73%
Productivity Affected by Physical Health	66%
Work and Social Relationships	74%
General Health Status	31%

Probably of greatest interest is the reduction in unscheduled absenteeism and tardiness after using the EAP. When beginning EAP counseling, clients reported an average of **2.37 days** of unscheduled absences or tardiness in the prior 30 days. After the end of EAP sessions, clients reported being unexpectedly absent or tardy an average of **.91 days** in the previous 30 days. This represents a 62 percent drop in average lost time away from work. (See Figure 2.)

Figure 2. Unscheduled Absenteeism and Tardiness

30 Days Before EAP	2.37
30 Days After EAP	0.91
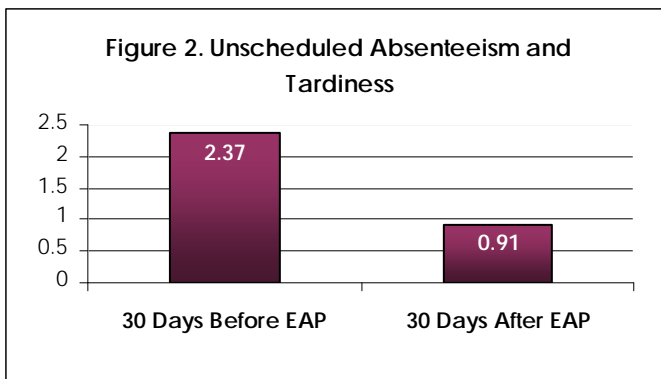
The FOH EAP offers both qualitative experience *and* quantitative data that supports the strong personal and productivity impact of the FOH EAP, leading to a substantial return on investment for the federal employer.

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Frequently Asked Questions

Who can use this service?
This service is available to you, your household members, and dependents.

Is there a charge for this service?
No. This is a benefit offered at no charge to you by your agency. However, if you are referred to a resource outside of the Financial Services program, there may be charges for which you will be responsible

When can I call for financial advice?
Our financial consultants are available during regular business hours. However, you can call the EAP toll-free number any time, day or night, and the EAP representative will assist you with arranging a consultation.

How often can I call?
You can call as many times as you need to until your questions are answered or your problems are resolved.

What kind of information will I receive?
The program offers practical financial information and financial planning tools. When available, relevant material can be sent to you via fax, email, or US mail. If your issue involves debt management, you will be referred to a consumer credit counseling service. The Financial Services program does not arrange for loans or direct payment of bills.

Will the representative recommend or endorse specific programs or financial products?
No. You will be given information that will help you evaluate your options and make sound financial and consumer decisions. The responsibility for making those decisions lies solely with you.

Call your EAP today to learn more about our Financial Services program.

Federal Occupational Health
U.S. Department of Health and Human Services

EAP
Employee Assistance Program

Financial *Services*

Helping **You** Achieve Financial Success

FOH Federal Occupational Health

Sound information and financial planning are critical to achieving financial success. To help you obtain financial security, your Employee Assistance Program (EAP) offers the Financial Services program. Designed to provide you with the help you need to reach your financial goals, the EAP's Financial Services program provides objective, targeted information on a wide range of issues.

Our financial consultants will help you identify your needs and explore your options on a variety of topics including:

- Should you buy or lease your next car
- Selecting which credit card to pay off first
- Family budgeting
- College planning
- Buying a home
- Setting your financial goals
- Debt consolidation
- Savings and investment strategies
- Determining how much you will need to save to retire comfortably
- How to identify a financial planner in your community

The Financial Services program is a free benefit offered to you by your agency. To learn more, simply call your EAP toll-free number at **1 800 222 0364 (1 888 262 7848 TTY)**. Or, visit our web site at **www.FOH4You.com** where you will find information and resources on a wide variety of topics.

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www.FOH4You.com

Frequently Asked Questions

Who can use the Legal Services program?

This service is offered as a benefit to you, your household members, and dependents.

Is there a charge for legal consultation?

The consultation is offered at no charge. If it is determined that you need additional services from an attorney beyond the initial free consultation, the continued services will be offered at discounted rates. It is recommended that you get a written statement for the cost of an office consultation or services in advance.

Is the service confidential?

Yes. All communications regarding legal concerns are confidential, except where disclosure is required by law.

Are there any restrictions?

Yes. The Legal Services program does not provide advice on issues regarding the EAP, its employees, or other providers or attorneys associated with the program, or on matters relating to your job. The Legal Services Program does not provide advice on any matter that is frivolous, harassing, or otherwise a violation of ethical rules. Also, legal referrals provided are not endorsements or recommendations of any specific attorney or law firm. The responsibility for selecting and employing an attorney lies solely with you.

Call your **EAP** today to learn more about our **Legal Services** program.

Federal Occupational Health
U.S. Department of Health and Human Services

EAP
Employee Assistance Program

Legal *Services*

FOH Federal Occuptional Health

Occasionally, you may face a legal situation or have a question on a legal issue that you'd like to discuss with an attorney. Your Employee Assistance Program (EAP), offered by Federal Occupational Health (FOH), is here to help. We provide consultation and referral services for a wide range of legal issues.

You can easily access this legal service by calling your EAP toll-free at **1 800 222 0364 (1 888 262 7848 TTY).** Or, visit our web site at **www.FOH4You. com** where you will find information and resources on a wide variety of topics.

Discounted rates for additional services and office visits with a participating attorney are available.

The EAP's Legal Services can help with:
- Healthcare power of attorney
- Living wills
- Housing or real estate matters
- Estate planning
- Family law, divorce, child custody, child support
- Car accidents and related matters
- Identity theft
- Consumer concerns
- Criminal matters
- Small claims court issues
- Traffic violations

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Module 5

Leave Administration

Participant Coursebook

Module 5: Leave Administration

Purpose   The purpose of this module is to introduce you to the principles involved in establishing and approving employees' work schedule and leave.

Objectives   By the end of this module, you will be able to:

- Describe the supervisor's rights and responsibilities related to leave administration.

- Identify common types of leave.

- Discuss indicators and appropriate steps to take in leave abuse situations.

- Describe typical hours of work and characteristics of flexible and compressed work schedules.

- Compare and contrast overtime, compensatory time, and credit hours.

Overview

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Hours of Work	5-16
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Activity: Leave Administration Case Studies

Purpose: To provide experience in applying the rules associated with the various types of leave available to employees

Instructions: Working with your table group, answer the following questions as they pertain to the four situations below.

Time: 20 minutes

Situation 1

You successfully set up a project team last year. You are working on a new development related to a high priority project that must be completed before December 31 of this year. On October 1, Employee J puts in a leave slip requesting 80 hours of "use or lose" leave to be taken during November.

You approve his request for leave.

When November approaches, you see that if Employee J takes that time off, the project will not be completed on time. You explain the situation and tell Employee J that you must now disapprove the request. Employee J says, "This isn't fair; I will lose my leave."

Question: What do you tell Employee J?

Situation 2

An employee fails to call in and request leave, but is absent from work. You charge the employee with AWOL. The employee states that you're wrong. The employee thought that, since he didn't have any leave balance remaining, he would just be placed on LWOP and receive no pay for the time not worked.

Question: How do you respond?

Activity: Leave Administration Case Studies
(Continued)

Situation 3

Employee H calls in on a Tuesday morning early in January, very distraught. Her mother has taken ill suddenly and she has to stay with her in the hospital, meet the doctors, and make medical decisions and other arrangements. She anticipates she'll be out the rest of the week. You know that she hasn't taken any leave yet this year. She requests leave but isn't sure what type to request. She asks if she has to take annual leave or if she can take sick leave.

Question: How do you advise her?

Situation 4

At the end of February, you notice a trend. One of your employees has been coming in 3 hours late every Monday all month and requesting sick leave for the absence, which you have been approving. Maybe she's discouraged and de-motivated because her project has not been going well. Maybe she has personal problems. You talked to her once and her only explanation was that she has a terrible cold she can't shake. She still works hard and puts in well over 40 hours a week, but you really need her there on Monday mornings. After another 2 weeks of the same behavior, you decide you have to get tough about her sick leave.

Question: What options do you have for responding to this situation?

Situation 5

Employee X has been with the agency for two years and has 10 hours of SL and 20 hours of AL at the end of November. There are 2 pay periods remaining in the leave year. The employee asked for advanced annual leave because they want to take a 2 week cruise that is already scheduled.

How would you advise this employee?

Situation 6

Employee has 20 hours of SL and 20 hours of AL and 10 Credit Hours at the end of November. There are 2 pay period remaining in the leave year.   The employee is having a medical procedure and needs to be off until the beginning of the year. The prognosis is good for them to return.

How would you advise this employee?

Management's Responsibilities and Rights

Introduction

Supervisors should manage approved leave, other absences, and work schedules so that offices are properly staffed during the normal business day and basic work week (8:30 a.m. to 5:00 p.m., Monday through Friday). This includes:

- Informing employees of the procedures for requesting and using leave and ensuring employees adhere to work schedules.

- Coordinating leave schedules.

- Rescheduling approved annual leave when employees are prevented from using their annual leave because of illness or special business needs. Generally, leave must be rescheduled for use prior to the end of the leave year.

Supervisor Roles and Responsibilities

Employees must obtain approval from their supervisors in advance for any leave, except when absences cannot be planned or approved in advance due to an emergency or incapacity for duty.

Supervisors should follow and ensure that employees follow the leave requirements and procedures as addressed in their specific Collective Bargaining Agreement/Master Labor Agreement.

Generally speaking, annual leave requested in advance will be granted except when the supervisor determines that operational needs or requirements would preclude granting the leave. The leave-approving official should request an advance schedule for annual leave for periods of high annual leave usage.

