

UNCLASSIFIED



# TPMC Day 2

UNCLASSIFIED



# Recap of Day 1



- Day 1 Critique
- What was learned
- Questions
- Other



# Human Resources Development & Training

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## Agenda

- **Regulations**
- **HRD Responsibilities**
- **Supervisor Responsibilities**
- **Resources**



## Regulations

**Must be administered IAW**

- **Technician Personnel Regulation (TPR 400)**
- **Code of Federal Regulations (5 CFR 410 & 412)**
- **State Directive on Technician Training Program**
- **OPM Training Policy Handbook**
- **National Guard Technician Handbook**
- **Joint Travel Regulations (JTR)**



## Regulations

**TPR 400 includes the responsibilities of**

- **National Guard Bureau (NGB)**
- **The Adjutant General (TAG)**
- **Human Resources Officer (HRO)**
- **Human Resources Development Specialist (HRDS)**
- **Supervisor**



## HRD Responsibilities



- **Process SF182**
- **Process DTS/ DTS Reports/ Reconciliation**
- **GPC Holder (Air & Army Training Card - \$25,000 max)**
- **Training Program Budget Manager**
- **Maintain Training Records/ Update Education Data**
- **Present Training Material in NEO and NG Technician Personnel Management Course**
- **Course Logistics (i.e. room reservations, material and class prep)**
- **DOD Performance Management Appraisal Program Manager**
- **Individual Development Plan/ Performance Improvement Plan Program Manager**
- **Maintain Annual Training Calendar**
- **Customer Service**



## HRD Responsibilities

### Training Program Budget Manager

- **Technician budget (Army) is managed by the Human Resource Development Section (HRDS)**
- **Technician budget (Air) is managed by respective Wing; typically rolled up with the O&M Funds**



## HRD Responsibilities



### Army DTS

- **Review Authorizations/ Vouchers**
- **Approving Official for Technician Travel**
- **Ensure Travel is compliant with travel regulations**
- **Vouchers must be submitted within 5 days of returning from travel**



# HRD Responsibilities



Army DTS

## Other Authorizations

The following are the additional authorizations that were selected based on the trip details. Enter comments to your Approving Official in the "Remarks" boxes provided.

[View Unselected Authorizations For This Trip](#)

## Other Authorizations

	Other Authorization	Remarks	
1	OTHER (See remarks below)	OTHER (See remarks below) Objective cannot be satisfactorily accomplished less expensively by correspondence, teleconferencing, web-based communications, or other appropriate means	



Proceed to the following page:

Pre-Audit



Continue



# HRD Responsibilities



Army DTS

## Accounting Codes

Select the appropriate accounting code for this trip. If there are multiple accounting codes that are required for this trip, please select all that apply.

Start Date: 29-Oct-17 [Find Accounting Label](#)

End Date: 02-Nov-17 [Change Organization](#)

Accounting Label:  From DA180HIAHRO

Shared LOA:

Cross Org LOA:

### Selected Accounting Code(s)

To remove an accounting code that does not apply to this trip, select the remove link corresponding to the accounting label to be removed. **Please make sure the LOA's assigned have costs allocated to it.**

Accounting Label	Organization	View/Edit Acctg Code	Remove
18 G5 TECH TRNG	DA180HIAHRO	<a href="#">view/edit</a>	<a href="#">remove</a>



## HRD Responsibilities



### **Technician Travel:**

- **Travel in your civilian pay grade; not military rank/grade**
- **Cannot be directed to use Government lodging**
- **Single occupancy lodging only; no roommates**
- **Civilian DTS Profile (Army Guard members only)**

### **Government Credit Card:**

- **Required for DoD civilians/technicians**
- **Must use when traveling for lodging, airfare and car rental**



# Supervisor Responsibilities



## 6 Steps To Developing a Ideal Technician

- **Identify/assess training needs**
- **Select type of training to meet needs**
- **Develop Individual Development Plans (IDP)**
- **Request training attendance (SF 182)**
- **Ensure training attendance**
- **Evaluate training effectiveness**



# Supervisor Responsibilities



## Step 1 - Identify/assess training needs

- **Analyze performance & previous training**
- **Causes of performance problems**
  - **Organizational**
  - **Environmental**
  - **Motivational**
  - **Knowledge/skills deficiencies**



## Supervisor Responsibilities



### Step 2 - Select type of training to meet needs

- **Provide training resources aligned to personnel's duties**
- **Create a plan to include developmental training**



## Supervisor Responsibilities

### Step 3 - Develop the Individual Development Plan (IDP)



- **Process for determining and identifying and work experience, development, education, and other activities that contribute to improved job performance and self development of an employee**
- **Provides an opportunity to develop a strategy for achieving organizational and personal development goals**
- **Any personnel hired below target pay grade**



# Supervisor Responsibilities

## Step 3 - Develop the Individual Development Plan (IDP)

**PRIVACY ACT STATEMENT:** Section 4103 of Title 5 of U.S. Code authorizes collection of this information. The Individual Development Plan (IDP) information is used by supervisors, employees, and department managers to plan and/or schedule training, education, or other career development activities relevant to the position. The IDP is a functional tool for both the supervisor and employee. It provides a consistent and continual status of the employee's progress or lack thereof. Position requirements are identified and annotated. This form is used to justify an employee's progress within his/her probationary year. This form is also used to support and justify grade promotions and/or position reassignments. Changes to this IDP, within its Development Objectives are either short term (S/T) or long term (L/T) in nature. The IDP information is for official use only. Attach additional pages if necessary. On each attached page, annotate the member's data as reflected in Blocks One Through Seven. For each entry, reference the applicable block title for the continued information.

1. NAME Joey Mariano		2. SSN	3. POSITION TITLE HRDS		4. PAY PLAN, SERIES, AND GRADE GS-201-11
5. INITIAL/UPDATE Initial		6. PERIOD COVERED FY 17		7. LAST UPDATED	
<b>8. DEVELOPMENT OBJECTIVES</b>					
8a. SHORT TERM OBJECTIVES (4-12 MONTHS) To get to the PD standard of GS 11			8b. LONG TERM OBJECTIVES (1 YEAR +) Cross train into other HR functions		
<b>9. FORMAL TRAINING OBJECTIVES</b>					
9a. COURSE ID	9b. COURSE TITLE	9c. PROVIDER (PRINT NAME)		9d. DATE SCHEDULED OR PROPOSED	9e. DATE COMPLETED
	HRDS NGB course	NGB PEC		13-17 Mar-2017	17 Mar 2017
	Fiscal Law	NGB on-line		15-Mar-2017	17 Feb 2017
	Intro to Resource Management	PEC Course		01-Apr-2017	
	DCPDS	NGB Course		01-Jun-2017	
	Technician Personnel Management Course	NGB Course		01-Jul-2017	
<b>10. FORMAL EDUCATION</b>					
10a. DEGREE	10b. NAME OF PROGRAM	10c. PROVIDER (PRINT NAME)		10d. DATE SCHEDULED OR PROPOSED	10e. DATE COMPLETED
<b>11. ON THE JOB TRAINING (OJT)</b>					
11a. SELF OR GUIDED	11b. NAME OF SYSTEM OR TRAINING ITEM	11c. PROVIDER (PRINT NAME)		11d. DATE SCHEDULED OR PROPOSED	11e. DATE COMPLETED
Self	Commutation Skills	HRO branch		01-Apr-2017	
Self	Facilitator Course	HRO branch		01-Apr-2017	
Self	Formulation and Execution of FY funding	USPFO and HRO branch		01-Apr-2017	
Self	Joint Travel Regulation	USFPO		01-Apr-2017	
Supervisor's Printed Name:		Signature:		Date:	
Employee's Printed Name: JOEY MARIANO		Signature: 		Date: 6 JUL 17	
HRO Coordinator/ HRDS Printed Name: JOEY MARIANO		Signature: 		Date: 6 JUL 17	



## Supervisor Responsibilities



### Step 4 – Request training attendance (Priorities)

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



## Supervisor Responsibilities



### Step 4 cont. – Technician/Civilian Training

#### Requirements:

- **Must be relevant to current position description**
- **Training is within current fiscal year forecast**
- **Employee must be in technician/civilian status**
- **Employee must be on a Permanent or Indefinite Appointment**
- **Temporary Appointment:**
  - **Training must be a critical need (Priority 1-Statutory)**
  - **Written justification from Supervision**



# Supervisor Responsibilities



## Step 4 cont. – Technician/Civilian Training

### Training NOT FUNDED through Federal Program:

- **Professional Military Education**
  - **MOS**
  - **AFCS**
  - **Officer Career Courses**
  - **Additional Functional Areas**
  
- **College courses relevant to a degree**
  
- **Certifications not required for current position**



## Supervisor Responsibilities

### Step 4 cont. – Authorization, Agreement, and Certification of Training (SF182)

After determining the priority of need,

- Complete an Standard Form 182 for any training over 8 hours
- Forward SF182 and supporting documentation (LOI, MOI, Course Scope) through organizational channels and then onto the HRDS for processing
- HRDS will verify the request with reviewing the annual spend plan
- HRDS will then approve/disapprove training request. HRDS will process training request (e.g. return approved SF 182)
- SF182 package must be approved **BEFORE** DTS Authorization is submitted for approval
- Submit to HRDS NLT 15-20 days and approved before DTS travel start date



## Supervisor Responsibilities

### Step 4 cont. – Authorization, Agreement, and Certification of Training (SF182)

#### Purpose of the SF182:

- **The Training Authorization Form (SF 182) is used for requesting, approving, and certifying payment for attendance at courses, meetings, conferences, seminars, and symposia**
- **Used in lieu of a contract**
- **Official form to support the obligation of federal funds**



## Supervisor Responsibilities

**Step 4 cont. – Authorization, Agreement, and Certification of Training (SF182)**

**References for the use of the SF182:**

- **OPM Training Policy Handbook**
- **5 CFR 410 Training**
- **5 CFR 412 Supervisory, Management and Executive Development**
- **Federal Acquisition Regulation Part 8 and 13**
- **Technician Personnel Regulation 400**

# Supervisor Responsibilities



AUTHORIZATION, AGREEMENT AND CERTIFICATION OF TRAINING			A. Agency, code agency subelement and submitting office number CSMS		B. Request Status (Mark (X) one) <input type="checkbox"/> Resubmission <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Correction <input type="checkbox"/> Cancellation		
<b>Section A - TRAINEE INFORMATION</b> Please read instructions on page 6 before completing this form.							
1. Applicant's Name (Last, First, Middle Initial) Doe, John A.			2. Social Security Number/Federal Employee Number 999-99-9999		3. Date of Birth (yyyy-mm-dd) 1977-12-15		
4. Home Address (Number, Street, City, State, ZIP Code) (Optional) 125 Whisper Trail De Forest, WI 53535			5. Home Telephone (Optional) (Include Area Code) (608) 222-5656		6. Position Level (Mark (X) one) <input checked="" type="checkbox"/> a. Non-supervisory <input type="checkbox"/> b. Manager <input type="checkbox"/> c. Supervisory <input type="checkbox"/> d. Executive		
7. Organization Mailing Address (Branch-Division/Office/Bureau/Agency) 1 Williams Street Camp Douglas, WI 54618			6. Office Telephone (Include Area Code and Extension) (608) 353-4646		9. Work Email Address john.doe@us.army.mil		
10. Position Title Surface Maintenance Mechanic		11. Does applicant need special accommodation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, please describe below			
12. Type of Appointment C		13. Education Level (click link to view codes or go to page 7) 13		14. Pay Plan GS	15. Series 5801	16. Grade 10	
<b>Section B - TRAINING COURSE DATA</b>							
1a. Name and Mailing Address of Training Vendor (No., Street, City, State, ZIP Code) Professional Education Center (PEC) Little Rock, AR			1b. Location of Training Site (if same, mark box) <input checked="" type="checkbox"/>				
			1c. Vendor Telephone Number		1d. Vendor Email Address		
2a. Course Title TAMMS and Readiness Course		2b. Course Number Code LTC-018	3. Training Start Date (Enter Date as yyyy-mm-dd) 2010-01-25		4. Training End Date (Enter Date as yyyy-mm-dd) 2010-01-29		
5. Training Duty Hours 40		6. Training Non-Duty Hours 0		7. Training Purpose Type (Click link to view codes or go to page 9) 03		8. Training Type Code (Click link to view codes or go to page 9) 01	
9. Training Sub Type Code (Click link to view codes or go to page 9) 14	10. Training Delivery Type Code (Click link to view codes or go to page 12) 01		11. Training Designation Type Code (Click link to view codes or go to page 13) 05	12. Training Credit 0	13. Training Credit Type Code (Click link to view codes or go to page 13) 00		
14. Training Accreditation Indicator (Check below) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		15. Continued Service Agreement Required Indicator (Check below) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		16. Continued Service Agreement Expiration Date (Enter date as yyyy-mm-dd) N/A		17. Training Source Type Code (Click link to view codes or go to page 13) 02	
18. Training Objective Mandated training course for technicians assigned to FMS within the 1st year of assignment - per NGB; Priority one training.				19. AGENCY USE ONLY			
<b>Section C - COSTS AND BILLING INFORMATION</b>							
1. Direct Costs and Appropriation / Fund Chargeable			2. Indirect Costs and Appropriation / Fund Chargeable				
Item		Amount	Appropriation Fund		Item		
a. Tuition and Fees		\$ 0.00			a. Travel		
b. Books & Material Costs		\$			b. Per Diem		\$ 1,300.00
c. TOTAL		\$ 0.00			c. TOTAL		\$ 325.00
					\$ 1,625.00		
3. Total Training Non-Government Contribution Cost			6. BILLING INSTRUCTIONS (Furnish invoice to):				
4. Document / Purchasing Order / Requisition Number			1a. 0.00 for tuition only if course is held on-site at PEC; indicate registration or class tuition fee for other courses, workshops, conferences, etc.				
5. 8 - Digit Station Symbol (Example - 12-34-5678)			2a. Estimated travel cost as stated on DTS Authorization Can indicate \$0.00 if course is centrally funded by PEC				

# Supervisor Responsibilities



Section D - APPROVALS	
1a. Immediate Supervisor - Name and title <b>Supervisor to electronically sign, complete blocks 1b-1e and submit to HRDS for approval</b>	
1b. Area Code / Telephone Number	1c. Email Address
1d. Signature	1e. Date
2a. Second-line Supervisor - Name and title	
2b. Area Code / Telephone Number	2c. Email Address
2d. Signature	2e. Date
3a Training Officer - Name and title <b>Unit Training Manager (If training is applicable with military position)</b>	
3b. Area Code / Telephone Number	3c. Email Address
3d. Signature	3e. Date
Section E - APPROVALS / CONCURRENCE	
1a. Authorizing Official - Name and title <b>HRDS Information</b>	
1b. Area Code / Telephone Number	1c. Email Address
1d. Signature	1e. Date
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Section F - CERTIFICATION OF TRAINING COMPLETION AND EVALUATION	
1a. Authorizing Official - Name and title <b>Trainer/ Certifier Information</b>	
1b. Area Code / Telephone Number	1c. Email Address
1d. Signature	1e. Date
<small>TRAINING FACILITY ~ Bills should be sent to office indicated in item C6. Please refer to number given in item C4 to assure prompt payment.</small>	



## Supervisor Responsibilities



### Step 5 – Ensure Training Attendance

- **Make a commitment to employee**
- **Release employees to attend training**
- **Ask for certificates of completion**
- **Enter course completion on Employee Record Brief (ERB)**
- **Self – Certify in DCPDS upon completion of training**



## Supervisor Responsibilities



### Step 6 – Evaluate training effectiveness

- **Supervisor and technician complete written evaluation of training**
- **Discuss how to apply skill and allow time to practice/apply them**
- **Evaluation for appraisal**



## Resources

- Professional Education Center (Air and Army Guard)

<https://www.pec.ng.mil/>

- GKO

<https://gko.ngb.army.mil/>

- Army Civilian Training, Education and Development System (ACTEDS)

