



COMDTNOTE 12271

4 JUN 09

COMMANDANT NOTICE 12271

CANCELLED:

3 JUN 10

SUBJ: CH-3 TO COAST GUARD NONAPPROPRIATED FUND PERSONNEL MANUAL,  
COMDTINST M12271.1A

1. PURPOSE: The purpose of this Notice is to provide changes to the subject Manual. The contents are intended for all units with Nonappropriated Fund employees.
2. ACTION: Area, district, and sector commanders, commanders of maintenance and logistics commands, commanding officers of integrated support commands, commanding officers of headquarter units, assistant commandants for directorates, Deployable Operations Group, Judge Advocate General and special staff elements at Headquarters shall ensure compliance with the provisions of this Manual. Internet release is authorized.
3. SUMMARY OF CHANGES: Significant changes are marked by a vertical line in the outer margin. Editorial changes are not marked. Various chapters were affected by the changes to clarify and expand definition of context. Significant changes, summarized below, were made to Chapters 2, 3, 4, 7, 8, 9, 11, 17.
  - a. Chapter 2: Paragraph B.15 on page 2-5 was revised.
  - b. Chapter 3: Paragraph H.9.b. through d. on page 3-12 was revised. H.9.f. (1) on page 3-13 was revised. G.(1) on page 3-13 was deleted.
  - c. Chapter 4: Paragraph H.4. on page 4-8 revised. Paragraph R.4.a. through b. on page 4-18 revised. Paragraph R.5. on page 4-19 added to help clarify garnishment calculations.

DISTRIBUTION – SDL No. 152

	A	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	7	*	*		*	*						*	*	*				*								
C	*	*		*	*				*		*	*		*												
D				*											*											
E																	15									
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION: B:m TISCOM (1); C:a Cape Cod, Miami, Clearwater, Borinquen, Traverse City, Astoria (1); C:b North Bend, Port Angeles, Sitka (1 only); C:d St. Louis, Fort Macon, Charleston, Mayport, Miami Beach San Juan, Galveston, Mobile ( 1 only); C:e Cleveland, Galena Park, Portland OR (1 only); C:l Rockland, St. Petersburg, Fort Mayers Beach, Cortez, Juneau (1 only); C:k Honolulu, Ketchikan (1 only); C:l San Francisco (1); C:n Staten Island (1)

- d. Chapter 7: Paragraph C.2.c. on page 7-3 was revised. Paragraph E.4.b.(1) on page 7-9 was revised. Paragraph E.4.d. on page 7-10 was revised. Paragraph E.4.d.(1) on page 7-11 is deleted. Paragraph E.5.a. on page 7-10 was revised. Paragraph G.4.b. and d. on page 7-16 was revised. Paragraph G.5.a. and b. on page 7-17 was revised. Paragraph G.6. on page 7-18 was revised. Paragraph H.4.a. on page 7-19 was revised.
  - e. Chapter 8: Paragraph C. on page 8-1 was revised. Paragraph D.1.through 6 on page 8-1, and D.7. and D.9. through 10 on page 8-2 was revised. Paragraph D.16 and Paragraph E. on page 8-3 was revised. Paragraph E.2.k on page 8-4 was revised. Paragraph F.1.e. on page 8-5 was revised. Paragraph F.3.a. and b. on page 8-6 was revised. Paragraph F.6. on page 8-8 was added to reflect procedures for new evaluation system. Paragraph Paragraph G.1. through 3 on page 8-10 was revised. Paragraph K.2.a. on page 8-14 was revised. Exhibit 8-3 and 8-4 was revised.
  - f. Chapter 9: Paragraph D. on page 9-2 was revised.
  - g. Chapter 11: Paragraph I.1. through 3. on page 11-4 was revised. Paragraph J.8.a. and J.9. on page 11-6 was revised
  - h. Chapter 17: Paragraph A. through D. on page 17-1 was revised. Paragraph E. on page 17-2 was revised. Paragraph F. and F.1. and 4. on page 17-3 was revised. Paragraph G.1. through 3. on page 17-4 was revised.
  - i. Chapter 21: Delete Chapter 21.
  - j. Pen and Ink Change: Throughout manual, delete references to “Region Managers” and replace with “Director/Deputy Director of Operations”. In addition, delete any references to “G-WPC” and replace with “CG-121”; “G-WPC-6” and replace with “CG-1216”; “G-WPX” and replace with “Community Service Command”.
4. PROCEDURES: Remove and insert the following pages:

Remove

Page i through viii  
 Page 2-5 through 2-6  
 Page 3-12 through 3-26  
 Page 4-8 through 4-20  
 Page 7-1 through 7-30  
 Page 8-1 through 8-14  
 Exhibit 8-1 through 8-4  
 Page 9-2  
 Page 11-4 and 11-6  
 Page 17-1 through 17-4  
 Page 21-1 through 21-22

Insert

Page i through viii  
 Page 2-5 through 2-6  
 Page 3-12 through 3-26  
 Page 4-8 through 4-20  
 Page 7-1 through 7-30  
 Page 8-1 through 8-15  
 Exhibit 8-1 through 8-4  
 Page-9-2  
 Page 11-4 and 11-6  
 Page 17-1 through 17-5

5. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this Manual and have been determined it is not applicable.
  
6. FORMS/REPORTS. The forms called for in this Notice are available in USCG Electronic Forms on the Standards Workstation or on the Internet at <http://www.uscg.mil/ccs/cit/cim/forms1/welcome.htm>, Intranet at <http://cgweb2.comdt.uscg.mil/CGFORMS/Welcome.htm>, and CG Central at <http://cgcentral.uscg.mil/>. Forms with Stock Point other than Adobe may be obtained through the Office of Primary Responsibility (OPR).

CURTIS B. ODOM /s/  
Director of Personnel Management

Encl: (1) CH-3 to Coast Guard Nonappropriated Fund Personnel Manual,  
COMDTINST 12271.1A

CBOZEMAN/10-03-07/SS-CG1216/5-5357/COMDTNOTE12271

OFFICE OR DIVISION	CG-1216	CG-612	CG-103	CG-0944	CG-121	CG-12				
INITIALS OF RESPONSIBLE OFFICERS										
INTRA OFFICE OR DIVISION INITIALS										
DATE OUT										

PREVIOUS EDITIONS ARE OBSOLETE



COMDTNOTE 12271

COMMANDANT NOTICE 12271

CANCELLED:

SUBJ: CH-2 TO COAST GUARD NONAPPROPRIATED FUND PERSONNEL MANUAL,  
COMDTINST M12271.1A

1. **PURPOSE:** The purpose of this Notice is to provide changes to the subject Manual. The contents are intended for all units with Nonappropriated Fund employees.
2. **ACTION:** Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chiefs Counsel, and special staff officers at Headquarters shall ensure the changes are implemented. Internet release authorized.
3. **SUMMARY OF CHANGES:** Significant changes are marked by a vertical line in the outer margin. Editorial changes are not marked. Various chapters were affected by the changes to clarify and expand definition of context. Significant changes, summarized below, were made to Chapters 4, 6, 7, and 10.
  - a. **Chapter 4:** Paragraph Q. on page 4-15 added to reflect new severance pay policy for all regular full-time and regular part-time NAF employees. Paragraph R.4.a. and b. on page 4-18 was revised.
  - b. **Chapter 6:** Paragraph J.1. on page 6-5 was revised.
  - c. **Chapter 7:** Paragraph C.12. on page 7-6 was revised. Old paragraph C.13. titled "Lump Sum Payment for Excess Annual Leave Due to Reduction in Grade or Pay Band." on

DISTRIBUTION – SDL No. 140

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	7	*	*		*	*						*	*	*				*								
C	*	*		*	*				*		*	*		*												
D				*											*											
E																	15									
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION: B:m TISCOM (1); C:a Cape Cod, Miami, Clearwater, Borinquen, Traverse City, San Diego, Astoria (1); C:b North Bend, Port Angeles, Sitka (1 only); C:d St. Louis, Fort Macon, Charleston, Mayport, Miami Beach San Juan, Galveston, Mobile ( 1 only); C:e Cleveland, Galena Park, Portland OR (1 only); C:l Rockland, St. Petersburg, Fort Mayers Beach, Cortez, Juneau (1 only); C:k Honolulu, Ketchikan (1 only); C:l San Francisco (1); C:n Staten Island (1)

COMDTNOTE 12271

page 7-6 is deleted. Paragraph F.2.c.d. and e. on page 7-14 was revised reflecting change in the maximum LWOP from 12 months to 6 months.

- d. Chapter 10: Paragraph F.1. on page 10-4 was revised.
- e. Chapter 17: Paragraph F.1. on page 17-3 was revised.

4. PROCEDURES: Remove and insert the following pages:

Remove

Page i through iv  
Page 4-1 through 4-17  
Page 6-1 through 6-5  
Page 7-1 through 7-29  
Page 10-1 through 10-10  
Page 17-1 through 17-4

Insert

Page i through iv  
Page 4-1 through 4-18  
Page 6-1 through 6-5  
Page 7-1 through 7-29  
Page 10-1 through 10-11  
Page 17-1 through 17-4

5. FORMS. None.

Encl: (1) CH-2 to Coast Guard Nonappropriated Fund Personnel Manual,  
COMDTINST 12271.1A

COMDTNOTE 12271

CBozeman/cb/G-WPC-6/7-1342/Feb 06/COMDTNOTE 12271

OFFICE OR DIVISION	G-WPC-6	G-WPX	G-WPC	G-WP	G-W (a)		G-ICA			
INITIALS OF RESPONSIBLE OFFICERS										

COMDTNOTE 12271

INTRA OFFICE OR DIVISION INITIALS										
DATE OUT										

PREVIOUS EDITIONS ARE OBSOLETE



Commandant  
United States Coast Guard

2100 Second Street S.W.  
Washington, DC  
Staff Symbol: G-WPC-2  
Phone: (202) 267-6566

COMDTNOTE 12271

MAR 30 2001

COMMANDANT NOTICE 12271

CANCELED: MAR 30 2002

Subj: CH-1 TO COAST GUARD NONAPPROPRIATED FUND (NAF) PERSONNEL MANUAL,  
COMDTINST M12271.1A

1. PURPOSE. The purpose of this Notice is to provide changes to the subject Manual. The contents are intended for all units with Nonappropriated Fund employees.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff officers at Headquarters shall ensure that the changes are implemented.
3. SUMMARY OF CHANGES. Significant changes are marked by a vertical line in the outer margin. Editorial changes are not marked. Various chapters were affected by the changes to clarify and expand definition of context. Significant changes, summarized below, were made to Chapters 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 18 and 19.
  - a. Chapter 1. Paragraph G. on page 1-5 was revised.
  - b. Chapter 2. Paragraph b.18 on Page 2-5 was revised.
  - c. Chapter 3. Paragraph B.7. on page 3-2 was revised. Paragraph C.9. on page 3-3 was deleted. Paragraph H.4.d. on page 3-9 and paragraph H.5. on page 3-10 was revised.
  - d. Chapter 4. Paragraph E.4.b. on page 4-4, paragraph L.1. on page 4-12 and paragraph Q.1.a. on page 4-15 was revised.

DISTRIBUTION – SDL No. 139

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	7	*	*		*	*						*	*	*				*								
C	*	*		*	*				*		*	*		*												
D				*											*											
E																	15									
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION: B:m TISCOM (1); C:a Cape Cod, Miami, Clearwater, Borinquen, Traverse City, San Diego, Astoria (1); C:b North Bend, Port Angeles, Sitka (1 only); C:d St. Louis, Fort Macon, Charleston, Mayport, Miami Beach, San Juan, Galveston, Mobile ( 1 only); C:e Cleveland, Galena Park, Portland OR (1 only); C:l Rockland, St. Petersburg, Fort Mayers Beach, Cortez, Juneau (1 only); C:k Honolulu, Ketchikan (1 only); C:l San Francisco (1); C:n Staten Island (1)

- e. Chapter 7. Paragraph B.2. on page 7-1 and paragraph C.10. on page 7-5 was revised. Subparagraph h. was added onto paragraph G.4.g. on page 7-17.
  - f. Chapter 8. Revised to reflect new evaluation systems for all pay band and crafts and trades employees. Exhibit 8-4 Deleted.
  - g. Chapter 9. Paragraph D. on page 9-2 and paragraph M. on page 9-9 was revised.
  - h. Chapter 10. Paragraph G.3. on page 10-5 was revised.
  - i. Chapter 11. Paragraph J.9. on page 11-6 was revised.
  - j. Chapter 12. Paragraph L.2. on page 12-8 was deleted.
  - k. Chapter 18. Subparagraphs h., i. and j. was added to paragraph H.2. on page 18-4. Paragraph I.4. on page 18-5 and paragraph I.5. on page 18-6 was revised.
  - l. Chapter 19. Paragraph E.5.b.(3). on page 19-3 was revised.
  - m. Chapter 21. Table was revised under paragraph B. on page 21-1.
4. PROCEDURES. Remove and insert the following pages:

<u>Remove</u>	<u>Insert</u>
Page i through viii	Page i through viii
Page 1-5	Page 1-5
Page 2-5 through 2-6	Page 2-5 through 2-6
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Page 4-3 through 4-4	Page 4-3 through 4-4
Page 4-11 through 4-12	Page 4-11 through 4-12
Page 4-15 through 4-16	Page 4-15 through 4-16
Page 7-1 through 7-29	Page 7-1 through 7-29
Page 8-1 through Exhibit 8-4	Page 8-1 through Exhibit 8-4
Page 9-1 through 9-11	Page 9-1 through 9-11
Page 10-5 through 10-6	Page 10-5 through 10-6
Page 11-5 through 11-6	Page 11-5 through 11-6
Page 12-7 through 12-10	Page 12-7 through 12-10
Page 18-1 through 18-6	Page 18-1 through 18-6
Page 19-1 through 19-4	Page 19-1 through 19-4

COMDTNOTE 12271

Remove

Page 21-1 through 21-2  
Page 21-5, Page 1 through 21-6, Page 5  
Delete page number at the bottom of page  
Starting with Page 21-7, Page 1 through 21-24,  
Page 2

Insert

Page 21-1 through 21-2  
N/A  
Pen and ink new page number  
in accordance with table on Page 21-1.

Encl: (1) CH-1 to Coast Guard Nonappropriated Fund (NAF) Personnel Manual,  
COMDTINST 12271.1A

U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
United States Coast Guard

2100 Second Street, S.W.  
Washington, DC 20593-0001  
Staff Symbol: G-WPC-2  
Phone: (202) 267-1342  
FAX: (202) 267-4580

COMDTINST M12271.1A

COMMANDANT INSTRUCTION M12271.1A

Subj: NONAPPROPRIATED FUND (NAF) PERSONNEL MANUAL

1. PURPOSE. This Manual sets forth policy and procedures for the personnel administration of Nonappropriated Fund (NAF) personnel. The contents are intended for all units with nonappropriated fund employees.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at headquarters shall ensure compliance with provisions of this directive.
3. DIRECTIVES AFFECTED. Coast Guard Nonappropriated Fund Personnel Manual, COMDTINST M12271.1, is canceled.
4. FORMS AVAILABILITY. See Chapter 21.

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## CHAPTER 1. GENERAL CONCEPT AND POLICY

- A. Summary. This Manual establishes Coast Guard's policies and procedures for the administration of Coast Guard employees paid from nonappropriated funds (NAF). Nonappropriated fund employees include Coast Guard Exchange System (CGES), Morale, Well-Being and Recreation (MWR), Child Development Center (CDC) employees and Headquarters employees under Commandant (G-WPC) and Commandant (G-WPX).
- B. Applicability.
1. This Manual applies to civilian employees and U. S. Coast Guard off-duty military personnel under the Commandant's exclusive control who are paid from nonappropriated funds.
  2. These policies do not apply to:
    - a. Employees paid from appropriated funds, unless NAF Employee Benefit Portability Program, Chapter 20 of this Manual, applies.
    - b. Private association employees, such as Academy Athletic Department employees.
    - c. Independent contractors, such as professional entertainers, with whom no employer-employee relationship exists.
    - d. Individuals employed by private concessionaires doing business under contract involving NAF activities.
- C. Purpose. This Manual establishes policies and procedures to administer for United States Coast Guard NAF employees a comprehensive personnel program with these objectives:
1. Treat employees fairly and equitably through a uniform, Coast Guard-wide personnel system.
  2. Assist officials in recruiting, developing, and retaining the best-qualified persons available.
  3. Guide supervisors and other officials in the technical aspects of sound personnel management.
  4. Provide information on NAF employees' obligations, rights, and privileges.
  5. Establish a uniform personnel record system to provide reliable information on each employee's qualifications, employment history, and status as a Coast Guard NAF employee.

D. Employee Status Definitions.

1. Permanent Full-Time. A permanent position with a regular work schedule between 35 to 40 hours per week.
2. Permanent Part-Time. A permanent position with a regular schedule between 20 to 34.75 hours per week.
3. Intermittent When Actually Employed (WAE). A non-career position in any employment category working on call with no posted schedule.
4. Intermittent Scheduled. A non-career position with a regular schedule of fewer than 20 hours per week. Intermittent appointments do not confer permanent status.
5. Temporary. A position in any work schedule needed temporarily up to 2 years.
6. Term Appointment. An appointment lasting between 1 and 4 years if the need for an employee's services is temporary.
7. Seasonal. A position in any work schedule needed on a seasonal basis; the employee is retained in a leave-without-pay (LWOP) status during absent periods.

E. Responsibilities.

1. The Assistant Commandant for Human Resources (G-W) is responsible for all Coast Guard NAF employee personnel policy matters.
2. Commandant (G-W) has designated the Chief, Office of Civilian Personnel (G-WPC), as this Manual's program manager and administrator with these responsibilities:
  - a. Coordinate with appropriate authorities to maintain the Manual; revise and change it as necessary in accordance with Coast Guard policies, laws, and regulations from higher authority.
  - b. Direct the policies and programs set forth in the Manual, ensuring consistent implementation and continuous application Coast Guard-wide.
3. Area and district commanders, commanders of maintenance and logistics commands, Commandant (G-WPX), unit commanding officers and commanding officers of Headquarters units, assistant commandants for directorates, Chief Counsel, and chiefs of special staff offices at Headquarters shall ensure compliance with this directive.
4. Commanding officers for MWR, Child Development Center administrators, Chief, Office of Civilian Personnel (G-WPC) and Chief, Office of Exchange and Morale (G-WPX) for the Coast Guard Exchange System have the authority and responsibility to recruit, select, place, reassign, promote, terminate, and accomplish other related

personnel actions involving NAF employees. Additionally, they are authorized to establish NAF positions and, based on assigned duties and responsibilities, put each position in its appropriate pay category and assign a title, series, and grade based by applying directly or closely related job grading standards and using standard position guides. All actions taken under these authorities, including assigning pay and administering basic, differential, and premium pay, shall conform to this Manual's policies and procedures. Applicable laws, DOT Directives, and Coast Guard Instructions shall comply with fair employment practices and equal opportunity for both applicants and employees.

5. Region managers, exchange managers and MWR officers will enforce and take personnel actions as delegated from higher authority.
  6. Supervisors and managers will assign work, rate performance, prepare job descriptions and standard position guides, arrange training, approve or recommend approval of leave, and approve or recommend personnel actions. Supervisors and managers will ensure compliance with labor-management agreements and ensure all employees understand their duties, to whom they report, and their work relationships with their coworkers.
- F. Policy. Nonappropriated fund activity operations will comply with all policies governing NAF employees and controlling nonappropriated funds.
1. Employees have the right to join or refrain from joining any lawful labor organization or employee association without interference, coercion, restraint, or reprisal. If a recognized labor organization represents employees, management will maintain a relationship of mutual respect and trust.
  2. If labor agreements differ from this Manual's requirements, the agreement will prevail during its term, unless an unmistakable waiver exists allowing adoption of this regulation's terms.
  3. Civilian employees paid from nonappropriated funds can work in all jobs that do not require:
    - a. Military incumbents for reasons of law, training, security, rotation, or combat readiness.
    - b. A military background to successfully perform assigned duties.
  4. Nonappropriated fund employees are essential to the Coast Guard mission. Nonappropriated Fund (NAF) employees' standing as individual employees are comparable to that enjoyed by other Coast Guard civilian employees, except as limited by law and this regulation.

5. In establishing pay, allowances, and job-related benefits for nonappropriated fund activities' employees consistent with law and pertinent Coast Guard policies, this Manual adheres to the principle of equal pay for equal work for nonappropriated fund personnel.
6. Each Commanding officer for MWR and exchange management official will conduct a continuing Affirmative Action Program to promote equal opportunity in every aspect of personnel policy and practice in employing, developing, and advancing NAF employees. Commanding officers and exchange management officials will conduct a continuing campaign to eliminate every form of prejudice and discrimination based on race, marital status, color, religion, age, sex, lawful political affiliation, labor organization membership, physical disability, national origin, or sexual orientation. Commanding officers for MWR and exchange management officials will act to eliminate discriminatory action against offending personnel if warranted; impartially select employees only on the basis of merit to fill positions; place employees in jobs for which they are best-qualified; and may give employees opportunities to advance.
7. Supervisors will provide training necessary to improve job performance and develop individuals to the extent resources permit.
8. Supervisors will continually evaluate employees' work performance fairly and objectively and discuss the results of such evaluation with the employees.
9. Within applicable compensation schedules, NAF employees will receive similar pay for work of similar difficulty and responsibility.
10. Supervisors will follow Occupational Safety and Health Administration (OSHA) standards to make working conditions as safe and healthful as possible.
11. The Coast Guard will inform employees and officially recognized labor organizations as soon as possible of plans and policies affecting employees.
12. Supervisors will encourage employees to express ideas on improving work methods and working conditions.
13. The immediate supervisor will accord any employee having a grievance a fair, prompt discussion. Failing a prompt, satisfactory adjustment, the employee has the right to pursue the matter under grievance procedures in Administrative Appeals and Grievances, Chapter 10 of this Manual, or, when required, under the applicable negotiated grievance procedure. In presenting a grievance, supervisors will not interfere with, restrain, or retaliate against an employee, who may choose a representative to accompany and assist him or her.
14. Employees have the right to discuss their problems with one or more of these persons:

- a. Representatives in the servicing personnel office;
  - b. An equal employment opportunity counselor;
  - c. If a bargaining unit employee, a labor organization official;
  - d. A person designated to provide guidance on questions about or indicating a conflict of interest;
  - e. A supervisor or manager of higher rank or level than the immediate supervisor.
15. Employees have the right to participate or not in voluntary fund-raising campaigns and purchase United States Savings Bonds without compulsion, coercion, or reprisal.
  16. Supervisors will treat employees with full regard for their dignity as individuals and not use their wage grade or pay band as the basis to decide their trustworthiness.
  17. Title 5 CFR and Coast Guard appropriated fund personnel regulations do not apply to NAF employees unless specifically noted or cited in laws, Executive Orders and Coast Guard directives applicable to appropriated fund personnel. This regulation reflects laws, Executive Orders, and Coast Guard directives applying to nonappropriated fund activities, including appropriate citations and references to applicable CFR and other Government procedures and requirements.
  18. A NAF employee may supervise appropriated fund employees, including military personnel.
- G. Nonappropriated Fund Employees' Legal Status. Section 2105, Title 5, United States Code (5 USC 2105), excludes NAF employees from Office of Personnel Management (OPM) jurisdiction of laws it administers for Federal Government employees except for specific laws stated in 5 USC 2105. For all other purposes, NAF employees are Federal Government employees. The Office of Personnel Management has the authority to establish pay rates for prevailing rate employees under 5 USC 5342 provisions further detailed in 5 CFR 532.