Supervisors are required to maintain a record of each employee's home address, telephone number, and emergency contacts. There is no standard form for this information. Be sure to inform an alternate supervisor or emergency coordinator of the location of this information.

Supervisors must work out differences in employees' requests for leave.

Leave must be charged to the appropriate leave category.

Management's Responsibilities and Rights
(Continued)

Supervisor Roles and Responsibilities *(continued)*

Supervisors are also responsible for ensuring that leave is administered on a uniform and equitable basis and for allowing adjustments to work schedules as appropriate. This may include:

- Requiring that employees submit planned vacation and holiday leave requests well in advance

- Determining when flexible work schedules will be temporarily changed to meet special requirements.

Supervisors are required to take action when they determine that an employee is abusing leave.

Leave Approval

Employees must identify whether they are requesting annual leave (AL), sick leave (SL), credit hour (CH), or compensatory time (CT) or leave without pay (LWOP).

Supervisors may not place employees on AL, SL, or LWOP. The only types of leave that supervisors may place employees on are absence without leave (AWOL) and administrative leave.

Types of Leave/Leave Situations

Types of Leave

- Annual leave
- Sick leave

    – Sick leave to care for family member or for bereavement (Family Friendly Leave Act [Public Law 204-388])

- Leave without Pay (to include the Family and Medical Leave Act)
- Absence without Leave (AWOL)
- Excused absence (administrative absence)
- Court leave
- Military leave
- Holiday leave

Annual Leave

First-line supervisors can grant or deny annual leave.

The leave is earned in 4 (initial appointment)-, 6 (3 years)-, or 8 (15 years)-hour increments and charged in ¼-hour, ½-hour, or hour increments as determined by some OPDIVs for full-time employees. It is prorated for employee on part-time work schedules.

Annual leave is allowed a maximum carryover of 240 hours or 360 for overseas.

NOTE: The initial appointment is 4 hours.   Selecting officials can request Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service.   This is available if the selectee has experience (i.e. Commission Corps) that is comparable to the selected position. This **must** be approved prior to the entering on duty date.

Sick Leave

Sick leave may be used for medical, dental, or optical exams or treatment; incapacitation for duty due to physical or mental illness, injury, pregnancy, or childbirth; adoption; or communicable disease when health authorities or a healthcare provider determines the employee would spread the illness and affect the health of coworkers.

It is earned at the rate of 4 hours per pay period for full-time employees or 1 hour for every 20 hours in a pay status for part-time employees.

For preplanned medical appointments, sick leave should be requested in advance.

Medical certification is required if the absence lasts longer than 3 days or for a lesser period if the leave-approving official has reason to believe that the employee is not entitled to sick leave.

Leave is charged in ¼-hour increments.

There is no limit to the amount of sick leave that can be accumulated and carried over each year.

Sick Leave – Family Friendly Leave

The Family Friendly Leave Act allows the use of sick leave (up to a maximum of 13 calendar days, or 104 hours) for:

- Arrangements for, and attendance at, a funeral for a family member

- Care of a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy or childbirth, or who is receiving medical, dental, or optical examination or treatment.

  "Family member" includes spouses and their parents; children (including adopted children) and their spouses, parents, siblings and their spouses; and anyone related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

- Government-wide rules changed in 2000 to allow employees to use a total of up to 12 administrative weeks or 480 hours of accrued sick leave each year to care for a family member with a serious health condition. If an employee previously used any portion of the 104 hours of sick leave allowed for family care/bereavement purposes as noted above, the amount used must be subtracted from the 480 hours allowed for a serious health condition.

- Sick leave and sick leave for family care purposes may be requested through the automated Integrated Time and Attendance System (ITAS) or other automated timekeeping system... Sick leave to care for a family member with a serious health condition must be requested on the OPM Form-71 leave request form or in another written format, and must be accompanied by the appropriate medical certification. This form and medical certification must be submitted within 15 calendar days of the Agency's request for such documentation. The supervisor should request in writing that the employee provide the medical certification.

Types of Leave/Leave Situations
(Continued)

Leave Without Pay

Leave without pay is a temporary, unpaid leave granted at an employee's request.

There is no law or regulation governing the maximum amount of leave without pay that may be granted.

- In HHS, the first-line supervisor generally has delegated authority to approve an employee's request for leave without pay for up to 10 consecutive working days. The supervisor should forward requests for more than 10 consecutive working days to his/her supervisor for approval.

- HHS will typically not authorize leave without pay for more than 1 year.

Authorization for LWOP is normally at the discretion of the leave-approving official. Among other reasons, requests may be denied if workload requirements or coverage needs preclude granting the leave for the time requested. However, LWOP **must** be granted when it is requested for the Family and Medical Leave Act (FMLA); Workers' Compensation; medical treatment for disabled veterans; or military training for a reservist or National Guard member.

Before requesting LWOP, employees should consult their servicing HR Specialist concerning its potential effect on tenure, Within Grade Increases, retirement, health benefits, and other benefits.

Family and Medical Leave Act (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) entitles employees to up to 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

- The birth of a son or daughter of the employee and the care of such son or daughter;

- The placement of a child with the employee for adoption or foster care;

- The care for an employee's family member who has a serious health problem; and

- A serious health condition of the employee that leaves him/her unable to perform the essential functions of his/her position.

Employees serving under temporary appointments with a time limit of 1 year or less are not entitled to leave under this Act.

An employee who meets the conditions of the FMLA and invokes it may elect to substitute annual or sick leave, if sick leave is appropriate, for the unpaid leave. Compensatory time off may not be substituted for the LWOP used for a FMLA event.

Types of Leave/Leave Situations
(Continued)

Absence Without Leave (AWOL)

Absence without leave, or AWOL, occurs when an employee's absence is not pre-approved or if the employee is absent from work when his/her request for leave was disapproved.

It places the employee in an unexcused absence status in which he/she is not paid.

Designating an absence as AWOL is not a disciplinary action; however, disciplinary action may be taken when appropriate.

Excused Absences

An excused absence is an administratively authorized absence from duty without loss of pay or charge to leave.

HHS first-line supervisors may excuse an absence of up to 59 minutes and second-line supervisors may excuse up to 8 hours. Beyond 8 hours, an excused absence must be approved by Center/Office Directors or Regional Administrators.

Excused absences by an HHS first-line supervisor may be granted for:

- Public interest reasons as determined by the Agency, such as:

  – Blood donation programs sponsored or endorsed by the Agency

  – Bone marrow or organ donor leave programs which create eligibility for leave in addition to annual and sick leave

    ▪ For bone marrow donation, employees may use up to an additional 7 workdays of paid administrative leave each calendar year

    ▪ For organ donation, employees may use up to an additional 30 workdays of paid administrative leave each calendar year.

  – Voting, when polls are not open at least 3 hours before an employee's arrival time or after an employee's usual departure time

- Circumstances beyond the employee's control, such as:

  – Major disruptions in public transportation
  – Inclement weather.

Types of Leave/Leave Situations
(Continued)

Court Leave

Court leave is authorized absence from work, without loss of pay or charge to leave, when an employee is summoned:

- For jury duty

- To serve in an unofficial capacity as a witness for State or local government

- To serve in an unofficial capacity as a witness for a private party when the Federal, District of Columbia, State, or local government is either the plaintiff or the defendant.

Court leave is not authorized if the employee is a plaintiff, defendant, or witness in a solely private litigation.

If an employee is a witness in his/her official job capacity, court leave would not be necessary; the employee would remain in an official duty status.

Employees must promptly submit a copy of the summons for jury duty or witness service, or other appropriate documentation, to their leave-approving officials and provide as much advance notice as possible of the impending absence.

At the completion of the service, employees must submit written proof of attendance that show the dates (and hours if less than 1 full day) served.

Employees may keep expense money received for mileage, parking, or required overnight stays. Monies received for performing jury duty as indicated on a pay voucher or check should be annotated with the comment "fees for services rendered" and submitted to the Agency's finance office.

Military Leave

Military leave is absence with pay for active duty or training with the National Guard or a military reserve organization. Part-time permanent employees accrue military leave on a pro-rated basis.

- Military leave is accrued on a fiscal year basis and permits an employee to carry up to 15 days of leave from one fiscal year into the next.

- The maximum balance of military leave is 30 days.

Types of Leave/Leave Situations
(Continued)

Military Leave (continued)

- The minimum charge to leave is 1 hour.

- A "contingency operation" is a military operation that (a) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (b) results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, 12301(a), 12302, 12304, 12305, or 12406 of title 10, U.S.C., chapter 15 of title 10, U.S.C., or any other provision of law during a war or a national emergency declared by the President or Congress.

Holiday Leave

Holiday leave is time off, without charge to leave or loss of pay, for holidays designated by Federal law or Executive Order. HHS recognizes the 10 official Federal Government holidays (11 in Washington, D.C., area).

For employees on a flexible 9½-hour or 10½-hour work schedule, holidays may require that employees request leave. For example:

- Since holidays are only credited with 8 hours, employees on 9½- or 10½-hour flexible work schedules may have to take an hour or two of annual leave. To avoid taking leave, an employee on the 9½-hour flexible schedule may request to change his or her 8½-hour day to the holiday.

- If the holiday falls on an employee's non-work day, the preceding work day will be the designated "in lieu of" holiday. (For example, if the actual holiday falls on an employee's non-work day of Monday, then the employee's "in lieu of" holiday would be the preceding Friday).

    – There is an exception to this rule. If the holiday falls on Sunday and the Federal holiday is observed on Monday, the subsequent workday will be the employee's designated "in lieu of" holiday. The Agency may also prescribe an exception to prevent "adverse agency impact" or for operational reasons.