<http://cpol.army.mil/library/train/catalog/>

- Graduate School USA

<http://www.graduateschool.edu/>

- Army Training Requirements & Resources System (ATRRS)

<https://www.atrrs.army.mil/atrrscc/search.aspx>



## Resources

- **Defense Acquisition University (DAU)**

<https://www.dau.mil/>

- **Office of Personnel Management (OPM)**

<https://www.opm.gov/>

- **Army e-Learning Program**

[https://www.dls.army.mil/Army\\_e-Learning.html](https://www.dls.army.mil/Army_e-Learning.html)

- **Air University**

<http://www.airuniversity.af.mil/>

- **Graduate School USA**

<http://www.graduateschool.edu/>



# Exercise





## Review

1. Which TPR covers the Technician Human Resources Development Program?

a. TPR 752

➔ b. TPR 400

c. TPR 430

d. TPR 303



## Review

2. An employee who is hired below target gate should have an IDP.

True  False

3. Permanent employees are the first priority for obligation of training (travel) funds?

True  False



## Review

### 4. Define Priority 1 training.

**Mandatory training that must be completed during the fiscal year in order to prevent an adverse impact on mission accomplishment**



## Review

**5. Which form is submitted for Technician Training?**

**a. OPM 71**

**b. SF 52**


 **c. SF 182**

**d. Statement of Understanding (SOU)**



## Review

**6. Who pays for training, tuition, books, fees, etc?**

-  **a. HR Development Specialist**
- b. Supervisor**
- c. Employee**
- d. None of the Above**

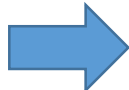


## Review

7. Training can be paid for up to what amount?

a. \$2,500

b. \$3,500

 c. \$ 25,000

d. \$10,000



## Review

**8. Who determines, identifies, and nominates employees for training development?**

**a. Adjutant General**

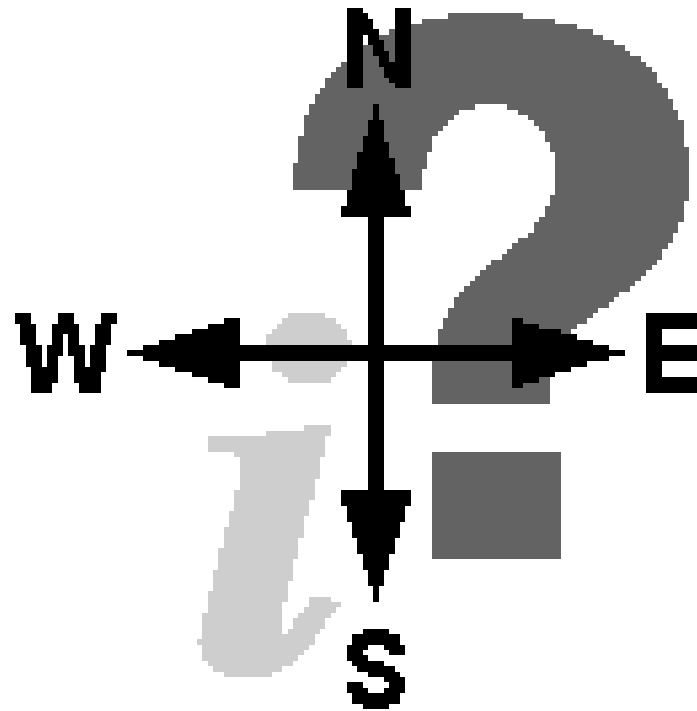
**b. HRO**

**c. HRDS**

 **d. Supervisor**



# Questions





# Performance Management

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**This briefing is**



# Agenda

- Performance Management
- Performance Appraisal Program
- MyPerformance - My Workplace Plan Familiarization
- Writing Effective Critical Elements
- Performance Improvement Plan (PIP)



## References

- Technician Personnel Regulation (TPR) 430
- Technician Personnel Regulation (TPR) 432
- Technician Personnel Regulation (TPR) 451
- Title 5, United States Code, 4301 – 4305
- Title 5, United States Code, 4511 – 4513
- Title 5, CFR, 430
- Title 5, CFR, 432
- Title 5, CFR, 451
- DOD Instructions 1400.25, Vol430
- DOD Instructions 1400.25, Vol431
- OPM



# Performance Management

## Definition:

**A continuous systematic process of evaluating individual Technician/Civilian performance against clearly stated performance standards.**



# Performance Management





# Performance Management



Performance management involves much more than just assigning ratings. It is a continuous cycle that involves:

- **Planning** work in advance so that expectations and goals can be set
- **Monitoring** progress and performance continually
- **Developing** the employee's ability to perform through training and work assignments
- **Rating** periodically to summarize performance
- **Rewarding** good performance



# Performance Management

- **Permanent Employee = 1 year of probation**
- **Non Supervisory to Supervisory = 1 year of probation**
- **New Title 5 Employees = 2 years of probation**
- **Indefinite/Temporary Employee = 0 Years of probation**

**\*NOTE: Temporary/Indefinite Technician time may count towards permanent probationary time if work is in the same line of work**

**<https://www.opm.gov/policy-data-oversight/performance-management/performance-management-cycle/monitoring/supervisors-in-the-federal-government/>**



**10 MIN BREAK**





# Performance Appraisal System

## DoD MyPerformance Appraisal Program

- **TOP 10 Things To Know**
- **Training Modules**
- **Training Videos**

<http://dod.hawaii.gov/hro/technician-resources/hr-development/myperformance-training/>



# Performance Appraisal System



## The Current DOD System

- **One formal, semi-annual, documented counseling session with each technician**
- **The annual, official performance appraisal (MyPerformance) will be 1 April through 31 March with the appraisal year; Currently 1 October 2017 – 31 March 2018**
- **Requires second-level (or higher) supervisor review, input, and concurrence prior to your counseling & appraisals**
- **The performance plan is considered to be approved after higher-level review and the supervisor has communicated the plan to the employee in writing**



# Performance Appraisal System



- **Annual Appraisal Cycle: 1 April – 31 March**
- **HRD recommends at least 3 Critical Elements**
- **Mandatory Supervisory “Critical Element”**
- **Rating of Record: Level 1, Level 3, Level 5**
- **Mandatory Interim Review**
- **Self Assessment**
- **New DD Form 2906 (DOD Civilian Performance Plan, Progress Review, and Appraisal)**
- **MyPerformance accessed through My Biz and My Workplace**



## Performance Appraisal System



- **Level 5 - Outstanding**

The average score of all performance element ratings is 4.3 or greater, with no element being rated a “1”, resulting in an overall rating of record that is a “5”.
- **Level 3 - Fully Successful**

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

Any performance element rated as a “1”.



# Performance Appraisal System



**Log In**

- **My Biz – All Technicians have a My Biz account. Think of it as “My Pay” for Personnel actions.**
- **My Workplace – All Supervisors will have a My Workplace account. Only those Supervisors that have Technicians as subordinates will need to access the My Workplace Application.**



# MyPerformance Overview



Login Help | Contact List | Frequently Asked Questions (FAQ)




## DCPDS PORTAL



### News and Info

Last updated January 11, 13:00 CDT

The Department of the U. S. CENTCOM Civil have to offer are represer

The added value for empl participate in a diverse we difference in the Departm

Thank you for all of y

**Attention CSU Users:** The CSU application and database will be decommissioned in the near future. Data has been transitioned to the Current Record Data Mart in CMIS. DLA/DLA customer CSU users will no longer have access to CSU as of June 30, 2016. This notice will be updated with dates for other agencies as they are announced.

### Component Help Desk Information

If you are having problems accessing this site, please select [Contact List](#) to locate and directly contact your Component Help Desk.

For additional information, check out our [Frequently Asked Questions \(FAQ\)](#)

Windows Security

Select a Certificate

	Issuer: DOD EMAIL CA-31 Valid From: 6/21/2015 to 6/21/2018
	Issuer: DOD CA-31 Valid From: 6/21/2015 to 6/21/2018 <a href="#">Click here to view certificate proce...</a>

OK Cancel

opportunity to  
mately making a

### Smart Card Access

Click the login button below and select your non-email digital certificate.

Smart Card Login

First time Smart Card (CAC) user? [Register Here](#)

---

Returning Non-Smart Card (Non-CAC) User? Click the button below.

Non-Smart Card Access

First time Non-Smart Card (Non-CAC) user? [Register Here](#)  
 Password problems? [Reset](#)

For technical problems, select the [Contact List](#) for your organization's computer support Help Desk.



# MyPerformance Overview



MyBiz+

[Other DCPDS Applications](#) - [★ Favorites](#) - [Customer Support](#) - [Help](#) - [Logout](#)


Your Personnel Action for the 2016 General Pay Adjustment is available! You can go to the Personal or Position Detail tile and then select SF50 or NPA Personnel Actions.



Welcome, The Rater

The information is current as of 29-Jan-2016

## Notifications

Read / Unread	Title	Start Date
*	<a href="#">W4 Information Review</a>	23-Dec-2015

\* You have 1 unread notifications.

Home


[★ Provide Feedback](#)
[Manage My Views](#)

### Key Services

[Manage Key Services](#)
[MyPerformance](#)
[Manager Functions](#)
[Performance Management and Appraisal](#)
[Apply Action\(s\) to Multiple Employees](#)

### Last Personnel Action

 Type of Action: [Name Change from ARM Hgazzh,Upybozugs D](#)

 Effective Date: [10-Jul-2015](#)

### Professional Development

**Education:**  
[High school graduate or certificate of equivalency](#)
**Training:**  
[CLB 024 \(DAU\) COST RISK ANALYSIS INTRODUCTION \(09-Feb-2015 - 09-Feb-2015\)](#)
**Certification/Licenses:**  
[No Certificates/Licenses Available](#)



# MyPerformance Overview



**MyPerformance Main Page**

**Warning:** This application is designed for sensitive unclassified personnel information only. Do NOT enter classified information in this system. Unauthorized release of classified information is a violation of law and may lead to prosecution.

From the Main Page, you can create, update and view employee Performance Plans; change the Rating Official and/or Higher Level Reviewer; view and print part or an entire plan after it is created; close a plan, and track the status of a plan. You can also search for completed plans by selecting the "Show Completed Plans/Appraisals" link located at the bottom of this page.

To create a Performance Plan:

- Select "Choose a Plan Type"
- Select "Appraisal Plan Type"
- Select the "Go" button

To complete other actions described above:

- Select an option from the Action column
- Select the "Go" button

**Important:** To become familiar with the columns, select the "Need Help?" link.

**Plans/Appraisals In Progress**

**TIP** Only Employees that have a plan in progress are listed below.

Show Me: All Appraisals | Appraisal Year: ALL

Employee Name	Current Owner	Rating Official Name	Appraisal Year	Appraisal ID	Plan Approval Date	Type	Plan Status	Current Status	Action
EHRIS Aocxagc, Qxetbkcnl L	EHRIS Aocxagc, Qxetbkcnl L	EHRIS Arxskybxsayu, Pmkmtvay U	2016	74		DoD	Pending	Plan in Progress	View

Select the link to search for Completed Plans.  
[Show Completed Plans/Appraisals](#)

MyPerformance Main Page | Provide Guest Feedback | MyBiz+ | Logout | Help | Diagnostics

### Create New Plan

DoD Performance Management Appraisal Program ▼

--Choose a Plan Type--

**DoD Performance Management Appraisal Program**

Defense Civilian Intelligence Personnel System

National Guard (Title 32)

**Go**



# MyPerformance Overview



**DoD Performance Management Appraisal Program**

MyBiz+ FAQ Logout

**People in Hierarchy** [Return to Main Page](#)

The MyPerformance tool is only available to employees and supervisors whose position is covered by the new DoD Management Policy contained in DoDI 1400.25 Version 430, dated August 5, 2015, and whose organization is scheduled for immediate transition to the new performance program. [Need Help?](#)

[Expand All](#) | [Collapse All](#)

Focus Name	Occupational Code	Position Name	Organization	Performance Plan	Employee Details
EHRIS Awwskybcsayu, Pmlkmtway U					
EHRIS Aocxtagc, Qxebukcni L	0201.Human Resources Management (0201)	46X70.HUMAN RESOURCES SPECIALIST (PLACEMENT),2351839,AF09,APPR	AF PERSONNEL CTR,AF09R09F7H101	<a href="#">Create</a>	<a href="#">View</a>
EHRIS Bobvnh, Avztzjif	0201.Human Resources Management (0201)	9GD39.HUMAN RESOURCES SPECIALIST (RECRUITMENT & PLACEMENT),2376055,AF09,APPR	AF PERSONNEL CTR,AF09R09F7H101	<a href="#">Create</a>	<a href="#">View</a>

MyBiz+ FAQ Logout

**DoD Performance Management Appraisal Program**

MyBiz+ FAQ Logout

**Confirmation**

**Supervisory Commitment Statement**

I acknowledge my role as a supervisor is vital in fostering a fair, credible, and transparent performance system. It is important that I ensure performance elements are linked to organizational performance goals; establish open communication; monitor and evaluate employee performance; recognize and reward performance, and appropriately address deficient performance.

[Acknowledge](#)

MyBiz+ FAQ Logout



# MyPerformance Overview

**Create Performance Plan** MySize | FAQ | Logout

[Cancel and Return to Main Page](#)  
Need Help?

---

**Employee Information**

Employee Name: EHRES Bclbvm, AytzLzjE  
[Show Employee Details](#)

---

**Setup Details**

\* Indicates required field

[Build New Plan](#)

\* Appraisal Type: Annual Appraisal - DoD

TIP The Appraisal Period Start Date represents the start of the employee's performance evaluation period under this plan. Please review and change this date, if necessary.

\* Appraisal Period Start Date: 01-Apr-2016

\* Appraisal Period End Date: 31-Mar-2017

Appraisal Effective Date: 01-Jun-2017

\* Rating Official Name: EHRES Axxxykzxxxyu, E

\* Higher Level Reviewer Name: EHRES Axxxykzxxxyu, E

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Field	Description
*Appraisal Type	The Annual Appraisal – DoD option appears by default.
*Appraisal Period Start Date	The cycle start date defaults to 01-Apr-YYYY
*Appraisal Period End Date	The cycle end date defaults to 31-Mar-YYYY
Appraisal Effective Date	The appraisal effective date defaults to 01-Jun-YYYY
*Rating Official	This field is auto-populated based on information stored in the hierarchy
Higher Level Reviewer Name	This field is auto-populated based on information



# MyPerformance Overview

MyBto+ FAQ Logout

Create Performance Plan Cancel and Return to Main Page

[Need Help?](#)

**Employee Information**

Employee Name: EHRIS Bclbrvlt, Ayrtztlj  
[Show Employee Details](#)

**Setup Details**

\* Indicates required field.

\* Appraisal Type: Annual Appraisal - DoD

**TIP** The Appraisal Period Start Date represents the start of the employee's performance evaluation period under this plan. Please review and change this date, if necessary.