## CHAPTER 2. STANDARDS OF CONDUCT

### A. General.

1. Executive Order 12731 establishes standards of conduct for Federal employees including nonappropriated fund (NAF) personnel.
2. Supervisors shall reproduce this Manual's standards of conduct and give them to all new employees during their initial indoctrination; each employee will sign them and the supervisor shall put the signed copy on the left side of the employee's Official Personnel Folder (OPF).

### B. Policy.

1. Nonappropriated fund employees must refrain from any personal business, professional activity, or direct or indirect financial interests that would conflict with the public interest of the Coast Guard Exchange System, Morale, Well-Being, and Recreation Program (MWR), or the United States. Nonappropriated fund personnel shall do their utmost to avoid even the appearance of such a conflict. Nonappropriated fund personnel must not engage in any personal, business, or professional activity or enter into any financial transaction involving the direct or indirect use or appearance of "inside information" gained through a Federal position to further another person or entity, particularly one with whom they have family, business, or financial ties. Nonappropriated fund personnel shall not use their Federal positions to induce, coerce, or influence in any way any person, including subordinates, or entity to provide any financial or other benefits to themselves or another person or entity, particularly one with whom they have family, business, or financial ties, or give the appearance of doing so.
2. Nonappropriated fund personnel who are members or officers of non-Governmental associations or organizations must avoid on these entities' behalf activities incompatible with their official Federal positions.
3. Nonappropriated fund personnel must not engage in any criminal, infamous, dishonest, immoral, notoriously disgraceful, or other conduct prejudicial to the CGES, MWR Program, or United States Government. They also must not engage in any conduct or action that might result in or appear to be:
  - a. Using their official office for private gain.
  - b. Preferentially treating any person or firm.
  - c. Impeding Government efficiency or economy.
  - d. Losing impartiality.

- e. Making Government decisions outside official channels.
  - f. Impairing public confidence in the Government's integrity in general and the CGES and MWR Programs in particular.
4. Nonappropriated fund personnel must scrupulously adhere to Department of Transportation and Coast Guard policies of equal opportunity regardless of race, color, religion, sex, sexual orientation, national origin, age, physical or mental disability, marital status, or political affiliation. Nonappropriated Fund personnel must not commit any acts of sexual harassment. The Civil Rights Act of 1964, Title VII, defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
- a. "Submission to such conduct is made either explicitly or implicitly a term of an individual's employment."
  - b. Supervisors and managers use submitting to or rejecting such conduct as the basis for employment decisions affecting the individual involved.
  - c. Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.
5. Nonappropriated fund personnel must not solicit, accept, or agree to accept any money, gift, entertainment, favor, hospitality, transportation, loan, tangible item of monetary value, or any intangible benefit such as passes, discounts, and promotional vendor training that directly or indirectly may cost the vendor money either from or on behalf of any source that:
- a. Is engaged in or seeks procurement, business, or financial transactions of any sort with any U. S. Coast Guard agency, including the CGES and MWR Program.
  - b. Conducts operations or activities regulated by a U. S. Coast Guard agency, including the CGES and MWR Program.
  - c. Has interests which may be substantially affected by the performance or nonperformance of the official duties of the NAF personnel involved.
    - (1) "Gift" means nearly anything of monetary value except items that clearly are not gifts, such as publicly available discounts and commercial loans or certain inconsequential items, such as coffee, donuts, greeting cards, and certificates.
    - (2) The prohibition against outside gifts contains certain exceptions. For example, with some limitations employees may accept:

- (a) Unsolicited gifts with a market value of \$20 or less per occasion, totaling up to \$50 per calendar year from one single source.
  - (b) Gifts motivated by a family relationship or personal friendship.
  - (c) Free attendance at certain widely attended gatherings, such as conferences and receptions, when the event sponsor pays for the employee to attend the event.
- 6. If a NAF employee's immediate family or household members receive money, gifts, gratuities, favors, entertainment, etc., the Coast Guard considers this action the same as if the NAF employee had received the item(s) directly.
- 7. An employee receiving a gift or gratuity he or she cannot accept under these guidelines shall take these actions:
  - a. Return any tangible items to or pay the donor the market value. An employee who cannot ascertain an item's actual market value may estimate market value by determining the retail cost of similar items of like value.
  - b. If it is not practical to return a tangible item because it is perishable, at the discretion of the employee's supervisor or an agency ethics official, the employee may give the item to an appropriate charity, share it with co-workers in his or her office, or destroy it.
  - c. For any entertainment, favor, service, benefit, or other intangible item, the recipient will reimburse the donor the market value. Subsequent employee reciprocation does not constitute reimbursement.
- 8. Except for voluntary gifts or contributions of nominal value on special occasions such as marriage, transfer, illness, or retirement, NAF personnel must not:
  - a. Solicit a contribution from U. S. Coast Guard personnel for a gift to an official superior.
  - b. Make a donation as a gift to an official superior.
  - c. Accept a gift from all U. S. Coast Guard personnel subordinate to or receiving less pay than themselves unless:
    - (1) The employees are not in a subordinate-official superior relationship.
    - (2) The employees share a personal relationship that would justify the gift.
- 9. This rule does not prohibit informal office parties celebrating a co-worker's birthday, promotion, or similar occasion. Such a party is authorized provided the nominal

contributions are voluntary.

10. Nonappropriated fund personnel must directly or indirectly use or allow others to use CGES, MWR, or other Government personnel, facilities, or property, such as stationery, typing assistance, photocopying, and vehicle services, including property leased to the CGES, MWR Program, or any other part of the Government, only for officially approved purposes. Nonappropriated fund personnel must protect and conserve CGES, MWR, and Government property, including equipment, supplies, and other property entrusted to them.
11. The Coast Guard expects nonappropriated fund employees to meet all their financial obligations, especially those imposed by law, such as Federal, state, or local taxes. Nonappropriated Fund personnel must not:
  - a. Borrow money from subordinates.
  - b. Have subordinates endorse, co-make, or guarantee a note given as security for a personal loan.
  - c. Lend money to fellow employees for monetary profit or other gain.
12. Nonappropriated fund employees must not prematurely release to any individual, any individual business concern, its employees, or its representatives any information about proposed procurements or purchases by any CGES, MWR, or Government procuring activity. Procurement offices will release such information to all potential contractors as nearly simultaneously as possible only through designated channels so one potential source of supply will not have an advantage over another. Procurement offices will disseminate such information under authorized procedures and only as part of appropriately discharging their official duties. All NAF employees engaged in procurement and related activities are individually responsible for protecting the CGES's, MWR's, and Government's interests. Unauthorized personnel must not make any commitment or promise about awarding contracts and will make no representation that could be construed as a commitment, including signing any document as the CGES's, MWR's, and/or Government's agent or representative.
13. Nonappropriated fund personnel must not use their civilian or military titles or positions in connection with any commercial enterprise or to endorse any commercial product.
14. Nonappropriated fund personnel must not engage in any outside employment or other activity, compensated or not, that:
  - a. Interferes or is incompatible with performing their official duties.

- b. Reasonably may be expected to discredit the CGES, MWR Program, or the Government.
  - c. Otherwise contradicts the policy stated above, including such acts as accepting a fee, compensation, gift, honorarium, expense reimbursement, or any other valuable item under circumstances that might result in or indicate a conflict of interest.
15. While on Government owned, controlled, or leased property or otherwise on duty for the CGES and MWR Programs, NAF personnel must not participate in any illegal gambling activity, including a lottery or pool, a game for money or property, or selling a number slip or ticket for personal gain. However, the local CGES facilities may sell State-approved lottery tickets in accordance with the Randolph-Sheppard Act. 20 U.S.C. § 107a (a) (5).
16. Nonappropriated Fund personnel must not solicit, accept, or agree to accept anything of value other than their official compensation in return for performing or refraining from performing their duties or any other official act.
17. The statute 5 USC 7102 establishes NAF employees' individual and collective right to petition Congress or any of its Members or furnish information to any Congressional committee or Member. This statute protects letters, petitions, and other communications to Congress. While the CGES and MWR Programs would prefer employees try to resolve any problem or grievance locally, supervisors and managers must not restrain or coerce any employees exercising their rights to correspond with a Member of Congress.
18. All CGES and MWR managers will establish local work rules. These differ from disciplinary actions and standards of conduct because they inform employees what is expected of them at each location, whose standards, dress codes, and requirements may differ. Typical sample work rules appear below. Managers shall give a copy of each organization's work rules to their employees and to the personnel management specialist at Community Service Command, who will advise if any are inappropriate or may violate an employee's rights. Managers shall ensure employees sign a statement acknowledging receipt of the organization's work rules and place this statement on the left side of the OPF.
- a. Employees must be at their appointed workplaces ready to work at the regular starting time and shall work at such workplace until the scheduled regular quitting time.
  - b. Employees shall not conduct any personal business during working hours.
  - c. Where prescribed, an employee must wear the safety articles and use protective equipment provided at all times and immediately report any injury or accident.

- d. An employee shall wear clothing appropriate to the position he or she holds. Jeans are appropriate to wear in a warehouse but not in positions involving public contact.
- e. An employee may not neglect his or her own job, duties, and responsibilities or refuse to perform assigned work.
- f. An employee may not use telephones for personal calls.
- g. An employee may not fight.
- h. An employee may not engage in horseplay.

C. Required Training.

1. The Coast Guard conducts ethics training every 3rd year on site at specific units. For more information on ethics training or question on how to obtain an ethics training package contact Commandant (CG-0944). Commanding officers for MWR and CGES regional managers will identify employees required to take ethics training.
2. The Office of Civil Rights at Coast Guard Headquarters sponsors Sexual Harassment Prevention Training for all Coast Guard personnel and notifies each command when and where training will take place. Managers and supervisors can arrange with the trainers to conduct special sessions for CGES, MWR, and Child Development Center employees during off-duty hours or on a staggered basis during work hours.



## CHAPTER 3. EMPLOYMENT AND STAFFING

- A. Scope. This Chapter applies to all current nonappropriated fund (NAF) employees and employment applicants, as appropriate. It also includes instructions on employing off-duty military personnel.
- B. Policy.
1. Managers and supervisors will fill all NAF positions with the best-qualified persons available. When filling newly established or vacated positions, management personnel will review and evaluate all applicants' qualifications, including those of current employees. Current employees includes those absent for legitimate reasons, e.g., on detail, on leave, at training courses, in the military service, and on leave-without-pay (LWOP), whom management normally would consider as meeting the position's minimum qualifications if they were present. Follow the Office of Personnel Management (OPM) Qualifications Standards Handbook where applicable. If no standards exist, the personnel staff at Commandant (G-WPX) will develop them.
  2. For any position management will select the best-qualified candidate available based solely on job-related criteria. Management may not designate a position to be filled by only either off-duty military members or civilians.
  3. Management will strictly observe Equal Employment Opportunity (EEO) provisions; see Equal Employment Opportunity, Chapter 17 of this Manual.
  4. Management is prohibited from employing, appointing, or promoting relatives of commissioned and noncommissioned officers and civilian officials whose positions exercise jurisdiction or control over the employing NAF or any organizational unit in the chain-of-command.
    - a. Management may employ relatives of military personnel and civilians assigned to or employed by the NAF provided neither a supervisory relationship nor a situation creating the appearance of favored treatment or collusion exist.
    - b. For these purposes "relative" includes: parent, child, sibling, uncle, aunt, first cousin, nephew, niece, spouse, grandparents, parents-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepsibling, and half-sibling.
    - c. This policy does not prohibit one activity manager from employing a relative of another activity's manager, provided the related manager does not advocate the relative's employment. For example, a club or the exchange may employ a relative of the same unit's convenience store manager.
  5. All civilian personnel occupying permanent full and part-time positions paid from nonappropriated funds have reemployment rights after military service in the United

States Armed Forces. If denied reemployment after military service, such veterans may file an administrative grievance under the procedures of Administrative Appeals and Grievances, Chapter 10 of this Manual.

6. Under this regulation a NAF activity's authorized civilian personnel employment will:
    - a. Comply with applicable Federal labor laws.
    - b. Conform to the state or U. S. Territorial labor laws applicable where the employing NAF is located.
  7. Under Title 5, United States Code, Sections 5531(2), and 5533(a) (5 USC 5531(2), and 5533(a)), a NAF employee is subject to the prohibition against dual pay and employment in the Federal Service. A NAF civilian employee is entitled to receive basic pay from only one position, whether paid by appropriated or nonappropriated funds, for more than 40 total hours of work in 1 calendar week, for example, Sunday through Saturday; see Hours of Work, Chapter 4 of this Manual. Commanding officers for MWR and Commandant (G-WPX) may approve exceptions to this requirement in special circumstances when they cannot otherwise readily obtain employees for the position in question. Since the restriction is statutory (5 USC 5533), exceptions must meet the requirements of Title 5, Code of Federal Regulations, Section 550.503 (5 CFR 550.504). Retain records of exceptions available for audit for a 2-year period. Send a copy of each exception's record to the personnel staff at Commandant (G-WPX).
  8. Employees may serve in two or more positions using multiple appointments provided they work only a maximum of 40 total hours per week. This may include two part-time, one part-time and one intermittent or two intermittent appointments. Document separate appointment actions on a Notification of Personnel Action, Standard Form 50 (SF-50). Establish separate time records for each job. Supervisors and managers will monitor time worked to ensure employees holding two or more positions routinely work 40 or fewer hours a work week.
  9. Management may not establish maximum age requirements for appointments to NAF positions.
  10. The 5 USC 7321,7327 on political activity applies to NAF employees.
  11. The gaining NAF may reimburse a promoted or transferring permanent employee's transportation and travel costs. The vacancy announcement will state transportation and travel costs are negotiable. Before negotiations, the gaining NAF activity must contact Commandant (G-WPX) for specific guidelines.
- C. Noncompetitive Personnel Actions. Under this regulation management may fill positions noncompetitively by any of these methods:

1. Reemployment from a reemployment priority list resulting after a Reduction in Force (RIF).
2. Promotion to a grade previously held permanently from which the employee was separated or demoted for other than performance or conduct reasons, for example, due to a RIF action.
3. Transferring an employee from a position in any Coast Guard NAF activity into one of the same grade or pay band at another NAF activity with a break in service of less than 1 full work day.
4. Reassigning an employee to another position comparable in grade, salary, wage category or pay band, and employment category. The employee must possess documented skills applicable to the new position that clearly demonstrate his or her qualifications.
5. Reinstating a former non-probationary Coast Guard NAF employee whose separation was voluntary or resulted from a RIF to a position comparable in grade, salary, wage category or pay band, provided the employee is reinstated within 1 year after the date of separation.
6. Re-employing a former NAF employee subject to this regulation who has reemployment rights after military service.
7. Employing the incumbent of a position converted from the competitive service, a contract operation, or a private association to NAF.
8. Promoting an employee if the initial action was competitive and the vacancy announcement stated the position might become permanent and had known promotion potential.
9. Promoting an employee in a position upgraded with new position classification standards or a new position guide or to correct the classification of his or her duties or responsibilities without significantly changing them.
10. Promoting an employee serving in a trainee, under study, or apprentice position.
11. Promoting an employee demoted without personal cause within 1 year of the demotion.
12. Change on status of position due to an increase or decrease in hours that continued over a period of 90 calendar days (see Paragraph H.9.1.(2) on page 3-18 in this Chapter).
13. Promoting employees in positions meriting reclassification to a higher grade or pay band after adding duties and responsibilities if these requirements are satisfied:
  - a. The selecting official does not supervise employees at the same grade or pay band performing duties identical to those the employees performed before the duties and

responsibilities were added.

- b. The employee continues to perform the same basic function(s) as in the former position and these duties are administratively absorbed into the new position.
- c. Adding the duties and responsibilities does not adversely affect another encumbered position.
- d. The employee meets all the position's qualification requirements.

14. In emergencies where delay in filling a position would cause serious disruption to the work, action may be taken to fill a position noncompetitively for a period not longer than 30 days. Such an emergency temporary appointment must be fully justified and have the approval of the Exchange or Morale Manager. By the end of the 30-day period, the appointment must be terminated. In unusual circumstances, the installation commander or region director (for CGES) may approve extension not to exceed 30 additional days. During periods of mobilization or national emergencies, positions may be filled without regard to other requirements in this Chapter.

15. Changing the same position from intermittent to a part-time or full-time status or the same position from a part-time to a full-time status.

D. Competitive Personnel Actions. Competitive procedures apply to these types of personnel actions:

- 1. Time-limited promotions of more than 120 days to higher graded positions (prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120 day total). A temporary promotion may be made permanent without further competition if it originally was made under competitive procedures and management personnel informed all potential candidates it might lead to a permanent promotion.
- 2. Details for more than 120 days to a higher-graded position or one with more promotion potential.
- 3. Temporary appointments for a period of 1 year. Management may extend a temporary appointment for an additional year up to 24 months.
- 4. Converting a temporary to a permanent appointment unless the initial vacancy was announced as having potential for permanent status.
- 5. A term appointment for between 1 and 4 years if the need for an employee's services is temporary. Reasons for making a term appointment include: project work, extraordinary workload, scheduled abolishment, reorganization, contracting out the function, uncertainty of future funding, or the need to maintain permanent positions for employees who otherwise would be displaced from other parts of the organization.

E. Recruiting.

1. The personnel office will ensure all these actions are completed before initiating action to fill a position:
  - a. Personnel has properly classified a position for title, series, and grade or pay band level, prepared a position description or standard position guide (SPG) and attached it to a Position Description, Optional Form 8 (OF-8). The personnel staff at Commandant (G-WPX) uses the SPG or standard position description number to assign a competitive level.
  - b. Personnel has followed Paragraph B.1. of this Chapter's provisions in establishing minimum written qualification requirements.
  - c. The written qualification requirements do not restrict competition to one individual.
  - d. If a military incumbent last occupied the position, its initiator must clearly demonstrate the proposed change to civilian status meets a bona fide management need and is not designed to afford civilian employment to the position's current or former military occupant.
  - e. Submit requests to announce vacant CGES pay band level 4 and 5 positions to Commandant (G-WPX) on a Request for Personnel Action, Standard Form 52 (SF-52), for approval.
2. Publicize vacancies at least 1 work week.
  - a. If the local MWR program or CGES activity has sufficient qualified applicants available, vacancy announcements may limit applications to those employees only.
  - b. Commandant (G-WPX) will announce all positions at pay band levels 4 and 5 Coast Guard-wide and outside.
  - c. Fill positions with high turnover rates by continuously advertising or posting vacancy announcements that specify no closing date.
  - d. No publicity is required for positions filled under Paragraph C. provisions of this Chapter.
3. In addition to advertising internally, publicize a vacancy by advertising in newspapers, professional journals, and the Coast Guard Personnel Command (CGPC) Vacancy Web Site; announcements on local radio stations; or requesting candidates from the U. S. Employment Service local office. Obtain the source's assurance it complies with equal employment opportunity policies.
4. All vacancy announcements should contain:

- a. Title, series, and grade or pay band level.
- b. Hourly rate for all non-exempt positions and annual salary for exempt positions.
- c. Position location.
- d. Work schedule and differential information, if appropriate.
- e. Brief list of duties, not the job description or Standard Position Guide.
- f. Brief list of required qualifications, including experience, duration, type, and level.
- g. Closing date or “open until filled,” as appropriate.
- h. Where to apply and point of contact.
- i. These statements: “U. S. Coast Guard Nonappropriated Fund Activities Are Equal Opportunity Employers” and “Equal Employment Opportunity: All candidates will be considered regardless of race, color, religion, sex, national origin, age, disability, marital status, political affiliation, sexual orientation, or other non-merit factors.”
- j. A statement the position has potential for promotion, if appropriate.
- k. A statement the standard payment method for payroll and travel purposes is mandatory direct deposit.
- l. A statement requiring men born after 31 December 1959 and at least 18 years old must have registered with the Selective Service System, unless exempt under the Selective Service Law, 5 USC 3378. (See Exhibit 3-1)
- m. A statement requiring proof of veterans’ preference by means of DD-214 (Certificate of Release or Discharge from Active Duty) as explained in Paragraph G.2.a (6) in this Chapter.

F. Accepting Applications. Nonappropriated Fund (NAF) position applicants will use the Optional Application for Federal Employment, Optional Form 612 (OF-612), a resume, or any other written format of your choice. The servicing personnel office will date stamp and process all employment applications upon receipt. For positions requiring continuous recruitment, accept applications at any time and fill vacancies promptly from the resulting application file using the procedures outlined in Paragraph E.2.c. of this Chapter.

1. Information About Applications.

- a. It is illegal to ASK age, sex, race, color, etc. It is illegal to USE information only to discriminate. The presumption is all information gathered is USED, so the

application must be free of such questions and substantiate job-relatedness for every question asked.

b. Rating officials, interview panel members or the selecting official shall not write comments of any sort on the application except to note eligibility or ineligibility of the applicant.

2. Application Expiration. All employment applications received for a specific position expire 30 calendar days after the position has been filled and applicants must re-submit new applications for a vacant position.

G. Rating Applications.

1. In accordance to the position's minimum qualification requirements, the servicing personnel office will determine each applicant's basic eligibility for the position being filled. The personnel assistant will then develop a referral list noting eligibility or ineligibility, and will attach to it the applications and any other document used in determining the qualifications, if any.

2. At hiring only, give veteran's preference to qualified applicants who meet the minimum service requirements in 5 CFR 211. The employing agency grants preference on verifying veteran status, provided veterans are equally qualified for the vacant position. A veteran receives preference only if honorably discharged from a U. S. military service.

a. Definitions:

(1) Active duty or active military duty means full-time service with military pay and allowances in the Armed Forces, except for training, determining physical fitness, and Reserve or National Guard service.

(2) Armed Forces means the United States Coast Guard, Army, Air Force, Marine Corps, and Navy.

(3) Veteran means a person who was separated with an honorable discharge or under honorable conditions from Armed Forces active duty who performed:

(a) In a war;

(b) During the period 28 April 1952 through 1 July 1955;

(c) For more than 180 consecutive days, other than for training, between 1 February 1955 and ending 14 October 1976;

(d) In a campaign or expedition for which a campaign badge is authorized.

- (4) Honorable Discharge means termination under conditions considered honorable from a continuous period of active duty but not the Honorable Discharge given an enlisted person so he or she may be commissioned as an officer without a break in service. In this situation, the officer's discharge must be under honorable conditions.
  - (5) An Amnesty or Clemency Discharge does not meet the Veterans Preference Act requirement for discharge under honorable conditions. Accordingly, do not grant preference to applicants with such discharges.
  - (6) The applicant must present official documents issued by the Uniformed Service or Department of Veterans Affairs, for example, a Certificate of Release or Discharge from Active Duty (DD 214), to comply with the requirements for active duty and separation under honorable conditions.
3. The personnel specialist and selecting official shall decide whether to have a panel of subject matter experts, one subject matter expert or the personnel specialist evaluate or determine the best qualified candidates from those minimally qualified. The individual(s) making the determination shall be at the same or a higher grade than the vacancy being filled. The selecting official may not serve as a member of an evaluation panel, but may select its members.
  4. The personnel office may retain applications received from sources other than vacancy announcements on file or return them to the applicants, depending on anticipated needs.