OPM-71 Form – This form does not need to be used to request annual leave, sick leave, or sick leave for family care/bereavement purposes. However, it must be used for care of a family member with a serious health condition, advanced annual leave, FMLA, or the Voluntary Leave Transfer Program. A copy of the form appears on the next page.

Request for Leave or Approved Absence, OPM Form-71

Request for Leave or Approved Absence

1. Name *(Last, first, middle)*	2. Employee or Social Security Number

3. Organization

4. Type of Leave/Absence

Check appropriate box(es) and enter date and time below)	Date		Time		Total Hours
	From	To	From	To	
☐ Accrued annual leave					
☐ Restored annual leave					
☐ Advance annual leave					
☐ Accrued sick leave					
☐ Advance sick leave					

Purpose: ☐ Illness/injury/incapacitation of requesting employee

☐ Medical/dental/optical examination of requesting employee

☐ Care of family member, including medical/dental/optical examination of family member, or bereavement

☐ Care of family member with a serious health condition

☐ Other

☐ Compensatory time off					
☐ Other paid absence *(specify in remarks)*					
☐ Leave without pay					

5. Family and Medical Leave

If annual leave, sick leave, or leave without pay will be used under the Family and Medical Leave Act of 1993 (FMLA), please provide the following information:

☐ I hereby invoke my entitlement to family and medical leave for:

☐ Birth/Adoption/Foster care

☐ Serious health condition of spouse, son, daughter, or parent

☐ Serious health condition of self

Contact your supervisor and/or your personnel office to obtain additional information about your entitlements and responsibilities under the FMLA. Medical certification of a serious health condition may be required by your agency.

6. Remarks

7. Certification: I certify that the leave/absence requested above is for the purpose(s) indicated. I understand that I must comply with my employing agency's procedures for requesting leave/approved absence (and provide additional documentation, including medical certification, if required) and that falsification of information on this form may be grounds for disciplinary action, including removal.

7a. Employee signature	7b. Date signed

8a. Official action on request   ☐ Approved   ☐ Disapproved   *(If disapproved, give reason. If annual leave, initiate action to reschedule.)*

8b. Reason for disapproval

8c. Signature	8d. Date signed

Office of Personnel Management
5 CFR 630

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OPM Form 71
June 2001
Formerly Standard Form (SF) 71

Print Form	Clear Form	Save Form

Types of Leave/Leave Situations
(Continued)

Other Special Leave Circumstances

Annual leave in excess of the permitted 240-hour carry-over may be restored if it was lost for one of the following reasons:

- Administrative error; or

- Exigencies of the public business when the leave was scheduled in advance (before the start of the third biweekly pay period prior to the end of the leave year).

The Leave Donation/Voluntary Leave Transfer Program allows employees to use donated annual leave to deal with a medical problem/emergency when they would otherwise be placed in LWOP.

Advanced Annual Leave

- Manager's discretion on whether to approve/disapprove
- Maximum advance is based on what is earned in a leave year

Advanced Sick Leave

- Manager's discretion to recommend
- Generally approved by higher authority or HR Director
- Maximum advance is 240 hours or 30 days
- Needs medical documentation on prognosis to ensure employee is likely to return to pay back leave

LEAVE ABUSES

Leave Abuses – Possible Indicators

Most supervisors have employees who at one time or another misuse their leave privileges. Supervisors are expected to take action when they suspect that employees may be abusing their leave.

Possible indicators of leave abuse include:

- Numerous short absences of 3 days or less

- Absences principally on Mondays or Fridays, or following holidays

- Calls for sick leave when the workload is heavy or a deadline must be met

- Sick leave taken as soon as it is earned

- Chronic tardiness

- Sick leave taken when annual leave is requested and denied

- Calls for annual leave on extremely short notice

- Unacceptable pattern of leave usage

- Calls for annual leave at last moment for common recurring problems (e.g., numerous flat tires).

Leave Restriction Letter

When you believe you need to place an employee on sick leave restriction, you should:

- Discuss his/her leave pattern with the employee.

- Counsel the employee.

- Work with your servicing HR staff to prepare the leave restriction letter, which will contain information on the:

    – Reason the employee was placed on leave restriction.

    – Specific information which must accompany any future leave requests (such as medical documentation).

– Specific procedures the employee must follow to request future leave. This includes the name of the person to whom the request must be addressed, the minimum number of days ahead of time that the request must be made, etc.

Sick leave restriction may apply to requests for sick leave or any leave requested in lieu of sick leave.

Leave restrict letters are usually in place for 6 months. They may be cancelled early as determined by the supervisor.

Employees on leave restriction may not earn credit hours or participate in the scheduled flexiplace program.

Tardiness

It is the employee's responsibility to get to work on time.

It is the employee's responsibility to solve his/her attendance problems.

The employee's immediate supervisor has the right to insist that the employee get to work on time.

Hours of Work

Work Schedules

A normal business day consists of an 8-hour workday, 8:30 a.m. to 5:00 p.m. (including a 30–minute non-paid lunch break), Monday through Friday inclusive, which taken together form the basic workweek.

For Alternative Work Schedules:

- Compressed Work Schedules (CWSs) allow employees to work a normal work schedule totaling 80 hours biweekly scheduled in fewer than 10 workdays.

- Flexible Work Schedules (FWSs) allow employees to vary arrival and departure times.

There are three flexible work schedules at HHS, known as "flextime." The three available work schedules are 8½-, 9½-, or 10½-hour flextime schedules, Monday through Friday, in the course of which an employee may vary his/her arrival time on a daily basis within the Agency's established arrival times.

Over a 2-week period, the schedules run as follows:

- 8½-hour flextime schedule: Employee works ten 8½-hour days.

- 9½-hour flextime schedule: Employee works eight 9½-hour days and one 8½-hour day and has one non-work day.

- 10½-hour plan: Employee works eight 10½-hour days and has two non-work days.

Flexible Work Schedule Considerations

Core days are those days of the week for which a flexible non-workday or a flexiplace day is not available. Each organizational head directly below the Agency Head may designate core days for his/her particular organization. The number of core days may not exceed 4 days per week.

Work Schedule Adjustment allows the Agency to set different work schedules for selected positions when it determines it is appropriate in order to meet coverage requirements, because of the nature of the work performed or the need to respond to or be available to the public or to Agency or external customers. These positions are not eligible for flexiplace.

Supervisors retain the discretion to deny the use of a 9½- or 10½-hour flexible work schedule if that schedule would, or has been shown to, adversely impact the accomplishment of the HHS mission by reducing productivity, diminishing the level of customer service, or increasing the cost of operations.

Hours of Work
(Continued)

Flexible Work Schedule Considerations *(continued)*

Flex out/flex in means that:

- Employees on flextime schedules may be allowed to flex out/flex in during the workday subject to advance management approval.

- If an employee cannot complete his/her daily work schedule before 6:00 or 6:30 p.m. (as identified in specific locations), then the employee will be charged leave at his/her request or, if warranted, charged AWOL.

- Employees may not take their 30-minute lunch period at the end of their regular working hours in order to depart 30 minutes prior to the end of their work schedule.

Extra Time Worked

- Includes credit hours, overtime, and compensatory time
- Is generally approved in advance
- Incurs a financial obligation
- Is usually approved when work is urgently needed

Credit Hours

Credit hours are those hours within an 8½-hour or less flextime schedule that are in excess of an employee's basic work requirement, and that the employee elects, subject to advance management approval, to work so as to vary the length of a subsequent workweek or workday.

Credit hours may only be earned by employees working an 8½-hour or less (part-time) work schedule.

Employees must request that they be allowed to earn credit hours in advance on a "Request for Approval to Earn Credit Hours" form or via an e-mail message to their supervisors.

Upon request, the earning of credit hours may be approved retroactively where the circumstances warrant.

If credit hours are approved and overtime is subsequently made available prior to working credit hours, the employee will be afforded an opportunity to elect to work the overtime.

Credit hours are earned in ¼-hour increments.

Use of credit hours is subject to the same criteria for approval as annual or sick leave.

Hours of Work
(Continued)

Credit Hours *(continued)*

An employee may elect to use earned credit hours for all or any part of any approved leave.

The maximum number of credit hours that an employee may have on his/her record is 24; any credit hours in excess of 24 hours must be used within the pay period in which they are earned or be forfeited.

Overtime

- Is available for all employees

- Is work ordered and approved in advance by management that is in excess of 8 hours in a day or 40 hours in a workweek. For employees on the 9½- or 10½-hour flextime schedule, overtime consists of those hours of work performed in excess of their scheduled daily or weekly basic work requirement and ordered and approved by management

- Has different rules and procedures for exempt and non-exempt employees

- May make supervisors liable if they "suffer and permit" non-exempt employees to work

- May require the use of volunteers

- Requires advance notice

- The maximum number of hours able to be worked is subject to the pay cap maximum.