\* Appraisal Period Start Date: 01-Apr-2016

\* Appraisal Period End Date: 31-Mar-2017

Appraisal Effective Date: 01-Jun-2017

\* Rating Official Name: EHRIS Aemskybcsaryu, F

\* Higher Level Reviewer Name: EHRIS Auesqnu, Xozard

**Build New Plan**

MyBto+ FAQ Logout

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# Writing Effective Critical Elements

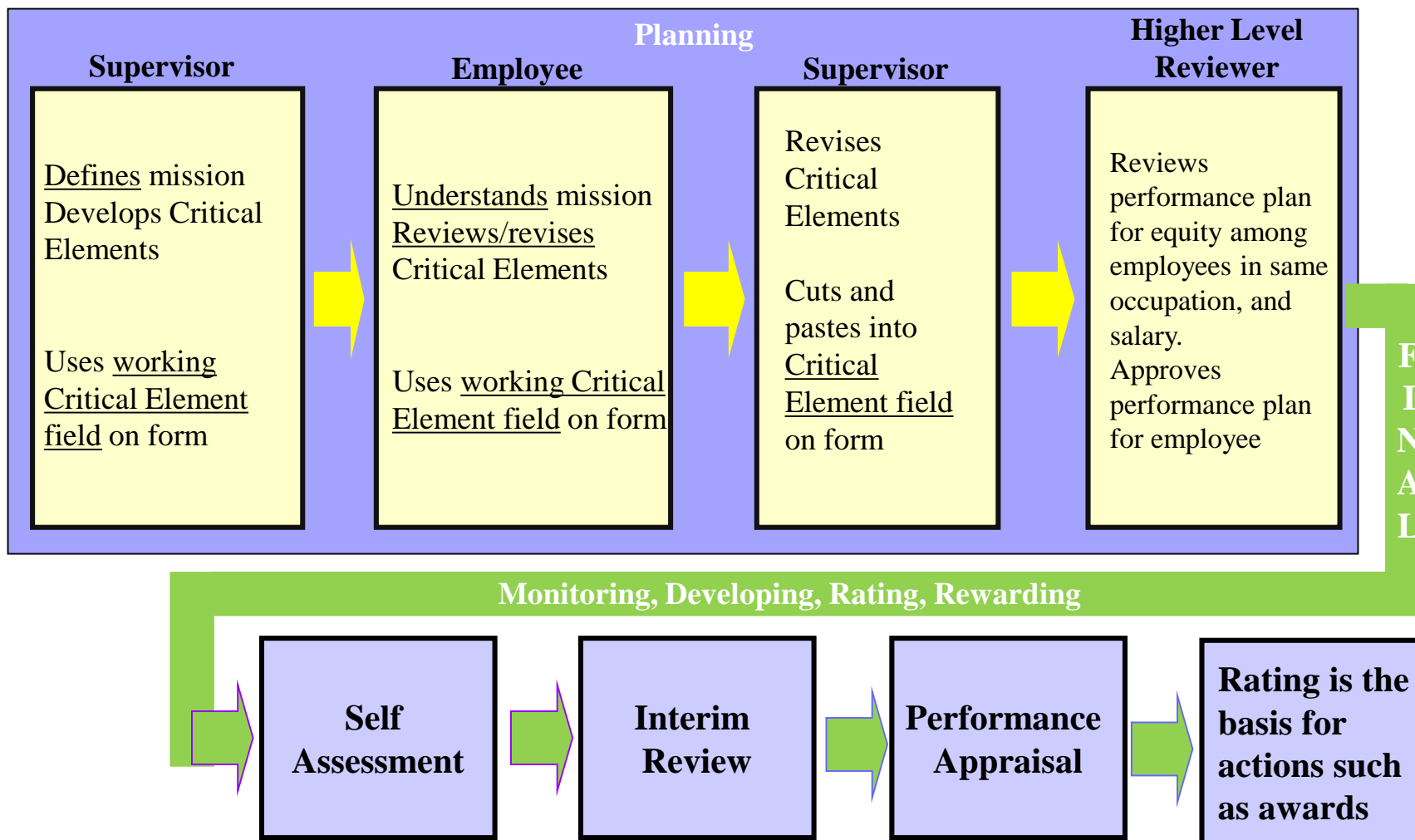


## Process Preparation

- **Analyze the position**
- **Assess what the key KSAs are**
- **Review/update the job standards**
- **Review/ensure accuracy of the position description**
- **Ensure critical elements are identified**



# Writing Effective Critical Elements





## Writing Effective Critical Elements

**Mission - an operation or duty assignment that is assigned by a higher headquarters.**

**Critical Element – an action that, if not accomplished to the specified standard, results in a serious adverse effect upon the organization’s mission accomplishment.**

**Each employee shall have their work assignments or responsibilities described in their performance plan as a critical element(s).**



# Writing Effective Critical Elements



**POSITION DESCRIPTION**

1. Agency Code: 70637000

2. Reason for Submission:  Redescription  New

3. Service:  N  Field

4. Impl. Office Location

5. Duty Station

6. OSM Cart #

7. Fair Labor Standards Act:  Not Applicable

8. Financial Statements Required:  None  Basic  Financial Statements  Employment & Financial Statements

9. Subject to IA Action:  Yes  No

10. Position Status:  Competitive  Excepted (32 USC 706)  SES (Gen)  SES (CR)

11. Position is:  Supervisory  Non-Supervisory  Managerial  Neither

12. Sensitivity:  Non-Critical  Critical  Special

13. Classified/Graded by:  a. In Office of Personnel Management  b. Dept. Bureau or Establishment  c. Second Level Review  d. First Level Review

Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
Surface Maintenance Mechanic	WG	5801	11	ml	6 Feb 06

14. Dept./Agency/Establishment - National Guard Bureau

a. First Subdivision - State Adjutant General

b. Second Subdivision - Joint Force Headquarters--State

c. Third Subdivision - Logistics Directorate (J-4)

d. Fourth Subdivision - Surface Maintenance Facility

e. Fifth Subdivision -

19. Employee Review: This is an accurate description of the major duties and responsibilities of my position.

20. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationship, 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 related to appointment and payment of public funds. False or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor

b. Typed Name and Title of Higher-Level Supervisor/Manager (optional)

21. Classification/Job Grading Certification: I certify this position has been classified/graded as required by Title 5 USC, in conformance with USOPM published standards or, if no published standards apply directly, consistently with the most applicable standards.

22. Standards Used in Classifying/Grading Position: USOPM/JGS for: Introduction to the Federal Wage System Job Grading System, Sep 81; Heavy Mobile Equipment Mechanic, WG-5803, Jan 91; and Automotive Mechanic, WG-5823, Jun 90.

23. Information for Employees: The standards and information on their application are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or OSM. Information on classification/job grading appeals is available from the personnel office.

24. Remarks: Released from NGB-JL-TMC, CRA 06-1009, dated 6 Feb 06.

25. Description of Major Duties and Responsibilities (SEE ATTACHED)

FORM 7063-00-001-003 Revised Edition (April 2005-106) Optional Form 8 US Office of Personnel Management (OSPM), 7063-001-200 (Suppl. Cert.)



## Writing Effective Critical Elements

- Information for your critical elements can be found in personnel's position descriptions.
- It describes the purpose of each positions.

**FASCLASS: Search PDs**

**[https://acpol2.army.mil/fasclass/search\\_fs/search\\_fasclass.asp](https://acpol2.army.mil/fasclass/search_fs/search_fasclass.asp)**



## Writing Effective Critical Elements

- **Critical elements must be linked to the mission**
- **HRO recommends a minimum of 3 critical elements**
- **All supervisors have a supervisory mandatory critical element**
- **Critical elements must be in either the SMART or MARST format**



## Writing Effective Critical Elements

SMART is a framework for developing (and evaluating) Critical Elements

- **SPECIFIC**
- **MEASURABLE**
- **ALIGNED**
- **REALISTIC / RELEVANT**
- **TIMED**



## Writing Effective Critical Elements

### Specific

- Define an observable action, behavior, or achievement
- Link to a level of performance, frequency, percentage, or other number
- Are specific regarding the description of the result (not the activities to achieve that result)



# Writing Effective Critical Elements

## Measurable

- Provide a method to allow tracking, recording, and validation of quality of a specific behavior, action, or outcome
- Define:
  - Quantity (how many)
  - Time (how long)
  - Quality (how good)
  - Resources (how much)



# Writing Effective Critical Elements



## **Align**

- **A direct connection is made between the employee's work, unit's goal, and the organization's mission**
- **Critical Elements ensure all are working toward shared goals**
- **All critical elements in the organization pull in the same direction**
- **Managers/supervisors need understanding of their own goals, objectives and critical elements before they can work with their employees to establish theirs**



## Writing Effective Critical Elements

### Realistic

- **Realistic:** Goals and objectives achievable with the resources and personnel available, and within the available time
- **Relevant:** Goals and objectives are important to the employee & organization
- **Responsibility** must be appropriate to employee's grade



# Writing Effective Critical Elements



## Time

- **Established start and/or end dates are defined**
- **Specific dates (e.g., March 15) are preferred over relative descriptions of time (e.g., 6 months)**
- **Milestones can be included**

### Examples:

- ▶ **Specific Time – by December 10**
- ▶ **Relative to another event – 6 months after...**
- ▶ **Recurring – quarterly, bi-weekly**



# Writing Effective Critical Elements



## Rater's Responsibilities

- **Ensure employees attend training**
- **Develop critical elements aligned to the mission**
- **Communicate**
- **Provide Feedback to employees**
- **Foster and Reward excellent performance**
- **Address poor performance**



# Performance Improvement Plan

## Performance Improvement Plan (PIP)

- **Required with Level 1 performance**
- **It was normally for 90-120 days, it's now 30 days**
- **Identifies the deficiency and what must be done to attain a Level 3 rating**
- **Statement of Notice that performance is at best “Fully Successful”, for pay purposes**
- **Withholding of Within-Grade increase for which otherwise eligible**
- **Uncorrected unacceptable performance will result in reassignment, change to lower grade, or removal**



# Performance Improvement Plan

Hawaii National Guard  
Performance Management Program  
Performance Improvement Plan (PIP)

EMPLOYEE NAME	Last	First	Middle Initial
POSITION TITLE	GRADE/STEP	RATING PERIOD	
	/	From	To
AGENCY/OFFICE	DATE COMPLETED		

Date Issued:

The employee named above is being given this *Performance Improvement Plan* because of the reason selected below:

- The employee's performance became deficient during the rating period.
- The employee received an annual performance rating of 1 - 'Unacceptable'

This *Performance Improvement Plan* provides the employee with, at least, 30 days\* and up to 90 days to improve his/her performance in the specific areas identified below. This 30 to 90-day period shall begin on \_\_\_\_\_ and end on \_\_\_\_\_.

After this period, a determination shall be made as to whether the employee has met the requirement of this *Performance Improvement Plan* and a written decision shall be issued.

If the employee fails to improve his/her job performance and/or meet required standards during the 30 to 90-day period\*, the employee may be **reassigned, removed, or demoted**.

**\*For an Initial PIP, the period for improvement will be no less than 90 days\***

WHAT?		HOW?		WHEN?
Deficient Competencies: <i>(Check only those that apply)</i>	Desired Outcome to Monitor:	Action Plan to Improve Performance	Results to Monitor/Measure:	Frequency of Monitoring:
<input type="checkbox"/> <b>Customer Service</b> - Demonstrates a commitment to working with customers, both internal and external. Works with customers to get information, assess needs, and resolve issues and concerns, and consistently acts with customer in mind.				



## Performance Improvement Plan

If performance improves to “Fully Successful”, a new rating may be given

- An acceptable performance rating requires granting a **Within-Grade Increase** which, as determined by the state, can be effective:
  - As of that time, or
  - Retroactive



## Performance Improvement Plan

A continuing “Unacceptable” rating requires the technician be:

- **Removed from employment in that position,**
- **Reduced in grade (in that position) to a level at which qualified & capable of acceptable performance, OR**
- **Reassigned to another position for which qualified & capable of acceptable performance**



## Performance Improvement Plan

**A Technician may appeal any performance appraisal or notice of rating or any single aspect of an appraisal/rating.**

### **Timeframes for filing appeals:**

- **Other than unacceptable ratings – within 30 calendar days of receiving the original copy of the appraisal**
- **Based on Unacceptable ratings – within 15 calendar days of receipt of written notice or original copy of appraisal**



# Performance Improvement Plan

## The Performance Appraisal Review and Appeals Board:

- **Established by the state Adjutant General**
- **Consists of members of equal or higher grade than appellant**
- **Cannot be in the appellant's chain of command**



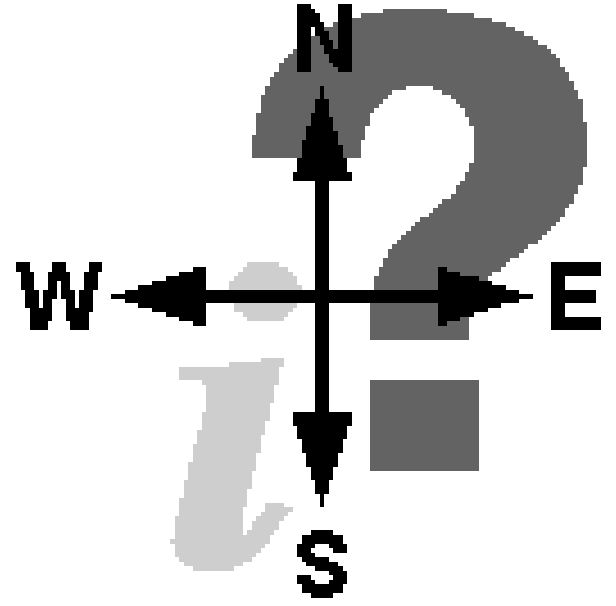
# Performance Improvement Plan

## The Performance Appraisal Review and Appeals Board:

- **Concerned only with the appeal--  
NOT the personnel action taken as a result of an unacceptable appraisal**
- **Submits decision within 15 calendar days**
- **The appellant is entitled to representation**
- **There are no appeal rights for this purpose beyond the Adjutant General**



# Questions





# Performance Management Awards Program

MSgt Joey Mariano

HR Development

808-672-1248

[joey.mariano@us.af.mil](mailto:joey.mariano@us.af.mil)

joey.c.mariano.mil@mail.mail

**This briefing is**



## Agenda

- **References**
- **FY 18 Schedule**
- **Types of Awards**
- **Supervisor Responsibilities**
- **Exercise**



## References

- **Technician Personnel Regulation (TPR) 451**
- **Hawaii Supplement to TPR 451 (JUN 2018)**



## FY18 Schedule (Tentative)

### FY18 HING Technician Awards Program

- TAG HING Technician Awards Program Policy, December 2017
- **1st Quarter Award Board Packets Due December 2017**
- 1<sup>st</sup> Quarter Review Board and Notice, January 2018
- **2nd Quarter Award Packets Due March 2018**
- 2nd Quarter Review Board and Notice, April 2018
- **3rd Quarter Award Packets Due May 2018**
- 3rd Quarter Review Board and Notice, July 2018
- **4th Quarter Award Packets Due August 2018**
- 4th Quarter Review Board and Notice, September 2018



## Types of Awards



- **Honorary Awards**
- **Suggestion and Invention Awards**
- **Special Act/Service Awards**
- **Performance Awards**
- **Service Awards**



## Honorary Awards

### Hawaii National Guard Level:

- Certificates of Achievement
- Letters of Appreciation or Commendation

### NGB Level:

- Presidents Award for Distinguished Federal Civilian Service
- Meritorious Civilian Service Award
- Secretary of Defense Award for Outstanding Public Service
- Decoration for Distinguished Civilian Service

For a listing of other Federal awards, please visit:

<https://www.opm.gov/policy-data-oversight/performance-management/awards-list/>



## SUGGESTION AND INVENTION AWARDS



- AIP – Army Suggestion Program

<https://asp.hqda.pentagon.mil/public/default.htm>

*\*Currently suspended until further notice*

- API – Airmen Powered by Innovation

<https://ipds.afpc.randolph.af.mil> or for more information, go to <https://my.af.mil> and enter “API” into search window



## **SPECIAL ACT / SERVICE AWARDS**

- **Time-Off Award for Special Act/Service**
- **On-The Spot Cash Awards/ Special Act / Special Service Cash Award**
  - **Based on an accomplishment**
    - **Can be for accomplishments on a specific date, or a specified timeframe**
  - **Submit on NGB 32 with remarks describing the special act or service**
  - **Can be given in addition to Performance Awards**
    - **i.e. (QSI, SSP, TOA for Performance)**



## **Time-Off Award For Special Act / Service**



- **All technicians are eligible**
  - **Temp tech appointment must exceed 90 days in order receive award up to ???hrs**
- **Will have a Table in the Hawaii Supplement to TPR 451 to identify an appropriate level of time off**
- **Maximum of 40 hours per award and 80 hours per leave year**



## **On-The-Spot and Special Act / Service Cash Award**

- **All technicians are eligible**
- **Will have Tables in the Hawaii Supplement to TPR 451 to determine appropriate level of award - can be awarded for either tangible or intangible benefits**
- **On-the-Spot & Special Act/ Service awards range from will be determined**
- **Cash awards are taxable income**