#### H. Selection and Appointment Action.

1. Personnel Office. As a rule, the personnel office will refer to the selecting official only the best-qualified candidates (usually 5 to 10 applicants) as defined in the rating process. If no candidates are best-qualified and further expansion of the area of consideration is impractical, refer well-qualified candidates or if none, refer minimally qualified candidates.
2. Requirements. These requirements must directly apply to the duties to be performed, not unduly limit competition, and not give an advantage to a particular individual. Qualification requirements for a NAF position must be equal to those for a similar position paid from appropriated funds.
3. Intermittent and Temporary Positions. Due to the large turnover in intermittent and temporary positions and the fact such positions are non-career, personnel offices may use an alternate, less time-consuming method of ranking applications for intermittent and temporary positions by applying these guidelines:
  - a. Screen the applications to identify well-qualified candidates.

- b. Refer the ten best qualified applicants on file at the time of recruitment to the selecting official.

4. Selection.

- a. The selecting official will consider all referred applicants' qualifications when selecting. After making a selection, the selecting official will return the referral package to the servicing personnel office.
- b. If an equally qualified non-veteran or lower ranking candidate was made, a memorandum for the record will be attached to the referral list containing the name of the selected candidate, a brief description for the reason he or she was found to be the best qualified. This information will be maintained with the recruitment file for a period of 2 years.
- c. Interviews are not required. Management may interview none, one, some, or all applicants, but should carefully document the basis for this decision.
- d. Complete all appropriate actions required in Paragraph L. of this Chapter before selecting a retired United States Armed Forces member for employment.
- e. The selecting official or manager will offer the applicant the position and negotiate salary when appropriate to finalize the offer. The servicing personnel office should confirm the offer and acceptance after the appropriate pre-employment requirements are complete.
- f. A NAF employee's supervisor normally will release the employee from his or her current position within one full pay period, or at most within 30 days, after he or she is selected for promotion.

5. Record Maintenance. The servicing personnel office shall maintain all competitive actions' administrative records so they provide necessary information to employees and the public while protecting individuals' privacy rights. For each competitive action make a temporary record sufficiently detailed to allow reconstruction of the action, including documentation on how the candidates were evaluated. These records should include:

- a. The position description or standard position guide;
- b. A copy of the vacancy announcement;
- c. Referral list in accordance with Paragraph G.1. in this Chapter;
- d. The name of the assigned personnel assistants;
- e. Any records used to document the determination of the best qualified candidates;

- f. The name of the individual(s) determining the best qualified candidates;
- g. Documents used in the interviewing process;
- h. The name of the selecting official;
- i. Reasons for the selection of a candidate;
- j. Documentation stating reasons a non-veteran was selected over a veteran when equally qualified, if applicable.

Destroy the records 2 years after the personnel action's effective date.

6. Information Available to Employees. On request, the personnel office will provide this information about a competitive recruitment action to an employee or his or her authorized representative:
  - a. Whether he or she was considered and, if so, was eligible based on applicable minimum qualification requirements.
  - b. Whether he or she was in the best-qualified group.
  - c. Who was selected for the position.
  - d. How the employee can improve to increase his or her chances for future promotion.
  
7. Complaints. The servicing personnel office will process complaints about competitive recruitment actions through grievance procedures. Unless alleging discrimination, an employee or applicant may not use grievance procedures to contest non-selection for promotion from a list of properly ranked, certified candidates. If an employee or employment applicant alleges discrimination, he or she must process the complaint through the equal employment opportunity complaint process.
  
8. Requirements for Personal Service Contracts.
  - a. This section addresses personal service contracts only, not those contracting entire functions, e.g., custodial services, food service operations, or vehicle maintenance. Do not use contracts to employ civilian and off-duty military personnel paid from nonappropriated funds. As an exception, activities may use contracts to secure the personal services of either civilian or off-duty military personnel as follows:
    - (1) Persons employed on a fee basis, such as sports officials, for services that do not consist of duties similar to those of employees appointed under this regulation.
    - (2) Persons engaged as "independent contractors", for example, instructors, where no employee-employer relationship exists.

- b. An employee-employer relationship exists under the conditions below; if all are present, activities may not use contracts to obtain personal services:
  - (1) The service is performed on-site.
  - (2) The Coast Guard furnishes the principal tools and equipment to perform the work or service.
  - (3) Regardless of location, the contractor performs the services to accomplish the assigned mission.
  - (4) Nonappropriated Fund employees appointed under this regulation's provisions perform comparable services.
- c. To protect its interests, retain control of the function involved, and maintain personal responsibility for the function, a duly authorized Coast Guard officer or employee must direct or supervise the contracted employee(s).
- d. Accordingly, whenever an employer-employee relationship exists, the unit must appoint the person to a NAF position.

9. Appointment Requirements.

- a. Other than for emergency temporary appointments (Paragraph C.14. above), do not offer employment until receiving two satisfactory recommendations, at least one from a former employer or educational institution if no employment history exists. References may be obtained telephonically but must be recorded on Employment Inquiry Sheet (Exhibit 3-2). This sheet will be placed on the left side of the personnel folder. These exceptions to the two satisfactory recommendations before offering-employment requirement are acceptable:
  - (1) If an applicant is currently employed or has been employed within the previous 6 months, his or her current or former employer's satisfactory reference is considered adequate to effect the appointment, pending receipt of an additional reference.
  - (2) For off-duty military personnel, the requirement is satisfied by the member's commanding officer approving employment.
  - (3) For employing minor students, no recommendations are required.
  - (4) When delaying an appointment may impair the employing NAF's interests, it may appoint with the approval of the commanding officer for MWR and/or CGES region manager.

- (5) A unit may waive recommendation requirements when employing foreign-born family members who have no United States educational or employment history. Similarly, when employing persons reentering the workforce after a long period whose former employer(s) cannot be contacted, the unit may accept personal references.
- b. A Certificate of Medical Examination, Standard Form 78 (SF-78) will be required for positions involving:
    - (1) Operating motor vehicles must have a biennial examination;
    - (2) Foodservice personnel must have a pre-placement examination. There is no need for a periodic examination;
    - (3) Forklift operator must have a triennial screening;
    - (4) Child Care Workers must have a pre-placement examination and a annual examination;
    - (5) Direct physical contact with people;
    - (6) Work above ground level or around hazardous, power-driven machinery;
    - (7) Strenuous exertion, hazardous duty, hazardous physical demands, or exceptional stress; and,
    - (8) Specific sight or hearing requirements.
  - c. The supervisor may require a medical examination subsequent to employment if it appears that the employee is unable to perform the duties of the job.
  - d. The provisions of paragraph b. above do not apply to off-duty military personnel.
  - e. Ensure food and beverage activity managers, bartenders, and wait staff serving alcoholic beverages receive annual training in preventing alcohol abuse, including at a minimum understanding and recognizing intoxication, monitoring alcohol consumption, intervention techniques, and identifying minors. Recognized training programs such as Training for Intervention Procedures (TIPS) and Controlling Alcohol Risks Effectively (CARE) meet this requirement. Each employee's personnel file must include annual certification of completing this training. Supervisors shall not assign employees to serve alcoholic beverages until they have completed such training. For further information on this Paragraph, see the Coast Guard Morale, Welfare and Recreation Manual, COMDTINST M1710.13 (series).
  - f. The servicing personnel office will make these pre-employment checks:

- (1) An applicant must complete a favorable local police check or background investigation within 12 months before appointment or assignment to one of these positions. Suitability determinations will be established in accordance with 5CFR 731.202b.
    - (a) All management and fund custodial positions.
    - (b) Any position in which the incumbent has procurement responsibility or is accountable for funds, property, or merchandise.
  - (2) To facilitate filling vacancies, with written approval of the appropriate official exercising jurisdiction above the CGES manager or MWR officer, managers may appoint an applicant before he or she has completed the required checks. Units shall clearly identify such appointments as subject to satisfactory completion of pre-employment checks.
- h. Public Law 101-647, codified at 42 USC 1341, requires all personnel working in child development services programs to have a background check that includes a fingerprint check, a check through the FBI's ID division, and a check of state criminal history repositories in states where the applicant has lived. The child development center director or personnel office will check personal, professional, and educational references before employment. Also, the Coast Guard and DoD Family Advocacy Central Registry will conduct a check. For further policy information on child care positions, see the Child Development Services, COMDTINST 1754.15 (series).
- i. Minors may be employed subject to these restrictions.
- (1) The appointee must be at least 18 years of age or 16 years if the appointee:
    - (a) Is a high school graduate;
    - (b) Has completed a formal training program sponsored by a public or private organization that provides youth work-training programs;
    - (c) Has been out of high school for at least 3 months, excluding summer vacation;
    - (d) Fills a temporary full-time to part-time appointment or an intermittent appointment during summer or other school vacation period;
    - (e) Fills a regular part-time or intermittent appointment if he or she is enrolled in high school.
  - (2) Managers will observe restrictions on maximum hours of duty; see Hours of Work, Chapter 4 of this Manual. The activity will observe state and municipal restrictions on employing minors handling intoxicating beverages. A person filling a position that serves or sells alcoholic beverages for consumption on the

premises must be at least 21 years old. The restriction does not apply to selling alcoholic beverages or tobacco products consumed elsewhere.

- (3) Managers will make adequate provisions for minors' safety and welfare.
- (4) Managers will not employ minors under age 18 for any position that may be classified as hazardous or detrimental to their health.
- (5) Managers may not employ minors 15 years old in retail, food (no alcohol served), and gasoline service establishments. These occupations are permitted:
  - (a). Office and clerical positions, including operating office machines;
  - (b) Cashier, sales, modeling, and work in advertising departments, including window trimming, art design, and comparative shopping;
  - (c) Marking and tagging prices by hand or machine, assembling orders, packing and shelving;
  - (d) Bagging and carrying customers' orders;
  - (e) Errands and deliveries by foot, bicycle, and public transportation;
  - (f) Custodial and maintenance positions, excluding using power-driven mowers or cutters;
  - (g) Kitchen and other work preparing and serving food and beverages, including operating dishwashers, toasters, dumbwaiters, popcorn poppers, milk shake blenders, and coffee grinders, among others;
  - (h) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing, and stocking goods when performed in areas physically separate from areas where meat is prepared for sale and outside of freezers or meat coolers.
  - (i) Work involving cars and trucks, if confined to these duties:
    1. Dispensing gasoline and oil;
    2. Courtesy service on gasoline service station premises;
    3. Car cleaning, washing, and polishing.
- (6). Units may employ minors 15 years old in any place of employment and occupation except these excluded occupations:
  - (a) Work involving cars and trucks:

1. Using pits, racks, or lifting apparatus.
  2. Inflating any tire mounted on a rim equipped with a removable retaining ring.
- (b) Any processing occupations, e.g., filleting fish, dressing poultry, cracking nuts, or laundering performed by commercial laundries and dry cleaners.
- (c) Any public messenger service.
- (d) Operating or tending any hoisting apparatus or power-driven machinery except for the specified office, retail, food service, and gasoline service machines minors may operate in each establishment.
- (e) Any occupations found and declared hazardous.
- (f) Except for office or sales work, these occupations when not performed on transportation media or at an actual construction site:
1. Transporting persons or property by rail, highway, air, on water, pipeline, or other means.
  2. Warehousing and storage.
  3. Communications and public utilities.
  4. Construction (including repair).
- (g) Any of these retail, food service, or gasoline service occupations.
1. Work performed in or around boiler or engine rooms.
  2. Maintaining or repairing machines or equipment.
  3. Outside window washing involving working from window sills and all work requiring using ladders, scaffolds, or any substitutes.
  4. Cooking and baking except at soda fountains, lunch counters, snack bars, or cafeteria serving counters.
  5. Operating, setting up, adjusting, cleaning, oiling, or repairing power-driven food slicers and grinders, food choppers and cutters, and bakery mixers.

- 6. Work in freezers and meat coolers and all preparation of meats for sale except wrapping, sealing, labeling, weighing, pricing, and stocking when performed in other areas.
  - 7. Loading and unloading goods and from trucks, railroad cars, or conveyors.
  - 8. All warehouse occupations except office and clerical work.
- (7) Employing anyone under Paragraph H.9.i.(1) of this Chapter must comply with Federal, state, and local laws on employing minors and the Fair Labor Standards Act (FLSA) of 1938, as amended. Any applicant under 18 years old must present a work permit, if required by local law, to receive appointment to a NAF position.
- j. Each crafts and trades (NA, NL or NS) employee in any state or the District of Columbia must be a United States citizen or a bona fide resident of a State or the District of Columbia, unless the Secretary of Labor certifies no United States citizen or bona fide State or District of Columbia resident is available to fill the particular position. Activities may employ refugees granted “parolee” status by the Immigration and Naturalization Service (INS) in pay band (NF) positions only. Use these documents to determine whether non-U. S. citizens are eligible for employment of all types of positions:
    - (1) Form I-151 or I-551, Alien Registration Receipt Card.
    - (2) Form I-94, Arrival and Departure Document, marked “Immigration Status”.
    - (3) A stamped authority on the passport showing the letter A followed by a number indicating the INS has processed the person for issuance of Form I-551.
  - k. Some activities provide seasonal services, normally at the same time each year. These activities may identify positions not needed for the entire year as “seasonal positions” and place incumbents in a non-duty, non-pay status while their services are not needed. Seasonal appointees may be detailed to other work to avoid periods in a non-duty, non-pay status when conditions prohibit performance of normal duties.
    - (1) A position is defined as seasonal only if the activity can determine the non-duty, non-pay period at the time of appointment or when initially placing an employee in the position. If the non-duty period is longer than 6 months, a seasonal appointment may not be used.
    - (2) These requirements apply to appointment to seasonal positions:
      - (a) The SF-50 will specify the non-duty, non-pay period for the appointment year. If the activity cannot state specific dates, it will give the non-duty periods’ length and approximate time of year, for example, “12 work weeks during the

summer vacation period”.

- (b) The non-duty, non-pay periods will not be less than 1 work week during the seasonal appointment.
  - (c) Compute seasonal employees’ compensation the same as for a part-time or full-time employee in a comparable position. Pay the employee in full for each pay period in a duty status.
  - (d) Administering Leave, Chapter 7 of this Manual, governs seasonal appointees’ sick and annual leave accrual. At the end of a duty period immediately preceding a non-duty, non-pay period, the employee may request management to reduce the non-duty, non-pay period to permit him or her to use the amount of accrued annual leave requested. Use the criteria stated in Salary and Wages, Chapter 4 of this Manual, to determine whether to credit part or all of the non-pay periods as part of the waiting period for within-grade increases.
- (3) The non-duty, non-pay periods specified do not require advance notice and are not furloughs or adverse actions, since they are appointment conditions the appointee voluntarily accepts.
- (4) During periods specified as non-duty, non-pay periods, management may use the employee on an intermittent basis if needed. Such employment does not alter the basic appointment terms. Credit all hours worked for leave accrual purposes.
1. The payroll or servicing personnel office will periodically review the hours actually worked by other than full-time employees.
- (1) The servicing personnel office will determine the reason for working the extra hours if such review reveals:
    - (a) An activity has retained an intermittent employee on a regularly scheduled basis more than 19 hours per week for more than 90 calendar days.
    - (b) A part-time employee has regularly worked more hours during a 90 calendar day period than the maximum number of hours specified on the SF-50.
    - (c) If the employee is working extra hours due to a temporary need, for example, filling in for an absent employee, or is irregularly performing unscheduled work, he or she may continue working out of the employment category or more than the specified minimum hours. However, every 30 days thereafter the personnel office will review the employee’s hours worked and, if excessive after three reviews, state the reasons as a matter of record in his or her personnel folder.

- (2) If the need for the extra hours routinely continues over a period of 90 calendar days, the personnel office will initiate action to either establish the position as a regular full- or part-time position or change the SF-50 to reflect the correct minimum hours.

10. Appointment Actions. The personnel office will act as follows to effect all appointments:

- a. Have the appointee complete an Appointment Affidavit, Standard Form 61 (SF-61), pledging not to strike against the U. S. Government. This does not apply if the applicant is appointed without a break in service following other NAF Coast Guard employment or the appointee is an off-duty military member.
- b. Completes an SF-50, recording in the remarks section the minimum hours every employee works weekly.
- c. Verifies previous NAF employment, determines the employee's leave category, and explains the regulations on accumulating and using leave to the employee; see Administering Leave, Chapter 7 of this Manual.
- d. Determines the employee's eligibility to participate in the Group Health and Life Insurance Plan. Each eligible employee must complete an enrollment or refusal form within 30 calendar days of his or her appointment.
- e. If the employee is eligible to participate in the retirement and 401K plan, informs the employee of the plan's provisions and required waiting periods.
- f. Have the employee complete IRS Form W-4, Employees Withholding Exemption Certificate, and appropriate state or municipal exemption certificates.
- g. Establishes and maintains the employee's official personnel folder (OPF).
- h. Establishes a leave record for each eligible employee. Each pay period the employee enters hours on his or her time and attendance cards, signs them, has the manager sign them and sends them to the accounting or payroll office that prepares the activities paychecks. Document all leave on a properly completed Request for Leave or Approved Absence, Office of Personnel Management 71 (OPM-71), and send it to the payroll office with the time and attendance card. Commanding Officers for MWR, Commandant (CG-103), and Commandant (CG-121), may authorize exempt employees to use a leave exception system (leave slips are required but not time sheets).
- i. Completes an employee orientation and check-off sheet and explains internal rules and standards of conduct to the appointee. See Exhibit 3-3.
- j. Title 8 USC 1324A requires employers to verify employees' employment eligibility on a form approved by the Attorney General. All new employees shall complete an Employment Eligibility Verification, Form I-9, to comply with the Immigration Reform

and Control Act of 1986. Failure to present this form for inspection to INS or Department of Labor officers within the time period this regulation specifies or improperly completing or retaining this form may violate the Immigration Reform and Control Act of 1986 and result in a penalty. To verify employment eligibility employers cannot specify which documents they will accept from an appointee but must accept any document or combination of documents listed in instructions for completing Form I-9. The personnel office must complete Form I-9:

- (1) For all persons hired after 31 May 1987; or,
- (2) Within 3 business days of the appointment's effective date or before the end of the employee's first working day if employing the person for fewer than 3 days.
  - (a) The employer retains the completed form for 3 years after the appointment date or 1 year after the termination date, whichever is later. File current employees' Form I-9 on the OPF's right side.
  - (b) Employers may photocopy or reprint this form as necessary.

I. Probation.

1. Scope. This paragraph applies to each employee serving in a regular full- or part-time or seasonal full- or part-time position.
2. Purpose. The probationary period affords a final test of an employee's ability and fitness for the position, demonstrated by his or her actual job performance.
3. Probationary Period.
  - a. All persons initially appointed to a regular full or part-time or seasonal full or part-time position must serve a 1-year probationary period. Employees with previous service in a DoD NAF activity must serve a probationary period when appointed even if such previous service included a probation. During this period the employee's supervisor will observe the employee's conduct and performance of the position's duties and may separate the employee from NAF employment if conditions warrant such action.
  - b. If an employee is separated from his or her position before he or she completes probation and later is hired in a regular full or part-time position after a break in service of more than 30 calendar days, the employee must serve a new probation beginning on the effective date he or she assumes the new position.
  - c. A probationary employee transferred, reassigned, promoted, or demoted during probation does not begin a new probation on changing positions, but completes only the remainder of the initial probation.

d. This Coast Guard NAF service is creditable toward completing a probationary period, provided the employee has not had a break in service of 30 or more calendar days:

- (1) Periods in a pay status in a regular appointment.
- (2) Absences in a non-pay status up to 15 total workdays.
- (3) Temporary service if the temporary appointment converts to a permanent appointment with no break in service.
- (4) Under the Portability Act of 1990, time spent in an appropriated fund position counts toward completing probation provided the employee has not had a break in service of more than 3 days.

J. Americans with Disabilities Act.

1. Title I of the Americans with Disabilities Act (ADA) prohibits employers from discriminating against applicants or employees in employment terms and conditions due to their disability. The ADA defines a “qualified person” with a disability as one who, with or without reasonable accommodation, can perform essential job functions.

a. Important ADA definitions.

- (1) Disability. A physical or mental impairment that (1) substantially limits one or more of a persons major life activities; (2) having a record of such impairment; or (3) being regarded as having such impairment.
- (2) Physical or Mental Impairment. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of these bodily systems: neurological, musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine system or any mental or psychological disorder, e.g., mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- (3) Major Life Activities. Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (4) Qualified Individual with a Disability. A person with a disability who satisfies the requisite skill, experience, and education requirements of the position he or she holds or desires and who, with or without reasonable accommodation, can perform that position’s essential functions.

- (5) Essential Functions. Primary duties intrinsic to the job, excluding marginal or peripheral functions incidental to performing primary job functions.
- (6) Reasonable Accommodation. The law does not specifically define “reasonable accommodation” but lists examples of “modifying devices, services, or facilities or changing standards, criteria, practices, or procedures” to provide a particular physically or mentally impaired person an equal opportunity to participate effectively in a particular program, activity, job, or other opportunity. The term includes making existing facilities employees use readily accessible to and usable by persons with disabilities. Other accommodations include job restructuring, part-time or modified work schedules, reassignment or modifying work equipment or devices, appropriately adjusting or modifying examinations and training materials, providing qualified readers or interpreters, and other similar accommodations.

b. Direct Threat to Safety.

- (1) An employer cannot use paternalistic concern for the disabled person’s safety to disqualify an otherwise qualified individual but may insist he or she may not pose a direct threat to other persons’ health or safety in the workplace. If challenged, the employer must be able to demonstrate a reasonable probability of significant risk or substantial harm. In determining significant risk, the employer must consider four factors.
  - (a) The duration of risk.
  - (b) The nature and severity of the potential harm.
  - (c) The likelihood the potential harm will occur.
  - (d) The imminence of the potential harm.

An employer must individually determine whether a person poses a “direct threat” with these four principles in mind.

- c. Undue Hardship Accommodation Required. Employers are not required to “bump” another employee to create a vacancy or to establish a rehabilitation program for drug addicts or alcoholics.

d. Americans With Disabilities Act Exclusions:

- (1) Active drug users, although rehabilitated drug users and persons incorrectly designated as drug users are covered.
- (2) Homosexuals and bisexuals.

- (3) Transvestites, transsexuals, voyeurs, pedophiles, exhibitionists, and gender identity disorder victims.