Compensatory Time

- Is available for most employees

- Is usually ordered and approved by management

- Has different rules and procedures for exempt and non-exempt employees

- May make supervisors liable if they "suffer and permit" non-exempt employees to work

- Requires advance notice

- Converts to overtime if not used within specified period, generally 26 pay periods, and before using use or lose leave

- The maximum number of hours able to be worked is subject to the pay cap maximum

Slides

Module 5 Objectives

- Describe supervisor's rights and responsibilities related to leave administration
- Identify common types of leave
- Discuss indicators and appropriate steps to take in leave abuse situations
- Describe typical hours of work and characteristics of flexible and compressed work schedules
- Compare and contrast overtime, compensatory time, and credit hours

Supervisor Roles & Responsibilities

- Enforce proper procedures for employees to request leave (Automated Timekeeping System, OPM Form-71, memoranda, e-mail message, or verbally)
- Approve leave and other absences to balance individual needs with mission accomplishment
- Properly plan and manage leave
- Ask employees to schedule leave in advance for high leave usage times
- Maintain employees' contact information – home address, telephone number, and emergency points of contact

Supervisor Roles & Responsibilities *(continued)*

- Work out differences in employees' requests for leave
- Charge leave to appropriate leave category
- Require employees to request leave by "latest allowable arrival time" depending on employees' official duty station and work schedule
- Administer leave on fair and equitable basis
- Take action when a leave abuse is identified

Leave/Absence Approval

- Employees should request leave in advance
- Employees must identify whether they are requesting annual leave (AL), sick leave (SL), or credit hours (CH), compensation time (CT) or leave without pay (LWOP)
- Supervisors may not place employees on AL, SL, CH, CT or LWOP
- Supervisors may only place employees on absence without leave (AWOL) or administrative leave

General Rule

- Leave requested in advance will be granted except when the supervisor determines operational needs or requirements would be hindered by doing so

Types of Leave/Absences

- Annual leave
- Sick leave
  - Self
  - Family Member, Adoption, or Bereavement (Family Friendly Leave - FFL)
- Leave without pay (LWOP)
  - Regular LWOP
  - LWOP citing Family & Medical Leave Act (FMLA)

Annual Leave

- First-line supervisor can grant or deny
- Used to allow employees time away from the workplace for rest, relaxation, vacation, or other personal reasons
- Earned in 4-, 6 (3 years)-, or 8 (15 years)-hour increments
  - Exception is Creditable Service for Annual Leave Accrual for Non-Federal Work Experience and Experience in the Uniformed Service
- Charged in ¼-hour increments (or ½-hour or hour increments as determined by some OPDIVs)
- Maximum carryover: 240 hours
  - 360 hours for overseas

Sick Leave

- Used to allow time for medical, dental, or optical appointments, or while incapacitated for duty
- Earned in 4-hour increments
- Charged in ¼-hour increments (or ½-hour or hour increments as determined by some OPDIVs)
- No maximum carryover

Sick Leave – Family Friendly Leave

- 104 hours (13 days) of accrued sick leave to assist with the health needs of family members* due to:
  - Death in family
  - Medical appointment of family member
  - Health care of family member
  - Injury of family member
  - Pregnancy or childbirth of family member
  - Adoption of family member

  * Includes anyone "related by affinity whose close association is equivalent of a family relationship"

Leave Without Pay

- Temporary, unpaid leave granted for any number of reasons
- Approval levels vary by number of days requested (e.g., first-line supervisor, second-line manager, Center/Office Director)
- Supervisors and managers have discretion to determine whether requests will be approved
- Requests for more than 1 year not normally approved

Family and Medical Leave Act (FMLA)

- 12 workweeks of unpaid leave (and/or any combination of accrued sick or annual leave) during any 12-month period for reasons including:
    - Birth or care of child
    - Placement/adoption of child
    - Care for family member with serious health problem
    - Employee's serious health problem

Absence Without Leave (AWOL)

- Unpaid leave status when employee is absent from workplace without authorization from leave-approving official
- Charged in ¼-hour increments
- May be changed to an appropriate type of leave if the leave-approving official determines the employee has satisfactorily explained the absence or presented acceptable documentation
- Not a disciplinary action in itself: however, disciplinary action may result

Excused Absence

- Administratively authorized absence
  - In the public interest, e.g.,
    - Blood donation
    - Bone marrow or organ donation
    - Voting
  - In cases beyond employee control, e.g.,
    - Major disruptions in public transportation
    - Inclement weather
- Approval
  - Managers have up to 59 minutes
  - Agency Heads up to 1 hour or more

Court Leave

- Absence from work without loss of pay or charge to leave to:
  - Fulfill jury duty
  - Serve as witness in proceedings involving the Federal, DC, State, or local government
- Court leave requires written proof of attendance
- Employees may keep administrative expenses, but not jury fees

Military Leave

- Active duty for training: Absence with pay for 15 working days per year
- Inactive duty training: Absences for unit training periods, additional training periods, and equivalent training
- Emergency duty: Absence for an additional 22 workdays per calendar year for "contingency operations"
- Reserve and National Guard technician duty: Absence to 44 workdays of military leave for overseas duties under certain conditions

Holiday Leave

- No charge to leave or loss of pay
- 10 official Federal holidays (11 in Washington, DC, area, including Inauguration Day)
- Credited with 8 hours per day
- May affect employees working flexible 9½- or 10½-hour work schedule
  - Employees may need to request leave for additional hours not covered by holiday leave

Special Leave Circumstances

- Restoration of Annual Leave
  - Leave in excess of 240 hours may be restored if lost for administrative error or exigencies of public business
  - Must have been requested before the start of the third biweekly pay period prior to the end of the leave year and have been disapproved
- Leave Donation/Voluntary Leave Transfer Program
  - Allows employees to use donated annual leave to deal with medical problems/ emergencies when they would otherwise be placed in LWOP

Special Leave Circumstances

- Advanced Annual Leave
  - Manager's discretion
  - Maximum advance is based on what is earned in a leave year

- Advanced Sick Leave
  - Manager's discretion to recommend
  - Generally approved by higher authority or HR Director
  - Maximum advance is 240 hours or 30 days
  - Needs medical documentation on prognosis to ensure employee is likely to return to pay back leave

Leave Abuses – Possible Indicators

- Numerous short absences
- Numerous unscheduled absences on Mondays and Fridays, or following holidays
- Calls for sick leave when workload is heavy or a deadline must be met
- Sick leave taken as soon as it is earned
- Chronic tardiness
- Sick leave requested when request for annual leave is denied
- Calls for annual leave on very short notice
- Unacceptable pattern of leave usage
- Calls for leave at last moment for common recurring problems

Leave Restriction Letter

- Discuss leave pattern with employee
- Counsel employee
- Work with HR staff to prepare leave restriction letter, including
  - Reason
  - Specific information or documentation to accompany future leave requests
  - Specific procedures employee must follow to request future leave

Tardiness

- Employee's responsibilities
  - Get to work on time
  - Solve his/her attendance problems

- Supervisor's right
  - Insist that employee get to work on time

Common Arguments

- "I'm only a few minutes late"
- "I left plenty early, but the traffic was awful"
- "Others come late, and you don't give them a hard time"
- "I'll make up the time at the end of the day"
- "I left you an e-mail message"
- "I called and left a message with the secretary"

Work Schedules

- Normal business day (8:30 a.m. – 5:00 p.m.) – same as "Basic Workweek"
  - OpDiv Core time
  - 40-hour workweek
  - 8 hours per day
  - Saturdays and Sundays off
- Alternative Work Schedules
  - Compressed Work Schedule (CWS)
    - 80-hour biweekly work requirement scheduled in fewer than 10 workdays
  - Flexible Work Schedule (FWS)
    - Work schedule that allows employee to vary arrival and departure times

Flexible Work Schedules

- Flextime
- $8\frac{1}{2}$-hour schedule – ten $8\frac{1}{2}$-hour days
- $9\frac{1}{2}$-hour schedule – eight $9\frac{1}{2}$-hour days, one $8\frac{1}{2}$-hour day, and one non-work day
- $10\frac{1}{2}$-hour schedule – eight $10\frac{1}{2}$-hour days and two non-work days
- Each workday includes a 30-minute non-paid lunch break, not to be taken at the end of the day

Flexible Work Schedule Terms

- Supervisors need to understand:
  - Core days/hours
  - Flexible starting times
  - Flex out/flex in
    - No early departure for unused lunch period

Extra Time Worked

- Includes:
  - Credit hours
  - Overtime
  - Compensatory time
- Is generally approved in advance
- Incurs a financial obligation
- Is usually approved when work is urgently needed

Credit Hours

- Are only available for employees on 8½-hour flextime schedule
- Must be approved in advance in writing
  - May sometimes be approved retroactively
- Use is subject to same criteria for approval as annual or sick leave
- Maximum number of hours: 24

Overtime

- Is available for all employees
- Is usually ordered and approved in advance by management
- Has different rules/procedures for exempt vs. non-exempt employees
- May make supervisors liable if they "suffer and permit" non-exempt employees to work
- May require use of volunteers
- Requires advance notice
- Maximum number of hours: Subject to the pay cap maximum, Grade 15, Step 10

Compensatory Time

- Is available for most employees
- Is usually ordered and approved in advance by management
- Has different rules/procedures for exempt vs. non-exempt employees
- May make supervisors liable if they "suffer and permit" non-exempt employees to work
- Requires advance notice
- Converts to overtime if not used within specified period and before using use/lose leave
- Maximum number of hours: Subject to the pay cap maximum, Grade 15, step 10

Take-Aways

- Become familiar with the many rules in the Federal leave program
- Communicate early with employees as to whether their requests for leave have been approved
- Keep employees in mind who are out of the office on approved leave
- Avoid giving improper preference or advantage to employees' leave requests
- Consider the impact of morale and other considerations when making decisions disapproving leave
- Remember that leave administration can improve or degrade performance and attitude

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Module 6

Labor and Employee Relations
Participant Coursebook

Module 6: Performance and Conduct Management

Purpose   The purpose of this module is to introduce you to the basic principles and techniques for managing and correcting an employee's misconduct.

Objectives   By the end of this module, you will be able to:

- Describe union/employee and supervisor rights.
- Identify unfair labor practices.
- Describe the employee grievance process.
- Explain the rights of non-bargaining employees vs. bargaining unit employees.
- Explain the purpose of Weingarten meetings.
- Explain the overarching tenets of conduct-based actions (e.g., reprimand, suspension and termination).
- Select the appropriate conduct-based action and penalty in a given conduct-related situation.