## PERFORMANCE AWARDS



- **Time Off Award for Performance**
- **Sustained Superior Performance**
- **Quality Step Increase**
  - **Based on the employee's Record of Rating for the most recent appraisal (not to exceed 1 year)**
  - **Submit on NGB 32 and attach Performance Appraisal**
  - **Only one Performance Award can be given for a specific appraisal period**



## Time-Off Award For Performance

- **Only Permanent and Indefinite technicians are eligible**
- **Will have a Table in the Hawaii Supplement to TPR 451 to identify an appropriate level of time off based on record of rating**
- **Maximum of 40 hours per award and 80 hours per leave year**



## Sustained Superior Performance

- **Only Permanent and Indefinite technicians are eligible**
- **Will have a Table in the Supplement to TPR 451 to identify an appropriate award amount**
- **A minimum of 52-weeks of continuous performance in the same grade and position (promotions or transfers to other positions will disqualify an employee from being eligible)**
  - **Leave without pay (LWOP) or Absent-US in excess of 30-days does not count towards the 52-week requirement**
- **If an employee has already received cumulative Time Off Awards for 40 hours or more for same appraisal period, they are disqualified from receiving an SSP**
- **NGB 32 must be signed by the 1<sup>st</sup> and 2<sup>nd</sup> level supervisors, the director / group commander, and must be approved and signed by HRO**



## Quality Step Increase (QSI)

- **Only GS Permanent and Indefinite technicians are eligible**
- **Must receive a rating of record of level 5**
- **Below Step 10**
- **Demonstrated high quality performance**
- **Be aware of when the employee's next regular step increase is due**



## Quality Step Increase (QSI) cont.

- **If an employee has already received cumulative Time Off Awards for 40 hours or more for same appraisal period, they are disqualified from receiving a QSI**
- **A minimum of 52-weeks of continuous performance in the same grade and position (promotions or transfers to other positions will disqualify an employee from being eligible)**
  - **Leave without pay (LWOP) or Absent-US in excess of 30-days does not count towards the 52-week requirement**
- **NGB 32 must be signed by the 1<sup>st</sup> and 2<sup>nd</sup> level supervisors, the director / group commander, and must be approved and signed by HRO**



## Length of Service Awards

- **Once an employee reaches 10 years of service as a technician, they become eligible**
- **Awarded in 5-year increments after 20 year tenure**
- **Each technician will receive a certificate of service and service pin**



## Supervisory Responsibilities

**Determine the appropriate awards for your employees**

- **Think about long-term strategy vs short-term satisfaction**
  - **A new employee is usually in a learning phase for the first year of a new position**
  - **A new-hire receives automatic step increases for the first few years**
  - **A Time-Off award may be more beneficial to a new employee**
- **Intent of the Awards Program: to motivate for increased productivity, efficiency and economy to drive overall improvement operations**
  - **Cannot be used to recognize work done in a military status**
  - **Cannot be used to provide additional compensation for it's own sake**
  - **Awards other than honorary will not be processed for technicians whose retirement has been finalized**



## Supervisory Responsibilities

- **Ensure timely submission of awards**
- **Provide all supporting documentations**
- **Exercise care in considering recognition**
- **Be thorough on the appraisal – take the award into consideration when writing the appraisal**



## Supervisory Responsibilities



### DCPDS NOAC

**840 - Individual Cash Award**

**846 - Individual Time Off Award**

**847 - Group Time Off Award**

**892 – Irregular Perf Pay (QSI)**



# Exercise





## Scenario 1

**You are Annie Kine's immediate supervisor and you want to submit a request to give her an award for creating a packet for OWCP. The packet she created was initially to help her remember exactly what she needs to be done if someone was hurt on-the-job. After realizing how helpful the packet was, she began to share it with other supervisors and eventually with the Human Resources Office. On June 2, 2018 HRO decided to start giving that packet out at the supervisor's course, and it is now used throughout the state.**

**Would this award be for performance, or for a specific act?  
Specific Act (Cash or Time Off)**

- **Additional Information for Annie:**
- **Address: 123 Military Lane, Honolulu, HI 96816**
- **Present Position: (Perm) Human Resources Assistant**
- **Grade & Step: GS 07-02**
- **Salary: \$39,052.00/yr**



## Scenario 2



**You are Jimmy Smith's immediate supervisor and appraisals have just been completed. You want to submit a request to give him an award for his excellent performance during the last appraisal period. Jimmy received a rating of 5 on his annual appraisal. The office experienced an unusual amount of turnover in personnel throughout the year and Jimmy was always willing to pick up additional duties to cover an empty position until it was filled. Jimmy also played a large part in training new employees who filled those positions. Jimmy voluntarily stayed late at the shop many times throughout the year to ensure the shop did not fall behind while short-staffed, resulting in earning over 50 hours of compensatory time.**

**Would this award be for performance, or for a specific act?**

**Performance (SSP)**

- **Additional information for Jimmy:**
- **Address: 500 Soldier Lane, Kapolei, HI 96707**
- **Present Position: (Perm) Surface Maintenance Repairer**
- **Grade & Step: WG 08-04**
- **Salary: \$24.13/hr**



## Scenario 3



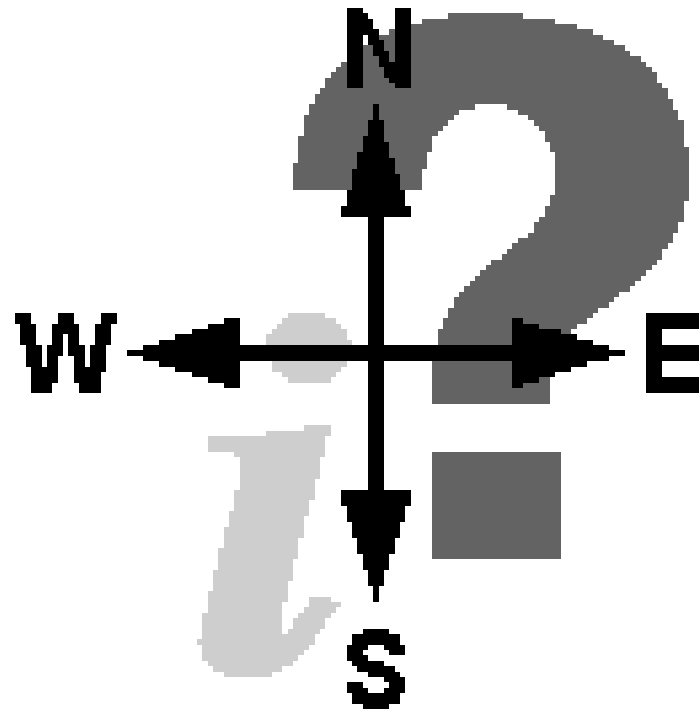
**You are Sam More's immediate supervisor and you want to submit a request to give him an award for passing a tough inspection on June 15, 2018. Sam was just hired this past April and has never gone through any type of inspection before. He played a primary role in making sure equipment and documentation were ready for the inspection for months in advance. You want to award him for not only the great end-results of the inspection, but also for his willingness to learn quickly what needed to be done to prepare.**

**Would this award be for performance, or for a specific act?  
Specific Act (Time-Off Service Award)**

- **Additional information for :**
- **Address: 432 Troop Drive, Aiea, HI 96701**
- **Present Position: (Temp) Supply Technician**
- **Grade & Step: GS 06-01**



# Questions



UNCLASSIFIED



# Supervisor Work Folder & Record Keeping

CMSgt Carol Orr

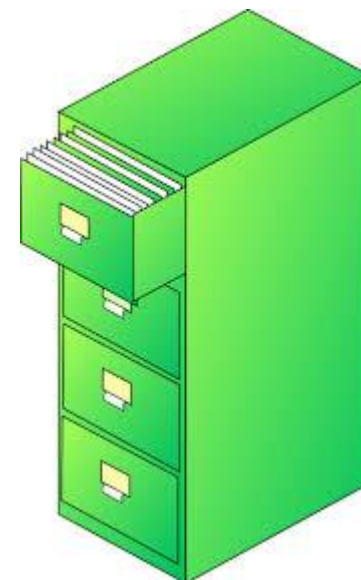
Mr. Joey Mariano

UNCLASSIFIED



## Reference

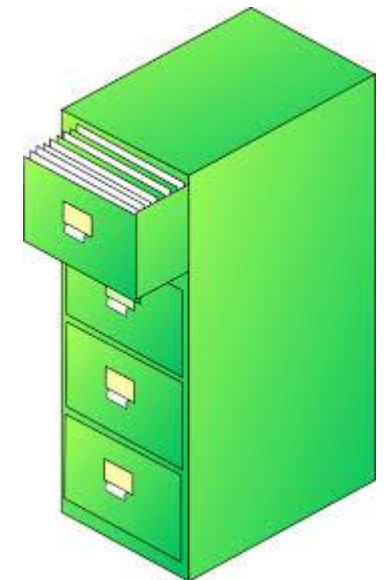
- TPR 293-31, Sub-chapter 8





## Purpose of a Work Folder

- Provides easy access to subordinate information to help...
  - you, the supervisor, to meet personnel management obligations, and
  - Your subordinate personnel by recoding their career accomplishments as well as their job performance



UNCLASSIFIED



# Handout



UNCLASSIFIED





## Work Folder Contents

- Supervisor's Checklist
- Supervisor Record of Personnel Employment (NGB Form 904-1 or automated Supervisor's Brief)
- Emergency Information
- Performance-related Records
- Conduct-related Records





## Work Folder Contents cont...

- Leave Schedule
- Requests for Personnel Action (SF-52)
- Training-related documents
- Current position description





## Work Folder Contents

- Special qualifications verification documents
- Awards or Commendations





## Prohibited Documents

- Personnel Action Forms (SF-50)
- Pre-employment information/ Resumes
- Employee's photograph
- Self-ID of Medical Disability (SF-256)
- Training Certificates of Completion
- Personal Medical information
- Letters of Indebtedness



## Personal Notes in Work Folder

- Maintained as temporary memory joggers
- Not under agency/ organizational control
- For your Eyes Only (FYEO)
- You decide when they are to be destroyed





## Care and Disposition

- Maintained in lockable file/ desk at supervisor's work site or nearby
- Retained indefinitely if relevant to supervisory responsibilities
- Transferred to a new supervisor when employee is reassigned
- Destroyed 90 days after employee separates or is separated





## Work Folder Access

- The subject employee any other(s) she/ he authorizes in writing
- Supervisors/ managers in the direct chain
- Persons with official conducting authorized activities
- Persons acting IAW state union contact(s)





# Questions





# Labor Relations/ Employee Conduct National Guard Technician Personnel

**Mr. John K. Yim**

**Labor Relations Specialist**

**Email: [john.k.yim4.civ@mail.mil](mailto:john.k.yim4.civ@mail.mil)**

**Office: 808-672-1555 / Mobile: 808-381-9280**

**Mr. Walter R. Ross, Jr.**

**Deputy Human Resources Officer**

**Email: [walter.ross2.civ@mail.mil](mailto:walter.ross2.civ@mail.mil)**

**Work phone: 808-844-6087**



## Agenda

- Union
- Non-Disciplinary and Voluntary Actions
- Discipline and Adverse Actions
- Executive Orders



## Objectives

- Enhance efficiency of HING operations and the well being of HING federal employees. Supervisors will be able to differentiate between the regulations and actions required that fall under management of conduct – Discipline, Adverse Actions, Non-Disciplinary Actions, and Voluntary Action
- Determine appropriate actions to take, considering the requirements and results and the roles of other programs and agents such as , the Employee Assistance Program (EAP), the union, top management, etc



## References



- PL 90-486 National Guard Technician's Act of 1968
- PL 95-454 Title VII Civil Service Reform Act 1978
- TPR 752 – Conduct Management
- TPR 430 – Performance Management
- TPR 715 – Non-Disciplinary Action
- TPR 630 – Absence and Leave Program
- Collective Bargaining Agreement (AFGE 1213, NATCA)



## Bargaining Unit



- A group of employees approved by the Federal Labor Relations Authority (FLRA) for union representation
- Must demonstrate:
  - Clear and identifiable community of interest
  - Promote effective labor-management relationships
  - Promote efficiency of agency operations



## Bargaining Unit Exclusions



- Supervisors and management officials
- AGR's
- Confidential employees
- HRO
- Employees engaged in national security (intelligence, secret service, etc.)
- Professionals (doctors, scientists, etc.)



## Exclusive Recognition (The Union)

- Elected by majority of the bargaining unit and certified by the FLRA
- Exclusive representative in the unit it represents
- Entitled to act for and negotiate contracts for the bargaining unit
- Equal status with management
- Obligated to represent entire bargaining unit (to include non-dues paying)



## American Federation of Government Employees (AFGE) Local 1213



- Recognized as exclusive representative of Army Guard and Air Guard Bargaining Units by FLRA (2001)
- NG5026/AFGE (Army) – 239 members
- NG5027/NAGE (Air) – 9 members
- NG5028/AFGE (Air) – 604 members
- NG5029/NATCA (Air) – 7 member (T32)
- Presently in trusteeship, Interim President – Ms. Nicole Ferree/Local Steward – Mr. Robert Rabacal
  - DSN (315)448-7742, Comm: (808)448-7742, Cell: (808)462-8838
  - Email: robert.Rabacal.1@us.af.mil



## National Air Traffic Controllers Association (NATCA)



- Recognized as exclusive representative of 297<sup>th</sup> ATSC Title 32 Dual Status Bargaining Unit by FLRA (2000)
- NG5027 (AirT32) – 7 members
- Steward – Mr. Nathaniel Dixon
  - Comm: (808)448-8181, (808)448-8495 #4446060, #4443222



# Union Rights and Duties



- Act for and negotiate collective bargaining agreement (contract)
- Represented at Formal Discussions
- Weingarten Rights
- Negotiate in “good faith”
- Official Time
- Impact and Implementation



# Collective Bargaining Agreement



- A negotiated contract by representatives of an agency and union
- Not “the union contract”
- The language is binding
- Established past practices can be equally as binding
  - Required elements: Legal, In effect for a certain period of time, Known and sanctioned by management
- Status of CBAs:
  - AFGE Air Guard: 1979, 1 year automatic rollover
  - AFGE Army Guard: 1977, no automatic rollover
  - NATCA (T32): 2003, 1 year automatic rollover



## Formal Discussion



- Union has the legal right to be represented during formal discussions between employees and management representatives when:
  - One or more management representatives
  - One or more bargaining unit employees
  - Discussion of change or working conditions or grievance
- Management requirements:
  - Give union reasonable advance notification
  - Union has right to attend
  - If union has been properly notified and does not appear, it has waived the right to be present

Failure of management to comply is a ULP



## Investigative Interviews (Weingarten Rights)

- Bargaining unit employee has a statutory right to union representation in:
  - Interview/questioning by management representative; and
  - Employee reasonably believes that interview will result in discipline; and
  - Employee requests representation

Failure of management to comply is a ULP

A circular icon with a yellow background and a green border, containing a red silhouette of a human head profile facing left.