K. Denying Employment.

1. An employer may deny employment to an applicant or terminate an employee if the employer reasonably believes an employee or applicant has committed:
  - (a) A felony, such as a crime declared a felony by statute or for which a penitentiary sentence can be adjudged.
  - (b) A misdemeanor involving moral turpitude, such as conduct contrary to accepted standards of conscience or moral law involving villainy of principle, word, or action. However, activities may hire rehabilitated offenders for jobs for which they are needed and qualified, provided management selects such persons carefully and complies with established staffing regulations. Select each rehabilitated offender on his or her own merits. The commanding officer for MWR and CGES region managers decide whether to hire such a person. A unit may terminate employment for a person convicted of a felony or misdemeanor before or after he or she entered duty and about which the employee did not inform the employing official before entering duty.
2. Management may deny employment to any person discharged from the United States Armed Services under other than honorable conditions. The commanding officer for MWR and CGES region manager shall fully review the specific circumstances involved in and then decide each case.
3. The commanding officer for MWR and CGES region manager must authorize in advance rehiring employees discharged for cause or permitted to “resign to avoid.”
4. Management may deny employment to any person who fails to qualify for a fidelity bond, if the position requires the incumbent to hold such a bond.
5. Management may deny employment to or terminate employment for any person presenting false or misleading information in completing an Optional Application for Federal Employment, Optional Form 612 (OF-612).

L. Employing Military Personnel.

1. A NAF activity may employ enlisted personnel after duty hours only on an intermittent basis. Officers are not eligible for off-duty employment with a NAF activity.
2. When authorized, Nonappropriated Funds may compensate commissioned and warrant officers’ off-duty voluntary services only under these conditions:

- a. Such officers may perform only services without official supervisors' direct supervision and control, e.g., officiating at sports events and conducting educational, religious, recreational, or entertainment activities, on a fee basis to avoid an employer/employee relationship.
  - b. In engaging such services, commands must follow policies the commanding officer for MWR-sponsored activities has established.
  - c. Commands may not use this paragraph to compensate officers from Nonappropriated Funds for work in excess of their regular military duty hours.
3. Activities may employ off-duty enlisted personnel on an intermittent basis only for 19 or fewer hours per week. Management will follow this Chapter in recruiting and employing off-duty enlisted personnel. The servicing personnel office will establish and maintain these persons' employment folder. Their employment terminates when they retire from military service.
4. Before employing off-duty enlisted military personnel, the military member must obtain his/her commanding officer's written approval. The approval must clearly state the military member is authorized to work as an intermittent for the specified Nonappropriated Fund instrumentality during off duty hours. If at any time the commanding officer determines the off-duty employment impairs military duty, personnel will terminate the enlisted member's employment based on disqualification.
5. In employing enlisted personnel assigned to a NAF activity as a primary military duty, it is extremely important to avoid any action that might result in or may possibly create the appearance of preferential selection. To preclude conflict of interest and preferential treatment, a NAF activity may not employ enlisted personnel permanently assigned there.
6. Retired United States Armed Forces members legally entitled to pay for service are eligible for all NAF employment authorized and established pursuant to authority contained in this regulation. Activities will employ such persons equitably and strictly comply with merit and open competition principles, avoiding the practice and appearance of preferential treatment. Activities will strictly observe these principles before employing any retired uniformed services member in any position.
  - a. In recruiting for the position, personnel will ensure it makes reasonable efforts to avoid giving rise to suspicions of unduly limiting competition to a particular individual.
  - b. The NAF activity must publicize the vacancy well and apply the provisions of Paragraph F. of this Chapter.
  - c. Qualification requirements will not contain provisions unduly limiting competition or designed to give an advantage to a particular person.

- d. Before selecting and appointing a retired United States Armed Forces member to a NAF position, the activity must clearly establish he or she is better qualified than any in-service candidate.
  - e. Management will not hold a position open pending a uniformed services member's retirement to provide the retiree a preferential opportunity to apply for or be appointed to the position. Personnel will actively recruit from the time the position becomes vacant, unless management can fully justify suspending recruitment for reasons unrelated to the uniformed service member's impending retirement.
  - f. If the proposed appointee or any other military incumbent last occupied the position, management must clearly demonstrate the proposed change to civilian incumbency meets a bona fide management need and is not designed to afford civilian employment to the proposed appointee.
7. Before appointing a retired uniformed services member to a civilian position within 180 days immediately after his or her retirement, personnel must obtain authorization from the appropriate approving authority, as follows:
- a. Positions under the Program Direction of Commandant (CG-1). Approval of Commandant (CG-01) is required.
  - b. All Other Positions. Approval of Commandant (CG-12) is required.
  - c. Members Currently on Active Duty and Reservists Not Yet Retired. After receiving approval for appointment to a civilian position, a retiring military member should be able to demonstrate his or her availability for work within 45 days, the standard applicable period for all Coast Guard civilian appointments. Additionally, Commandant (CG-103) may view a waiver request for prolonged delays as holding the position open for a military member and deny the request. Existing policy requiring Coast Guard officers (6 to 12 months) and enlisted members (6 to 24 months) to request military retirement in advance remains unchanged.
8. Supporting Documentation. Whenever proposing to appoint any applicable retired military member, the selecting official will initiate the documentation indicated below; the commanding officer for MWR and Commandant (CG-103) will endorse it and send it to Commandant (CG-121), who shall review the documentation for consistency. Each request will comply with these criteria:
- a. Accompany the request with a statement of the action taken to comply with this Section and supporting documentation, including vacancy announcements, copies of all applications received, and a description of the rating and ranking factors used to determine best qualified.
  - b. The request will contain the proposed appointee's name; service; retirement date, duty assignment, and station; employing NAF activity's name and location;

proposed duty entrance date; and the position's job title, series, grade, pay band level, and initial pay rate.

- c. The commanding officer for MWR and Commandant (CG-103) must sign the request.
9. Both the requesting official and Commandant (CG-121) will maintain records of requests to approve appointing retired uniformed services members before the end of the 180 day period after retirement.
10. Regular military components' retired officers and warrant officers are subject to reduction in retired pay. In addition, all uniformed service members, including regular and non-regular components' enlisted members and officers who retire after 11 January 1979 are subject to a ceiling on their combined total earnings and retired pay.
11. All personnel offices appointing, reinstating, re-employing, separating, changing employment category, or changing basic pay of uniformed services' retired employees will prepare a letter report and submit it to the finance center of the service from which the employee retired. If the employee is appointed or changes to other than regular full-time status, the personnel office must submit a report monthly reporting the dates the employee actually worked and wages earned. Put a copy of each of these reports on the right side of the employee's personnel folder.

a. Retired Military Pay Center addresses:

Commander  
U. S. Army Finance and Accounting Center  
ATTN: Chief, Retired Pay Division  
Indianapolis, IN 46429

Retired Pay Department  
U. S. Navy Finance Center  
Cleveland, OH 44114

Director of Allotments and Retired Pay (MR)  
Air Force Accounting and Finance Center  
3800 York Street  
Denver, CO 80205

Commandant  
U. S. Marine Corps  
Code: CDH  
Washington, DC 20380

Commanding Officer  
U. S. Coast Guard

Human Resources Services  
and Information Center  
444 SE Quincy Street  
Topeka, KS 66683-3591

- b. The report will contain:
- (1) Employer, e.g., USCG Group Portland, USCG ISC Honolulu;
  - (2) Employer's address;
  - (3) Retired officer's name;
  - (4) Member's Service Number;
  - (5) Effective appointment date;
  - (6) Employment category, e.g., regular full-time, temporary part-time, seasonal part-time, or intermittent;
  - (7) Applicable changes' effective date;
  - (8) Annual salary; if scheduled fewer than 40 hours per week, provide the hourly rate and number or hours worked per week
  - (9) Reporting date;
  - (10) Signature of official duly authorized to authenticate personnel actions;
  - (11) A copy of the SF-50 effecting the action may accompany the report.

## CHAPTER 4. SALARY AND WAGES

- A. Scope. This Chapter applies to all Nonappropriated Fund (NAF) employees, including off-duty military personnel. A specific paragraph applicable only to prevailing rate employees (Crafts and Trades, NA, NL, and NS) or pay band employees (NF) is so designated.
- B. Policy. The NAF employees to whom this Chapter applies receive equal pay for substantially equal work within their geographic area of employment.
1. The pay band system emphasizes pay for job performance, increased proficiency, extraordinary qualifications, and assumption of greater responsibilities.
  2. In all cases the pay rate is at least the current highest applicable Federal, state, or municipal minimum wage.
  3. Nonappropriated Fund positions' annual pay rate may not exceed the maximum amount authorized for General Schedule (GS) employees.
  4. Paragraph L.1. of this Chapter specifies officers and warrant officers may be paid only on a fee basis for employment.
  5. The Office of Personnel Management (OPM) administers overtime pay, minimum wages, equal pay, and child labor under the Fair Labor Standards Act (FLSA). An employee alleging FLSA violations has the right to file a complaint directly with the Department of Labor, Wage and Hour Division. Obtain regional office addresses from Commandant (G-WPC).
  6. In the locality where employed, off-duty enlisted personnel receive the same pay rate effective for other NAF employees performing comparable work.
  7. An employee's wages and accumulated leave may be withheld to satisfy obligations to the NAF activity.
- C. Responsibilities.
1. Commandant (G-WPC) will:
    - a. Develop and establish the policies, regulations, and procedures for Coast Guard NAF activities' position and pay management program;
    - b. Resolve problems about developing and applying wage and salary schedules;

- c. Review and evaluate the program to ensure compliance with prescribed regulations, standards, instructions, pay rates, and program goals.
2. Commanding officers for MWR and CGES region managers will:
- a. Implement position classification, position management, and pay entitlement regulations, standards, procedures, and instructions.
  - b. When designated to participate in wage surveys will:
    - (1) Fully support the wage survey and assure servicing personnel offices execute Department of Defense (DoD) Wage Fixing Authority instructions;
    - (2) Provide administrative, technical, and logistical support to conduct wage surveys, including assisting designated hosts;
    - (3) Authorize NAF employee representatives to participate without loss of pay or charge to leave in hearings the Local Wage Survey Committee conducts. However, charge absences of employees appearing for personal reasons to annual leave or leave without pay (LWOP), as appropriate;
    - (4) Assure employees participating as data collectors receive their basic pay rate for all time spent performing that duty and reimbursement for necessary travel costs.
  - c. Assign duties and responsibilities to employees under their direction to ensure efficient, timely mission accomplishment.
  - d. Review duty assignments to determine whether officially approved job descriptions and standard position guides are current; if not, initiate required changes.
  - e. Assure part-time employees are scheduled to work at least the minimum hours specified on the Notification of Personnel Action, Standard Form 50 (SF-50).
- D. Basic Requirements for Pay.
- 1. Chapter 2 of this Manual requires an employee to meet all requirements for appointment to a particular position before he or she receives any compensation.
  - 2. Before any employee can receive any pay he or she must submit officially certified time and attendance reports and supporting documents, e.g., required leave statements or evidence of court or military service with time and

attendance reports when this regulation or local policy require. Commandant (G-WPX) may grant exceptions.

E. Prevailing Rate System (Crafts and Trades). The prevailing rate system includes all trades, crafts, and labor positions, which are paid on a locality rate basis. These position's pay is fixed and occasionally adjusted in line with the rates local private employers pay full-time employees in wholesale, retail service, and recreational establishments. Commandant (G-WPC-6) directly transmits new wage schedules to units.

1. Identification.

a. This coding system and grade structure identify prevailing rate employees:

<b>CODE</b>	<b>TYPE OF POSITION IN TRADE, CRAFT, AND LABOR OCCUPATIONS</b>	<b>GRADES</b>
NA	Non-supervisory	1-15
NL	Leader	1-15
NS	Supervisory	1-19

b. Prevailing rate positions are identified with series codes, titles, and grades.

2. Position Evaluation. Servicing personnel offices evaluate positions in accordance with DoD Job Grading Standards, Coast Guard Job Grading Standards, and OPM Job Classification Standards, whichever apply.

3. Within-Grade Increases.

a. All prevailing rate employees, regardless of category, are entitled to within-grade increases.

b. An eligible employee, including off-duty military, who has not reached the top step of his or her grade will advance successively to the next higher rate of his or her grade at the beginning of the next pay period provided the employee:

(1) Has successfully completed the prescribed waiting period.

(2) Has not received an equivalent increase for any reason during the waiting period.

(3) Performs his or her duties satisfactorily or better.

- c. To determine an equivalent increase for prevailing rate employees, see U. S. Office of Personnel Management Operating Manual: Federal Wage System Nonappropriated Fund, paragraph S8-5.

4. Creditable Service for Within-Grade Increases.

- a. Creditable service for a prevailing rate employee is continuous full-time, part-time, temporary, regular, and intermittent service in any Federal Government branch (executive, legislative, or judicial), in the Government of the District of Columbia, or a DoD or Department of Homeland Security (DHS) NAF activity.
- b. All service in a pay status is creditable, including periods of sick, annual, or other paid leave, advanced sick leave, and advanced annual leave. A limited amount of leave without pay is creditable, as indicated in 5.a.(2), column (1) below.

5. Waiting Periods.

- a. Duration. The employee must serve the days or calendar periods specified in Column (2) or (3) at the step of the grade immediately below that to which the employee will advance after the waiting period. An intermittent employee must work at least as many required days as a full or part-time employee in the same category and rate.
  - (1) Column (2) applies to full-time and other regularly scheduled employees and specifies the waiting periods in calendar weeks, counting any week in which service is performed as a full week.
  - (2) Column (3) applies to intermittent employees and specifies the waiting periods in calendar days in a pay status, counting only the days, and those as full days, on which the employee works.

<b>TIME IN GRADE TO QUALIFY FOR STEP INCREASES</b>				
		<b>Waiting Period Duration</b>		
<b>Employee Category</b>	<b>Step Rate</b>	<b>(1) Maximum Weeks in Non-pay Status</b>	<b>(2) In Weeks for Full-Time and Other Regularly Scheduled Employees</b>	<b>(3) In Days for Intermittent Employees</b>
NA, NL, NS	2	1	26	130
	3	3	78	390
	4, 5	4	104	520

- b. Start of Waiting Period. A new waiting period begins:
  - (1) On initial appointment or promotion to a position subject to this regulation's provisions.
  - (2) After either a break in service or a non-pay status lasting longer than 52 calendar weeks.
  - (3) On the date the employee receives an equivalent increase.
- c. Effective Date.
  - (1) The effective date of a within-grade increase for an eligible employee is the beginning of the first pay period after he or she completes the required waiting period.
  - (2) If the effective dates of a within-grade increase and a personnel action are the same, the servicing personnel office will process the actions in that order to give the employee the greater benefit.

6. Acceptable Level of Competence (Prevailing Rate Employees).

- a. At least 60 days before the date on which an employee completes the waiting period, the immediate supervisor will inform the employee of any unacceptable factor.
- b. If the second-line supervisor agrees the employee's work is unacceptable, the supervisor must inform the employee in writing by the end of the waiting period, of:
  - (1) The negative determination and its basis;
  - (2) The employee's right to secure reconsideration of the negative determination;
  - (3) The requirement the employee must present the request for reconsideration within 15 calendar days, either personally or in writing;
  - (4) The name and address of the person to whom to send the request.
- c. The employee has the right to contest the negative determination personally or in writing and may have a representative of his or her own choosing in presenting the request.
- d. The personnel office establishes a reconsideration file containing all pertinent documents and only those made available to the employee or his or

her representative.

- e. If the reconsidering official changes a negative determination, the increase's effective date is the date the increase otherwise would have become effective.
- f. If the reconsidering official upholds a negative determination, his or her notice of the decision will inform the employee of the basis for the decision and the decision is final and will not be reconsidered further. The first-line and second-line supervisors will review the employee's level of competence by the end of 52 calendar weeks. If the employee merits an increase, it will be effective the beginning of the first pay period after their review.

F. Determining Prevailing Rate Positions' Pay Rates.

- 1. New appointments will be made at the minimum rate for the appropriate grade, except as follows: if a person is employed because his or her position converted from appropriated to nonappropriated funds, the employee's salary may not exceed his or her highest previous rate when the move is to an equivalent position.
- 2. On re-employment in a prevailing rate position, the servicing personnel office may fix the entrance salary rate at any rate for the appropriate grade that does not exceed the rate paid in the previous position. However, if the highest previous rate falls between two grade rates, the employee may receive the higher rate.
- 3. On promotion, a prevailing rate employee is entitled to earn the new grade's scheduled rate that exceeds the previous pay rate by at least the percentage difference between the fourth and fifth step-rates of the grade from which promoted.
- 4. In exceptional cases, commanding officers for MWR and region managers for CGES may request the establishment of special rates or rate ranges for specialized prevailing rate occupations critical to the mission of a NAF activity. The request will be forwarded through the chain of command to Commandant (G-WPC). Requests may be made only when the following conditions are present:
  - a. Private sector employers offer significantly higher pay rates for an occupation or occupational specialization and grade than does the Federal Government in that competitive labor market;
  - b. The area or location involved is exceedingly remote, or
  - c. Any other circumstances OPM considers appropriate.

5. The servicing personnel office may place a NAF employee (NA, NL, NS) who voluntarily changes to a lower grade anywhere within the grade that does not exceed his or her previous pay rate in the higher grade. A NAF activity is not obliged to match previous pay rates on a voluntary change to a lower grade.

**G. Pay Banding System.**

1. The pay band system contains six pay levels of pay designated NF-1 through NF-6. Each level contains position groups of comparable skill and responsibility. For comparison purposes, the NF levels equate to General Schedule grades as follows:

<b>NF Level</b>	<b>Equivalent GS Grades</b>	<b>Equivalent Wage Grade</b>
1	GS-1 through GS-3	AS/PS 1-4
2	GS-4	AS/PS 5-6
3	GS-5 through GS-8	AS/PS 7
4	GS-9 through GS-12	--
5	GS-13 through GS-15	--
6	Senior Executive Service (SES)	--

2. Entry-level employees' pay rates should be consistent with outside private industry practices and normally fall at the bottom to low end of the appropriate pay band level.
3. Factors to consider in determining in-hire pay rates may include previous pay rates, scarcity of applicants, and qualifications, among others.
4. Determine rehired or reinstated employees' initial rate by considering their highest previous rate, NAF experience, and performance.

**H. Pay Band Employees' Salary Adjustments.**

1. **Performance Percentage Increase.** A manager, via the commanding officer for MWR or CGES region manager, may give pay band employee performing at a satisfactory, proficient, or higher level a performance percentage increase at any time. Document a percentage increase on an SF-50 and submit it to the commanding officer for MWR or CGES region managers for approval.

**Proficiency Increase.** A manager via the chain of command can grant a proficiency increase to an employee who completes on-the-job training, demonstrates an increase in skills, or merits

increased responsibilities in the existing position. Justify a proficiency increase greater than 10 percent by written justification on the SF-52 and submit it to the commanding officer for MWR or Community Service Command for approval.

2. Promotion. Moving from one pay band level to a higher one is a promotion, normally accompanied by a pay adjustment. See Employment and Staffing, Chapter 3 of this Manual, for administrative procedures on promotions.
3. Cost of Living Adjustment (COLA). Community Service Command may announce an annual COLA, which becomes effective the first full pay period of the NAF fiscal year. For O'CONUS personnel, the COLA is an adjustment to base pay only. Community Service Command decides the COLA based on the current nationwide pay rate, excluding any locality percentage. Every NF employee performing at a meets or exceeds level receives the COLA. The COLA is deferred for any employee with a current fails to meet evaluation until he or she earns a meet or exceeds performance evaluation, the first pay period after which the COLA will become effective. The employee will not receive retroactive pay for the time the performance evaluation was rated at a fails to meet level.
4. Cost of Living Allowance Outside the Continental United States (O'CONUS). Nonappropriated fund activities pay cost of living allowances to exempt employees working only in Alaska, Hawaii and Puerto Rico. However, managers must take this additional allowance into consideration with base pay when negotiating pay under the pay band system.
5. Temporary Pay Decrease. Management may authorize temporary pay decreases for Coast Guard Exchange System or MWR program employees as a tool to avoid permanent Reductions in Force (RIF's) or furloughs. Commandant (CG-103) must approve these actions in advance, considering anticipated temporary loss of income, temporary base closings, etc. The maximum amount of time for a pay decrease is 6 months. If afterward the unit still needs to reduce personnel costs, management must consider a RIF.

I. Basic Rate.

1. For prevailing rate employees, the basic rate is the scheduled pay rate plus any night shift or other differential.
2. For pay band (NF) employees, the basic rate is the scheduled pay rate before any deductions, excluding additional pay of any kind. However, in computing overtime under the Fair Labor Standards Act (FLSA), the servicing personnel office may include some types of additional pay when determining the employee's regular rate; see Paragraph J.1 of this Chapter.

J. Premium Pay.

1. Overtime Pay.

- a. Fair Labor Standards Act Determinations. Fair Labor Standards Act rules and where applicable, Title 5, United States Code, Section 5544 (5 USC §5544), govern paying overtime.
- (1) Exempt employees. No employee identified as “exempt” may receive overtime or compensatory time off for working more than 40 hours in an administrative workweek unless approved in advance and in writing by their supervisor. The doctrine of compensating more than 40 hours work permitted or suffered to be worked in an administrative workweek does not apply to exempt employees.
  - (2) Nonexempt employees. Employees identified, as nonexempt must receive compensation for working more than 40 hours per week they are permitted or suffered to perform. If an employee works overtime, even if not authorized in advance, the NAF activity must pay compensation at one and one-half times the employee’s basic rate.
  - (3) Fair Labor Standards Act instructions. This Chapter contains instructions to compute overtime and exempt employees from overtime compensation. Community Service Command determines “exempt” and “nonexempt” status during the classification process according to the FLSA rules.
- b. Prevailing Rate Employees.
- (1) In addition to the FLSA requirement for overtime pay for working more than 40 hours a week, 5 USC 5544 covers prevailing rate employees, who are entitled to overtime for working longer than 8 hours a day, whichever is greater.
  - (2) All prevailing rate employees without exception enjoy this overtime entitlement.
- c. Calculations.
- (1) Compensatory Time Off. These overtime provisions enable an employee to request compensatory time instead of pay for overtime work, regardless of whether the employee’s overtime pay entitlement derives from 5 USC. An employee can accrue a maximum of 80 hours of compensatory time at any one time. The servicing personnel office must convert any compensatory time in excess of 80 hours to overtime pay at one and one-half times base pay. An employee must use earned

compensatory time within 90 days. The supervisor must approve all compensatory time and document it on time and attendance records (See Chapter 7.L. of this Manual).

- (2) Overtime Pay Entitlement. Calculate overtime at 1 1/2 times an employee's basic pay rate for actual hours worked, including any premium pay entitlements. Compensation for non-workdays, e.g., holiday pay, annual leave, sick leave, administrative leave, is not considered pay for overtime purposes. For example: An employee's regular tour of duty is Monday through Friday. The employee is off duty and on holiday pay for Thursday, Thanksgiving Day. The employee is required to work on Saturday of that week for inventory. Total compensation for that week is based on 48 hours but total hours worked are only 40. Therefore no overtime compensation is due for the hours worked on Saturday if the employee works only 8 hours. If the employee works 12 hours, he or she is due 4 hours of overtime pay.
- (3) Travel Time. Treat time spent traveling as hours of work in these circumstances:
  - (a) An employee is required to travel during regular working hours;
  - (b) A nonexempt employee is required to drive a vehicle or perform other work while traveling outside of regular working hours;
  - (c) A nonexempt employee is required to travel as a passenger on an overnight assignment away from the official duty station during non-workday hours corresponding to the employee's regular working hours. For example an employee who works a 8:30 a.m. to 5:00 p.m. schedule will not receive premium pay for hours traveled outside 8:30 a.m. to 5:00 p.m. An employee can request compensatory time at the basic pay rate in lieu of overtime pay;
  - (d) Overtime is payable to nonexempt employees for time spent on outside training, conferences, or trade shows outside their duty station and/or normal working hours.
- (4) Accounting Procedures. Compensatory time accrues as incurred. Calculate it as straight time at an employee's basic pay rate for actual hours worked, including premium pay. Record it under accrued liabilities. As the employee uses compensatory time, the accrued liability decreases. At termination, convert compensatory time to overtime and pay at time and one-half as a lump sum payment.

