

# **CIVILIAN PERSONNEL MANAGEMENT**

## **AN INTRODUCTION FOR SUPERVISORS AND MANAGERS**





# WHAT WE'LL COVER

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- Performance Management System
- Actions based on misconduct
- Labor Relations
- Leave administration
- Awards
- Civilian Employee Assistance Program
- Drug Free Workplace Program



# PERFORMANCE MANAGEMENT SYSTEM

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- Two-level appraisal system
  - Applies to all General Schedule (GS) and Federal Wage System employees

## **BUT, THERE ARE TWO DIFFERENT TWO-LEVEL APPRAISAL SYSTEMS:**

- One system applies to employees who are in the bargaining unit
- The other system applies to everyone else who converted from NSPS to GS & is an **Interim System**



# **BARGAINING UNIT**

## **TWO-LEVEL APPRAISAL SYSTEM**

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- Critical elements & related performance standards
  - Elements rated as Acceptable or Unacceptable
  - Supervisors establish individual elements and standards
- Overall rating of Acceptable or Unacceptable
  - Rating of Unacceptable on one or more critical elements results in an overall rating of Unacceptable
- Rating period may vary from command to command



# **INTERIM TWO-LEVEL APPRAISAL SYSTEM (NSPS TO GS CONVERTEES)**

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- Critical elements & related performance standards
  - Elements rated as Acceptable or Unacceptable
- Overall rating of Acceptable or Unacceptable
  - If one or more elements rated Unacceptable, overall performance is rated Unacceptable



# INTERIM TWO-LEVEL APPRAISAL SYSTEM

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- Supervisors establish critical elements
- Navy-wide pre-established standards used to evaluate performance on each element and are based on the “career stage” of the employee:
  - Entry
  - Journey
  - Expert
- Standardized rating period throughout Navy
  - 1 Oct – 30 Sep



# **BOTH TWO-LEVEL APPRAISAL SYSTEMS**

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- If performance is Unacceptable:
  - Reasonable opportunity to improve performance will be provided
- If performance remains Unacceptable after the opportunity period, the employee may be removed from the position
  - Removal from Federal Service
  - Reduction in grade
  - Reassignment to a position at the same grade



# PERFORMANCE AND CONDUCT: IS THERE A DIFFERENCE AND DOES IT MATTER?

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- Yes, there is a difference
  - Performance: Can't do
  - Conduct: Won't do
- Sometimes it will matter, sometimes it will not matter (How is that for an answer?)
  - Approach may be different





# **PERFORMANCE AND CONDUCT: WHY WE NEED TO DISTINGUISH**

<b>REMOVALS &amp; DOWNGRADES DUE TO UNACCEPTABLE PERFORMANCE</b>	<b>REMOVALS, DOWNGRADES, LENGTHY SUSPENSIONS DUE TO MISCONDUCT</b>
<b>PIP ALWAYS REQUIRED – DELAYED ACTION</b>	<b>NO PIP – FASTER ACTION</b>
<b>LOWER BURDEN OF PROOF UPON APPEAL</b>	<b>HIGHER BURDEN OF PROOF UPON APPEAL</b>
<b>NO MITIGATION OF PENALTY – WINNER TAKES ALL</b>	<b>CAN PROVE CASE BUT HAVE PENALTY REDUCED</b>



# PERFORMANCE OR CONDUCT?

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- **Jack doesn't wear safety glasses as required**
- **Jack fails to meet a deadline**
- **In front of his co-workers, Supervisor Jill tells Jack he is the biggest fool she has ever worked with**
- **Jack doesn't call in to report his absence**
- **Jack's work is substandard on a routine assignment**
- **Supervisor Jill does nothing to address Jack's performance and conduct deficiencies**



# ACTIONS TO DEAL WITH CONDUCT PROBLEMS

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You and I travel  
to the beat of  
a different  
drummer