Overview

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Employee Rights	6-7
Collective Bargaining Agreements	6-12
Conduct-Related Action Procedures	6-19
Activity: Appropriateness of Penalty Debate	6-24

Supervisory Rights

Supervisory Rights, Roles, and Responsibilities

Everyone in the organization has rights and specific roles and responsibilities to carry out, including the union, employees, and, of course, you the supervisors.

All of the supervisory rights discussed in this module are contained in law (that is, Title 5, U.S. Code, Section 7106).

It is the supervisor's responsibility to:

- Make organizational decisions. Determine the organization's:

  – Mission
  – Budget
  – Organization
  – Number and type of employees
  – Internal security practices

- Make operational determinations regarding work completion. Get work accomplished through effective:

  – Assignment of work
  – Contracting out
  – Work flow
  – Establishment of policies, practices, and processes

- Make personnel management decisions. Perform the full range of duties involving the management of personnel.

  – Plan.
  – Hire.
  – Assign work.
  – Direct.
  – Discipline.
  – Motivate.
  – Review completed work.
  – Reward.
  – Lay off/retain.
  – Separate.

Supervisory Rights
(Continued)

Supervisory Rights, Roles, and Responsibilities *(continued)*

- Make emergency decisions. Take whatever actions are necessary to carry out the mission of the organization during an emergency.

    – Facilitate work continuation operations.
    – Augment the staff with additional personnel.
    – Contract out existing or emergency work.

Employee Rights

Employee Rights

Employees, as well as supervisors have some inherent rights, which include:

- A safe and healthy work environment
- Fair and ethical treatment
- Information and employee privacy under the Privacy Act of 1974:

    – Safeguards protected information (age, SSN, home telephone number, leave balances, performance ratings, past disciplinary actions, etc.)

    – Protects identifying information (race, color, national origin, physical or mental disability, etc.)

    – Stipulates that supervisory responsibilities include keeping data safe and secure as well as asking/obtaining assistance before responding to any requests for information or releasing any information to employees

- Environment free from harassment
- Consistency and fairness in employment decisions and matters
- Legal protections and recourses

Dissatisfiers are issues that cause an employee to be dissatisfied with his/her work situation. These dissatisfiers can be at a peer, a supervisory, or an organizational level. Upon hearing of employee dissatisfaction, supervisors should:

- Ask employee(s) to identify the issue(s) and reason/cause(s) for the dissatisfaction
- Attempt to resolve the issues/reasons/causes.

Employees have a number of resources and avenues that they can pursue if they are dissatisfied, which are shown in the table on the next page.

Employee Rights
(Continued)

Dissatisfiers and Resources

Type of Dissatisfier	Available Recourse
Equal employment-related (includes discrimination complaints/harassment allegations)	EEO Office
Classification appeals regarding title, occupational series, and grade	OPDIV or OPM, but not both; OPM is highest level of appeal available
Performance appraisal rating disagreements	Administrative/Negotiated Grievance process or EEO
Personal matters or problems	Employee Assistance Program
General dissatisfaction with supervisors for decisions they make/things they do or fail to do	Administrative/Negotiated Grievance process
Appeal based on adverse actions (actions lasting more than 14 calendar days)	Appeal to the Merit Systems Protection Board

Grievance Rights

There are two types of grievance processes available:

- The Administrative Grievance Process (AGP), which is covered under HHS Transmittal 95.1, Personnel Manual; and

- The Negotiated Grievance Process (NGP), which is covered under the appropriate labor-management agreement.

Employees not covered by a Collective Bargaining/Master Labor Agreement (CBA/MLA) use the Administrative Grievance Process; those covered by a CBA/MLA are covered by the Negotiated Grievance Process.

Employee Rights
(Continued)

Alternative Dispute Resolution

HHS has chosen, as required by 29 C.F.R. § 1614, to establish an ADR program that uses mediation to address EEO matters. Mediation may be elected in lieu of traditional EEO counseling at the pre-complaint stage or at any time during the formal complaint process.

HHS policy is that management must participate in the ADR process when the aggrieved party or the complainant has requested mediation in either the informal or formal stage. OPM has a resource guide for supervisors on ADR – it is: *Alternative Dispute Resolution - A Resource Guide for Operating Divisions Alternative Dispute Resolution, Techniques and Agency Practices* – http://www.opm.gov/er/adrguide/Section1.

ADR is available to employees as an alternative to the traditional dispute process. It allows for earlier intervention, and often more creative solutions than would be identified as part of the traditional dispute process. As an added benefit, the alternative dispute process does not take a heavy-handed approach such as using outside individuals who basically decide on what a course of action or decision should be, leaving all parties having to "live with" a decision with which none is happy.

The most common ADR methods are mediation, facilitation, fact-finding, conciliation, and negotiation; the most commonly-used method in HHS is mediation.

Union Rights

The union has the right:

- To represent unit employees in negotiating with Agency management to establish/change personnel policies, practices, and working conditions, including past practices (working conditions of employees in the unit)

- To represent unit employees in negotiating with Agency management over procedures used in exercising management authority and appropriate arrangements for employees adversely affected by the exercise of management authority

- To be present at certain discussions/meetings between Agency supervisors and bargaining unit employees

- To obtain certain data from the Agency upon request.

Labor Relations

Collective Bargaining/Master Labor Agreements

CBA/MLA

Collective Bargaining Agreements (CBAs) and Master Labor Agreements (MLAs) are contracts between union and management.

CBA/MLAs are enforceable documents, superseded only by laws and Government-wide regulations in existence at the time of signing.

CBA/MLAs are legal and binding.

Common Issues/Change Situations

Most Common Labor-Management Issues

The most common labor-management issues causing problems for any/all parties fall into four categories:

- Making changes in personnel policies or practices, conditions of employment, or past practices

- Failing to allow the union and employees appropriate meeting rights

- Avoiding and resolving allegations of unfair labor practices

- Working through filed employee grievances

Changes in Policies, Procedures, Working Conditions, and Past Practices

Supervisors should recognize at what stage the need arises to involve the union when making changes in personnel policies or practices.

The most common changes include the manner in which an employee works or operates in the organization (which may include a wide range of different areas). Examples include:

- Moving employees from individual offices to cubicles
- Elimination of the playing of radios in the office.

Past practices are unwritten rules, policies, or ways of doing things that have been in place for a substantial period of time and that are mutually agreed to by the union and management.

They must involve conditions of employment and must be legal (i.e., not contrary to law, rule, or regulation).

They are binding on the Agency and the union unless they are not legal. Unless they are illegal, they cannot be changed without negotiation with the union. Examples include:

- Card playing in office at lunchtime
- Late arrivals (tardiness) without a charge of AWOL

Activity: Making Changes – Must the Union Be Notified?

Purpose: To determine if the union must be officially notified of a change within the organization

Instructions: In your table groups read through the following four scenarios. Answer the questions and identify the reasons for your decisions.

Time: 10 minutes

Scenario #1

The director of the Division of Medical Programs currently has half of his staff working scheduled flexiplace under Article 29 of the Master Labor Agreement. The director wants to send a notice to all employees that he will not allow more than half of his staff to be on scheduled flexiplace, so he will not approve any other employee's request to work scheduled flexiplace.

1. Does your Labor Relations Representative need to notify the union?

Why or why not?

Scenario #2

You want to change the work assignments among your staff. No staff member will be working outside his/her position description, but some staff may need training on the new assignments.

1. Does your Labor Relations Representative need to notify the union?

Why or why not?

Activity: Making Changes – Must the Union Be Notified?
(Continued)

Scenario #3

The first order of business for a new director is to bring together a cross section of supervisors to examine the organization's vision, look at the organization's issues, and generate ideas for improving performance. One of the issues the director wants to look at is how to improve the performance management and awards system. Attendance by supervisors is mandatory.

1. Does your Labor Relations Representative need to notify the union of the meeting?

Why or why not?

Scenario #4

Management of the Regional Office wants all employees to remove any personal wall hangings they have on display in their immediate work areas, as these are distracting to customers. For as long as anyone can remember, employees have been allowed to have personal wall hangings, as long as they do not contain inappropriate material.

1. Does your Labor Relations Representative need to notify the union?

Why or why not?

Common Issues/Change Situations
(Continued)

Notification Requirements

When a change concerns conditions of employment, you should do the following:

- Immediately notify your servicing HR staff (LR representative) of the change you are considering;

- Consider the union's response to your proposed change.

But remember not to do the following:

- Make any proposed change until you are informed to do so;
- Discuss your proposal with bargaining unit employees; or,
- Negotiate with the union (That authority is retained in special offices.)

Formal Meetings/*Weingarten* Meetings

Formal Meetings/Discussions

A formal discussion is a meeting between one or more supervisors and at least one bargaining unit employee to discuss personnel policies or practices, working conditions, past practices, or a grievance.

A formal discussion can be initiated by either management or an employee.

The law provides that when a management representative – such as a supervisor or an HR specialist (Labor Relations) – wants to have a discussion with one or more bargaining unit employees about conditions of employment or a grievance, the union must be notified and given an opportunity to attend. Notice must be provided to the union as far in advance of the formal discussion as is reasonably possible.

Formal meetings are **NOT**:

- Most staff meetings
- Counseling/coaching sessions
- Performance sessions
- Meetings held to discuss assigning or delegating work
- Troubleshooting or problem-solving meetings

Likely Union Responses

The following are likely union responses to requests for formal meetings:

- Attend/not attend formal discussion meeting

- Fail to respond by agreed-upon input date*

- Agree to change*

- Provide contrary position/additional information for consideration

- Ask to negotiate. (Impact and implementation (I & I) bargaining is involved here. This may lead to an agreement, arbitration if an impasse is involved, or a delay until the next scheduled CBA/MLA negotiation.)