2. Sunday Pay (Optional for Pay Band Employees). Under 5 USC 5544 a prevailing rate employee is entitled to Sunday Pay as follows:
  - a. Sunday premium pay is 25 percent of basic pay.
  - b. An employee is entitled to the basic pay rate plus Sunday premium pay for all regularly scheduled, non-overtime work hours if he or she performs any part of the scheduled tour on Sunday. If two tours occur on the same Sunday, the employee is entitled to Sunday pay for both tours up to 16 hours.
  - c. Only permanent or temporary full-time employees who work 40 hours per week are entitled to Sunday premium pay.
  - d. Part-time and intermittent employees are not entitled to Sunday premium pay.
  
3. Night Differential (Optional for Pay Band Employees). The Office of Personnel Management Operating Manual Federal Wage System Nonappropriated Fund, stipulates a NAF prevailing rate employee is entitled to Night Differential as follows:
  - a. Pay Band (NF) employees can earn a night differential of 10 percent of basic pay in addition to their basic pay for actual hours of regularly scheduled work they perform between the hours of 6:00 p.m. and 6:00 a.m.
  - b. A NAF Activity must pay a Prevailing Rate employee a night shift differential for the entire shift for all regularly scheduled, non-overtime work, according to this schedule.

<b>Percentage in addition to basic pay rate</b>	<b>Pay if a majority of the employee's regularly scheduled work hours occurs between these hours:</b>
7.5	3:00 p.m. and 12:00 midnight
10	11:00 p.m. and 8:00 a.m.

- c. An employee is entitled to night pay differential for a period when excused from night work on a holiday or other non-workday and for night hours while in an official travel status. Continue paying night differential during periods of leave with pay depending on the shift to which the employee is assigned when going on leave and assignment duration. An employee is entitled to night pay differential for night work performed when assigned temporarily to a tour of duty other than his or her own.
- d. In determining entitlement to night differential, work scheduled at least a week in advance is regularly scheduled work no matter how much prior

notice the employee receives. In determining a majority, count the number of whole hours greater than one-half of the scheduled shift. Include night shift differentials in the basic pay rates used to compute overtime and

Sunday pay, retirement, and group life insurance. An employee regularly paid night shift differential continues to receive it during a period of paid leave, when excused from night work on a holiday, and while in an official travel status during regular shift hours. If an employee regularly assigned a night shift is temporarily assigned to a day shift or the night shift with the lower differential, he or she continues to receive his or her usual night shift differential.

4. Holiday Pay. All regularly scheduled full-time, part-time, and regularly scheduled intermittent employees are entitled to holiday pay under these conditions:
  - a. An employee eligible for holiday pay receives the basic pay rate for regularly scheduled, non-overtime hours as if he or she had worked.
  - b. An employee required to work on a holiday falling within his or her regular schedule receives his or her basic rate for regularly scheduled, non-overtime hours plus premium pay of their hourly rate. Thus, an employee normally working Mondays and earning \$6 per hour who works on Labor Day earns \$12 per hour (straight pay plus holiday premium).
  - c. An employee required to work a holiday falling outside his or her regular work schedule receives his or her basic pay rate.
  - d. An employee working fewer than 5 days in a week who is required to work a holiday falling outside his or her regular work schedule receives his or her basic pay rate.
  - e. Premium pay for holiday work is in addition to overtime pay, night shift differential, or premium pay for Sunday work and is not included in the rate of pay used to compute overtime pay, night shift differential or Sunday premium pay.
  - f. To qualify for holiday pay, an employee must be in a pay status immediately before or after the holiday.
  - g. For additional information on holiday pay, see Work Hours, Chapter 6 of this Manual.
  
- K. Grade and Pay Retention. Grade and pay retention apply only to NA, NL, and NS employees. The 5 CFR 532 contains procedures for grade and pay retention.

L. Dual Compensation.

1. The 5 USC 5533 prohibits employees in either or combined appropriated or nonappropriated fund positions, including temporary and intermittent appointments, from receiving pay from two or more positions for more than 40 total hours of work in 1 calendar week. This law does not apply to enlisted off-duty military personnel performing military duty. However, off-duty military members are limited to holding only intermittent (up to 19 hours per week) positions.
2. Experts and consultants or persons compensated by fees paid on other than a fee basis, are exempt from these restrictions. For example, an umpire paid by the game is exempt; a part-time accountant is not.

M. Withholding Taxes.

1. Payroll administrators must comply with the Internal Revenue Code and withhold Federal income tax from civilian and off-duty military employees' compensation. Payroll check stubs should specify allowances and differentials not subject to Federal income tax or FICA (social security) tax and excluded from the base pay report on employees' Wage & Tax Statement (Form W-2).
2. Payroll administrators must deduct applicable state, county, and/or municipal income tax.
3. Payroll administrators must deduct the FICA tax on employees' wages imposed by Internal Revenue Code §3101 and pay the employer's excise tax imposed by §3113.
4. Deduct the FICA tax from all leave payments since they're actually a continuation of wages.

N. Tips.

1. Internal Revenue Service (IRS) regulations establish procedures and requirements both employee and employer must understand and follow in administering tips.
2. The words "tip" and "gratuity" mean money in the form of cash or a credit card or other charge in an employee's favor a patron voluntarily gives the employee. Management may not retain but must disburse a cash or charge tip to the employee(s) concerned. The tip recipient and other supporting personnel may voluntarily arrange to split or pool tips.

3. Under IRS regulations, tips are subject to Federal income tax and the employee's share of FICA tax; any person receiving more than a minimum amount monthly in tips must report the amount to his or her employer. The employer should verify the established procedures for reporting tips annually. The IRS requires the employee to report tips received at least monthly but more frequently if management desires to coincide with a pay system. The employee may use Employee's Report on Tips, IRS Form 4070, or any similar local form for reporting purposes.
4. A service charge is a *mandatory* charge added to a patron's bill, not a voluntary tip; the IRS considers a service charge NAF income. Management usually disburses service charges added to patron's bills to employees. However, the disposition of this money is a management prerogative and subject to local labor-management agreements. Any portion of the service charge disbursed to the employee constitutes wages and is subject to both employee and employer FICA taxes and Federal and state income tax withholding. Therefore, employees do not report any service charges they receive in the tip report.

O. Miscellaneous Provisions.

1. Pay for the date entering duty covers the time after selection for employment the employee is under the employer's control. The employee is not entitled to pay for any period exclusively devoted to applying for employment, pre-employment interviews, and other pre-selection processes.
2. Pay for the separation date covers only the time the employee is in a duty status, including time spent complying with clearance requirements.
3. Pay for the entire day of death regardless of hour provided the employee was in a pay, work, or leave status on the workday immediately preceding the date of death. If an employee dies, NAF will pay his or her designated life insurance beneficiary(ies) compensation due or follow applicable state laws if the employee did not name a life insurance beneficiary.
4. Leave Administration, Chapter 7 of this Manual, contains pay computations for leave.
5. A commanding officer for MWR and Community Service Command for CGES may waive a salary overpayment if administrative error caused the overpayment and there are no indications of the employee's fraud, misrepresentation, or lack of good faith. Appeal adverse decisions to Commandant (CG-121).

P. Computing Back Pay.

1. When an appropriate authority corrects or directs correcting an unjustified or unwarranted personnel action, the unit pays the pay, allowances, and differentials the employee would have earned if the personnel action had not

occurred are paid as follows:

- a. In computing the back pay amount due, exclude these periods:
    - (1) When the employee is not ready, willing, or able to perform his or her duties due to an incapacitating illness or injury.
    - (2) When the employee is unavailable to perform his or her duties for reasons other than those related to or caused by the unjustified or unwarranted personnel action.
  - b. In computing the amount of back pay the commanding officer for MWR and CGES region manager will:
    - (1) On request, grant any sick or annual leave available to the employee for a period of incapacitation if the employee can establish the incapacity resulted from injury or illness.
    - (2) Reduce the amount of back pay by the amount of wages earned for outside employment while the employee was separated due to an unjustified or unwarranted personnel action. Exclude pay he or she earned from a part-time, "moonlighting" job he or she held before being erroneously separated.
2. Credit any extra annual leave restored to an employee over the normal maximum leave accumulation to a separate leave carry-over account; see Administering Leave, Chapter 7 of this Manual.

Q. Severance Pay.

1. Regular full-time and regular part-time employees who have completed at least 12 months of continuous creditable service with one or more Nonappropriated Fund Instrumentalities (NAFIs) are eligible for severance pay. Such employees may earn one week of basic pay for each full year of creditable service up to a maximum of four weeks. Prorated credit will be applied for partial year service provided the employee has completed the 12-month continuous creditable service. The continuous service qualifying the employee for severance pay must have occurred within the 12 months preceding the effective date of the business based action.
2. A maximum payment equal to 4 weeks of pay may be granted if and when a regular full-time and regular part-time employee is separated due to a business based action, post deactivation or reorganization. Such pay may also be granted to regular full or part-time employees who are adversely impacted by a business based action other than by separation action, e.g., loss of pay, changed to lower pay band, or to a lower employment category that affords less basic pay and/or

benefits. Under such circumstances, an employee may opt for separation and claim earned eligibility for severance pay.

3. The following employees will not receive severance pay if they:
  - a. Are employed, without a break in service of more than 3 calendar days after separation in another NAF position, or any appropriated fund (AF) position, without a time limit on the length of the appointment.
  - b. Have refused an offer of employment by the command that would not result in a rate of basic pay that is lower than the rate of basic pay received immediately before the business based action, or a loss of employment category (i.e., from Regular Full-Time to Regular Part-Time or from Regular to Intermittent). Offers must be in the same commuting area, unless the employee is covered by an agreement in which mobility is a condition of employment.
  - c. Are entitled to an immediate annuity that is not reduced because of the employee's age at the time of retirement. This exclusion covers an annuity from a NAF retirement plan, or from a civil service retirement plan in which the employee elected to remain following movement between employment systems under 5 U.S.C., 8347(q) (reference (b)) and 8461(n) (reference (c)).
  - d. Are receiving payments from the Department of Labor's Office of Workers Compensation Program for a job-related injury.

R. Commercial Garnishment of a Federal Employee's Pay.

1. Garnishment Procedures and Guidance. Executive Order Number 12897, Commercial Garnishment of Federal Employees' Pay, establishes these procedures and guidance in processing commercial garnishment orders, including state and local governments' tax levies. Nonappropriated fund activities will send all commercial garnishments received to Commandant (CG-0944) via Commandant (CG-1216) for legal determination. Commandant (CG-0944) will notify the unit in writing whether the garnishment is legal and what actions the unit needs to take.
  - a. "Pay" means basic, premium, or any other pay paid or payable for personal services, whether called pay, wages, salary, lump-sum leave payments, commissions, bonuses, awards, or otherwise. "Pay" does not include awards for making suggestions, reimbursement for expenses an employee incurred in connection with employment, or allowance in lieu of reimbursement or compensation for work injuries.
  - b. Aggregate disposable earnings are the employee's pay less authorized excluded amounts; see Paragraph Q.3. of this Chapter.

- c. Garnishment, a legal process, means any writ, order, summons, or other similar process repayment, including an attachment, writ of execution, court order wage assignment, or state or local Government tax levy issued by a court of competent jurisdiction in any state, territory, or United States possession, the District of Columbia, and Indian Tribal Courts.

2. Notifying the Employee.

- a. As per the court order, management will notify an employee in writing, including a copy of the legal document, of the valid service of legal process. Give the employee this additional information:
  - (1) Copies of any other documents submitted to support or in addition to the legal process.
  - (2) Notice: The United States does not represent the employee's interests in the pending legal proceedings.
  - (3) Advice: The employee may wish to consult legal counsel about his or her defense to the legal process.

3. Exclusions. In determining the amount of pay subject to garnishment, exclude these amounts:

- a. Amounts the employee owes the United States;
- b. Amounts the law requires deducting from the employee's pay, including at least:
  - (1) Amounts withheld from benefits payable under the Social Security Act, Title II;
  - (2) Federal employment taxes; and
  - (3) Amounts deducted for Medicare.
  - (4) Amounts properly withheld for Federal, state, or local income taxes if legally authorized or required and if withheld amounts do not exceed the amount the employee claims for all dependents to which he or she is entitled. Withholding additional amounts pursuant to 26 USC 3402(i) is permitted only if the employee presents evidence of a tax obligation that supports the additional withholding.

- c. Amounts deducted as health insurance premiums;
  - d. Amounts deducted as normal retirement contributions, not including amounts deducted for supplementary coverage. Here, all amounts contributed to the NAF Retirement Plan are deemed normal retirement contributions. Amounts voluntarily contributed to additional retirement accounts are considered supplementary; or
  - e. Amounts deducted as normal life insurance premiums from salary or other remuneration for employment, not including amounts deducted for supplementary coverage. Basic life coverage is considered normal life insurance premiums; all optional life insurance premiums paid by allotment are considered supplementary.
4. Maximum Garnishment Limitations. Under 15 USC 1673(a)(1), the Consumer Credit Protection Act, as amended, and Department of Labor regulations at 29 CFR 870, these limits apply:
- a. Unless applicable state or local law mandates a lower maximum limit, the maximum of an employee's aggregate disposable earnings for any workweek subject to garnishment to enforce any legal debt other than a child support order or alimony is 25 percent. Further, in determining the garnishable amount of the employee's aggregate disposable earnings, a payroll office must apply these dollar limitations, contained in 29 CFR 870: if the employee's aggregate disposable earnings for the workweek exceeded 40 times the Fair Labor Standard Act (FLSA) minimum hourly wage, 25 percent of the employee's aggregate disposable earnings may be garnished. For example, effective July 24, 2009, the FLSA minimum wage rate is \$7.25 per hour. Multiply by 40 to equal \$290.00; if the employee's *disposable* earnings exceeded \$290.00 for a workweek, 25 percent of his or her *disposable* earnings are subject to garnishment.
  - b. If the employee's aggregate disposable earnings per workweek are less than 40 times the FLSA minimum hourly wage, the maximum garnishment amount is that amount by which the employee's aggregate disposable earnings exceed 30 times the current minimum wage rate. Using the hypothetical example above, the amount of aggregate *disposable* earnings exempt from garnishment is \$217.50 ( $\$7.25 \times 30$ ). Only the amount above \$217.50 is garnishable.
  - c. If the employee's aggregate disposable earnings in a workweek equal or are less than 30 times the FLSA minimum hourly wage, all the employee's earnings are exempt from garnishment.
  - d. The percentage of an employee's aggregate disposable earnings garnishable for a state or local tax obligation or bankruptcy purposes is unlimited.

5. Examples of Amounts Subject to Garnishment. The following examples illustrate the statutory tests for determining the amounts subject to garnishment based \$7.25 an hour.
- a. An employee's gross earnings in a particular week are \$293.00. After deductions required by law, the disposable earnings are \$263.00. In this week \$45.50 may be garnished, since only the amount over \$217.50 may be garnished where the disposable earnings are \$290.00 or less. The employee would be paid \$217.50.
  - b. An employee's gross earnings in a particular workweek are \$368.00. After deductions required by law, the disposable earnings are \$308.00. In this week 25 percent of the disposable earnings may be garnished ( $\$308.00 \times 25\% = \$77.00$ ). The employee would be paid \$231.00.
  - c. A garnishment order is received after the second workday of the week. It requires a garnishment based on wages earned up to that day be withheld. The employee is paid \$60.00 a day. Since less than \$217.50 has been earned, no garnishment is permitted. However, if another garnishment is received when the workweek is complete, or in states where continuing garnishments are issued, withholdings will be made on the basis of the earnings for the entire week.
  - d. An employee paid every other week has disposable earnings of \$456.00 for the first week and \$40.00 for the second week of the pay period, for a total of \$496.00. In a biweekly pay period, when disposable earnings are above \$580.00 for the pay period 25% may be garnished. It does not matter that the disposable earnings in the second week are less than \$217.50 - 25% of the \$496.00 (\$124.00) is subject to garnishment.
  - e. An employee on a \$320.00 weekly draw against commissions has disposable earnings each week of \$285.00. Commissions paid monthly, total \$2,000.00 for July after deductions required by law. Each draw and the balance due at the monthly settlement are separately subject to the law's restrictions. Thus, 25% (\$71.25 in this example) of each draw may be garnished. At the end of the month, the \$1,140.00 previously drawn is subtracted from the \$2,000.00 settlement figure, and 25% of the balance may be garnished. In this example, the garnishable amount is \$215.00.
  - f. Pursuant to a garnishment order (with priority) for child support an employer withholds \$90.00 a week from the wages of an employee who has disposable earnings of \$295.00 a week. A garnishment order for the collection of a defaulted student loan is also served. The limit for normal garnishments of 25% applies to the debt for the outstanding student loan. Under the formula for normal garnishments, a maximum of \$73.75 (25% of \$295.00) is garnishable. The \$90.00 child support payments must be withheld, because the normal restrictions do not apply to court orders for

support. No withholding for the defaulted student loan may be made, because the amount already withheld is more than the amount that may be withheld for normal garnishments. Additional withholdings could be made to collect on another child support order, delinquent federal or state taxes and certain bankruptcy court ordered payments.

## CHAPTER 5. POSITION CLASSIFICATION AND APPEALS

- A. Purpose. This Chapter states Coast Guard Nonappropriated Fund (NAF) policy, responsibilities, and requirements to support and maintain the NAF Civilian Personnel Position Classification Program and Appeal System.
- B. Policy. Nonappropriated fund position classifications comply with the intent of Public Law 92-392 (PL 92-392), Office of Personnel Management (OPM) directives, the Department of Defense (DOD), NAF Job Grading Standards, and U. S. Coast Guard Classification and Standard Position Guides. Employee appeals are processed in accordance with this regulation and the Position Classification Manual, COMDTINST M12510.6 (series). The NAF position classification program:
1. Supports the principle of equal pay for substantially equal work through proper, timely position classification.
  2. Advises managers how to make the best use of funds and personnel through position classification specialists.
  3. Allows NAF supervisors to actively participate in the classification process.
  4. Promotes the most economical, mission-fulfilling, efficient position structuring, staffing, and grading pattern.
  5. Requires the classification process to keep administrative costs to a minimum.
  6. Disregards race, color, sex, religion, marital status, age, national origin, or disability in classifying positions.
- C. Authorities and Responsibilities.
1. Authority to Classify Positions. The Office of Civilian Personnel (G-WPC) has authority to classify positions and has redelegated it to the Chief, NAF Personnel Division (G-WPC-2), U. S. Coast Guard Headquarters. This Division has further redelegated the authority to Commandant (G-WPX) and to individual commands for MWR and region managers for CGES to classify NF-1 and NF-2 positions through published Standard Position Guides.
  2. Commanding Officers for MWR and CGES Region Managers' Responsibilities. Each commanding officer and Region Manager must ensure supervisors and managers:
    - a. Sufficiently understand the classification program to produce complete, accurate position descriptions.

- b. Have the opportunity to express his or her views on how the program supports management objectives and mission requirements.
3. Managers' and Supervisors' Responsibilities. Each manager and supervisor who establishes or abolishes duties for NAF positions must:
- a. Establish, maintain, and structure these positions according to approved mission needs and position staffing requirements.
  - b. Achieve the best balance of economy, efficiency, skill use, and employee motivation and development when assigning duties and responsibilities to these positions.
  - c. Consider the impact on each and all positions before assigning duties to any position that will result in a higher grade or pay band.
  - d. Advise Commandant (G-WPX), when appropriate, as promptly as possible of proposed organizational and structural position changes, including charts and other relevant materials.
  - e. Prepare clearly defined proposed position descriptions (PD's) and draft standard position guides (SPG's) for subordinate positions or use standard position descriptions when feasible to reduce administrative costs.
  - f. Fill out individual personnel action requests using a Request for Personnel Action, Standard Form 52 (SF-52) when requesting classification or reclassification.
- D. Classifying Positions. The methods used to classify NAF positions apply to two major pay-setting systems: prevailing rate positions (crafts and trades (NA, NL, and NS)) and pay band (NF) positions.
- 1. Prevailing Rate Positions. The DOD Wage Fixing Authority develops and establishes NAF regular wage rate schedules for NA, NL, and NS positions according to Title 5, United States Code, Part 5343(c) (5 USC 5343c) and procedures outlined in Title 5, Code of Federal Regulations, Part 532 (5 CFR 532). Basic methods to grade NAF crafts and trades positions (NA, NL and NS) are in 5 CFR 532 and 512.
  - 2. Pay Band Positions. The NAF pay band system consists of six occupational levels in broad compensation bands evaluated on the characteristics of work performed for each separate level and cross-compared with point-factors in the Job Grading Standards.

E. The Position Description (PD) (Crafts and Trades). The position description is defined as:

1. The authorization to expend funds as compensation for work performed.
2. A clear, concise statement of the kind of work to be done; the knowledge, skills, and abilities required to do it; its difficulty; and the type and extent of supervision and guidance the incumbent receives. The immediate supervisor is responsible for the PD's accuracy.

F. The Standard Position Guide (SPG) (Pay Band).

1. Definition.

- a. The authorization to expend funds as compensation for work performed. Standard position guides are very brief, usually one or two paragraphs, and not modified. The descriptions do not try to address all job aspects but generally fit all similar NAF positions. An SPG is not an accurate position description unless attached to it is a completed task statement that describes in detail a job's unique duties and assignments. If a standard position guide matching a position's general duties is not available, submit to Commandant (G-WPX) a draft task statement, for UNIQUE positions only, describing in detail the new position's duties and responsibilities, recommended title, and pay band level. If no suitable SPG already exists, Commandant (G-WPX) will classify the draft, if approved and issue a new SPG.

2. Task Statement.

- a. A task statement describes a position's duties in more detail than does the SPG. The task statement may vary based on the position's duties and responsibilities. For example, besides operating the cash register, a cashier may be required to assist in pricing merchandise and stocking shelves.
- b. Supervisors should discuss individual task statements with their employees and issue a copy to them.
- c. The supervisor must attach the task statement to the SPG, put it in the employee's Official Personnel Folder, and refer to it during the performance appraisal cycle.

G. Classification Procedures.

1. Classifying Crafts and Trades Positions.

- a. The immediate supervisor must describe the position's duties and responsibilities in the traditional format. As noted previously, the immediate

supervisor prepares the PD since he or she is the most knowledgeable about the work performed. The NAF Personnel Liaison Guide contains prewritten position descriptions helpful as a guide in preparing a job description or usable as the actual position description.

- b. Complete a Position Description, Optional Form 8 (OF-8), as a cover sheet; attach it to the narrative description.
- c. The requesting office then completes a Request for Personnel Action, Standard Form 52 (SF-52), and submits it through the chain of command to Commandant (G-WPX).