## BU Employees Have No Right To Union Representation

- During performance discussions
- Receiving work direction and guidance
- During informal complaints
- Concerning established policy information
- Job assignments
- In general, employees are not entitled to union representation during a counseling for either conduct or performance



## 5 USC 7106, Management Rights

- To determine the mission, budget, organization, number of employees, and internal security practices
- To hire, assign, direct, layoff, suspend, remove, reduce in grade or pay, or take other disciplinary action
- To assign work
- To make contracting out decisions
- To determine personnel for operations
- To select personnel from properly ranked and certified candidates – or any other appropriate source
- To take whatever actions necessary to carry out mission during emergencies



## Exception to Management Rights Negotiability

- Procedures management will exercise in applying a right
- Impact & Implementation (I & I) bargaining – generally not full scope of “bargaining”
- Appropriate arrangements for employees adversely affected by exercising a right



## Negotiated Grievance Procedure (AFGE)

- Step 1: Discussion must be held within 15 calendar days after employee/union became aware of the action or event with supervisor. Supervisor provides decision within 3 working days.
- Step 2: Written grievance identifying specific nature and remedy desired submitted to next supervisory level within 7 calendar days of decision in step 1. Second level supervisor will meet with grievant/representative within 3 working days. Written decision will be provided to grievant/union with 3 working days after the meeting. If grievant/union is not satisfied with decision, grievance will be submitted through channels to the Adjutant General within 15 calendar days after receipt of decision.
- Step 3 (Air): Written grievance to TAG must state nature of grievance and why step 2 decision is not acceptable, and remedy action desired. A state that the grievant desires a decision by the TAG, or accompanied by a letter from the Union that it is invoking arbitration



## Negotiated Grievance Procedure (AFGE)

- Step 3 (Air):
  - Grievance must contain; nature of grievance, why decision is not acceptable; what remedy is desired
  - If arbitration is invoked, it will be referred to advisory or binding arbitration unless TAG decides to adjudicate in favor of the grievant (Article XXIV)
  - TAG will render decision after receipt of arbitrator's award. Modifying or rejecting award decision may be done with NGB guidance
  - If arbitration is not invoked, the TAG will render decision in accordance with the policies of the Employer



## Negotiated Grievance Procedure (AFGE)



- Step 3 (Army):
  - Submission of union initiated grievances and employees to refer their grievances to arbitration
  - Union letter must contain; statement of the nature of grievance; why decision was not acceptable; what remedial action is sought
  - If TAG decides to adjudicate the issue in favor of grievant, or modifies decision, will not be referred to arbitration



# Technician Personnel Regulations 715

## Non-Disciplinary Actions and Voluntary Actions



## Non-Disciplinary Actions and Voluntary Actions

Non-Disciplinary Actions – are management initiated; NOT for cause:

- Loss of military membership/loss of technician status
- Removal due to failure to meet requirements of the position
- Management-directed reassignment
- \*Enforced leave
- Furlough of 30-days or less
- Transfer of function



## Non-Disciplinary Actions – Not For Cause

Loss of Military Membership – Established by Technician Act of 1968 and P.L. 104-106 dates Feb '96

- Must be promptly separated from technician service
- Separation must occur as close to date of military separation as possible
- Should follow 30-day notice period, unless technician is probationary or temporary



## Non-Disciplinary Actions – Not For Cause

### Failure to Meet a Condition of Employment

- Compatible Military Assignment
- Failure to maintain military appointment requirement for position
- Failure to meet military rank required for position
- Failure to maintain flying status
- Failure to maintain a state driver's license
- Failure to maintain current qualifications as an aircrew member
- Failure to meet the physical standards required for an aircrew member
- Revocation of authorization to carry a firearm
- Failure to maintain security clearance
- Failure to remain qualified in the Personnel Reliability Program
- Failure to complete military training
- Physical inability to perform technician duties efficiently and/or safely
- Failure to maintain a compatible military assignment
- Failure to restore to technician status after 5 years of uniformed service



## Non-Disciplinary Actions – Not For Cause

### Management Directed Reassignment

- Management needs the technician's expertise/talents elsewhere
- Action is required to prevent an incompatible assignment or a grade inversion situation
- Action is required to eliminate or avoid disruption and conflict where personal disagreements are affecting work relationships
- Same grade/pay plan, reasonable notice, qualified for new position



## Non-Disciplinary Actions – Not For Cause

Enforced Leave – management must have technician leave the work site when

- Not ready, willing and able to perform assigned duties
- Continued presence is highly undesirable or threatening
- Emergency situation – remove from work site and place in appropriate leave status. When emergency is resolved, discontinue enforced leave and offer choice of approved types of leave or LWOP



## Non-Disciplinary Actions – Not For Cause

### Furlough for 30 Days or Less (22 Workdays)

- Lack of work, funds, or unforeseeable circumstances such as breakdown in equipment, natural disasters, sabotage, or sudden emergencies requiring immediate curtailment of activities
- Collective bargaining obligations must be honored
- HRO is responsible for preparing and issuing written furlough notices



## Non-Disciplinary Actions – Not For Cause

### Transfer of Function

- TPR 351(reduction-in-force) establishes procedures
- HRO notification:
  - Explains why transfer of function is occurring
  - Provides effective date
  - Gives reasonable amount of time (10 calendar days) to accept or reject
  - Explain if offer rejected, constitutes a 30 day notice of termination
  - Provide benefit information if termination occurs



## Non-Disciplinary Actions – Not For Cause

IAW TPR 715, Voluntary Actions – are those that are initiated by the technician concerned

- Resignation
- Voluntary change to lower grade
- Optional retirement
- Abandonment of position



## Non-Disciplinary Actions – Not For Cause

### Resignations (Voluntary Actions)

- Technician makes decisions pertaining to notice, effective date, and time
- Not required to be written
- Supervisor completes SF 52
- Technician can withdraw resignation prior to effective time and date
- Management must honor withdrawal, unless position is to be abolished or is obligated



## Non-Disciplinary Actions – Not For Cause

### Voluntary Change to a Lower Grade (Voluntary Action)

- A voluntary, written request to be placed in a lower graded position without retained grade or pay
- Not in response to competitive advertisement
- Must meet qualifications for lower graded position
- Withdrawal requirements and conditions are the same as for Resignations



## Non-Disciplinary Actions – Not For Cause

### Optional Retirement (Voluntary Action)

- Encompasses same conditions and requirements as for resignations
- One exception is the request for optional retirement and/or its withdrawal must in writing



## Non-Disciplinary Actions – Not For Cause

### Abandonment of Position (Voluntary Action)

- Involves failure of a technician to report for work for a reasonable period of time, with supervisor unable to ascertain the technician's intention of returning
- Reasonable period of time has been defined by TPR as “usually 10 calendar days”, but that is not firm



# Technician Personnel Regulation 752

## Discipline and Adverse Actions



# Employee Conduct Management

- Guidance for dealing with poor workplace behavior
- Includes appendices with samples
- Assists in identifying specific issue in the Table of Penalties
- Helps to determine appropriate levels of action
- LRS must be consulted



## Employee Conduct Management

Discipline – Typically taken when a conduct-related incident occurs that warrants action by the supervisor; but less serious than adverse actions situations; non-career following (temporary)

Adverse Action – Typically taken by the supervisor for more serious conduct-related incidents; resulting in more severe action(s), such as downgrade or removal; career following (permanent)



## Supervisor's Role

- Ensure workers know expected behavior
- Ensure workers know consequences of unacceptable behavior
- Respond to all cases immediately
- Unbiased – focus on problem not person
- Initiate all actions (disciplinary and adverse)



## Types of Actions

- Counseling
  - Private exchange
  - Observation and improvement desired
- Warning
  - Private exchange
  - Observation and improvement desired
  - Warning of possible future consequences

**\*\* Neither considered disciplinary action\*\***



## Types of Adverse Action

- Suspension
- Involuntary change to lower grade
- Removal



## More on Adverse Actions

- HRO/LRS involvement early
- Verifiable reason (cause), support charges (evidence)
- How does proposed action “promote the efficiency of the service”?
- What action is appropriate (HRO assistance)
- Prepare notice of proposed action



## Adverse Action Process

- Step 1 – Notice of proposed Action
- Step 2 – Technician Reply (10 calendar days)
- Step 3 – Decision letter (investigation/review)
- Step 4 – Administrative Hearing (20 calendar days)
- Step 5 – TAG Appeal Review (20 calendar days)
- Step 6 – Merit System Protection Board (MSPB)  
Only for matters under MSPB Jurisdiction



## Common Errors

- Allowing the problem to continue too long before taking action
- Failing to communicate rules and regulations to the employee
- Basing discipline on personal anger
- Procedural errors
- Failing to fully investigate facts before taking action
- Reassigning rather than correcting behavior



## Douglas Factors

- Douglas factors are based on a case from 1981 involving a Supply clerk dispatcher(GS-04) with the Veterans Administration who appealed a removal decision for being absent without leave for 30 minutes and for being away from his assigned duty without permission
- Douglas claimed the agency handed down a penalty that was overly harsh



## Douglas Factors

- Nature and seriousness of the offense
- Level of the Employee's Job
- Past Disciplinary Record
- Past Work Record
- Impact on the Supervisor's Confidence
- Consistency with Other Discipline
- Consistency with Table of Penalties
- Notoriety of Offense and Reputation of the Agency
- Clarity of Notice to Employoy
- Potential for Rehabilitation
- Presence of Mitigating Circumstances
- Availability of Alternate Sanctions



# Performance vs. Conduct Management

- Performance Management (TPR 430)
  - Involves can't
  - Often resolved by training
- Conduct Management (TPR 752)
  - Involves won't
  - Often requires discipline or adverse actions



## Executive Orders

- President Trump signed 3 Executive Orders (EOs) on 25 May 2018 impacting labor and employee relations:
  - E.O. 13836 – Developing Efficient, Effective and Cost Reducing Approaches to Federal Sector Collective Bargaining
  - E.O. 13837 – Ensuring Transparency, Accountability and Efficiency in Taxpayer-Funded Union Time Use
  - E.O. 13839 – Promoting Accountability and Streamlining Removal Procedures Consistent with Merit System Principles

Effective 9 July 2018

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# Questions

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# State Equal Employment Manager



MAJ Potts for Mr. Nate Masunari

672-1316

Nathan.k.masunari.civ@mail

Building 306, Room 122

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# Agenda (41 Slides)



	Slide
• EEO Policy	3
• Learning Objectives	4
• Civil Rights Laws	5
• Elements of a Complaint: Slide	6-7
➤ Claims	8-12
➤ Basis	13-29
• No Fear Act/Retaliation	30-32
• Complaint Processing	33-39
• Resources	40
• Point of Contact	41



# EEO Policy



- Equal Employment Opportunity is the right of all military personnel and civilians to be protected from discrimination in employment.
- All applicable federal EEO laws will be vigorously enforced
- Hawaii National Guard policy is to ensure equal employment opportunity, prohibit discrimination and harassment in all its forms, and promote diversity and inclusiveness in the workplace
- **Supervisors and managers** bear a special responsibility to ensure that work environments are free from discrimination and harassment of any kind



# Learning Objectives: Understand...



1. **Elements of a complaint** and protected classes
2. **Role** of a supervisor in providing equal employment opportunity
3. **What is covered** under the HING EEO program and EEO Commission
4. **HING No Fear** requirement and where to find information
5. significant stages in the federal sector **EEO complaint process**, including the **option of ADR**



# Civil Rights Laws



- Title VII, Civil Rights Act of 1964
- Americans with Disabilities Act of 1990
- Equal Pay Act of 1963
- Age Discrimination in Employment Act of 1967
- The Rehabilitation Act of 1973
- The Vietnam Era Veterans Readjustment Assistance Act of 1974
- The Civil Service Reform Act of 1978
- Civil Rights Act of 1991
- No fear Act of 2003



# Elements of a Complaint



# Elements of a Complaint



- Two basic elements required:
  1. Basis: Protected class (race, color, national origin, sex/gender, age, disability, religion, retaliation)
  2. Claim: sexual harassment, hostile work environment, denied benefit/opportunity (leave, promotion, positive evaluation, overtime opportunity, etc.)



# Claims



# Harassment Defined



- Harassment is unwelcome verbal or physical conduct based on race, color, religion, sex (regardless of whether it is of a sexual nature), sexual orientation, national origin, pregnancy, age, disability or retaliation that is sufficiently offensive to alter the conditions of the victim's employment.
- This standard is met when:
  - The conduct culminates in a tangible employment action, or
  - The conduct is sufficiently severe or pervasive as to create a hostile work environment



# Disparate Treatment



- Exists when similarly situated individuals are treated differently because of their membership in a protected class
- Shifting Burden: Once the above conditions are met, burden shifts to employer to articulate a legitimate, non-discriminatory reason for taking the action; and shifts back to complainant to argue pretext
- Complainant must establish that he or she:
  - Is a member of a protected class
  - He/she suffered some adverse action
  - A similarly situated individual outside of his/her class was treated more favorably



# Tangible Employment Action



- Definition: A management official's harassment that results in a significant change in an employee's (usually a subordinate's) employment or job status
- An agency is automatically liable for harassment by a management official that results in a tangible employment action regardless of whether upper management had knowledge of it
- Examples of tangible employment actions include but are not limited to:
  - hiring and firing
  - promotion or failure to promote
  - demotion
  - undesirable reassignment
  - work assignments
  - other actions



# Hostile Work Environment



- Anyone in the workplace can commit this type of harassment:
  - a supervisor or manager
  - co-worker
  - or even a non-employee
- To create a hostile environment, the conduct must rise to the level of being severe or pervasive
- The key issues are frequency and severity
  - The more severe the conduct, the less frequent it must be to rise to the level of a hostile environment
  - The less severe the conduct, the more frequently it must occur to constitute a hostile environment



# Basis



# Age/Disability/Genetic Information



## Protected Classes (Civilian Only)

- **Age Discrimination in Employment Act of 1967**: Prohibits discrimination on the basis of age against individuals 40 and over.
- **Americans with Disabilities Act of 1990**: Prohibits discrimination against a qualified individual with a disability.
- **Genetic Information Nondiscrimination Act of 2008**: It is illegal to discriminate against employees or applicants because of genetic information. (Ex. Family history of \_\_\_ medical condition)



## Reasonable Accommodation (Title VII)



- Agency is required to make a reasonable accommodation of a **KNOWN** mental or physical limitation of an otherwise **qualified individual with a disability** unless to do so would cause undue hardship.
- Accommodation encompasses:
  - Application process
  - Job performance
  - Benefits and privilege of employment
- Types of accommodation:
  - Making facilities accessible
  - Acquiring assistive devices
  - Modifying work schedules
  - Restructuring job
  - Permitting use of accrued leave and unpaid leave
  - Modifying exam/training material
  - Providing readers or interpreters
  - Reassigning to a vacant position



# National Origin and Race/Color



# Protected Classes (Title VII of the Civil Rights Act of 1964 )



**National Origin:** It is prohibited to discriminate on the basis of National origin; because of:

- Ethnicity
- Accent
- Appearance to be of a certain ethnic background
- Birthplace
- Ancestry
- Linguistic characteristics common to specific ethnic groups

**Race or Color:** It is prohibited to discriminate on the basis of race including color discrimination involves treating someone unfavorably because of:

- Complexion
- Immutable characteristics associated with race:
  - ✓ Skin color (can occur between persons of different or same ethnicity/race)
  - ✓ Hair texture
  - ✓ Facial features



# Examples: Race Discrimination



- Employment conditions which predominately affect one race unless the practice is job related and consistent with business necessity
  - A “no-beard” employment policy may discriminate against African-American men who have a pre-disposition to pseudofolliculitis barbae (severe shaving bumps) unless the policy is job related.
- Be aware of accent discrimination, English fluency requirements and “English Only Rules”. Must be for “safe or efficient” operations sake.



# HALFWAY BREAK



# Religion



# Religion (Title VII of the Civil Rights Act of 1964 )



- Title VII prohibits discrimination on the basis of religion.
- Organized religions such as: Buddhism, Christianity, Hinduism along with atheist, agnostic and others who have sincerely held religious, ethical or moral beliefs.
- Employees cannot be forced to participate in religious activity as condition of employment
- Agency has a duty of reasonable accommodation for sincerely held religious beliefs and practices unless to do so would cause an undue hardship.
- Undue hardship can mean significant cost or non-cost factors such as office disruption.



# Religious/Reasonable Accommodation (Title VII)



- Accommodations may include:
  - Granting leave for religious observances
  - Granting time and/or place to pray
  - Ability to wear religious garbs
  - Accommodating hairstyles/grooming habits
  - Honoring dietary requirements during meeting where meals are provided
  - Permitting time off during a mourning period for a deceased relative.