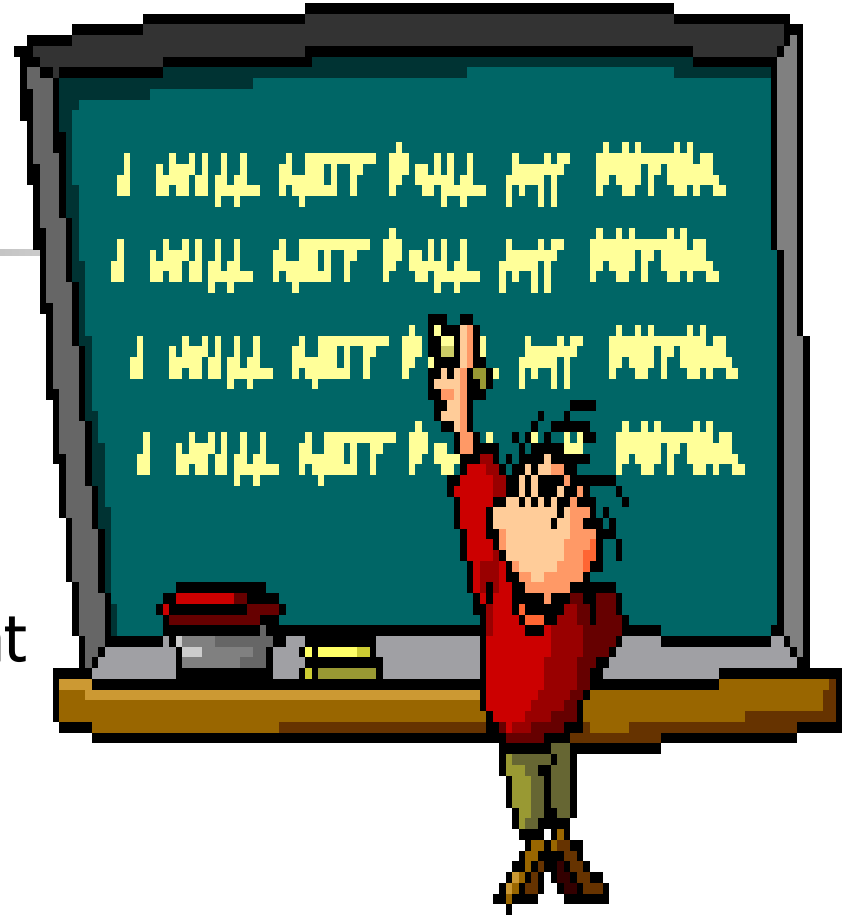
# GENERAL “RULES”

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- Employees expected to adhere to acceptable standards of conduct and performance
  
- Basic Concepts
  - Knew or should have known
  - Progressive discipline
  - Like penalties for like offenses

# OPTIONS

- INFORMAL ACTIONS
  - Oral admonishments
  - Letters of caution
  - Letters of requirement
- FORMAL DISCIPLINE
  - Letters of reprimand
  - Suspensions
  - Reduction in grade/pay band
  - Removal





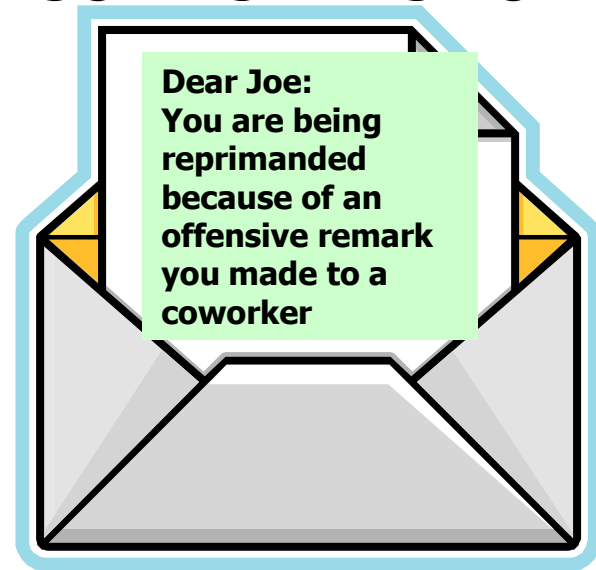
# INFORMAL NON-DISCIPLINARY ACTIONS

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- Oral admonishments
- Letters of caution
  - Generally, a preliminary warning notice
  - Not grievable unless specified as grievable in labor agreement
- Letters of requirement
  - Impose special requirements/restrictions
  - May be grieved