2. Classifying Pay Band Positions.

- a. The NAF Personnel Liaison Guide contains copies of all standard position guides used to classify pay band positions.
- b. The standard position guides simplify classification actions. A manager writes a task statement, reviews the standard position guides, and selects the one best reflecting the position's new or revised duties. In other words, the manager now "classifies" the position by selecting a pre-written standard position guide.
- c. A standard position guide and appropriate task statement need only an appropriately signed OF-8 cover sheet attached to authorize the classification action. The CGES Region Manager and commanding officer for MWR can classify pay band level 1 and 2 positions locally and need not submit them to Commandant (G-WPX) for approval.

3. Concurrent Clearance for Crafts and Trades and Pay Band Positions (3 and Higher). Submit all requests for new or upgraded positions to Commandant (G-WPX). The request must include an updated organizational chart listing established positions, number of employees in each, and their employment category, e.g., full-time, part-time, intermittent, in each job.

4. The Classification Specialist's Duties.

- a. The classification specialist at Commandant (G-WPX) obtains the facts about a position, primarily by an audit or phone interview or, when clearly presented, evaluating the narrative description of the duties and responsibilities. Although an employee may know a job well and provide important information for a job description, he or she may have a tendency to inflate the job for personal reasons. Therefore, it is the supervisor's responsibility to ensure position descriptions and task statements represent a job completely and accurately.

- b. Study the above facts critically.
  - c. Determine the category, series, and grade or pay band in the applicable classification standards or guides.
  - d. Understand the function of the organization where the position is located.
  - e. Understand the reason the position exists, such as management's intent in assigning the position.
  - f. Compare the position's relationship to others in the organization and at other units.
  - g. Review any other significant characteristics contributing to its value.
- H. Classification Review. A review of a position's duties and responsibilities is a crucial factor in keeping descriptions up-to-date. An obsolete job description is not only worthless but also actually may harm the activity and employee. Job changes take many forms and occur for various reasons. For example, a change in the job's physical surroundings might create a need to accommodate an otherwise qualified individual in the job. See "When New Position Descriptions Are and Are Not Required," Paragraph J of this Chapter. Review and revise a position description and task statement in these circumstances:
- 1. The job content changes.
  - 2. The organizational structure changes.
  - 3. During the employee's mid-year and annual reviews.
  - 4. The employee or his or her supervisor requests a review.
  - 5. The sole employee in that job leaves.
  - 6. The department has continuous recruitment and/or retention problems; always review the validity of the area's job descriptions.
- I. Supervisor's Role in Classification Reviews. The supervisor reviews a job when its duties, responsibilities, and/or employment conditions change sufficiently to warrant a review. Supervisors should neither encourage nor discourage employee requests for a classification review, but make sure employees know they can ask for one. The best course of action is to avoid the need for an employee-requested classification review by keeping PD's and SPG's current, describing and defining the work actually performed, rewriting PD's and SPG's when appropriate, and having the personnel office reclassify after major changes.

J. When New Position Descriptions Are and Are Not Required.

1. A new PD or SPG is required in these circumstances:
  - a. A new position was not previously described and classified.
  - b. An existing position's duties and responsibilities change sufficiently so they constitute a "different" job more or less difficult than the former PD or SPG reflected and the grade or pay band would change.
  - c. A position transfers without any change in duties and responsibilities to another organizational element due to reorganization.
2. A new PD or SPG is not required in these circumstances:
  - a. An employee is recruited, promoted, or reassigned to a previously classified, vacant position.
  - b. Adding employees to identical, already-filled positions, such as increasing staffing.

K. Appealing Position Classifications.

1. Crafts and Trades Positions.
  - a. Within 10 calendar days once the unit is notified, a supervisor must give employees adversely affected by a classification action at least 30 calendar days' written advance notice before a grade or salary reduction is effective.
  - b. Employees may appeal their job title, series, and grade level but should resolve classification questions by discussing them with their supervisors before filing an appeal.
  - c. The Department of Transportation has only one appeal level. Commandant (G-WPC) adjudicates appeals on job-grading actions taken by Commandant (G-WPX). An employee unsatisfied with a decision may appeal it to the Office of Personnel Management (OPM) through the chain of command within 15 calendar days after receiving a Commandant (G-WPC) decision.
  - d. Employees have a reasonable amount of official time to present an appeal, the right to choose their own representative, and the right of freedom from restraint, interference, coercion, discrimination, or reprisal. An employee's representative does not have the right to be present while the Coast Guard or OPM audits the job.

- e. An employee who does not receive a decision within 60 calendar days after filing an appeal to Commandant (G-WPC) may appeal directly to OPM through Commandant (G-WPC).
2. Pay Band Positions. Employees may only grieve the assignment of their position to a particular band. Follow the procedures outlined in Employee Grievances, Chapter 10 of this Manual.
- L. Appeal Contents (Crafts and Trades Positions Only). An employee appealing a classification action involving a Crafts and Trades position must do so in writing and provide this information:
- 1. Name and mailing address.
  - 2. The appellant's official organization and address.
  - 3. Name and address of the chosen representative, if applicable.
  - 4. Exact location of the appellant's job in the organizational structure.
  - 5. Present title and grade or pay band.
  - 6. Requested title, grade, pay band and/or series.
  - 7. A description of the work performed or a statement the official position description is complete and accurate or that a task statement is inaccurate.
  - 8. A statement of any facts that may affect the appeal.
  - 9. A copy of the local appeal decision.
- M. Effective Date of Appeal Decision.
- 1. The effective date of an appeal decision is either:
    - a. Stated in the appeal decision letter; or
    - b. If the decision affects pay, the first pay period after the date of the appeal decision letter.
  - 2. A job-grading change resulting from an appeal decision that wholly or partly reverses a demotion or loss in compensation is retroactive to the date of the adverse action if:
    - a. The employee (crafts and trades positions only) initially or subsequently appealed to OPM within 15 calendar days after the classification decision's

effective date.

- b. The decision is based on existing duties and responsibilities at the time of the demotion or compensation loss.
  3. A decision raising the grade level of an initially demoted job retroactively restores the grade or pay band level immediately preceding the demotion.
  4. If the appeal decision results in demotion or compensation loss, the effective date is the first day of the first pay period after the 30-day advance notice period expires.
- N. Matters Not Admitted Under The Classification Appeal Procedures. The following matters will not be accepted under the classification appeal procedures:
1. Any matter that has been or is being appealed to OPM.
  2. Any matter that has been or is being grieved through the Employee Grievances procedures in Chapter 10 of this Manual.
  3. The accuracy of job descriptions.
  4. Classification standards and officially approved wage and salary schedules issued by OPM, DOD or DoT.

## CHAPTER 6. WORK HOURS

A. Authority. This regulation authorizes activity managers employing NAF personnel to establish and change such employees' tours of duty.

B. Establishing Workweeks.

1. Commandant (G-WPX) will establish the administrative workweek of 7 consecutive calendar days.
2. For each regularly scheduled employee a supervisor will establish a basic workweek of at least 35 hours for full-time employees, between 20 and 34.75 hours for part-time employees, and a maximum of 19 hours for intermittent employees working on a regular schedule. Workdays normally last 8 hours and should never exceed 10 hours except for unusual circumstances beyond management's control.
3. A supervisor ordinarily will schedule the basic workweek over a period of 5 consecutive days or, at a maximum, 6. The basic workweek will include the minimum number of hours the employee is expected to work each week.

C. Establishing Tours of Duty.

1. When possible, supervisors will establish tours of duty for the same days of each week, the same hours each day, on consecutive days of the administrative workweek.
2. If a regular tour of duty will seriously impair performing a function or increase costs substantially, supervisors shall establish rotating or irregular tours and explain the necessity for such tours to employees and applicants for positions involving such tours. If establishing rotating or irregular tours of duty, supervisor will treat employees equitably when assigning them to Saturday, Sunday, and night duty.
3. Supervisors will schedule full and part-time employees' tours of duty covering at least 1 administrative workweek and post these schedules 1 week in advance. Managers and supervisors may make exceptions to this requirement if unusual circumstances make advance scheduling impossible.
4. Supervisors will not change or adjust tours of duty solely to avoid the obligation of granting leave, premium pay for a holiday, or overtime.
5. If it is necessary to schedule an off-duty period between two portions of a daily tour of duty, the employee will be completely free during that off-duty period.

6. Supervisors shall express daily tours of duty in full hours. If fractional hours are necessary, supervisors will express daily tours in full and quarter-hour fractions.
7. If a daily tour of duty begins on one calendar day and extends into the next, the day the tour begins is that day's tour. For example, a tour of duty beginning 10:00 p.m. Friday and ending 4:30 a.m. Saturday is the Friday tour of duty. This also applies when determining holiday pay.
8. Notification of Personnel Action, Standard Form 50 (SF-50) for full-time, part-time and regularly scheduled intermittent employees will indicate the minimum number of hours in the basic workweek in the remarks section; for example, "at least 30 hours per week." Employees must account for these minimum hours in pay and/or leave records and should satisfy this requirement on a pay period basis if lack of work prevents meeting the weekly minimum. If an employee works a seasonal tour of duty, the SF-50 also will indicate the periods in a non-duty status.

D. Special Considerations in Establishing Work Schedules. Observe these requirements when establishing tours of duty:

1. Minor's tours of duty.
  - a. Minor's tours of duty will comply with applicable Federal, state, and local laws; see Employment and Staffing for Employment of Minors, Chapter 3 of this Manual.
  - b. If transportation facilities require unusually long commuting times, such as 1 hour or more, for travelling to and from work, reduce students' daily tour accordingly.
  - c. Meal periods are free time.
2. Designating Emergency Duty. If it becomes necessary to call employees back to duty in emergencies, commanding officers for MWR and CGES managers may designate employees to be on call during off-duty time under these conditions:
  - a. If two or more employees possess the required skills, designate the on-call employee(s) on an equal rotating basis.
  - b. Requiring employees to make themselves available for emergency duty ordinarily requires them to leave names and/or telephone numbers where they can be reached.

- c. Compensation is not a factor. Designating employees to be available for emergency call does not justify paying additional compensation. An employee receives additional compensation if he or she must remain at his or her duty post. However, if a supervisor must call an employee back to duty, the supervisor will authorize a minimum of 2 hours pay to non-exempt employees only.
  3. Minimum tour of duty. Supervisors will not schedule employees or call them to duty for a period shorter than 2 hours except for tours of duty scheduled during lunch periods, when the activity is open fewer than 2 hours.
- E. Rest Periods. A supervisor has the authority to permit short rest periods during the daily tour of duty if he or she believes such periods benefit or are necessary to the activity. Each supervisor will establish a written policy and give a copy to all employees.
  1. Establish rest periods according to these criteria:
    - a. Relief from hazardous work will protect an employee's health;
    - b. Relief from continuous physical exertion or work performed in confined spaces limiting personal activities will reduce fatigue;
    - c. Increased efficiency or production will result.
  2. Grant rest periods subject to these conditions:
    - a. Grant a rest period only if at least one of the criteria above apply;
    - b. A rest period may extend a maximum of 15 minutes during each 4 hours of continuous work;
    - c. A rest period will not extend the lunch period.
- F. Meal Periods.
  1. Supervisors will consider meal periods during which the employee is entirely free of job duties as free time and may not compensate the employee for the meal period. Meal periods last between 30 minutes and 1 hour; supervisors will indicate them on the work schedule. Supervisors must schedule a meal period for employees required to work 6 or more hours in any workday.
  2. A supervisor may establish a paid on-the-job meal period of up to 20 minutes if an employee's duties require him or her to remain at the duty station. For each employee required to remain at his or her duty station, the supervisor will complete a meal waiver. A meal waiver is a letter from the supervisor stating

the employee was required to remain at his or her duty station and will receive pay for an on-the-job meal period of up to 20 minutes. The supervisor and employee sign the waiver. A supervisor may revoke a waiver at any time if the employee is not required to remain at his or her duty station. File the waiver on the left side of the Official Personnel Folder (OPF).

G. Incidental Duties. The daily schedule of working hours will include time spent performing assigned incidental duties required to perform a given job. These duties include travel inherently part of and vital to the work itself. However, travel from home or lodging to and from a work place is unpaid commuting time. For example, the tour of duty includes the time maintenance workers must spend to secure working implements and if necessary change to protective clothing in the morning, and to return the implements and change back to ordinary clothing at the end of the workday. Similarly, a tour of duty includes the time both before and after the work period an employee needs to validate funds for which he or she is responsible. The supervisor should establish the time permitted for such duties in writing and give a copy to all effected employees.

H. Legal Holidays.

1. First day of January.
2. Third Monday in January.
3. Third Monday in February.
4. Last Monday in May.
5. Fourth day of July.
6. First Monday in September.
7. Second Monday in October.
8. Eleventh day of November.
9. Fourth Thursday in November.
10. Twenty-fifth day of December.
11. Any other day Federal statute or Executive Order designates as a holiday.

I. Authority. Commanding Officers for MWR and CGES managers have the authority to include a holiday in an employee's basic workweek or require the employee to work that day and take another day off within that workweek, which becomes the employee's holiday. If an employee entitled to holiday leave is

required to work on a legal holiday or the day that becomes a holiday, he or she is entitled to premium pay. If a supervisor grants an employee scheduled to work on a holiday requested time off for personal reasons, the supervisor will charge the employee annual or sick leave as appropriate. Similarly, a supervisor will charge an unexcused absence as absent without leave (AWOL) and not pay holiday pay in this situation. An employee must be in a pay status the day before or after a holiday to be eligible for holiday pay.

J. Determining Holidays.

1. For purposes of pay and leave, a supervisor will determine a holiday for a full-time, part-time, or regularly scheduled intermittent employee with a basic 5 or 6-day work week as follows:
  - a. If a legal holiday falls on a workday in the employee's workweek, that workday is a holiday.
  - b. If a legal holiday falls on a day outside an employee's basic workweek, the manager or supervisor will treat as the holiday the day of the basic workweek immediately preceding or following the legal holiday's observance. To allow continuity of operations, if strictly applying the "day preceding or day succeeding" rule would disrupt the NAF activity, managers or supervisors may designate an alternate day as an individual employee's holiday.
2. An employee whose basic work week is less than 5 days is not entitled to holiday leave or premium pay if a holiday falls outside his or her basic workweek.
3. Managers or supervisors will inform employees of the date a holiday will be observed 2 weeks in advance of the date of the alternate holiday.

## CHAPTER 7. ADMINISTERING LEAVE

### A. General.

1. This Chapter applies to all regularly scheduled full-time and part-time Coast Guard Nonappropriated Fund (NAF) employees. Intermittent employees are not eligible to earn or accrue leave. Temporary full-time or part-time employees whose appointment exceeds 90 days are eligible to earn or accrue leave.
2. The leave year begins with the first complete pay period in the fiscal year and ends with its last full pay period.

### B. Service Computation Date. The leave service computation date is usually the date appointed or converted to regular full-time or part-time employment. Adjust the leave service computation date for these circumstances:

1. Previous NAF employment. Credit an employee with previous DoD and Coast Guard NAF service for all part-time and full-time employment periods.
2. Previous appropriated fund (AF) employment. An employee with previous AF service must meet all portability requirements to receive credit. Nonappropriated Fund (NAF) Portability Program, Chapter 20 of this Manual, describes how to compute leave for employees appointed under portability.
3. Credit for military service.
  - a. Nonappropriated Fund employees eligible to accrue leave receive credit towards their annual leave accrual for previous active duty military service.
    - (1) Military retirees. Nonappropriated Fund employees who retired from any of the uniformed services will receive credit only for service in verified nonwartime campaign or expeditions. For verification purposes, use Verification of a Military Retiree's Service in Nonwartime Campaigns or Expeditions, Standard Form 813 (SF-813). All active service of a retired member is creditable if the retirement was:
      - (a) Based on disability resulting from injury or disease received in the line of duty as a direct result of armed conflict;
      - (b) Based on disability caused by an instrumentality of war and incurred in the line of duty during a period of war.
    - 2) Military service (non-retiree). An employee who has previous active duty military service and did not retire from the military will receive full credit for all time on an active duty status provided his or her discharge was honorable or under honorable conditions (general) or the service member transferred to the inactive reserves under honorable conditions. The employee must provide a

Certificate of Release or Discharge from Active Duty form (DD-214), to receive credit for military service.

3) Effective Date. The provisions of (1) and (2) above became effective 16 February 1983. No recomputation of leave for employment periods prior to the effective date is authorized.

b. Nonappropriated Fund employees called to active duty for short periods, such as up to 6 weeks, with Armed Forces Reserve components continue to accrue annual and sick leave during such periods. Non-duty time in Reserve components is not creditable.

4. Credit for Workers' Compensation status. An employee on leave without pay (LWOP) status who receives benefits under the Longshoremen's and Harbor Workers' Compensation Act does not accrue annual or sick leave. However, the time spent in LWOP status is creditable service time for determining leave accrual.

C. Annual Leave.

1. Using annual leave.

a. Purpose. Annual leave is a period of approved absence with pay from official duties to allow an employee a period of time off for personal and emergency purposes, or leave for parental and family responsibilities.

b. Basic Considerations. Managers and supervisors shall encourage employees to plan their annual leave as far in advance as practical to accommodate operating and work requirements. Supervisors shall consider leave requests in light of current and anticipated workloads and with regard for individual employee's welfare and preference. Employees are entitled to take the annual leave they have earned. However, management has the right to adjust the time when an employee may take earned leave.

2. Granting annual leave.

a. Leave requests. Except in an emergency, employees shall plan and request to use leave before the absence. In an emergency, an employee must notify his or her supervisor or designated alternate before or as soon as possible when the employee is scheduled to report for duty, normally within 2 hours, to explain the circumstances and request approval for the absence. When the employee requests the leave, the supervisor will advise the employee whether the request is approved.

b. Charging annual leave. Supervisors will charge annual leave in 15-minute units or multiples thereof. The minimum charge to annual leave for an absence is 15 minutes.

- c. Advance annual leave. Advance annual leave is not authorized and under no circumstances will a request for advance annual leave be approved for any employee. Should an employee's approved annual leave days exceed his/her accumulation, a deduction for the days/time absent will be taken from the employee's next paycheck.
3. Enforced Annual Leave. Under the two conditions below, supervisors may require employees to use their annual leave or LWOP, if they have no accrued annual leave, with or without their consent:
- a. In cases of interrupted, suspended, or reduced operations when supervisors can give 24 hours advance notice.
  - b. If an employee is not "ready, willing, and able" to work, and alternate assignments would not be equitable or feasible, for example, failure to wear proper safety equipment or refusing to perform properly assigned duties within the scope of his or her official position.
4. Accruing Annual Leave. An employee earns annual leave based on hours of creditable NAF service as follows:
- a. On a pro rata basis according to the total hours worked each pay period and his/her years of service.

<b>Years of Employment</b>	<b>Percentage of Total Hours in a Pay Status</b>	<b>Maximum Hours per Pay Period</b>	<b>Maximum Annual Hours</b>
Fewer than 3	5	4	104
3 to 15	7.69	6	160
More than 15	10	8	208

- b. Do not include overtime hours when computing accrued leave.
  - c. Temporary employees serving under a current appointment of at least 90 days or who have completed 90 days under successive appointments without a break in service earn leave the same as permanent employees. If an employee initially is appointed for fewer than 90 days but the appointment is extended before the expiration date, personnel will credit that employee for annual leave from the initial appointment date.
5. Maximum Accumulation of Annual Leave. An employee may accumulate and carry forward into a succeeding leave year a maximum amount of annual leave, up to 240 hours, other than restored annual leave, in the last pay period of the leave year.

6. Forfeiting Annual Leave. An employee who has accumulated more than 240 hours of leave must use it or forfeit the excess leave at the beginning of the first complete pay period in the new leave year.
7. Restoring Forfeited Leave. Leave approving officials may restore annual leave forfeited because of business exigencies, sickness, or administrative error only under these limited conditions:
  - a. Business Exigencies. The exigency must be so important it prevents using annual leave scheduled in advance and must occur at a time or last so long it is impossible to reschedule the annual leave before the end of the leave year. An exigency of business exists when the necessity for requiring forfeiture of excess annual leave arises from reasonably unforeseeable circumstances beyond the affected employee's control that make it impractical or not in the public interest to grant the affected employee the excess leave. An obvious exigency may arise due to a natural disaster, other public emergency, or unexpected staffing shortages in the organization. For an individual employee, an exigency may arise due to some unforeseen public business that prevents him or her from using the planned annual leave, e.g., a sudden call to jury duty or a call to military duty to preserve public order. The supervisor normally decides whether the exigency is so important it precludes using the scheduled annual leave before canceling it. To qualify under this provision, the annual leave must be approved in writing and scheduled for use before the start of the third biweekly pay period before the leave year's end, although the employee may have scheduled to go on leave during the last 3 pay periods of the leave year.
  - b. Sickness. A medical condition must interfere with using annual leave scheduled in advance and occur or continue so late in the leave year the employee could not reschedule the annual leave to avoid forfeiture. Excessive work load caused by absence due to illness is not sufficient grounds to restore leave unless a genuine exigency of the public business, as specified in Paragraph C.11.a. of this Chapter, occurs. Both the employee and management have a responsibility to schedule or reschedule annual leave to avoid forfeiture, particularly true if the employee knows a medical or physical condition will require his or her absence before the end of the leave year.
  - c. Administrative Error. Annual leave forfeited because of administrative error may be restored. The activity will pay former employees who forfeited annual leave because of administrative error a lump sum if the error is not discovered until after separation from the NAF activity.
8. Time Limit for Using Restored Excess Annual Leave. An employee must schedule and use restored annual leave by these deadlines or he or she again forfeits the leave without the possibility of restoration.

- a. After an exigency by the end of the leave year ending 2 years after the date the exigency ended.
  - b. After an illness by the end of the leave year ending 2 years after the date the employee is judged recovered and able to return to duty.
  - c. After correcting an administrative error by the end of the leave year ending 2 years after the date restored.
9. Separate Leave Carry-Over Account. Annual leave restored under any provision in Paragraph C.11 of this Chapter, must be credited to a separate leave account and used within the specified time limit. The amount of restored leave does not in any way affect an employee's normal maximum permissible carry-over of annual leave into a new leave year. The employee again forfeits any restored leave unused when the 2-year restoration period expires with no further right to restoration. If the employee does not use the restored leave and separates from active service before the specified time limit expires, he or she is entitled to a lump sum payment for the unused leave; see Paragraph C.12. of this Chapter.

10. Procedure to Restore Excess Annual Leave.

- a. If an operational exigency occurs that will prevent an employee from using scheduled annual leave, his or her supervisor or another appropriate manager will prepare a request to determine whether the affected employee is entitled to carry over excess annual leave into the next leave year. The request must:
  - (1) Describe the exigency or operational need involved.
  - (2) Explain why canceling scheduled annual leave was the only alternative.
  - (3) Document the dates and amount of previously scheduled approved annual leave affected, such as with a copy of an approved leave schedule or SF-71.
- b. If illness, injury, or any other medical condition occurs at the end of the leave year and causes an employee to forfeit previously scheduled and approved annual leave, the employee's supervisor or another appropriate manager should prepare a request to determine whether the employee is entitled to carry over excess annual leave into the next leave year and send the request to the CGES Manager or MWR Officer no later than 30 days after the leave year ends. The request must:
  - (1) Contain the date the illness, injury, or other medical condition causing absence on sick leave began and expected duration of the employee's current absence.