## Example

- Elaine, who is Roman Catholic, requested Good Friday off so that she could go to church. Andrew Also a Roman Catholic, denied her request, telling her that the church does not require Catholics refrain from work on Good Friday.



# Sex and Gender



# Sex/Gender(Title VII of the Civil Rights Act of 1964 )



- **Sex/Gender:** Title VII prohibits discrimination on the basis of a person's sex/gender.
- Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation is included.
- Sex Discrimination includes:
  - Disparate treatment based on sex
  - Harassment based on sex
  - Sexual harassment
  - Pregnancy discrimination
- Gender Discrimination include “sex stereotypes”
  - “Stop being a sissy”
  - “You should be more lady-like”



# Sexual Harassment



- Title VII prohibits both harassment and sexual harassment through continued interpretation by the EEOC.
- Unwelcome conduct on a protected basis constitutes unlawful harassment if it is sufficiently severe or pervasive to create an intimidating, hostile or offensive work environment.
- An agency is liable for harassment by co-workers if it knew or should have known of the misconduct, unless it can show that it took immediate and appropriate corrective action.



## EEOC.gov



- The Commission has taken the position that existing sex discrimination provisions in Title VII protect lesbian, gay, bisexual, and transgender (LGBT) applicants and employees against employment bias.
- The Commission has obtained approximately \$6.4 million in monetary relief for individuals, as well as numerous employer policy changes, in voluntary resolutions of LGBT discrimination charges under Title VII since data collection began in 2013.
- A growing number of court decisions have endorsed the Commission's interpretation of Title VII.



## Example

- John and Jim are at the department gym working out. They see Frank lifting weights and proceed to call him derogatory words regarding what they perceive as his lack of “manliness” and state that he and “his kind” should have their own locker room. This is not isolated. Frank has complained to the supervisor about other occasions where coworkers questioned his sexuality and state he was “too feminine” in his dress and body language.



# No Fear Act



# No Fear Act



- Prohibits discrimination and retaliation against federal workers for participating in the EEO process or whistle-blower activities
- Requires agencies to train employees and post statistical data on EEO complaints on agency's public website



# Retaliation

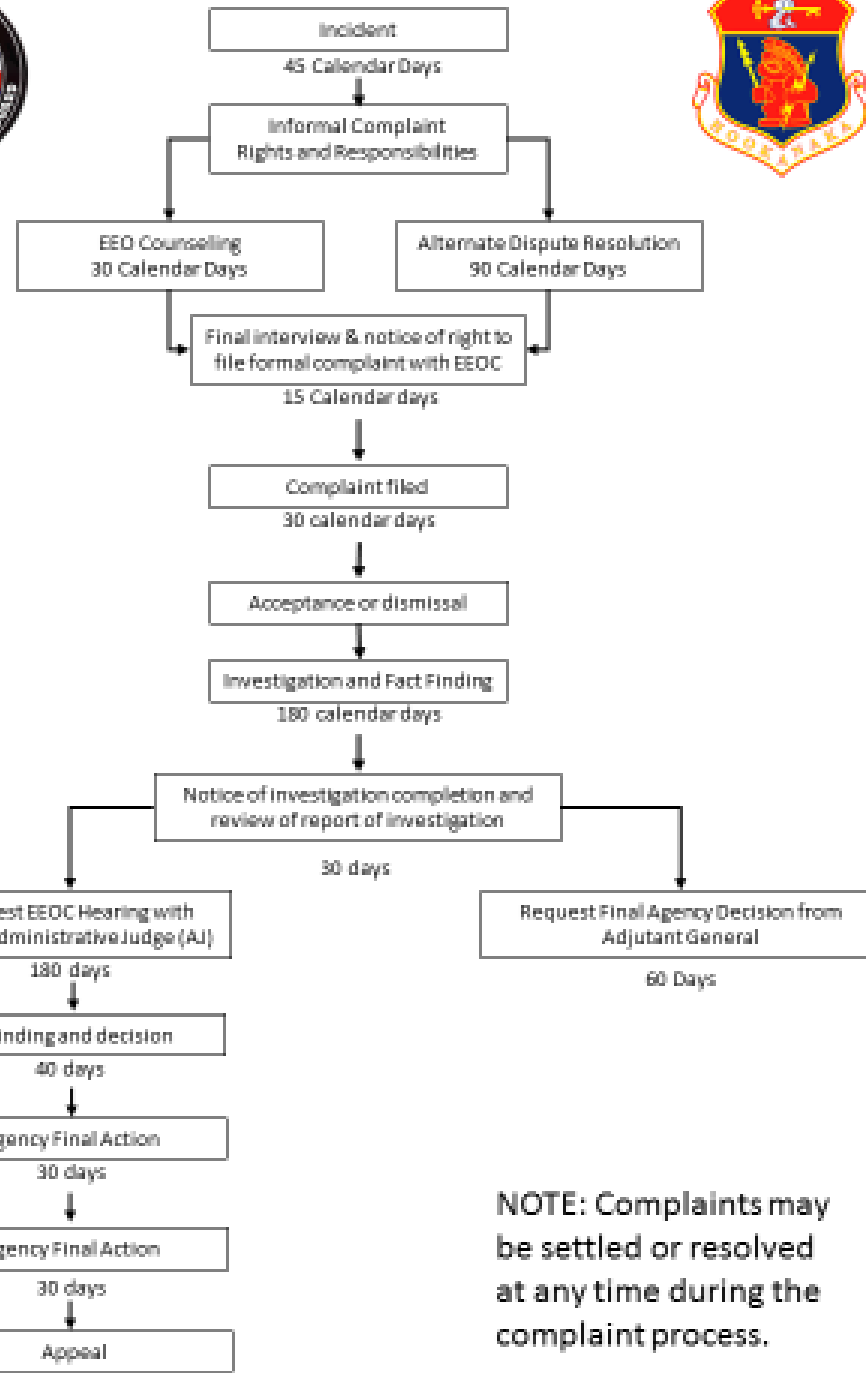


- Title VII, ADEA, EPA and the Rehab Act prohibit retaliation because an individual has engaged in protected activity
- EEOC looks at whether the agency action is reasonably likely to deter anyone from pursuing the EEO process.



# Complaint Processing

# Hawaii National Guard EEO Complain Process Flow Chart



**NOTE: Complaints may be settled or resolved at any time during the complaint process.**



# EEO Complaint Process



- The right to pursue a complaint of discrimination is established by law
- The discrimination complaint process consists of:
  - Informal Complaint process (EEO Counselor)
  - Alternate Dispute Resolution (ADR/Mediator)
  - Formal complaint (EEO Investigator)



# EEO Informal Complaint Process



- Acts of discrimination must be reported within 45 days of the incident
- The traditional EEO counseling process allows 30 Days for resolution of allegations.
- If you choose the alternate dispute resolution (ADR) process, it allows 90 days for resolution
- If no resolution is agreed upon after traditional counseling or ADR, the complainant has 15 days to file a complaint with the Equal Employment Opportunity Commission (EEOC)



# EEO Counselor



- The EEO Counselor provides an open channel through which employees or applicants may raise questions, discuss problems, and get answers.
- The counselor acts as a neutral party whose function is to make inquiries to uncover the facts



# EEO Formal Complaint Process



- Filing of formal complaint if matter has not been satisfactorily resolved at pre-complaint stage
- Investigation of complaints that meet procedural requirements
- **OPTION 1:** EEOC Hearing or immediate Final Agency Decision (FAD) from TAG
- Appeal of final Agency Decisions to the Equal Employment Opportunity Commission
- **OPTION 2:** File civil suit in appropriate Federal district court



# Alternate Dispute Resolution (ADR)



- Neutral third party, assists the disputing parties to achieve a mutually acceptable agreement
- The objective of the mediator is to bridge the gap in communication between the disputing parties and assist them in reaching a voluntary agreement of their own
- Resolutions reached during mediations are documented in settlement agreements
- If mediation is not successful, the complaint process would resume from the point it stopped



# Resources



- Equal Employment Opportunity Commission  
<https://www.eeoc.gov/>
- No Fear Act  
<https://www.opm.gov/information-management/no-fear-act/>
- Office of Diversity Management and Equal Opportunity  
<http://diversity.defense.gov/>
- Diversity Management and Equal Opportunity in the DoD  
<http://www.dtic.mil/whs/directives/corres/pdf/102002E.pdf>



# Point of Contact



EO and EEO Office	Mr. Nate Masunari
EEO Manager	808-672-1316
Email	<a href="mailto:Nathan.k.masunari.civ@mail.mil">Nathan.k.masunari.civ@mail.mil</a>
Public Website	<a href="http://dod.hawaii.gov/seem/seem-manager/">http://dod.hawaii.gov/seem/seem-manager/</a>
Share Point Website	<a href="https://ngcaportal.ng.army.mil/sites/eo_eo/default.aspx">https://ngcaportal.ng.army.mil/sites/eo_eo/default.aspx</a>



# LEADERSHIP EVOLUTION:

The Dynamics of  
Maintaining Successful  
Workgroups





# Agenda

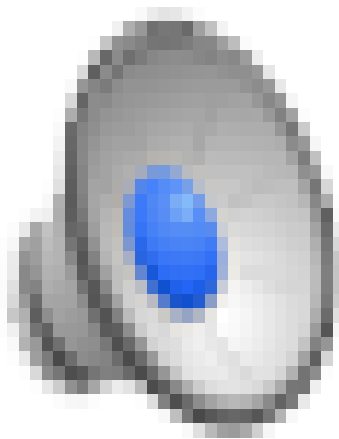
The following topics are covered:

- NGB Diversity and Inclusion Strategic Plan
- Diverse Organizations
- Definitions of Diversity
- The Dimensions of Diversity
- Diversity & Inclusion Leadership Competencies
- The Business Case

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# Words from General Barry



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# Diverse Organizations

Behaviors of a diverse organization include:

- Reflecting commitment
- Creating systems and processes to manage diversity
- Knowing how to leverage the diversity they have
- Creating an effective and comfortable environment



## NGB Diversity and Inclusion Strategic Plan

**Goal 1:** Enhance diversity and inclusion in all States, Territories, and the District of Columbia.

**Goal 2:** Ensure leaders at all levels champion diversity program priorities and understand what is required to achieve success.

**Goal 3:** Develop and increase diversity partnerships, both external and internal to NG.

**Goal 4:** Develop, mentor, and retain diverse talent reflective of the communities the NG serves.



## Definitions of Diversity and Inclusion

### **DoD – Diversity:**

The different characteristics and attributes of individuals.

### **National Guard – Diversity:**

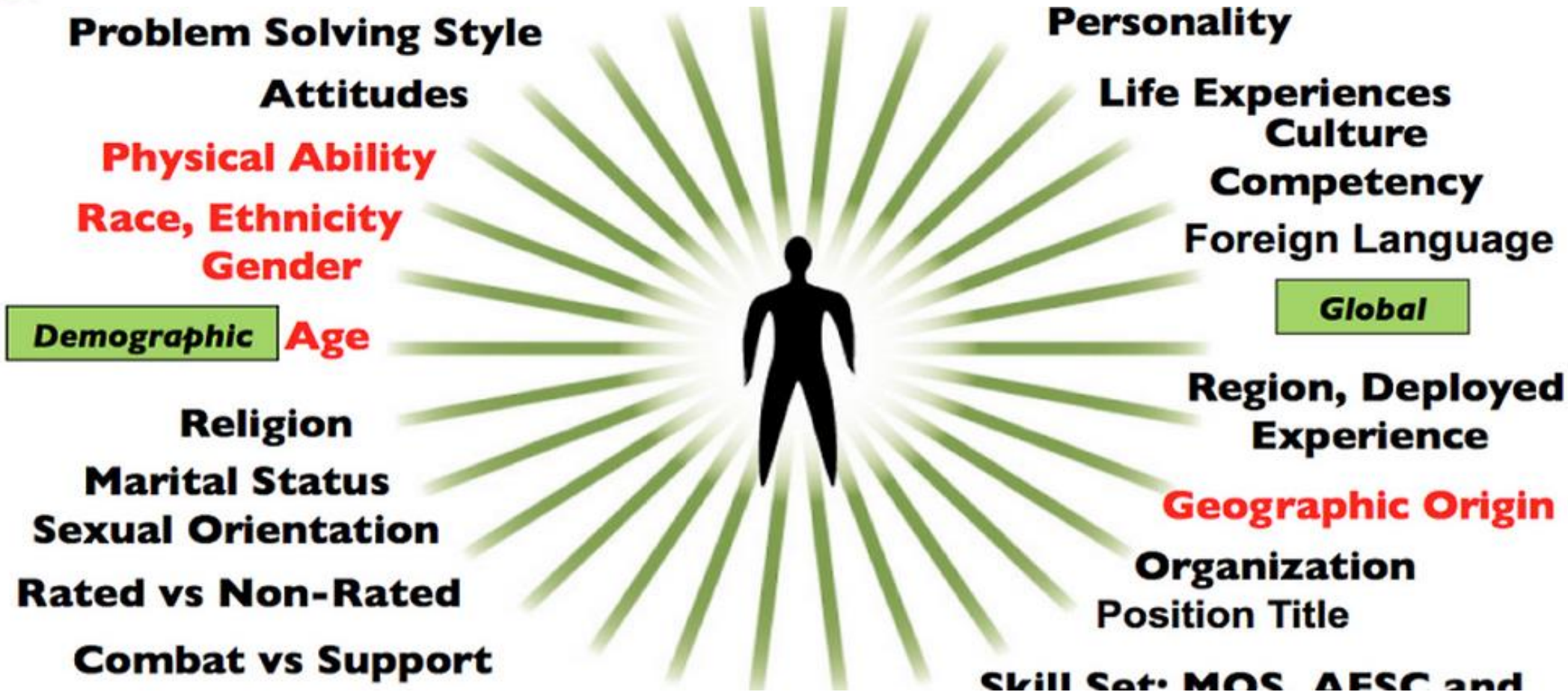
Challenging people to maximize their potential by embracing and promoting each other's holistic characteristics. Diversity is tapping into the limitless talent of the diverse population to reach its full potential as America's standing militia.

### **National Guard – Inclusion:**

Inclusion fosters and builds organizational strength through a positive work environment that promotes and respects the differences and similarities – both visible and invisible. This is manifested when all individuals have equal access to opportunities, resources, and information to allow them to fully contribute individual strengths to collective military might.



# Dimensions of Diversity





# Diversity Inversion and Inclusion leadership Competencies

## INTRAPERSONAL

- Self-Awareness
- Command Your Assumptions
- Emotional Awareness

## INTERPERSONAL

- Purposefully Communicate with Care
- Identify with, Connect with, and Enable Others
- Strategic Focus on Cultural Competencies
- Conflict-Resilient



# Why is Diversity Essential?

1. It's the right thing to do.
2. It is our organizational policy.
3. Demographics are rapidly changing.
4. It is essential to building a safe and productive work environment.
5. It directly impacts the ability to perform the mission.