# FORMAL DISCIPLINE: LETTERS OF REPRIMAND

- Lowest form of formal discipline
- Placed in Official Personnel File for up to two years
- May be grieved





# SUSPENSIONS, DOWNGRADES, AND REMOVALS

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Two stages:

- Proposal: Tells the employee of the action being proposed and what rights the employee has in connection with the proposal
- Decision: Tells the employee the final decision on the proposed action and advises the employee of grievance or appeal rights



# PROPOSING OFFICIAL ROLE

- Gather facts and evidence to support facts
  - Administrative inquiry may be needed
  - In cases of alleged sexual harassment, a special inquiry may be required
- Consult with HROM to determine options
- Decide on charges and penalty (in consultation with HROM) to be proposed
- Issue written notice of proposed action to employee



# EMPLOYEE RIGHTS DURING THE PROPOSAL STAGE

- Right to representative
- Right to know the charges
- Right to review the material relied upon to support the charges that form the basis for the proposed action
- Right to respond to the proposal orally, in writing, or both
- Right to a written decision





# SAMPLE CHARGES

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- Performance based
  - Failure to perform
  - Negligence in performance of duties
  - Inattention to duty
- Conduct based
  - Sleeping on duty
  - Disrespect toward a supervisor or coworker
  - Misuse of government equipment

# DECIDING OFFICIAL ROLE



- Consider the proposal, the evidence to support the proposal, the employee's response, and mitigating/aggravating factors (if applicable)
- Decision will be to sustain proposed action or to impose lesser or no action
  - May not increase proposed action



# DISAGREEMENTS WITH DECISIONS TO SUSPEND FOR 14 DAYS OR LESS

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- Employee has a right to file a grievance on all decisions to suspend for 14 days or less
- An individual at a level higher than the person who made the decision on the suspension will issue a final decision on the grievance
- If bargaining unit, follow labor agreement provisions



## DISAGREEMENTS WITH DECISIONS TO SUSPEND FOR MORE THAN 14 DAYS, REDUCTIONS ON PAY/PAY BAND, & REMOVAL

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- Suspensions of more than 14 days, reductions in grade/pay, and removals may be appealed to the Merit Systems Protection Board (MSPB) or the negotiated grievance procedure
- MSPB administrative judge issues a decision & will sustain the agency's decision if:
  - Charges are supported by the evidence
  - The penalty is a reasonable penalty
  - There is a nexus between the charges and the employee's position

# DEAL WITH PROBLEMS QUICKLY (but fairly and consistently)



THE FLOOR WILL GET PRETTY BUMPY IF YOU KEEP SWEEPING  
PROBLEMS UNDER THE CARPET Hoping they will resolve  
THEMSELVES



# AND THIS BRINGS US TO THE PROBATIONARY PERIOD

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- Use it to terminate the employment of any civilian whose performance or conduct is not meeting expectations
  - Action processed quickly (usually, the employee is terminated on the same day as he/she is given the written notice of termination)
  - Very limited appeal rights



# LABOR-MANAGEMENT RELATIONS

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# LABOR RELATIONS

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- AFGE represents:
  - Over 900 civilians at MCB/MCCDC who are covered by the Master Labor Agreement (MLA)
  - About 50 employees at Naval Medical Clinic who are covered by a separate agreement
- Union President is on “reasonable time”
  - For MLA business only even though he represents other employees (e.g., DECA, Clinic)



# WHO IS COVERED BY THE MASTER LABOR AGREEMENT?

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- MCB/MCCDC, MCAF, MCOTEA
  - Covered by the MLA unless employee is:
    - Supervisor or manager
    - Professional employee
    - Confidential employee
    - Engaged in work that directly affects national security
    - Engaged in audit/investigative functions that would reveal waste, fraud or abuse
    - Engaged in personnel work in other than a clerical capacity



# WHO IS COVERED BY THE NAVAL HEALTH CLINIC LABOR AGREEMENT?

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- Same as for the MLA except that professional employees are covered by the clinic labor agreement



# SUPERVISORS NEED TO KNOW ABOUT...

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- Provisions in the negotiated agreement
- Right to representation
- Bargaining obligations...