- (2) Explain why the employee will forfeit annual leave and why rescheduling is impossible.
  - (3) Document the dates and amount of previously scheduled and approved annual leave with a copy of an approved leave schedule or SF-71.
- c. If administrative error resulting in forfeiture of annual leave is discovered, the discovering office or person shall prepare a request to approve restoring annual leave and send the request to the CGES Manager or MWR Officer by 30 days after the administrative error was discovered. The request will:
- (1) Describe the administrative error that resulted in forfeiting annual leave; and
  - (2) State the amount of leave forfeited or
  - (3) State the lump sum amount due a former employee who forfeited annual leave due to administrative error.
11. Lump Sum Payment for Annual Leave. Any employee who separates from NAF service or elects to receive a lump sum payment for leave on entering Armed Forces active duty, and only for these two reasons, will receive compensation in a lump sum for accrued annual leave to his or her credit. An individual will not receive annual leave payment while identified as a “current employee.” A deceased employee’s beneficiary can receive a lump sum payment.
12. Refunding Lump Sum Leave Payment. If a Coast Guard NAF reemploys a person before the period covered by the lump sum payment ends, he or she must refund to the employing activity an amount equal to the leave payment covering the period between the reemployment date and the end of the period covered by the lump sum payment. The activity then re-credits to the employee a corresponding amount of annual leave up to the maximum amount the employee was permitted to carry over into the leave year of separation. However, the employee need not refund any payment for restored annual leave included in the lump sum payment because restored annual leave may not be re-credited to an employee.
13. Transferring Leave Balance. If a Coast Guard NAF employee transfers to another Coast Guard NAF, his or her annual leave transfers without limit. The employee receives the full amount of leave, even if he or she earns higher pay from the gaining employment system. The employee may not cash in any portion of the accumulated leave balance.
14. Transferring Funds. Under portability, when an employee moves from a Coast Guard appropriated fund position to a Nonappropriated Fund position and vice versa, funds are not transferred between systems. However, when an employee moves from one Coast Guard NAF to another Coast Guard NAF, the previous NAF activity will send a check in the amount of the employee’s annual leave balance to the gaining NAF

activity.

15. Abusing Annual Leave. If an employee appears to be using annual leave improperly, e.g., chronically using emergency annual leave, his or her supervisor may require the employee to comply with special leave procedures more stringent than those applied to other employees; Disciplinary and Adverse Actions, Chapter 9 of this Manual.

#### D. Voluntary Leave Transfer

1. A NAF employee may voluntarily transfer annual leave to another NAF employee who has exhausted all earned sick and annual leave due to either the employee's or an immediate family member's serious medical condition. This leave converts to sick leave calculated at a dollar value at the receiving NAF activity if the employee suffers illness or annual leave if the employee cares for a family member. Thus, if an employee earns \$7.25 an hour and transfers 10 leave hours, the receiving NAF gets \$72.50. If the receiving employee earns \$10 an hour he or she receives 5 hours of appropriate leave. An employee requesting leave donations shall apply to receive donated leave under this program to the proposed leave recipient's employing activity. The application shall include:
  - a. The proposed leave recipient's name, position title, and grade or pay band;
  - b. The reason(s) why the recipient needs transferred leave. Briefly describe the nature, severity, anticipated duration, and, if recurring, approximate frequency of the medical emergency involved;
  - c. One or more physicians' or other appropriate experts' certification of the information in Paragraph D.1.b. of this Chapter.
  - d. Any other information the employing activity may reasonably require.
2. Transferred annual leave may accumulate with no limit. The recipient may substitute it retroactively for any LWOP period.
3. An employee may request his or her employing activity in writing to transfer (donate) a specific number of hours from his or her annual leave account to the recipient's annual leave account.
  - a. A leave donor may donate up to one-half the amount of annual leave he or she would accrue during the leave year.
  - b. A leave donor projected to have annual leave otherwise subject to forfeiture at the end of the leave year may donate a maximum of the number of hours remaining in the leave year as of the donation date for which the leave donor is scheduled to work and receive pay.

4. If the leave recipient has any transferred leave remaining to his or her credit when the medical emergency concludes, the recipient's activity shall transfer the leave to its donors on a pro-rated basis. A leave donor can choose either of these options:
  - a. Credit such leave to his or her annual leave account; or
  - b. At the donor's request, donate all or part of such leave to another leave recipient.

E. Sick Leave. A supervisor or manager may grant sick leave for these absences:

1. Using Sick Leave. The employee cannot perform his or her duties due to incapacitating sickness, injury, and/or confinement due to pregnancy, emotional stress, or mental illness.
  - a. Personal medical, dental, or optical examination or treatment.
  - b. In certain circumstances involving a contagious disease.
2. Using Sick Leave Improperly. An employee shall not use sick leave in these circumstances:
  - a. Illness or other circumstances that do not render the employee personally unfit for duty. Family illness does not make an employee unfit for duty, except as Paragraph 7.E.3. of this Chapter stipulates.
  - b. In place of annual leave.
3. Abusing Sick Leave. If an employee appears to be using sick leave improperly, e.g., by chronically using brief periods of sick leave, his or her supervisor may require the employee to comply with special leave procedures more stringent than those applied to other employees. See Exhibit 9-6 in Chapter 9, Letter of Requirement.
4. Granting Sick Leave.
  - a. Requests for Leave.
    - (1) Absence for Illness. Employees who wish to request sick leave while ill must:
      - (a) Make every effort to notify their supervisor about the illness before their scheduled workday starts, but in all cases by 2 hours after they were scheduled to report for duty.
      - (b) Notify their supervisor(s) before leaving work due to illness during normal duty hours.
      - (c) Request and obtain approval of sick leave for the absence.

(2) Absence for prearranged examination or treatment. An employee must obtain his or her supervisor's advance approval for any absence to undergo any medical, dental, or optical examination or any pre-arranged treatment so the supervisor can charge the absence to sick leave.

b. Supporting Evidence.

(1) Absences Longer Than 3 Days. A medical certificate normally is required for absences longer than 3 workdays. When a medical certificate is required, employees must use a Certification of Health Care Provider (Form WH-380) for such purposes. (See Chapter 21. Forms, Page 21-23).

(2) Furnishing Additional Evidence. If a supervisor reasonably doubts the validity of a sick leave request, he or she may require a medical certificate for an absence of 3 or fewer days. Except in unusual situations in which Service needs require otherwise, the supervisor shall give the employee advance written notice if a medical certificate is required for absences of 3 or fewer days. This requirement remains effective until the supervisor revokes it in writing. If an employee fails to comply, the supervisor normally will regard and charge the absence as absence without leave (AWOL), which may provide grounds for disciplinary action.

c. Charging Sick Leave. Supervisors shall charge sick leave in 15-minute units or multiples thereof at a minimum of 15 minutes.

d. Advance Sick Leave. Advance sick leave is not authorized and under no circumstances will a request for advance sick leave be approved for any employee. Should an employee's approved sick days exceed his/her accumulation, a deduction for the days/time absent will be taken from the employee's annual leave balance during the next pay cycle. If no annual leave exists, a deduction for the days/time absent will be taken from the employee's next paycheck.

5. Employee Sick Leave for Family Care.

a. Employees may use sick leave to care for an ill parent, child, spouse, or other family member. Family member means any individual related by blood or whose relationship to the employee is the equivalent of a family relationship. To care for a family member employees may use up to 40 hours per year or 104 hours per year, if they maintain a balance of at least 80 hours of sick leave, to care for a family member.

b. Employees may use sick leave to take care of family members who are physically or mentally ill; to help family members who are injured, pregnant, or recovering from childbirth; for any activity involved in adopting a child; to attend a family member's funeral; or for bereavement purposes.

- c. Employees are entitled to 7 days of paid leave each calendar year in addition to annual and sick leave to serve as a bone marrow or organ donor. Employees may use this leave or leave to which otherwise entitled without loss of or reduction in pay, credit for time or service, or performance or efficiency rating.
- 6. Enforced Sick Leave. A supervisor may not place an employee on sick leave without his or her consent. If an employee at a worksite appears physically or mentally unable to work safely and efficiently but will not request sick leave, the supervisor may place the employee on enforced annual leave or LWOP.
- 7. Accrual and Accumulation. Sick leave accrues and accumulates to employees as follows:
  - a. Employees accrue sick leave at the rate of 5 percent of total hours in a pay status up to 4 hours per bi-weekly pay period.
  - b. Sick leave not used during the year in which earned accumulates with no limit on the amount and is available for use in succeeding years.
- 8. Substituting Leave.
  - a. If an employee is ill during a period of scheduled annual leave, the supervisor may charge the period of illness to sick leave.
  - b. On separation, an employee may substitute annual leave to liquidate indebtedness for advance sick leave unless he or she substituted annual leave for sick leave to avoid forfeiting annual leave.
- 9. Re-credit and Transfer of Sick Leave. If an employee transfers between units, the former supervisor shall certify the employee's sick leave account for credit or debit in his or her new position. The new supervisor re-credits unused sick leave when the employee is reemployed if his or her break in service is 1 year or less, with these exceptions:
  - a. If a Coast Guard AF employee becomes a Coast Guard NAF employee with a break in service of 3 or fewer days, all sick leave transfers without limit. The former activity will credit the employee with the full amount of sick leave even if he or she earns higher pay from the gaining system. The gaining system administers leave under its rules. Funds do not transfer.

- b. If a DoD AF or NAF employee transfers to a Coast Guard NAF, his or her sick leave does not transfer.
- c. Any employee reduced from full or part-time to regularly scheduled intermittent status may retain accumulated sick leave and use it under established procedures, provided:
  - (1) The NAF activity has employed that person for at least 1 year.
  - (2) The employee works an intermittent schedule established in advance, and the sick leave request is for a scheduled workday.
  - (3) The employee did not move to intermittent status for personal cause or at his or her own request.
  - (4) Once the employee uses the accumulated sick leave, the personnel office will enter a zero balance in the employee's sick leave account, notify him or her, and document records for audit purposes.

10. Transferring Funds. During the first 12 months after an employee's transfer or rehire the former Coast Guard activity (NAF) will reimburse the gaining activity for any accumulated, approved sick leave the employee has used if the leave:

- a. Exceeds his or her entitlement during the employee's first year with the gaining activity.
- b. Does not exceed the amount of accumulated sick leave the employee had to his or her credit.

12. Reimbursement. The gaining activity must include a verified statement of the sick leave balance transferred and leave granted with a request for reimbursement. Reimbursement is not authorized for absences covered by advanced sick leave.

F. Absence Without Pay.

Granting Leave Without Pay (LWOP).

- a. Administrative Discretion. Leave approving officials authorize LWOP at their discretion. Leave without pay is not a matter of right except for these employees:
  - (1) Disabled veterans requiring periodic medical treatment for a Service-connected disability.
  - (2) Reservists and National Guardsmen ordered to perform military training duties if military leave does not cover the absence and it is shorter than 3 consecutive months.

- b. Charging LWOP. As with annual and sick leave, LWOP is charged in 15-minute units or multiples at a minimum absence of 15 minutes.
- c. Leave Without Pay Status and Holiday Pay. An employee on LWOP for any portion of the scheduled workday immediately before or after a holiday does not receive holiday pay.

Extended LWOP.

- a. Basic Considerations. Examine closely each request for extended LWOP, such as for 30 or more days, to ensure its value to NAF or the employee's serious needs are sufficient to offset the costs and administrative inconveniences involved, including:
  - (1) The employee's ability to pay his or her share of benefit payments.
  - (2) Loss of needed services.
  - (3) The obligation to re-employ the employee after the leave period.
  - (4) Retirement and health and life insurance benefit costs.
- b. Conditions of Approval. LWOP is approved on a case-by-case basis. Management must consider several factors before approving an employees' request for LWOP. For example:
  - (1) Length of employee's request and the probability of his or her return to work.
  - (2) Immediate need to back fill the position.
  - (3) Additional cost to employer associated with absence i.e. medical, life etc.  
  
As a basic condition for approving extended LWOP, the employee should reasonably expect he or she will return after the approved period. In addition, it should be apparent at least one of these benefits would result:
    - (4) Increased job ability.
    - (5) Protecting or improving the employee's health.
    - (6) Retaining a desirable employee.
    - (7) Furthering a NAF activity program.
- c. Examples of Proper Cases. Leave without pay (LWOP) is appropriate to meet the needs of infant care, the adoption process, foster care, child care, and other

parental and family responsibilities. Any LWOP approved for the above reasons including disability will automatically run concurrent for leave under the Family Medical Leave Act (see paragraph G. on page 7-15). These types of situations ordinarily warrant granting extended LWOP but as stated in paragraph b. above, granting LWOP is done on a case-by-case basis and does not automatically guarantee or qualify the individual to receive the 6 months maximum permissible amount.

- (1) To recover from serious but temporary illness or disability if continued or immediate return to employment might impair the employee's or other employee's health. The maximum permissible amount of LWOP for such illness or disability is *6 months*.
- (2) The employee does not have the required 60 days of sick leave for short-term disability benefits.
- (3) To protect an employee's status pending determination of a compensation claim resulting from an employment-connected injury or disease. The maximum permissible amount of LWOP for such injury or disease is *6 months*.
- (4) For up to 90 days to seek other Coast Guard NAF employment.

- d. Duration of LWOP For Disability Reasons. An employee who has been granted leave without pay due to a disability (including serious illness or an on-the-job-injury, etc.) will at the end of 6 months, be separated without prejudice if it is determined by medical authority that he or she is unable to perform the duties of the position and if all reasonable efforts to reassign to another position have failed.
- e. Duration. The maximum initial LWOP period is 3 months except as noted in examples (1) through (3) above. Leave approving officials should scrutinize a renewal request very carefully and normally deny it unless extenuating circumstances exist. If an employee fails to return to duty within 7 calendar days after the end of the particular approved period of leave without pay, he or she may be separated for abandonment of position.

#### Approving LWOP Requests.

- a. Requests for 30 or Fewer Calendar Days. Employees should request LWOP on a SF-71; the supervisor or manager has approval authority. Time and attendance reports will reflect the exact LWOP dates.
- b. Requests Longer Than 30 Calendar Days. An employee must request LWOP exceeding 30 calendar days in total on a SF-71 and include a written statement justifying the request. Leave approving officials should evaluate extended LWOP requests individually. If an employee requests LWOP for health reasons, he or she

must include a statement from the physician or other practitioner indicating the need for the absence; a prognosis; the anticipated duration of the absence; and the expectation the employee will be able to return to work after the LWOP. If the leave approving official approves the employee's request, he or she must submit it with a completed Request for Personnel Action, Standard Form 52 (SF-52), 1 full pay period before the LWOP's effective date to the MWR Officer or CGES Director/Deputy Director of Operations for concurrence. The personnel office will issue a Notification of Personnel Action, Standard Form 50 (SF-50), documenting the LWOP. When the employee returns to duty, his or her office must submit a second SF-52 to the personnel office for preparation of an SF-50 showing return to duty.

#### 4. Absence Without Leave (AWOL).

- a. If an employee is absent from duty without approval, leave approving officials shall charge the absence as AWOL. The employee can avoid the AWOL if he or she explains the cause to the immediate supervisor and, when appropriate, the reason for failing to ask permission to be absent. The employee must request leave or LWOP, as appropriate, to cover the absence. If the immediate supervisor does not consider the employee's explanation acceptable, he or she will charge the absence as AWOL. The immediate supervisor should automatically review any such unauthorized absence to determine if disciplinary action is warranted. The charge to AWOL and subsequent loss of pay are not themselves a disciplinary action but rather record an unauthorized absence and attendant loss of pay resulting from it. Supervisors must consult the personnel office or equivalent for guidance before initiating any disciplinary action.
- b. An employee AWOL for the entire scheduled workday immediately before or after a holiday forfeits holiday pay.

#### G. Family and Medical Leave Act of 1993.

1. General. The Family and Medical Leave Act (FMLA) requires employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. The FMLA is intended to allow employees to balance their work and family life by taking reasonable amounts of leave for medical reasons; for a child's birth, adoption, or foster care; and to care for a child, spouse, or parent who has a serious health condition.
2. Coverage. All NAF employees are eligible provided they meet both aspects of these two criteria:
  - a. The Coast Guard Nonappropriated Fund Activity must have employed the employee for at least 1 year.

- b. The employee must have been in a pay status for at least 1,250 hours before the leave begins.

3. Purposes for Which Family and Medical Leave May be Used.

- a. To care for a newborn child within the first year.
- b. To care for an adopted or foster child within the first year.
- c. To care for a seriously ill spouse, child, or parent.
- d. To care for his or her own serious health condition that prevents him or her from performing his or her duties.

(1) Serious health condition means a physical or mental illness, injury, or impairment involving a:

- (a) Period of incapacity, treatment, or care in a hospital, hospice, or residential medical care facility.
- (b) Condition resulting in an incapacity requiring an absence of 4 or more calendar days and involving continuing treatment by a health care provider.
- (c) Health care provider's continuing treatment or supervision for a chronic or long-term condition that, if not treated, would likely result in an incapacity lasting longer than 3 calendar days.

(2) Continuing treatment by a health care provider means:

- (a) A health care provider treated the employee twice or more.
- (b) Under orders or on referral a health care provider treated the employee twice or more or treated at least once, resulting in a regimen of continuing treatment under either a health care provider's or designated professional's supervision.
- (c) Under a health care provider's continuing supervision for a serious long-term or chronic condition or an incurable disability.

4. Employee Responsibilities.

- a. The employee must provide 30 days advance notice if the leave is "foreseeable".

- b. The employee must provide a completed Certification of Health Care Provider (Form WH-380) before FMLA leave is approved. (See Exhibit 7-1).
- c. The employee must notify his or her immediate supervisor of the intent to invoke FMLA leave.
- d. The employee must submit a written request and supporting documentation (including a completed Form WH-380) to the MWR Officer or CGES Manager.
- e. The request must state, "I invoke my entitlement under the Family and Medical Leave Act" and the reason for the request.
- f. An employee may elect to substitute accrued, paid leave for unpaid FMLA leave under current law and regulations. However, the employee may not retroactively substitute paid time off for FMLA leave.
- g. The employee will either pay his or her share of NAF insurance and retirement plan costs during the FMLA leave or establish a payment plan before beginning FMLA leave. The payment plan will become effective when the employee returns to a pay status.
- h. The employee is entitled to 12 weeks of unpaid, job-protected leave in a 12-month period. The 12-month period begins upon commencement of the FMLA leave.

5. Employer Responsibilities.

- a. On receiving a properly completed SF-71 and appropriate supporting documents, the employer will approve or disapprove FMLA leave.
- b. The employer will notify the employee of the status of their FMLA leave request by using the Employer Response to Employee Request for FMLA Form WH-381. (See Exhibit 7-2).
- c. The employer cannot require the employee to substitute accrued leave for FMLA leave.
- d. When the employee returns from FMLA leave, the employer will restore the employee to either the employee's original position or one of equivalent pay, benefits, and responsibilities.
- e. If the employee requests, the employer will pay all employee costs for NAF insurance and retirement payments during the FMLA leave. The employee must reimburse the employer upon return from FMLA leave.

- f. Using FMLA leave will not cause the employee to lose an employment benefit that accrued before the FMLA leave started.
- g. The employer must maintain this information in the employee's official personnel folder:

The employee's basic pay rate.

The occupational series of the employee's position.

The number of hours of FMLA leave taken.

Whether the leave was family or medical leave.

The effective FMLA leave dates.

- 6. Certifying fitness for duty. If an employee has taken FMLA leave due to his or her own serious health condition, the health care provider must complete the Return to Work Medical Certification (Exhibit 7-3) certifying the employee's fitness for duty before he or she can resume work. The certification must include the employee's range of capabilities, e.g., light duty, full duty, no lifting, etc., and a return to duty date.

#### H. Absence for Parental and Family Responsibilities.

- 1. General. Because personal life affects job performance, an employee's family responsibilities should be a valid consideration in weighing leave requests. Leave approving officials are encouraged to weigh carefully expectant or newborn parents' needs and responsibilities and balance those needs against their organization's work requirements. The law and regulations do not recognize a separate leave category for parental and family absences. Charge absences for such reasons to the appropriate leave category. Accordingly, this section supplements but does not supersede this Chapter's sections discussing the type of leave applied to such absences.

- 2. Responsibilities.

- a. Employee Responsibilities.

- (1) Employees who expect to use leave for family reasons should request it far enough in advance to enable their supervisor to adjust work loads.

- (2) As with any medical condition, if a question exists about a pregnant employee's ability to perform the job, she should give the supervisor a physician's written statement specifying any job-related restrictions.

- (3) If an employee plans not to return to work after a maternity absence, she should offer her resignation effective when the period of incapacity or approved sick leave expires, if her sick leave expires before the end of the incapacity.

b. Employer Responsibilities.

- (1) A Coast Guard NAF activity will reasonably consider requests for leave due to parental and family responsibilities.
  - (2) If an employee submits a request supported by a medical statement to temporarily modify duties or a temporary reassignment for health reasons, the leave approving official shall reasonably attempt to grant the request.
  - (3) When an employee returns to work after an approved maternity leave, the activity must return her to her former or a similar position with no loss in grade, pay band level, or pay. This obligation does not apply if termination is otherwise required, as in cases of expired appointment, reduction-in-force, separation for cause, or other reasons unrelated to absence while on maternity leave.
3. Rest Periods. If a medical authority recommends, the immediate supervisor may treat brief, recurring absences for rest for pregnancy reasons during the employee's tour of duty as excused absences if they do not disrupt work operations. The employee typically will spend such rest periods in a health unit or comparable place.
  4. Granting Leave. Parental and family leave may consist of a combination of approved sick leave, annual leave, compensatory time off, or LWOP, as appropriate. Childbirth or pregnancy complications are temporary disabilities for the mother; for leave purposes the immediate supervisor must treat them the same as any other physical condition that incapacitates an employee.

Sick Leave. The immediate supervisor shall grant an employee her accrued sick leave for maternity if she presents a statement from her physician certifying she is incapacitated for duty. The medical certificate should indicate the expected delivery date, the date she should cease working, any performance restrictions, for example, required rest periods, and the probable date she can return to work. Leave approving officials may grant advance maternity sick leave in accordance with the delegations of authority in this Manual, provided they are reasonably sure the employee will return to duty as soon as practical. Sick leave is not appropriate for fathers or the period immediately after the arrival of an adopted child.

Annual Leave. The immediate supervisor will grant annual leave for parental or family reasons under Paragraph G.1. of this Chapter. A supervisor may grant an employee annual leave while incapacitated or to cover the time to care for the newborn, the mother, or an adopted child. If the employee intends to return to duty as soon as practical, the supervisor may grant advance annual leave for parental or family

reasons.

Other Leave. A supervisor may grant an employee who intends to return to duty LWOP for parental or family responsibilities under Paragraphs G. of this Chapter, or compensatory time off under Paragraph L.I.a. of this Chapter.