# Five Converging Trends

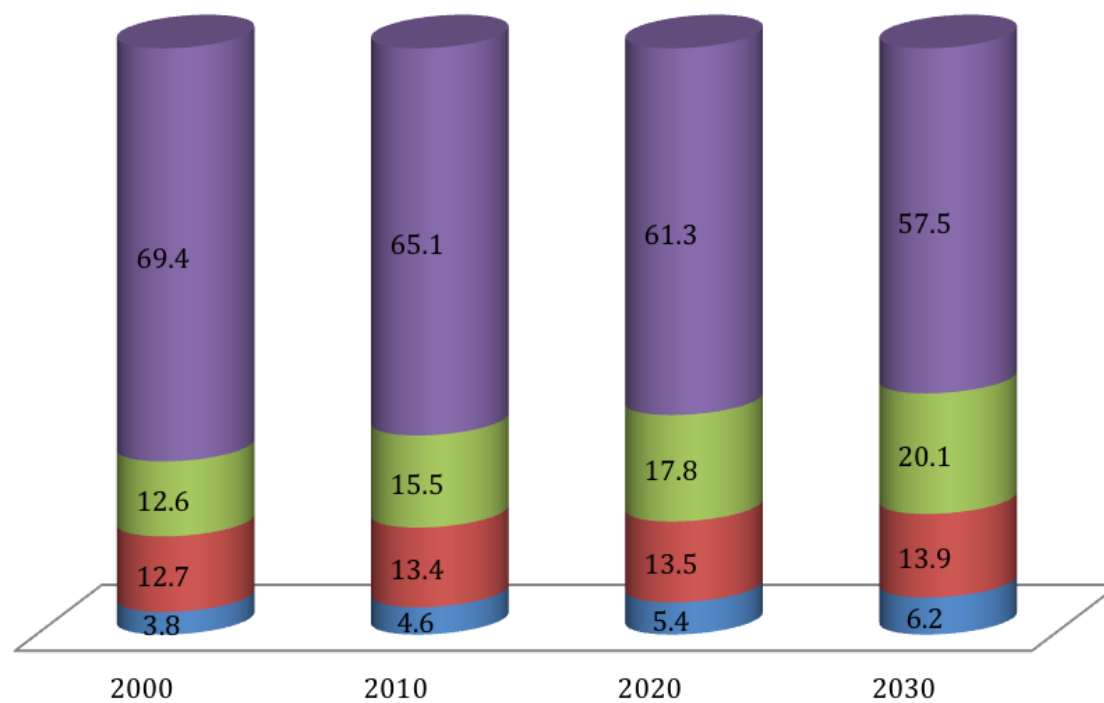
1. Changing U.S. demographics\*
2. Change in employee and consumer expectations
3. Utilization of technology
4. Increased global challenges
5. Organizations are changing



# Five Converging Trends

## United States Demographics

■ Asian ■ African American ■ Hispanic ■ White





# Diversity: A Competitive Advantage

- Utilization of Human Capital
- Reduced Interpersonal Conflict
- Enhanced Work Relationships
- Greater Innovation and Flexibility
- Improved Productivity
- Reduced Employee Turnover
- Improving Recruiting Opportunities



# Diversity Misconceptions

## What Diversity Is...

A business imperative – a competitive advantage

All of the dimensions of diversity that will help us succeed in a changing workplace and marketplace

An ongoing process designed to achieve sustainable improvements

Beyond race and gender to include a broad range of diversity dimensions

Removing all unreasonable biases or barriers to success

## What Diversity Is Not...

Just socially or morally driven

Just relating to legislation issues (e.g. EEO, affirmative action, ADA, etc.)

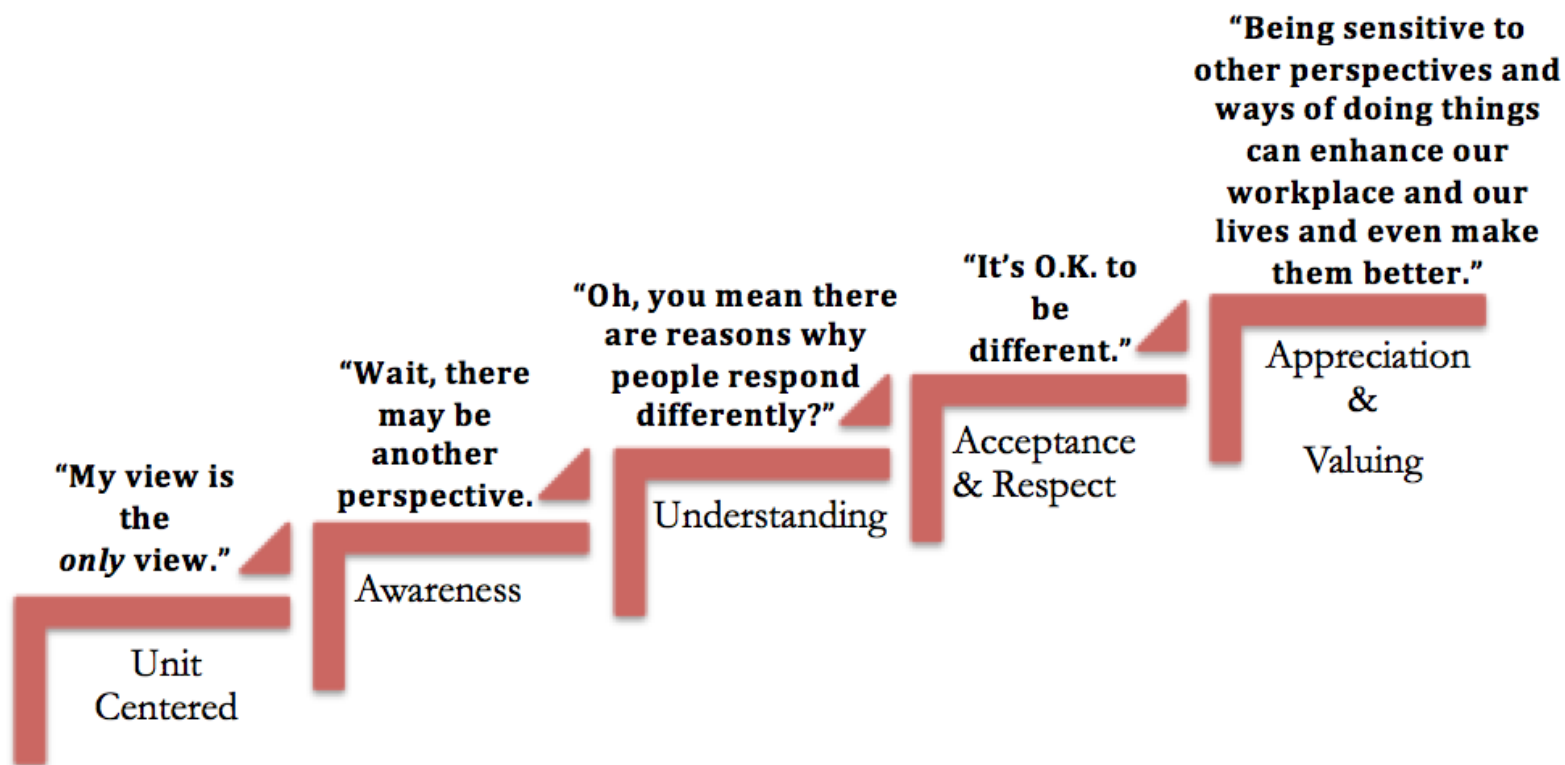
Just a program or event

Just race and gender

Just about the issues of discriminating against a “new group”



# Diversity Continuum





**What are the risks if we don't foster  
commitment to diversity?**

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**What can you do to help foster diversity?**

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# Mentoring

- Teaches the mentee about task-specific issues
- Coaches the mentee on particular skills
- Facilitates the mentee's growth by sharing resources and networks
- Creates a safe learning environment for taking risks
- Focuses on the mentee's total development



## Why do organizations need mentoring?





# Questions and Comments?

Thank you for your participation!

# Technician Personnel Regulation 752



## MERIT SYSTEMS PROTECTION BOARD (MSPB)

MAJ Lloyd Phelps II

HING SJA

672-1010

[lloyd.c.phelps4.mil@mail.mil](mailto:lloyd.c.phelps4.mil@mail.mil)

## Technician Personnel Regulation 752



# MSPB – WHY SHOULD I CARE?

# Technician Personnel Regulation 752



1. **BECAUSE THIS AFFECTS YOU AS SUPERVISORS**
  - Get it wrong on the front end and you could have a very unpleasant day in court
  
2. **BECAUSE THIS COULD AFFECT THE HING BOTTOM LINE**
  - Get it wrong and this could cost the HING hundreds of thousands of dollars

# Technician Personnel Regulation 752



## CURRENT MSPB LAW



## 2017 NDAA, Section 512

- **Overturns prohibition on appeals beyond the TAG**
  - Previously:
    - NG techs could not appeal to the MSPB;
    - Case law severely limited EEOC and FLRA authority
- Allows technicians to appeal **adverse actions** that:
  - do not concern activity occurring while the member is **in a military pay status**, or
  - that does not concern **fitness for duty in the reserve components**.
-

## 2017 NDAA, Section 512 (Cont.)



- Applies to **ALL** technicians as of **23 DEC 2016**
- TAGs subject to MSPB and EEOC authority???
  - **EEOC** asserts jurisdiction over almost all personnel actions (more expansive)
  - **MSPB**
    - Termination/Removal
    - Suspension for more than 14 Days
    - Reduction in Grade/Pay
    - Furlough of 30 Days or less
  - **Both** Can Order
    - Reinstatement
    - Mitigation
    - Award damages (back pay and **attorney fees**)
  - **WHO PAYS???**

# Why Care???

## 2017 NDAA, Section 932



- (3) Administrative actions
  - (A) The **adjutant general** of the jurisdiction concerned **shall be considered the head of the agency** and the National Guard of the jurisdiction concerned **shall be considered the employing agency of the individual and the sole defendant** or respondent in any administrative action.
  - (B) The National Guard of the jurisdiction concerned **shall defend any administrative complaint, grievance, claim, or action, and shall promptly implement all aspects** of any final administrative order, judgment, or decision.

# Why Care???

## 2017 NDAA, Section 932 (Cont.)



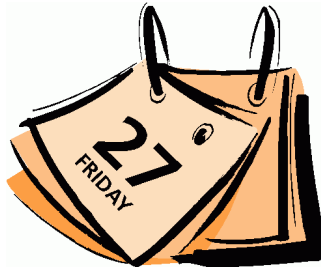
- (3) Administrative actions (Continued)
  - (C) In any civil action or proceeding brought in any court arising from an action under this section, the United States shall be the sole defendant or respondent.
  - (D) The Attorney General of the United States shall defend the United States in actions arising under this section described in subparagraph (C).
  - (E) **Any settlement, judgment, or costs** arising from an action described in subparagraph (A) or (C) shall be paid from appropriated funds allocated to the National Guard of the jurisdiction concerned.



## MSPB Jurisdiction

MSPB Appealable Actions – 5 U.S.C. § 7512

- Removal
- Suspension for more than 14 days
- A reduction in grade
- A reduction in pay; and
- A furlough of 30 days or less





# Adverse Actions Pitfalls

## • Adverse Actions Pitfalls

- Proposing (Charging) Official:
  - Don't over investigate (**Time is the enemy, Collateral Attacks, Worker's Comp,...**)
  - Don't overcharge (**KISS**)
  - Nexus?
  - Don't Wait for a Criminal Conviction
  - Preponderance v. Reasonable Doubt
- Deciding Official Fails to Apply Douglas Factors

# Douglas Factors



1. **The nature and seriousness of the offense, the relation of the offense to the employee's duties, whether the offense was intentional or inadvertent, or whether or not the offense was committed for gain, with malice, or repeatedly;**
2. **The employee's job level and type of employment – supervisory or fiduciary, contact with the public, prominence of the position;**
3. **The employee's past disciplinary record;**
4. **The employee's past work record: length of service, quality of performance, and dependability;**
5. **The effect of the offense upon the employee's ability to continuing performing at a satisfactory level, and the effect on the supervisor's confidence in the employee after the misconduct;**
6. **The consistency of the penalty with those imposed upon other employees for the same or similar offenses;**
7. **Consistency of the penalty with the Agency's Table of Penalties (if any);**
8. **The notoriety of the offense and the impact on the reputation of the Agency;**
9. **The clarity with which the employee was on notice of the rules violated in committing the offense, including warnings about the conduct;**
10. **The potential for the employee's rehabilitation;**
11. **Mitigating circumstances surrounding the commission of the offense (unusual job tensions, personality conflicts, bad faith issues, mental impairment, harassment, etc.);**
12. **The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by this employee or others.**

# Douglas Factors



- All 12 Douglas Factors must be considered
- If any factor does not apply to offense charged simply notate “Not Applicable to the Charge.”

# CNGBN (Draft) v. TPR 752

## NG TECHNICIAN ADVERSE ACTIONS AND APPEALS



- CNGBN (Draft) updates TPR 752 and 752.1:
  - TAG will issue the **final decision** ... on an appealable action **w/10 days** of receiving a request for administrative review ... or the report of a hearing examiner....
  - **Miltechs, after having exhausted the (administrative) procedures ... (and received TAG final decision), may file an appeal ...**
  - Miltechs must file ...with the **MSPB** ... **w/30 days** of receiving TAG's final decision..., or the effective date of the adverse action, whichever is later.
  - Miltechs may file (an)...**EO complaint** with the State on the basis of **race, color, national origin, religion or sex w/45 days** of receiving TAG's final decision, or the effective date of the adverse action, whichever is later.

## Timeliness, cont.



### Failure to provide notice of appeal rights in a decision letter

- An agency is responsible for providing an appellant notice of his right to file an appeal with the Board
- Failure to apprise an appellant of a right of appeal may constitute grounds for finding an untimely appeal timely filed for good cause
  - *See Ford v. U.S. Postal Service*, 82 M.S.P.R. 327, ¶ 9 (1999)
- In these circumstances, the Board will consider whether the appellant was diligent in filing an appeal after he learned of his right to do so

# Technician Personnel Regulation 752



## MSPB PROCESS



## Discovery

- 5 C.F.R. § 1201.71 – Purpose
  - Discovery is designed to enable a party to obtain relevant information needed to prepare the party's case.
  - The regulations are intended to provide a simple method of discovery.
  - The regulations will be interpreted and applied to avoid delay and facilitate adjudication.
  - The parties are expected to complete discovery with a minimum of Board intervention.
  - Discovery requests and responses should NOT be filed with the administrative judge unless part of a motion to compel





## Prehearing Conference and Hearings

- Prehearing Conference
  - Usually set about 1 week prior to hearing
  - Parties must submit any agreed upon facts in advance, as well as requests to call witnesses and introduce exhibits not already in the record (i.e., not in the agency file)
    - Date for prehearing submissions set by administrative judge; usually due 2-3 days before prehearing conference
  - Administrative judge will approve witnesses; may rule on admissibility of exhibits at this time, or may address at the hearing
  - Final settlement efforts



## Settlement

- Settlement is highly encouraged and can be reached either while the initial appeal is with the administrative judge or while the case is with the full Board on Petition for Review



- A settlement is a contract between the parties
  - *See Young v. U.S. Postal Service*, 113 M.S.P.R. 609, ¶ 10 (2010)



## 4 Methods for Settlement

- Party-driven settlement
  - After the initial appeal is filed, the parties reach a settlement on their own terms
- Administrative judge facilitates settlement
  - Administrative judges will proactively raise the issue of settlement
  - Regulations permit the parties, on consent, to have ex parte (i.e. one-sided) conversations with the assigned administrative judge in furtherance of settlement
    - See 5 C.F.R. § 1201.41(c)(1)
  - Administrative judge serves as mediator
- Informal referral of the appeal to another administrative judge for settlement only
- Mediation Appeals Program (MAP) mediator from HQ

# Technician Personnel Regulation 752

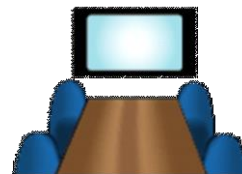


## *MSPB HEARING*



# Hearing

- Hearing
  - If issues of credibility are involved, will hold hearing in-person or via videoconference
  - Telephonic hearings are disfavored
    - *See McGrath v. Department of Defense*, 64 M.S.P.R. 112, 115 (1994) (an appellant has a right to an in-person hearing and administrative judge may not order telephonic hearing over appellant's objection)
  - Video-teleconference is commonly used and may be ordered over an appellant's objection
    - *See Koehler v. Department of the Air Force*, 99 M.S.P.R. 82, ¶¶ 11, 13-14 (2005) (use of videoconference hearing subject to abuse of discretion)
  - Agency is typically responsible for arranging videoconference hearing location





## The Hearing

- Agency presents its case first because it bears the burden of proving the charge, nexus, and penalty (*see* 5 C.F.R. § 1201.58)
  - Administrative judge can order testimony out of order (5 C.F.R. § 1201.58(c))
- Typically joint witnesses (i.e. those called by both sides) will only testify once
- Witnesses subject to direct and cross examination; possible questioning by the administrative judge during the examination or when the parties have completed their examination
- Documents introduced
- Typically no opening statements; usually oral closing arguments, but administrative judge may allow for written closing arguments
- Court reporter present taking down testimony in audio recording, which is made part of the record
  - The parties may purchase a written transcript of the proceedings from the court reporter
- Record typically closes at the conclusion of the hearing, i.e., no further evidence taken or admitted
  - *See* 5 C.F.R. § 1201.59(a)





## The Initial Decision

- Contains findings of fact and conclusions of law
- Will address the agency's charge and specifications (if any); nexus; and penalty determination
- Must include credibility findings and resolve factual disputes
- Will resolve any affirmative defenses
- If agency action is mitigated or overturned, may include an award of interim relief pending the initial decision becoming final following a Petition for Review filed with full Board
- Will include a date (35 days from date of issuance) when Petition for Review must be filed; otherwise, Initial Decision becomes Board's final decision, and appellant may file an appeal in U.S. Court of Appeals or U.S. District Court
  - *See* 5 C.F.R. 1201.114(e)





## Beyond the Initial Decision

- Both the appellant and the agency have the right to file a Petition for Review with the full Board – see 5 C.F.R. § 1201.114-120
- Full Board may affirm, modify, or vacate and remand the appeal to the administrative judge
- If Board either affirms or modifies the initial decision, the appellant has option of seeking judicial review in U.S. Court of Appeals for the Federal Circuit; in U.S. District Court (for appeals involving claims of discrimination); or in any U.S. Court of Appeals of competent jurisdiction if the appeal involves an allegation of whistleblower reprisal
- The agency, however, has no right to seek judicial review in the federal courts without the Office of Personnel Management's (OPM) approval
  - With OPM approval, an agency can appeal a final Board decision to the U.S. Court of Appeals for the Federal Circuit on important issues of civil service law impacting the entire Federal workforce



# Technician Personnel Regulation 752



## FINAL EXAM

# Technician Personnel Regulation 752



## QUESTION 1 – WHY DO WE CARE?



## Technician Personnel Regulation 752

### 1. BECAUSE THIS AFFECTS YOU AS SUPERVISORS

- Get it wrong on the front end and you could have a very unpleasant day in court

### 2. BECAUSE THIS COULD AFFECT THE HING BOTTOM LINE

- Get it wrong and this could cost the HING hundreds of thousands of dollars



# QUESTIONS?



“We only have a few rules around here,  
but we really enforce them.”