SO THEY CAN REDUCE THE CHANCES OF



Grievances and unfair labor practice charges...  
That are costly in terms of time, employee  
morale, and resources



# NEGOTIATED LABOR AGREEMENTS

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- Cover a wide range of subjects
  - Leave procedures
  - Disciplinary procedures
  - Safety
  - Grievance procedures
  - Overtime assignments
  - And lots more

# RIGHT TO REPRESENTATION

- FORMAL DISCUSSIONS
  - Union must be invited
- INVESTIGATIVE INTERVIEWS
  - Employee may invoke right to union representation



# FORMAL DISCUSSIONS

(These can be tricky)

- Any meeting between one or more management officials and one or more bargaining unit employees concerning a grievance, personnel policy or practice or other general condition of employment





# INVESTIGATIVE INTERVIEWS



- Examination of unit employee in connection with an investigation
- Reasonable belief that discipline may result
- Employee requests representation
  - MCB/MCCDC: No requirement to advise of this right
  - Clinic: Employee must be informed of this right



# LOCAL BARGAINING OBLIGATIONS

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- Changes to a condition of employment triggers the obligation to:
  - Notify the union of the change
    - HROM does the notification
  - Bargain if requested
    - HROM serves as technical advisor
    - Activity appoints negotiators



# NEGOTIATED GRIEVANCE PROCEDURE

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- Procedure set forth in labor agreement
  - Union or management may invoke
- MLA
  - 2 in-house steps
  - Last step is arbitration
    - 50/50 split of costs
- Clinic
  - 3 in-house steps



# UNFAIR LABOR PRACTICE CHARGES

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- Based on a violation of the labor relations statute
- Common charges
  - Failure/refusal to bargain
  - Interference with employee's rights
  - Bypassing the union
  - Formal meeting without notifying the union

# AWARDS





# AWARDS

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- Cash performance awards
- Quality Step Increases
- Special act or service awards
- Time off awards
- Letters or certificates of appreciation or commendation
- Suggestion awards
- Honorary awards

# LEAVE ADMINISTRATION & HOURS OF DUTY

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(FAMILY FRIENDLY POLICIES)



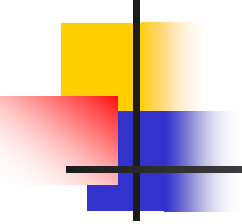


# LEAVE ADMINISTRATION: THE BASICS

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- Generally, leave should be scheduled in advance
- Unscheduled leave
  - Time limits for reporting unscheduled absences
- Supervisor has authority to approve/disapprove both scheduled and unscheduled leave
  - Within certain limitations
- Absences recorded as AWOL are unauthorized and may be used as a basis for disciplinary action
- Absences recorded as LWOP are approved absences and generally may not be used to support discipline





# TYPES OF APPROVED LEAVE

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- Annual leave
- Sick leave
- Leave without pay
- Excused absence/administrative leave

# ANNUAL LEAVE

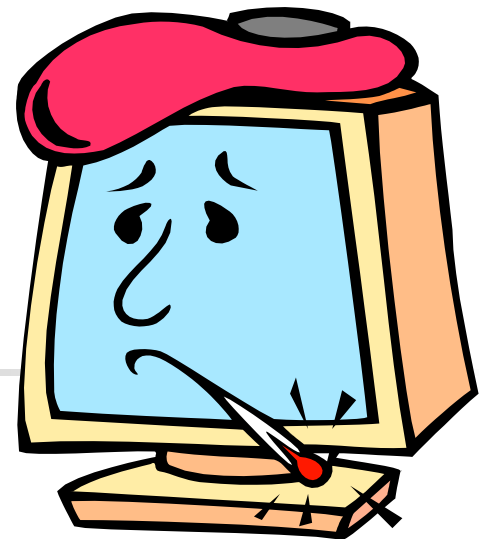
- Employee has a right to take
- Supervisor may deny if services are needed at work





# SICK LEAVE

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- Medical chit may be required for absences of more than 3 days as a routine matter
- May use up to 104 hours for general family care and bereavement purposes
- May be used for adoption (not for bonding)
- May use up to 12 weeks to care for family member with serious health condition