An asterisk above indicates that the supervisor can likely make a change after recommending that they first secure HR staff (Labor Relations representative) input/coordination

Formal Meetings/*Weingarten* Meetings
(Continued)

Weingarten Meetings

Weingarten meetings are investigative meetings between a management representative and a bargaining unit employee, in which the employee reasonably believes discipline might result and the employee asks for the assistance of a union representative.

A discussion concerning an employee's performance, even if such a discussion could lead to a less than satisfactory performance rating or performance-based action, does not qualify as a *Weingarten* meeting.

The name *Weingarten* comes from a U.S. Supreme Court decision in *Weingarten, Inc. v. NLRB*. In that case, an employee who was suspected of petty theft was called in by management for questioning. The employee insisted on having union representation present to help her respond to the questions. Management refused and ultimately fired the employee for refusal to answer the questions. An unfair labor practice complaint was filed and eventually made its way to the Supreme Court on appeal. The Court determined that, in situations where an employee is being questioned by a management representative and has reason to fear that disciplinary action may be taken, the employee is entitled to the help of a union representative, **if he/she asks for such assistance**.

Weingarten Management Options

The law gives several alternatives in dealing with *Weingarten* situations. (Remember, the employee must specifically ask for a union representative.)

- You may simply end the meeting and decide that you will use other sources of information.

- You may temporarily stop the questioning for a reasonable amount of time to allow the employee to obtain union representation and then continue the questioning after the union representative has arrived.

Activity: Formal Discussion, *Weingarten* Meeting, or Neither?

Purpose: To determine whether various types of meetings held by management are formal meetings, *Weingarten* meetings, or neither

Instructions:

1. Form small table groups.

2. Work through the four scenarios on the following pages to determine if each meeting is a formal discussion, a *Weingarten* meeting, or neither. Be prepared to explain your reasoning.

Time: 10 minutes

Scenario #1

It is time for you to conduct annual performance reviews. You have started to schedule meetings with your employees. One of the employees, with whom you have recently been having a strained relationship, asks to have a union representative present.

Is it:

a) A formal meeting/discussion
b) A *Weingarten* meeting
c) Neither

Why?

Scenario #2

In the last year, as a result of a new program, you and another division director noticed the employees in your respective divisions have been doing a considerable amount of overlapping work. You and the other supervisor have decided, with upper level management approval, to consolidate your work under one division. The consolidation has been approved, and you want to meet with your employees to inform them of the consolidation.

Is it:

a) A formal meeting/discussion
b) A *Weingarten* meeting
c) Neither

Why?

Activity: Formal Discussion, *Weingarten* Meeting, or Neither?
(Continued)

Scenario #3

A supervisor has an employee named Beth, who is efficient and a team player; however, she consistently misses her deadlines. The supervisor called Beth into his office for counseling about her job performance. Together they developed an action plan to help Beth meet her deadlines. The supervisor typed the action plan, made a copy for the employee, and told her that the plan would not be placed in her personnel file.

Is it:

a) A formal meeting/discussion
b) A *Weingarten* meeting
c) Neither

Why?

Scenario #4

A supervisor has an employee named John who consistently misses his deadlines. The supervisor calls John into her office for counseling about his job performance and informs John that his missing deadlines may be a result of his leaving his worksite for long periods. The supervisor then asks John where he goes when he disappears from the office. John does not want to answer unless he has a union representative with him.

Is it:

a) A formal meeting/discussion
b) A *Weingarten* meeting
c) Neither

Why?

Unfair Labor Practices

Unfair Labor Practices

An unfair labor practice (ULP) is a violation of the content or interpretation of a CBA/MLA article.

If the Federal Labor Relations Authority finds that an agency or union has committed a ULP, a remedy can be ordered to repair whatever harm was caused by the violation.

Most ULP complaints are filed by unions against agencies because agency management has the authority to take – or not take – action in the course of managing the organization. However, charges can be filed by management against the union.

Common ULP Charges

The most common ULP charges are:

- Failure to notify and bargain with the union before changing conditions of employment;

- Conducting formal meetings without union representation;

- Conducting *Weingarten* meetings and refusing an employee's request for a union representative;

- Refusing to provide the union with information it requests that is relevant to bargaining or a grievance;

- Taking disciplinary or performance actions or choosing non-selection for promotion based on union activity; and

- Making adverse remarks about the union

This page intentionally left blank.

Conduct-Related Action Procedures

The Three Steps

You should immediately notify your servicing Human Resource (HR) Staff on the Labor Employee Relations Team (BHRC) who will help you work through the three steps in handling misconduct situations.

- **Step 1:** Get the facts
- **Step 2:** Determine if there is a cause for action
- **Step 3:** Select an appropriate disciplinary action/penalty

Step 1: Get the facts

This step includes:

- A full and fair investigation of the situation

- Information from witnesses and getting the employee's version of the story

- Collection and safeguarding of evidence in case the employee chooses to appeal or file a grievance.

Contact your component's servicing HR staff before taking action. If the employee is a bargaining unit employee, he/she may be entitled to union representation when being questioned about a conduct situation.

While you are documenting the misconduct, you should also be getting the facts and/or collecting evidence. In collecting facts, it is important not to make any assumptions about an employee's behavior or to act on your suspicions. You may need to collect information from several people who might have witnessed the event and come to an understanding of the facts.

Contemporaneous documentation (collected at the time the misconduct was observed or discovered or shortly thereafter) is considered much more reliable and is given more weight than documentation collected later.

Always get the employee's side of the story. Most agencies, including HHS, require that employees be given a chance to respond before supervisors propose a disciplinary action.

Conduct-Related Action Procedures
(Continued)

Types of Evidence

In a hearing, it comes down to your word and the documentation you have collected against the employee's word. Your actions and decisions stand a much better chance of being upheld if they are supported by credible documentation.

At the hearing, the agency may present evidence including:

- Documentary evidence – Including any notes that the conduct occurred, counseling memos, formal or informal notes of the actions you took, and any letters of reprimand. Documentary evidence would also include any evidence showing that the rule, regulation, or requirement was communicated to the employee, e.g., a written procedure for calling in when employees are going to be absent.

- Testimonial evidence – Detailed information from witnesses of the event. When there are conflicting stories, the judge/arbitrator will evaluate the credibility of the witnesses.

- Physical evidence – Tangible items, such as drugs, weapons, etc.

Step 2: Determine if there is a Cause for Action

In addressing misconduct, you need to ask questions to decide if a disciplinary action is warranted.

Four questions will help you determine if there is a cause for action. If you answer "yes" to these four questions, you have established that there is a reason to take action:

- Do the facts establish the employee did or did not do the things claimed?
- Did the employee's behavior violate a rule, regulation, or requirement?
- Was that rule, regulation, or requirement communicated to the employee?
- Has the rule, regulation, or requirement been consistently enforced*?*

Step 3: Select a Disciplinary Action/Penalty

When choosing the appropriate penalty, it is important to take into account various mitigating factors *(Douglas Factors).*

It is important to consider advice and assistance related to proposed and final disciplinary decisions as provided by your servicing HR staff.

Conduct-Related Action Procedures
(Continued)

Douglas Factors

1. Nature and seriousness of the act or offense
2. Employee's job level and type of employment
3. Employee's past disciplinary record
4. Employee's past work record
5. Effect on the employee's ability to perform at a satisfactory level
6. Notoriety of offense
7. Clarity with which employee was on notice regarding rules/past warnings
8. Employee's remorse
9. Employee's potential for rehabilitation
10. Any mitigating circumstances
11. Consistency of penalty with that imposed on others and Agency's Table of Penalties
12. Adequacy and effectiveness of alternative sanctions

If the matter goes before a third party (arbitration; the Equal Employment Opportunity Commission, or EEOC; or MSPB), you must be able to describe in detail how you took the appropriate *Douglas Factors* into consideration in reaching your decision.

For assistance in determining an appropriate penalty for an offense, consult the *HR Manual Instruction 752: Discipline and Adverse Action - Appendix A, Penalty Determination*, also known as the Agency's Table of Penalties.

Progressive Discipline

If an employee continues to engage in unacceptable conduct, the actions taken to correct the problem become more severe after each instance. The discipline should only be severe enough to correct an employee's actions.

Progressive discipline is used most often used for minor misconduct. For more serious conduct offenses such as theft or violence, more severe disciplinary action could and should be imposed for a first offense, including, in egregious cases, removal from the job and the Federal service.

Conduct-Related Action Procedures
(Continued)

Types of Penalties

Type of Action	Action	Description
Informal	Oral warning or written counseling; letter of admonishment; letter of caution; letter of warning	▪ Lets employee know a change in behavior must take place ▪ Mildest form of corrective action, often the first step to take to deal with misconduct ▪ You should keep personal record of conversation (supervisory note) for later reference
Formal	Written reprimand	▪ Written warning to employee that a change in behavior must take place or a specifically designated formal disciplinary action may follow ▪ Copy of reprimand entered into employee's OPF for a specified time (usually 1 to 2 years); may affect future personnel decisions
Formal	Short-term suspension (14 calendar days or less)	▪ Places employee involuntarily in a non-pay, non-duty status for a specified number of calendar days ▪ More severe action than a written reprimand ▪ Should be used only when lesser penalty is clearly inadequate ▪ Permanently recorded in employee's OPF, may affect future personnel decisions
Adverse	Long-term suspension (more than 14 calendar days)	▪ More severe action than 14-day suspension ▪ Same as suspension for 14 days or less except appealable to MSPB ▪ Permanently recorded in employee's OPF, may affect future personnel decisions
Adverse	Reduction in grade	▪ Sometimes used in performance cases; rarely used for misconduct ▪ Appealable to MSPB ▪ Permanently recorded in employee's OPF; may affect future personnel decisions
Adverse	Removal from Federal service	▪ Most severe disciplinary action – workplace equivalent of capital punishment ▪ Used only after other corrective actions have failed or for very serious first offenses ▪ Appealable to MSPB

Conduct-Related Action Procedures
(Continued)

Strategies for Selecting an Appropriate Action

- Check with your servicing HR staff (Employee Relations)on the appropriateness of the proposed penalty
- Check the records for penalties in the organization for similar misconduct
- Consider imposing a harsher penalty for serious conduct-related offenses.