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**MAJ Lloyd Phelps II**  
**Hawaii National Guard**  
**Office of the Staff Judge Advocate**  
**27 June 2018**

**Ethics Training**



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# The Virgin Islands Consortium

## 15 August 2017

ST. THOMAS — Governor Kenneth Mapp dropped bombshell news regarding the Virgin Islands National Guard (V.I.N.G.) during a Government House press conference on Tuesday, revealing that following a yearlong investigation by the National Guard Bureau (N.G.B.) which is still ongoing, rampant sexual assault, harassment, assault, sexual intercourse for employment (quid pro quo) and fraud were found to be commonplace at the Virgin Islands National Guard for years, and that course-resetting changes at the organization were underway.

Without mincing words, the governor — joined at one point by V.I.N.G. Adjutant General Deborah Howell, Deputy Director of the Army National Guard, Major General Timothy McKeithen, and Special Assistant to the Director of the Army National Guard, Brigadier General John C. Boyd — said he was troubled by the findings of the investigators, which was relayed to the governor on July 24.

The logo of The Topeka Capital Journal, featuring a stylized profile of a person's head in red and yellow, set against a green circular background.

# The Topeka Capital Journal

## 13 January 2017

**TOPEKA, Kan. (WIBW/AP) --** The National Guard Bureau is stepping in to review the Kansas National Guard's investigation into enlistment document forgery and racism that led to reports questioning the Guard's leadership.

The Bureau will also look into the actions taken by the state Guard.

Kansas Adjutant General Lee Tafanelli made the request after "repeated and extensive investigations" that occurred between 2013 and 2015 and covered allegations spanning 2006 to 2014.

The Topeka Capital Journal reported the Air Guard one-star general and Army Guard lieutenant colonel who led the probe separately concluded "toxic" leadership was damaging the Guard.



## Portland Press Herald 1 December 2015

IG investigation found former Maine National Guard CofS violated **military ethics codes**:

- Misused government resources to cover his personal activities at Boston Marathon, violated travel regulations by traveling to & running marathon with no legitimate government purpose, indicated he was meeting with Guard counterparts in Massachusetts even though no evidence supports that he did meet





## Core Values

- **Department of the Army**
  - **Loyalty**
  - **Duty**
  - **Respect**
  - **Selfless Service**
  - **Honor**
  - **Integrity**
  - **Personal Courage**



## Core Values

- **Department of the Air Force**
  - **Integrity First**
  - **Service Before Self**
  - **Excellence in All We Do**

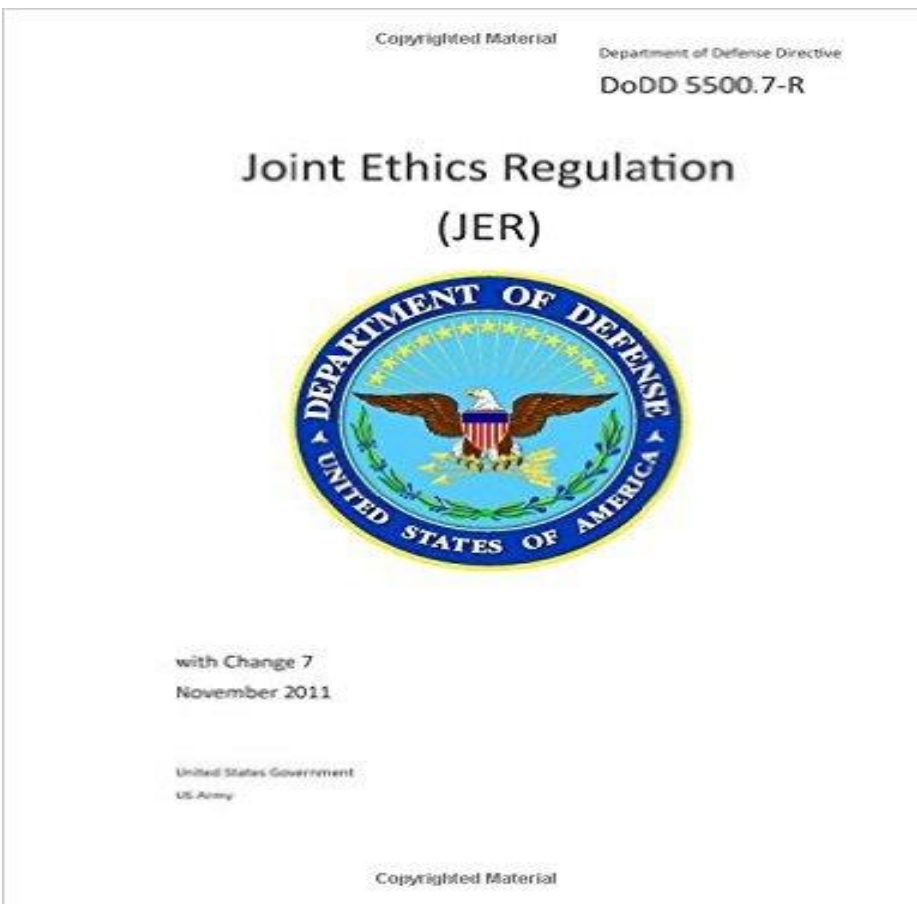


## Pop-Quiz #1

- Name the Department of Defense Regulation that provides a single source of standards of ethical conduct and ethics guidance, including direction in the areas of financial and employment disclosure systems, post-employment rules, enforcement, and training.



# Joint Ethics Regulation (JER) DOD 5500.07-R



- Current version, Change 7, 17 November 2011
- Punitive
- Application to members of the National Guard



## Application of JER to Members of the National Guard or Reserve

- Any Reserve / National Guard member while performing official duties or functions under the authority of either title 10 or title 32 of U.S. Code or while engaged in any activity related to the performance of such duties or functions, including any time the member uses his Reserve or National Guard of the United States title or position, or any authority derived there from.



## JER 1-415

### Each DoD employee shall:

- Abide by ethical principles established by Executive Order 12674, ethics statutes and ethics regulations promulgated by Office of Government Ethics (OGE) & DoD;
- Set personal example for fellow DoD employees in performing official duties within the highest ethical standards;
- Perform all official duties so as to facilitate Federal Government efficiency and economy;

**JER 1-415****Each DoD employee shall:**

- Attend ethics and procurement integrity training as required;
- File financial and employment disclosure reports as required.
- Report suspected violations of ethics regulations in accordance with subsection 10-200 of JER;

A circular icon with a yellow background and a green border, containing a red silhouette of a head and a brown silhouette of a profile.

## Reporting Suspected Violations

- DoD employees who suspect a JER violation shall report the matter to any of the following:
  - Agency Designee of DoD employee
  - Agency Designee of suspected violator
  - Head of the DoD Component command or organization
  - Any Ethics Counselor
  - DoD Component's Inspector General (IG)
  - DoD Component's Criminal Investigative Office
  - DoD hotline or DoD Component hotline



## Pop-Quiz # 2

- Who in the room is an Agency Designee?

A circular icon with a yellow background and a green border, containing a red silhouette of a person's head and shoulders.

## Agency Designee

- Defined in JER, paragraph 1-202 as  
The first supervisor who is a commissioned military officer or a civilian above GS-11 in chain of command or supervision of employee concerned.
- Except in remote locations, the Agency Designee may act only after consultation with local Ethics Counselor



## Pop-Quiz # 3

- Who in the room is an Ethics Counselor?



## Ethics Counselor

- Me
- Appointed as Ethics Counselor for the Hawaii National Guard by Chief Counsel, National Guard Bureau, pursuant to delegation of authority by The Judge Advocate General
- Attorney-client or other confidential relationship is not created by a request.
- Communications made in my role as an Ethics Counselor are not privileged.



**Fourteen Ethical Principles**  
**5 C.F.R §2635.101 (b)**



## Fourteen Ethical Principles

1. Trust: Public Service is a public trust, requiring employees to place loyalty to the Constitution, the laws & ethical principles above private gain.

2. Independence: Employees shall not hold financial interests that conflict with the conscientious performance of duty.



## Fourteen Ethical Principles

3. Confidentiality: Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.



**The Seattle Times**  
**30 March 2007 & 2 May 2007**

- Senior Interior Department Official disclosed confidential information to private groups seeking to affect policy decisions. Deputy Assistant Secretary for Fish and Wildlife and Parks “misused her position” by disclosing documents to the Pacific Legal Foundation & California Farm Bureau, both of which had challenged endangered-species listings.
- Submitted resignation as agency discussed plans to demote her.



## Fourteen Ethical Principles

4. Incorruptibility: Employee shall not, except as permitted by law/regulation, solicit or accept any gift or other item of monetary value from any person/entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.



## Gifts From Prohibited Sources

- Prohibited Sources – includes those that do/seek business/official action with HING
- Standards of Conduct Office publishes 317 page list of those that have contracts of \$25,000 or more with DoD.
- Gifts from Department of Defense contractors or other non-federal entities can be no more than \$20 per source per occasion and no more than \$50 from the same source in a calendar year



## Gifts Between Employees

Leader/supervisor normally may not accept a gift from a subordinate. Exceptions may be occasion appropriate:

- Office Refreshments
- Personal Hospitality
- Tradition (birthday)
- Infrequent (marriage, illness, birth)
- Farewell



## Gifts Between Employees

- For infrequent occasions, each donating group of individuals may gather contributions for a gift, up to a market value of \$300, provided that such donations are not coerced but deemed strictly voluntary.
- \$10 limit on solicitation among subordinates



## Gifts From Foreign Governments

- Service Members may accept gift (or combination of gifts) of “minimal value”
- \$375 fair market value or less is cut off
- Rules are same re. what can do with gift:
  - Diplomatically decline
  - Pay fair market value
  - Accept on behalf of US government/becomes property of US government



## Widely Attended Gatherings (WAG)

- WAG = A gathering is widely attended if it is expected that a large number of persons will attend & that persons with a diversity of views or interests will be present
- Can accept cost of attendance if two-part test met and attendance in the interest of agency
- Can accept meals if offered to everyone in attendance
- If exclusive dinner/meal offered to only select individuals, can't accept or pay FMV



## Fourteen Ethical Principles

5. Honesty: Employees shall put forth honest effort in the performance of their duties.

6. Veracity: Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.



## Fourteen Ethical Principles

7. Loyalty: Employees shall not use public office for private gain

8. Fairness: Employees shall act impartially and not give preferential treatment to any private organization or individual



## Fourteen Ethical Principles

9. Conservation: Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.



## Fourteen Ethical Principles

10. Integrity: Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.



# **TAG Policy for Employment Outside the Hawaii National Guard**

Any activity that could potentially interfere with obligation to protect the government's interests, affect objective judgment with regard to a business decision, or could reasonably bring discredit upon individual or the Hawaii National Guard creates a potential conflict of interest.



## Outside (off-duty) Employment

- TAG policy seeks to avoid conflicts of interest or ethics regulation violations by Full Time Support Personnel (Military Technicians, Active Guard Reserve (AGR) & Full Time National Guard Duty Operational Support (FTNGD-OS) Soldiers and Airmen)
- Must not conflict with official duties, detract from readiness, pose workplace safety risks or reflect unfavorably on the Department of Defense
- TAG is approval authority for outside employment



## Fourteen Ethical Principles

11. Candor: Employees shall disclose waste, fraud, abuse and corruption to appropriate authorities.

12. Citizenship: Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those – such as Federal, State or Local taxes – that are imposed by law.

A circular icon with a yellow background and a green border, containing a red silhouette of a person's head in profile, facing left.

## Fourteen Ethical Principles

13. Compliance: Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age or handicap.

14. Visibility: Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.



## Fourteen Ethical Principles

- Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant fact.



# Political Activities (Hatch Act)





## Partisan Political Politics

- Department of Defense (DoD) Directive 1344.10, Political Activities by Members of the Armed Forces on Active Duty Military covers members of the Armed Forces.
- Prohibits engaging in political activity while wearing a uniform or official insignia identifying the office or position of the DoD employee or engaging in partisan political activity in federal building



## DoD Political Activity Public Affairs Guidance

- Federal civilian employees and active duty service members may generally express their own personal views on public issues or political candidates via social media platforms
- If social media site/post identifies the member as on active duty or federal employee, entry will clearly and prominently state that the views expressed are those of the individual only and not those of the Department of Defense



# DoD Political Activity Public Affairs Guidance

- SMs may “follow” “friend” or “like” a political party or candidate running for partisan office
- SMs may not post links to, “share” or “re-tweet” comments or tweets from the Facebook page or twitter account of a political party or candidate running for partisan office (Such activity is deemed to constitute participation in political activities)



# Final Considerations



# Ethical Decision Making

Always ask yourself these questions when making a decision

- Do the ethics rules permit me to take a proposed action/may I proceed?
- If yes, should I proceed? What are the benefits to DoD if I take the proposed action and what are the RISKS?



## THE LAST WORD

- Be familiar with the ethics rules that apply to you and your subordinates
- Lead by example...your actions, more than your words demonstrate your attitudes, values and expectations
- You do not have to be an ethics expert. Please contact your ethics counselor with any questions. The ethics counselor is here to help you!

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# Questions?



UNCLASSIFIED

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# HIANG Finance

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Hawaii Air National Guard

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# Goals for TPMC



- Not call CMSgt Orr for everything
- Properly manage and take care of technicians
- Get information on AGR/technician conversion
- Build a good supervisory contact roster
- To understand technician status and the technician program and processes
- To learn as much as can, refresh from last TPMC 10 years ago
- To learn a lot and quit bad habits
- To fix technician structure and take care of technician issues
- To work with senior NCO's and Commanders that are T5, T32, and AGR's to integrate and overcome challenges

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# Day 2 Course Critique Questions?

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