# LEAVE WITHOUT PAY

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- Family and Medical Leave Act
  - Up to 12 weeks of LWOP in any 12 month period
    - Birth and care of employee's child
    - Placement of child with employee for adoption/foster care
    - Care of spouse, son/daughter, parent of employee with serious health condition
    - Serious health condition of the employee
- Up to 90 days will be granted to employees whose family member is transferring
- Generally, approval of other LWOP requests is discretionary



# EXCUSED ABSENCE & ADMINISTRATIVE LEAVE

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- Absence from duty without a charge to leave or loss of pay
- 59 minute rule
- Common excused absence situations
  - Blood drives
  - Voting
  - Interview for competitive position within DoD



# HOURS OF DUTY

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- Consult with organization
- Various options may be available
  - Standard 8 hour fixed tours of duty
  - Alternative Work Schedules
    - Flexible Schedules
    - Compressed Schedules
- Telework schedules
  - Telecommuting center or home office



# CIVILIAN EMPLOYEE ASSISTANCE PROGRAM (CEAP)

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- CEAP provides assistance to employees with:
  - Drug/alcohol problems
  - Mental health problems
  - Financial problems
  - Other personal challenges
- Assistance also provided to family members



# CEAP

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- Confidential service
- Appropriate assistance provided depending on problem
- Primarily referral service
- May be referred to CEAP by supervisor

**REGARDLESS OF THE REFERRAL TO CEAP,  
SUPERVISORS NEED TO ADDRESS PERFORMANCE  
AND CONDUCT PROBLEMS**





# DRUG FREE WORKPLACE

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# POLICY

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- Eliminate illegal use of drugs by civilians by:
  - Required testing of applicants or employees in certain Test Designated Positions (TDPs)
  - Testing of any civilian based on “reasonable suspicion” of illegal drug use or testing of personnel involved in unsafe practices or accidents



# TESTING DESIGNATED POSITIONS

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- Department of the Navy identifies the TDPs Navy wide. Examples:
  - Firefighters
  - Motor Vehicle Operators
  - Civilians with certain security clearance levels
  - Nurses
  - Air Traffic Controllers

**ALL EMPLOYEES IN TDP POSITIONS ARE SUBJECT  
TO RANDOM DRUG TESTING**

# POSITIVE TEST RESULTS

- Cannot appoint applicant
- If current employee
  - Removal from TDP
  - Mandatory referral to CEAP
  - Initiate appropriate disciplinary action
  - If 2<sup>nd</sup> positive result, initiate removal





# SAFE HARBOR

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- One time opportunity to admit to drug problem without losing job
  - Must stop using drugs
  - Must comply with rehabilitation program
  - Must sign release for CEAP coordinator to receive records concerning treatment
- Failure to comply is basis for removal action
- Cannot come forward after being notified of test or positive test result

# HELPFUL WEBSITES



- <http://www.marines.mil/unit/hqmc/hr/Pages/default.aspx> (local HROM site; training; benefits; labor relations; drug free workplace; and much more)
- [www.opm.gov](http://www.opm.gov) (info on government-wide personnel **policies** and programs)
- <http://www.public.navy.mil/donhr/Pages/Default.aspx> (info on general Navy personnel policies and programs)
- [www.cpms.osd.mil/](http://www.cpms.osd.mil/) (info on general DoD personnel policies and programs)



# POINTS OF CONTACT FOR KEY EMAS AREAS

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- Performance management, discipline, labor relations, awards, leave, benefits, hours of duty
  - HQMC civilians:
    - Nikki Davis (supervisor), 703-614-1910
  - For mostly all others:
    - Susan Galloway (supervisor), 703-784-3120
- Civilian Employee Assistance Program
  - Pentagon Employee Referral Services, 703-692-8917
- Injury Compensation
  - Stephanie McLeod, 703-784-0564
  - Elvin Nazario, 703-784-1314
- Drug Free Workplace
  - Sam Butler, 703-614-2027
- Leave Transfer Program
  - Nikki Davis, 571-256-8205



# Questions?

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- One final thought: this stuff is complicated (even to those of us working in this field a long time) - -  
so, please contact us right away when you need some help!