Actions Usually Not Subject to Progressive Discipline

- Direct or veiled threats of harm

- Bringing a weapon to the workplace, or brandishing a weapon in the workplace

- Destroying Government equipment

- Selling or using illegal drugs at the workplace

- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior

- Harming a coworker or supervisor

Activity: Appropriateness of Penalty Debate

Purpose: To allow you to support and defend the appropriate penalty in a real-life scenario

Instructions: In your table groups, read the scenario below and decide what penalty you would recommend for Brian Perry. Refer to pages 6-21 (*Douglas Factors*) and 6-22 (Types of Penalties) to determine how the *Douglas Factors* would affect your determination as to which penalty should be applied for the situation. Also view the employee's formerly-issued Letter of Warning (on page 6-25), and Handout 6-1 (offense #4 of HHS Guide for Disciplinary Penalties, HHS HR Manual Instruction 752: Discipline and Adverse Action, on page 6-26) when recommending your penalty. At the end of this activity, you will need to discuss your recommended penalty to the larger group and explain why you feel that penalty is appropriate.

Time: 30 minutes

Scenario:

Brian Perry has worked as one of your senior contract specialists for the past 3 years. You approached Brian last Tuesday at 4:00 p.m. and asked him to update the "burn rate," or hours expended to date on your three most visible contracts by the end of the business day. You explained that in the past there were some inaccuracies with information presented to senior leaders in this area and that this information was essential and must be 100 percent correct as the Agency is using the information to prepare for the end of the fiscal year, particularly in terms of identifying the amount of money available for funding identified unfinanced requirements.

Brian complained that he was busy doing his "real" contracting duties and asked if you could assign a more junior person to calculate the numbers. He told you that he had a dozen things to do before the end of the day. You explained that others were also busy and directed Brian to give you the figures.

At 5:35 p.m., on Tuesday, Brian sent you some figures via e-mail. You did not verify the numbers provided. At the meeting the next morning, you discovered that there were major problems with the numbers Brian provided. When you were asked to speak at the meeting, you indicated that you needed more time to verify the numbers which were provided to you. Your immediate supervisor informed you that she will talk to you later about your unpreparedness for important meetings such as this one. She appeared extremely angry that you did not have reliable information to present at the meeting.

When you approached Brian about the situation, he informed you that he was just too busy yesterday to do much checking on the numbers. He told you that the figures he sent you were in the "ballpark."

Activity: Appropriateness of Penalty Debate
(Continued)

As a result of your poor presentation at the meeting, your supervisor told you that the entire office will now not be considered in this year's unfinanced requirements data call. Thus, all of the extra items that you and other supervisors in your office had hoped to procure with unused year-end monies will no longer be an option. You determined that approximately 1 year prior to this incident, Brian received a letter of warning for not obeying your previous supervisory orders.

Letter of Warning

MEMORANDUM TO: Brian Perry

FROM: Supervisor

SUBJECT: Letter of warning

DATE: May 15, 2012

You are officially reprimanded for insubordination. Specifically, the details concerning this reprimand are as follows:

On April 24, 2012, I formally requested that, due to your project partner being out on maternity leave, you partner with Bruce Huxley to complete your project by its due date of April 28, 2012. It was well understand that this project was very significant to the Agency and was extremely time-sensitive. Bruce Huxley holds the same position and comes from the same background as your partner, and therefore it made perfect sense to reassign him to be your partner in completing the project. You made it known on the morning of May 25, 2011, that you did not personally care for Mr. Huxley and that you would not under any circumstances work with him. On that day, I directed you to work with Mr. Huxley despite your personal feelings. Even after I spoke to you directly, you still refused to follow my instructions and work with Mr. Huxley. This resulted in the project being delayed by 3 days after its due date, which resulted in a loss of the contract which we had been working for nearly 3 months to secure. I was personally reprimanded by the Director for missing an important deadline, resulting in a great loss of time and money. In addition, Mr. Huxley has asked that he not be assigned to work with you, so I now need to find alternative arrangements to get assignments completed.

This letter of warning is to notify you that further misconduct in this area will receive a more severe punishment. I will work with you to provide you the interpersonal skills training that you need, however, you will need to make a concerted effort to work and interact with others more effectively. This behavior will no longer be tolerated.

Handout 6-1: HHS Table of Penalties

Extract of Select Portion of Page 22, HR Manual Instruction 752, Discipline and Adverse Actions
Failure/Refusal To Follow Instructions

4. FAILURE/REFUSAL TO FOLLOW INSTRUCTIONS		
	First Offense, Recommended Penalty	**Second and Subsequent Offense, Recommended Penalty**
a. Negligence, including the careless failure to comply with rules, regulations, written procedures, or proper supervisory instructions	Letter of Reprimand to 14-Day Suspension	5-Day Suspension to Removal
b. Deliberate or malicious refusal to comply with rules, regulations, written procedures, or proper supervisory instructions.	Letter of Reprimand to Removal	14-Day Suspension to Removal
c. Refusal to provide information to authorized representatives of the Department or other Government Agencies when called upon, when the inquiry relates to official matters and the information is obtained in the course of employment or as the result of relationships incident to such employment.	Letter of Reprimand to Removal	Removal
d. Failure to report for duty as detailed, transferred, or reassigned.	Removal	
e. Failure to submit required statements of financial interests and outside employment.	Letter of Reprimand to 3-Day Suspension	5-Day Suspension to Removal

Conduct-Related Action Procedures
(Continued)

Supervisory Documentation

Individual employee personnel records include the Official Personnel Folder, or OPF; the Employee Performance File, or EPF; and the Employee Medical File, or EMF.

Under the Privacy Act, disclosure of individual personnel records is prohibited without prior written consent of the individual to whom the records pertain, unless the disclosure is to Agency employees who need the records to perform their duties.

All individual employee personnel records are confidential and must be retained in a secure location. Employees and/or their authorized representatives, who have been so authorized in writing, have the right to examine any of their individual employee personnel records in the presence of a management official.

Records are to be provided within 2 working days of the request if the records are maintained on the premises where the employee is located; otherwise, the Agency will immediately initiate action to obtain the records and make them available to the employee as soon as possible.

Supervisory documentation consists of two types of employee files: supervisory working files and memory joggers.

Supervisory Working Files

An individual supervisor may maintain a supervisory working file (also known as the "supervisory working folder") on each of his/her employees. These files are subject to the same collection, maintenance, retention, and disclosure requirements as other individual employee records, including the provisions of the Privacy Act, 5 U.S.C., Section 552.

Supervisory working files may contain documents such as:

- Employee development plans

- Recommendations for awards

- Training plans or history

- Discipline or performance information

- Such other records as the supervisor determines are appropriate for carrying out his/her ongoing personnel management responsibilities

Conduct-Related Action Procedures
(Continued)

Supervisory working files are maintained by individual employee name. They are confidential and should be kept in a secure location, such as a locked desk or cabinet, to ensure their security and confidentiality; records should not be accessible by other employees or supervisors.

An employee must be notified and given a photocopy of any document placed in his/her supervisory working file within 3 working days after the document is placed in the file by the supervisor.

Upon request, employees may review the documents in the supervisory working files in the presence of a designated management official.

These files should be screened and purged regularly.

Memory Joggers

Memory joggers assist supervisors concerning perceptions, general observations, questions, etc. These are private notes retained for the supervisor's personal use, to help him/her recall events or remember specific facts, dates, or other information.

Supervisors may prepare and retain memory joggers concerning individual employees, but these notes are not kept by individual employee name.

The information may become part of a Supervisory Working File if documentation is used to support an official action for an employee.

These are not individual employee personnel records subject to the requirements of the Privacy Act nor are they subject to the requirements of 5 USC Section 7114. These records may, however, be subpoenaed and made available at third party litigations.

Slides

Module 6 Objectives

‣ Describe employee, supervisor, and union rights.
‣ Understand the importance of the CBA in governing the day-to-day working conditions of bargaining unit employees
‣ Describe employee discipline and the misconduct investigation process.
‣ Consider the appropriate actions to take when working with poor performers.
‣ Identify primary resources available for assistance in fulfilling your supervisory responsibilities

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Supervisor Rights

• Perform delegated management rights (hire, assign, direct, discipline)
  – Direct Orders: ee's must follow if 1) legal and 2) no threat of bodily harm
• Administer provisions of the CBA and HHS Policy
  – Failure to follow CBA may result in ULP, grievances, or both.
• Approve and implement desired changes to make organization better
  – If change to conditions of employment affects BUEs→ must provide notice and bargain with the Union *prior to* implementation

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Employee Rights

- BUEs: CBA   Non-BUEs: HHS Policy
- Weingarten Right: BUEs have right to union rep in investigations (must be told of right *in advance*)
- Counseling Sessions: BUEs have no right to union rep UNLESS more than 1 management official
- BUEs have right to speak to union rep during duty hours→ reasonable amount of time
- Safe and healthy environment
- Fair and ethical treatment
  – But no requirement to treat all employees the SAME
- Information and employee privacy
  – But not when it comes to government property
- Environment free from discrimination and harassment→ can file EEO Complaint
- Legal protections and recourses (i.e., grievance and appeal rights, as well as other avenues to express dissatisfaction)

Grievance Rights

- Administrative Grievance Process (AGP), or Negotiated Grievance Process (NGP)
  – AGP – Covered under HHS Transmittal 771 Personnel Manual
  – NGP – Covered under appropriate labor-management agreement (e.g., Art. 45 HHS/NTEU CBA; Art. 32 IHS/LIUNA CBA)
- Cover matters concerning employees' employment (violations of rules or regulations, breaches of agreement, interpretation of agreement, and general matters relating to personnel policies, procedures, and working conditions)

Union Rights

- Perform as exclusive representative for BUEs
  - Typically cannot deal with BUEs directly (bypass)
  - Union Reps entitled to "official time"
- Be present at formal discussions/meetings between Agency management and BUEs
- File unfair labor practices

Alternative Dispute Resolution

- Alternative to more formal processes
- Can take place at any time
- Voluntary
- Often results in more creative solutions
- Aimed at improving/fostering strong relationship between supervisor and employee
- Efficient, expeditious, cost-effective process which retains legal/administrative due process rights of parties involved

Overview of CBA/MLA

- Contracts between union and management
- Enforceable documents
- Superseded only by laws and Government-wide regulations in existence at time of signing
- Legal and binding

Most Common Labor-Management Issues

- Making changes to conditions of employment
- Representation rights at meetings, investigations, and counseling sessions
- Employee/Union Grievances
- ULPs

Changes to Conditions of Employment (COE)

- COE: personnel policies, practices, and matters affecting working conditions
- Examples
  - Redesign of organization's performance management system
  - Changes in overtime procedures
  - Elimination of current telework program
  - Moving employees from individual offices to cubicles
  - Elimination of playing of radios in the office

Past Practices

- Unwritten rules, policies, or ways of doing things in place for substantial period of time
- Involve conditions of employment and must be legal
- Binding on Agency and union
- Cannot be changed without negotiation with union
- Examples
  - Card playing in office at lunchtime
  - Late arrival (tardiness) without a charge of AWOL

Making Changes – Questions To Ask

- Will my decision produce a change in the way things are currently done?
- Does the change affect employees in the bargaining unit?
- Will the decision affect the working conditions or personnel policies and practices of bargaining unit employees?

Notification Requirements

- Do's
  - Immediately notify your servicing HR (labor relations) staff member
  - Consider union's response
- Don'ts
  - Implement the change until informed it is o.k. to do so
  - Discuss your proposal with your bargaining unit employees w/o inviting union
  - Negotiate with the union w/o LER

Notification Requirements

- Turn to Page 6-9

- In your table groups read through the following four scenarios. Answer the questions and identify the reasons for your decisions.

- Time: 10 minutes

Formal Meetings/Discussions

- Must involve:
  - A person who represents management
  - An employee in the bargaining unit
  - A discussion about changes in COEs or grievance(s)
  - Formality (circumstances)
  - An invitation for a union representative to attend→ at least 2 days in advance
    - Can hold meeting with or without union IF union has been provided notice

What Is NOT a Formal Meeting

- Most staff meetings
- Counseling/coaching sessions
- Meetings to discuss assigning or delegating work
- Troubleshooting or problem-solving meetings

* Be aware that an informal meeting can transform into a formal meeting!

Weingarten Meeting Criteria

- An examination in connection with an investigation
- Of a bargaining unit employee
- By a representative of the Agency (supervisor or manager)
- Which the employee thinks may likely lead to discipline
- At which the employee requests union representation

Weingarten Management Options

- End meeting and use other sources of information
- Temporarily halt questioning for reasonable amount of time to allow for union representation, and then reschedule meeting

Weingarten, Formal Meeting or Neither?

- Turn to Page 6-14

- Form small table groups.

- Work through the four scenarios on the following pages to determine if each meeting is a formal discussion, a *Weingarten* meeting, or neither. Be prepared to explain your reasoning.

- **Time:** 10 minutes

Take-Aways

- Secure and become familiar with existing laws, rules, available guidance, and existing CBA/ MLAs
- Seek out assistance as appropriate
- Allow employees to submit grievances or complaints (and consider issues raised in them)
- Notify Agency officials of CBA/MLA articles that cause difficulty; address them at next contract negotiation session
- Decisions, especially past practices, are not unique to a given supervisor; these may have wide-ranging consequences and be in effect until next contract negotiation

Reminder – The Fork in the Road

A Quick Review of Misconduct vs. Poor Performance

- Misconduct
  - Failure or refusal to follow workplace rules or supervisory instructions
  - Involves an "I won't" situation
  - Should be handled quickly to avoid repeat occurrence
- Poor Performance
  - Inability of employee to perform duties of a position at an acceptable level
  - Involves an "I can't" situation
  - Is handled by working with employee to achieve gradual reduction of errors

PM – Poor Performance Formal Documentation Requirements

- Performance Improvement Plan (PIP)
    - Required at any time when overall rating would be "Unacceptable"
        - Any of the Critical Elements are "Unacceptable"
    - Contents
        - Identification of any specific element that would be rated as "Unacceptable"
        - Performance requirements that must be met
        - Specific assistance which should be provided to employee to improve performance
        - Specific period of time (window of opportunity) to demonstrate acceptable performance (usually 60-90 days)
        - Actions that will be taken if performance does not improve (removal, demotion)

Misconduct – Purpose of Correcting

- Encouraging appropriate behavior by taking action on inappropriate behavior
- Maintaining morale, output, and efficiency of work unit
- Changing undesirable behavior rather than punishing
- Insulating yourself from claims of favoritism

Misconduct - Common Terms

- Discipline
  - Steps taken to promote efficiency of the service for inappropriate actions
  - Options: written reprimand, suspension for 14 days or less
  - Grievable
- Adverse Actions
  - More significant or severe actions taken to discourage specific employee actions
  - Options: suspension for more than 14 days, reduction in grade or pay, or removal
  - Appealable to the MSPB

Misconduct – Conduct-Related Action Procedures

- Immediately notify your servicing HR staff, who will help you
  - Step 1: Get the facts
  - Step 2: Determine if there is a cause for action
  - Step 3: Select an appropriate disciplinary action/penalty

Step 1: Get the Facts

- Collect and document information, findings, and observations
- Get witness statements
- Avoid making assumptions
- Listen to employee's side of the story (allow employee to respond)

Types of Evidence

- Documentary: Notes of conduct that occurred, official memoranda, etc.
- Testimonial: Detailed information provided by witnesses
    - Get it in writing!
- Physical: Tangible items, e.g., drugs, weapons, sign-in sheets, etc.

Step 2: Determine If There is a Cause for Action

- Determine if the:
    - Facts establish employee did or did not do as charged
    - Employee's behavior violated a rule, regulation, or requirement
    - Rule, regulation, or requirement was communicated to employee
        - Or should have been known
    - Rule, regulation, or requirement has been consistently enforced

Step 3: Select a Disciplinary Action/Penalty

- Consider the *Douglas Factors*

Douglas Factors

- Nature/seriousness of offense
- Employee's job level and type of employment
- Employee's past disciplinary record
- Employee's past work record
- Effect on employee's ability to perform at a satisfactory level

- Notoriety of offense
- Clarity with which employee was on notice regarding rules/past warnings
- Employee's remorse
- Employee's potential for rehabilitation
- Any mitigating circumstances

Douglas Factors (continued)

- Consistency of penalty with:
  - That imposed on others
  - Agency's table of penalties
- Adequacy and effectiveness of alternative sanctions

Progressive Discipline

- Supervisors should choose the least severe penalty to correct a problem, then select consistently more severe penalties for future incidences of misconduct
- Penalties should be severe enough to correct employee's actions
- Serious offenses may not follow progressive discipline path

Types of Penalties

- Informal actions
  - Oral counseling
  - Verbal warnings
  - Letter of admonishment
  - Letter of caution
  - Letter of warning

- Formal actions
  - Letter of reprimand
  - Suspension of 14 calendar days or less
  - Suspension of more than 14 calendar days*
  - Reduction in grade or pay*
  - Removal*

* = Adverse Action

Strategies for Selecting an Appropriate Action

- Check with HR staff on appropriateness of proposed action
- Impose discipline consistent with that given for similar incidences
- Consider imposing harsher penalties for serious conduct-related issues

Actions Usually Not Subject to Progressive Discipline

- Serious conduct-related offenses
  - Threatening a supervisor or coworker
  - Bringing a firearm to work
  - Destroying Government property
  - Selling or using illegal drugs at the workplace
  - Harming a coworker or supervisor

Memory Joggers

- Assist supervisors concerning perceptions, general observations, questions, etc
- Not kept by individual employee name
- Private notes kept for supervisor's personal use in recalling events for specific facts
- May become part of the Supervisor Working File is used to support official actions
- Not routinely provided to union or any third party or person
- Not subject to Privacy Act

The GREAT PENALTY DEBATE

Take-Aways

- Use performance and conduct tenets fairly and equitably
- Understand and become familiar with your supervisory responsibilities and existing rules and procedures
- Consider a variety of strategies for improving performance and misconduct – "one size does not fit all"
- Remember that poor performance and misconduct will not get better with time
- Communicate frequently in the normal workday to possibly mitigate acts of poor performance and misconduct

Remember

- Your actions:
    - Say more about you than words
    - Express what you think is important
    - May have long-standing consequences even after you've left the organization
- Doing nothing or buying yourself some time is an action in itself

Additional Take-Aways

- Seek out assistance before taking an action (you don't have to be the expert)
- Follow your intuition – if something feels wrong, it probably is
- Consider what others would think if they read about your decision in the newspaper or an HHS publication