5. Temporary Employees. A supervisor may grant a temporary employee serving under a limited appointment for a specific period accrued sick and annual leave for parental and family responsibilities if the leave would not extend beyond when the employee's appointment expires but may not grant more advance annual or sick leave than the employee will earn during the temporary employment.

#### I. Court Leave.

1. Definition. Court leave is an authorized absence from work without charge to leave or loss of compensation when:

Serving as a juror in United States, state, District of Columbia, and United States territorial courts, including the Commonwealth of Puerto Rico.

Summoned to appear as an official witness in a judicial proceeding on behalf of a state or local Government or a private party when the United States, the District of Columbia, a state, or a local Government is a party. NOTE: Paragraph I.3. of this Chapter covers absences for other witness service, which must be either recorded as official duty or charged to annual leave or LWOP.

- (1) A summons includes a subpoena or official written request or invitation issued by the court or authority responsible for conducting the judicial proceedings. An employee who simply volunteers or is a defendant is not entitled to court leave.
- (2) A judicial proceeding means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other court proceeding including hearings and conferences before a committing court, magistrate, or commission; grand jury proceedings; a coroner's inquest; and hearings and conferences conducted by a prosecuting attorney to determine whether to file charges in a particular case. Court leave covers all the proceeding's stages: preliminary, hearing, inquest, trial, or deposition-taking. Court leave does not include an administrative proceeding.

2. Employee Eligibility. A supervisor may grant court leave to employees eligible as follows:
  - a. To permanent or temporary employees on part- or full-time schedules.

- b. To night shift employees performing court service during the day for their regularly scheduled night tours; they are entitled to the night differential they normally would have earned.
- c. An employee performing duty for a full workday who then sits on a grand jury in the evening on the following day to the extent necessary to relieve hardship.
- d. Intermittent employees are not eligible for court leave.

3. Granting Leave.

- a. A supervisor will grant eligible employees ordered to serve as jurors or witnesses leave for the entire period required. Court leave extends from the reporting date the summons specifies until the employee is discharged, no matter the number of hours per day or days per week. If an employee is discharged or excused for a half-day or more, he or she must return to duty if his or her place of employment is located in the same local commuting area as the court.
- b. A supervisor must charge annual leave or LWOP for these absences if an employee:
  - (1) Is called as a witness in a private capacity on behalf of a private party and no Government is a party to the judicial proceedings.
  - (2) Is on leave without pay when called for jury duty or other qualifying witness service. Court leave is available only to an employee who otherwise would be on duty or leave with pay.
- c. Record official duty status, rather than leave, for absences of employees whom the Coast Guard summons or assigns to testify:
  - (1) Officially or privately or to produce official records on behalf of the United States or District of Columbia Governments, or
  - (2) Officially or to produce official records on behalf of a state or local Government or private party.

An employee eligible for court leave may not elect to take annual leave instead, since doing so would reduce accumulated leave, which is prohibited. An employee may not substitute annual leave for court leave to avoid forfeiture at the end of the leave year.

- e. An employee summoned to attend court must notify his or her immediate supervisor as soon as possible by submitting a SF-71 and attaching a copy of the order or subpoena requiring attendance in court. On return to duty, the employee must produce a certificate of attendance verifying the time spent as a witness or on jury duty signed by the Clerk of the Court or other appropriate official.

4. Fees Received on Court Leave. Employees ineligible for court leave may retain all fees and allowances they receive for their court service. Employees eligible for court leave must submit any fees received to the NAF accounting office. However, they may retain any portion of the fee exceeding their normal compensation. Mileage or reimbursement of actual expenses incurred on jury service are not considered fees and employees may retain them and any fees received for service on non-workdays in full.
5. Travel Expenses. If such service is part of his or her official duty, an employee appearing as a witness is entitled to travel expenses at the same rates and amounts allowable for other purposes under law (5 USC 5701-5708) and regulations. The employee must refund the difference between Government-paid travel expenses and those paid by the court, authority, or party summoning the employee.

J. Military Leave for Training (MLT).

1. General. Military Leave for Training (MLT) is approved absence from official duty without charge to leave or loss of pay authorized for eligible employees who are National Guard or Armed Forces Reserve members. Eligible employees are entitled to 1 day's MLT for each day on active duty or engaged in field or coastal defense training, up to 15 (work) days in any leave year.
2. Military Leave for Training Eligibility.
  - a. Both full- and part-time permanent employees who are National Guard or Armed Forces Reserve members are entitled to MLT.
  - b. Temporary and intermittent status employees are not entitled to MLT.
  - c. An employee who resigns to enter active military duty is not entitled to MLT.
3. Accruing and Accumulating MLT. At the beginning of the leave year, credit full-time employees Military Leave for Training at the rate of 15 days per fiscal year and part-time employees on a pro-rated basis. An employee can accrue up to 15 unused days of MLT in a fiscal year, carry them forward to the next fiscal year, and add them to the MLT days accrued in that year. A full-time employee thus can carry up to 30 MLT days during a fiscal year. However, if the employee does not use the 15-day carryover for military training before the end of the fiscal year, he or she forfeits the MLT.
4. Types of Military Duty Not Covered by MLT. Employees are ineligible for MLT for these types of military duty:
  - a. Reserve Officers Training Corps summer training; carry these employees in LWOP status.

- b. Temporary Coast Guard Reserve.
  - c. State National Guard parade participation; however, by specific statute, District of Columbia National Guard members are entitled to MLT for parade participation.
  - d. Training with a state defense or military organization not a part of the National Guard or any other state organization created during an emergency in the absence of a state National Guard.
  - e. Weekly District of Columbia National Guard drills and meetings.
  - f. Civil Air Patrol, a United States Air Force civilian auxiliary.
  - g. Time taken on a workday to travel to the training location unless military training orders encompass the required travel time.
  - h. Active duty as a U. S. Public Health Service Reserve Corps commissioned officer.
5. Approving MLT.
- a. Employee responsibility. Employees who can volunteer or arrange for their military training duty must discuss their plans for military duty and request approval in advance.
  - b. Evidence Required for MLT. For initial MLT authorization, an employee must furnish a copy of the military order calling him or her to duty. On returning from military duty, the employee must furnish official evidence he or she performed military duty. Acceptable certification includes a copy of his or her military orders showing all endorsements in lieu of military official's original signatures or other official documents issued by the National Guard or an appropriate Armed Forces reserve component.
  - c. Mandatory approval. If an employee has followed leave procedures and provided acceptable evidence, approving MLT requests is mandatory.
6. Computing MLT. Military Leave for Training is computed on a work day basis. The personnel office will not charge non-workdays at the beginning or end of the leave period to MLT. For example, an employee absent on MLT from Monday of 1 week through Friday of the next would use 10 days of MLT. The intervening Saturday and Sunday would not count for MLT. An otherwise eligible employee is entitled to MLT for each military training tour up to the limit of his or her accrued, accumulated MLT for that leave year.
7. Converting Other Leave to MLT.

- a. Annual Leave. If an otherwise eligible employee absent on annual leave is ordered to military training duty, on request he or she is entitled to have the annual leave converted to MLT.
  - b. Leave Without Pay (LWOP). An employee on extended LWOP ordered to military training duty may not convert the LWOP to MLT. However, if an eligible employee takes approved LWOP immediately before or after military training duty to attend to personal matters, his or her eligibility for MLT remains the same.
8. Using Other Leave for Military Training. If a National Guard or Armed Forces Reserve member is not entitled to, does not request, or has exhausted his or her MLT, leave approving officials shall grant the employee annual leave or LWOP, as requested, to perform active or inactive duty, except as follows:
- a. If the employee is ordered to an initial period of active duty for training longer than 3 consecutive months, the leave approving official has the option to grant the requested annual leave or LWOP or to separate or furlough the employee.
  - b. If an employee will continue military active duty for an extended period, usually more than 1 year, after exhausting any requested MLT to which entitled, he or she must be separated or furloughed, since his or her entitlements on restoration will be the same as if he or she continued in a leave status.
  - c. As with military leave, an employee electing annual leave receives full compensation from the civilian position for each workday charged to annual leave in addition to his or her military pay for the same period.
9. Pay Status During MLT.
- a. Employees absent on MLT are entitled to receive their regular civilian pay and the military pay and allowances to which entitled.
  - b. An employee absent on an overtime day on which he or she is regularly scheduled to work is entitled to overtime compensation for that day, provided he or she was in a pay status for 40 hours of the basic workweek before entering MLT status. An employee is entitled to night differential and Sunday premium pay during a MLT period when he or she, if in a duty status, would have earned them.
10. Absence for Physical Examination. A supervisor may grant an excused absence to employees to take a physical examination required by Armed Forces reserve components or the National Guard.
- K. Funeral Leave. A supervisor grants requested funeral leave to allow an employee to arrange or attend a funeral or memorial service for an immediate family member who died due to a wound, disease, or injury incurred while serving as an Armed Forces member in a combat zone. Funeral leave extends up to 3 workdays without loss of or reduction in pay

or leave to which an employee otherwise is entitled. The 3 days need not be consecutive, but if not, the employee must furnish satisfactory reasons to justify granting funeral leave for non-consecutive days. Employees may be eligible for funeral leave under Paragraph E.5.b. of this Chapter, Employee Sick Leave for Family Care.

L. Compensatory Time Off.

1. General.

- a. Compensatory (comp) time off is compensation in lieu of monetary overtime pay. While it is not a true leave category, this Chapter discusses it to inform and guide supervisors on its use.
- b. Federal Wage System, 5 USC 5542 and 5543, govern an employee's eligibility to accrue compensatory time off (see Paragraph 2, Accruing Compensatory Time Off, below).
- c. All crafts and trades and pay band employees may be granted comp time in lieu of overtime pay for equal amount of irregular or occasional overtime work. An eligible employee may request comp time in lieu of overtime pay. Such request must be approved by the employee's supervisor.
- d. An eligible employee required to travel on a non-workday receives premium pay corresponding to normal hours worked for hours in excess of the basic 40-hour workweek. For example, an employee who works 8:30 a.m. to 5:00 p.m. receives premium pay *only* for hours traveled during 8:30 a.m. to 5:00 p.m. An employee can request compensatory time at the basic pay rate in lieu of premium pay.

2. Accruing Compensatory Time Off. Compensatory time off accrues at 1 hour for each overtime hour worked up to a maximum of 80 accrued hours at any time, after which all time accrued earns overtime pay.

3. Using Compensatory Time Off.

- a. An employee must use compensatory time off when convenient to both the employee and leave approving official within a reasonable period of time after working the overtime. Comp time off must be used within 90 days of accrual. If not used within above established time period the comp time converts to overtime pay at one and one half times the basic pay rate at which it was earned (see Paragraph c. below).
- b. An employee must use accrued compensatory time off before annual leave is approved, unless the employee would forfeit annual leave at the end of the leave year.

- c. A supervisor and employee should set the employee's separation or transfer date from the NAF to allow him or her to use all accrued compensatory time off, if practical. Otherwise, at separation all unused compensatory time off converts to paid overtime at the rate of one and one half times the basic pay rate in the grade or pay band at which the employee earned the compensatory time.

#### 4. Compensatory Time for Religious Observances.

- a. Both non-exempt and exempt employees whose personal religious beliefs require absence from work may request to work overtime and earn compensatory time off to use for those religious observances. The personnel office maintains such compensatory time off in a separate balance exempt from restrictions in Paragraph L.1. through 3 of this Chapter. Modifying work schedules for this purpose should not interfere with accomplishing the NAF mission efficiently.
- b. An employee may work such overtime either before or after using the compensatory time off, but should repay advance compensatory time by the appropriate overtime work within a reasonable amount of time. If no productive overtime is available when the employee requests it, the immediate supervisor should arrange alternate times for performing the overtime work. It is strongly recommended that the supervisor and employee agree on the date(s) the employee will work the overtime before the supervisor approves the request for compensatory time.

#### M. Excused Absences.

1. General. An excused absence, also called administrative leave, is an absence from duty with neither loss of pay nor charge to an employee's leave account. Employees may appropriately take excused absences in several situations.
2. Tardiness and Brief Absences. The leave approving official may grant administrative leave for unavoidable tardiness and brief absences from duty of up to 1 hour. If these events become too frequent, the supervisor shall inform the employee and advise him or her in writing; the official will record future absences as AWOL unless the employee requests and the official approves annual leave or LWOP. Instances of AWOL may serve as the basis for appropriate disciplinary action. The supervisor should consider and record each period of absence separately.
3. Attending Conventions, Conferences, or Meetings.
  - a. Absence from duty to attend conventions, conferences, or meetings related to the NAF activity's work, including travel time, is considered duty status and does not require excused absence.
  - b. If the convention, conference, or meeting is not directly related to the NAF activity work but, attendance will improve the employee's work, authorized officials have

the administrative discretion to grant excused absence or charge it to annual leave.

- c. Supervisors shall charge approved absences unrelated to an employee's NAF employment to annual leave or LWOP.
  - d. Supervisors must establish the duty or leave status of an employee attending a meeting, conference, or convention in advance.
4. Absence Due to Preventive Medical Programs. When the Coast Guard offers employees either health education or specific disease screening examinations and immunizations as part of a preventive medical program, supervisors will grant participating employees excused absence for the length of time required.
  5. Absence Due to Employee Assistance Program (EAP). Supervisors will grant an employee counseled by a Coast Guard Employee Assistance Counselor excused absence for a reasonable time for such counseling. However, if an employee requests approved absence for scheduled treatment at a counseling or rehabilitation center outside the Coast Guard, the supervisor must record the absence as sick leave, annual leave, LWOP, or compensatory time off, as appropriate.
  6. Blood Donations. Supervisors may grant employees up to 4 hours of excused absence for travel, clinical time, and recovery time for each voluntary blood donation. However, employees who sell their blood are not authorized excused absence, and supervisors must charge all time off from work to annual leave, LWOP, or compensatory time off, as appropriate.
  7. Absence for Voting and Registration. Employees are encouraged to vote in all elections if absence from duty does not interfere seriously with operations. Supervisors shall excuse employees who want to vote or register in any election or referendum on a civic matter in their community for a reasonable time for that purpose, according to these guidelines:
    - a. Voting.
      - (1) Generally, if the polls are not open for 3 hours before or after working hours, a supervisor may grant an employee an amount of excused absence that will permit him or her to report to work 3 hours after the polls open or leave 3 hours before the polls close, whichever requires the less time off.
      - (2) In exceptional circumstances, if the general rule does not permit enough time, a supervisor may excuse an employee for any additional time up to 1 day needed for him or her to vote depending the particular circumstances.
      - (3) If an employee's voting place is beyond normal commuting distance and the voting jurisdiction does not permit absentee voting, a supervisor may grant an employee sufficient time off to travel to the voting place. Charge time off

longer than 1 day to annual leave or LWOP.

- b. Registration. A supervisor may not excuse an absence if a voting jurisdiction permits registration during non-working hours and the registration place is within a reasonable 1 day round-trip travel distance of an employee's residence. If the voting jurisdiction does not permit non-workday registration, a supervisor may excuse an absence on the same basis as for voting.

8. Emergencies.

a. Hazardous Weather.

- (1) When hazardous weather conditions, such as heavy snow, icing, or hurricane, cause Federal installations to close for 1 or more whole days, all employees of offices affected by the closing, including those who otherwise would have reported back to work after a period of approved leave, are excused from work without charge to leave **except** those determined in advance to perform critical or essential functions. Employees required to remain on duty until normal closure time for ease of shutdown or other managerial considerations are not entitled to any additional compensation in the form of overtime or compensatory time solely because they were required to remain at the work site when others were dismissed early.
- (2) When hazardous weather causes Federal offices and installations to open late, all employees of the affected offices who report for duty at the delayed opening time are excused for the period while closed. In addition, leave approving officials have the discretion to excuse tardiness beyond the designated opening time if the employees had tried reasonably diligently to get to work on time. Leave approving officials may place employees who do not report for duty at all on AWOL or grant them leave, as appropriate, for the entire workday.
- (3) When hazardous weather causes Federal offices and installations to close early, leave approving officials will excuse employees in a duty status at the time of closing for the period closed. Leave approving officials shall approve and grant leave to employees on duty when an early closing is formally announced but who leave before the announced closing time or charge them as AWOL for the period of absence between their departure and the announced closing time. Leave approving officials will not grant an excused absence to employees who do not report for duty at all or leave before an early closure is formally announced, but will place them on AWOL or grant them leave, as appropriate, for the entire period of their absence.

b. Other Emergencies.

- (1) Dismissals due to unusual employment or working conditions created by a temporary disruption of air cooling or heating systems should be rare. Employees

are expected to work if working conditions are reasonably adequate, even though they may be abnormal and involve minor discomforts. Before leave approving officials excuse absence, reasonable standards of judgment must clearly establish that the conditions prevent work. In so judging, consider such factors as the physical requirements of the positions involved, the work area's temperatures, and the possibility of temporarily relocating employees to unaffected work areas. Leave approving officials may grant annual or sick leave to individual employees so affected by unusual temperatures they are incapacitated for duty or would impair their health by continuing on duty.

- (2) Leave approving officials may excuse employees from duty if an office is closed on regular workdays because of emergency conditions, including flood, earthquake, air pollution, massive power failure, extreme cold, major fires, public health or safety emergencies, or widespread interruptions to public transportation caused by incidents such as local transit employee's strikes or mass demonstrations.
9. Absence for an Employee Organization. Leave approving officials may excuse, ordinarily for up to 8 hours a leave year, an employee serving as an employee organization's representative to receive information, a briefing, or orientation on matters of mutual concern to management and the employee organization.
10. Medical Absence. Leave approving officials may excuse employees without charging them leave to undergo required medical examinations or treatments resulting from an on-the-job injury. For an on-the-job injury, the maximum excused absence on the day of injury is 8 hours. For example: an employee is scheduled 7:30 a.m. to 4:00 p.m. and at 1:00 p.m. is injured on the job, requiring medical treatment. The remainder of the shift, 3 hours, is an excused absence.
11. Group Absence. Charge group absences to attend parties, picnics, etc., that are not official functions or during which employees do not participate in their official capacity to annual leave.

## CHAPTER 8. PERFORMANCE EVALUATIONS AND RATINGS

- A. Applicability. This Chapter applies to all Nonappropriated Fund (NAF) employees serving under full-time, part-time, regularly scheduled intermittent, temporary for more than 90 days, and probationary categories.
- B. Purpose. This Chapter establishes a system to continually evaluate the quality of employee performance against realistic performance requirements so supervisors can advise employees about these requirements, evaluate performance, recognize exceptional performance, and take action to improve performance.
- C. Coverage. The Coast Guard NAF has three performance evaluation systems: For Exchange exempt positions, use the Coast Guard Exchange Performance Review System, Form CGES 3430; for all other pay band levels 1 through 6 and all crafts and trades positions, use the Coast Guard Excellence, Achievement and Recognition System (EARS), Form CG-3430.8 (Rev 04-99); and for Intermittent (When Actually Employed (WAE)) employees, the Intermittent (WAE) Employee Performance Evaluation form, Exhibit 8-1.
- D. Definitions (General).
1. Acceptable Level of Competence. Performance rated achieves expectations or higher for crafts and trades employees accordingly warrants a within-grade increase, assuming the employee has met all eligibility requirements.
  2. Appraisal Period. Also called the appraisal or rating cycle, this is the portion of the year, at least 90 calendar days, on which an employee's performance is reviewed and a rating of record prepared. The appraisal period for all MWR employees and Intermittent WAE employees is from 1 April to 31 March of the next year. The appraisal period for all CGES employee is 1 February to January 31 of the next year.
  3. Approving Official. The official, generally the employee's second-level supervisor, who approves the rating of record.
  4. Core Competencies (CC's) (Pay Band nonexempt CGES and all MWR, CDC and all crafts and trades positions). Organizational values that apply broadly to all or many jobs. Using core competencies helps link individual performance with organizational goals in such areas as timeliness, quality, customer service, and leadership. Each CC has a generic standard that provides examples of performance at the rating level.
  5. Performance Factors. Performance dimensions used to evaluate pay band exempt positions. Examples of specific outcomes are provided to describe the "Achieves Expectation" (AE) rating levels. All factors rated "Exceptional" (E), "Exceeds Expectations" (EE), or "Below Expectations" (BE) requires an explanation.
  6. Employee Performance Folder (EPF). A folder, separately maintained within the Official Personnel Folder (OPF), containing the employee's last three ratings of record

during the last 4 years.

7. Interim Rating. A written evaluation of an employee's performance the rating official prepares whenever an employee (1) completes a detail or temporary promotion of 90 or more days on an approved performance plan; (2) after being on an approved performance plan for at least 90 days, moves to a new position inside or outside the Coast Guard; or (3) has been on an approved performance plan for a least 90 days under the supervision of a rating official who has supervised the employee for at least 90 days, then leaves his or her position.
8. Intermittent (WAE) Employee Performance Evaluation. A standard evaluation used to evaluate all intermittent WAE employees (see Exhibit 8-1).
9. Level of Performance. The performance standard received for performing any assigned core competency or performance factor as appropriate.
  - a. The rating for CGES exempt Pay Bands position: Exceptional, Exceeds Expectations, Achieves Expectations, or Below Expectations.
  - b. The rating for Pay Band nonexempt CGES and all MWR, CDC and all crafts and trades positions: Exceeds, Meets, or Fails to Meet.
  - c. The rating for Intermittent (WAE) Employees: Met acceptable level of performance or Did not meet acceptable level of performance (see page 8-14, paragraph N).
10. Performance Percentage Increase. A salary increase given only to CGES exempt pay band employees whose performance evaluation is Achieves Expectations or better.
11. Performance Cash Award. A one-time cash award based on performance during the rating cycle. A supervisor can grant a cash award alone or in addition to a percentage performance award. Use Exhibit 8-2 (Award Recommendation Transmittal) for recommending, approving, and processing cash awards.
12. Performance Standard. For pay band nonexempt CGES, all MWR, CDC and crafts and trades a statement of the performance requirements at the "Meets" level. This system uses "generic" performance standards.
13. Performance Improvement Plan (PIP). A written plan detailing specifically what deficiencies exist based on critical elements and performance standards and what corrective action the employee and management will take to correct those deficiencies (see Exhibit 8-3).
14. Progress Review. Formal, documented discussions between employee and supervisor about the employee's performance during the appraisal period excluding any initial discussion at or near the start of the review period to establish the performance plan or

at the end, during the presentation of the rating of record.

15. Rating Official. Normally, the employee's first-level supervisor who proposes the employee's final rating of record.
  16. Rating of Record. The annual rating required at the end of the evaluation period (31 January or 31 March) unless a more current rating is completed to support an increase determination or a performance based action; if so, the more current rating becomes the rating of record. Summarized by a single level of performance, the rating of record is the official rating for pay, performance awards and retention purposes.
  17. Summary Rating/Performance Summary. A single performance level assigned when summarizing the employee's overall performance.
  18. Supervisor of Record. The supervisor of the employee's official position of record, versus any position to which the employee is detailed or temporarily assigned.
  19. Work Plan. An optional plan, covering all or part of the evaluation period, and including task and other work statements.
- E. Responsibilities (For Use With Both Evaluation Systems). Performance management requires joint planning and communication between rating officials and their employees. The responsibilities are as follows:
1. Employees shall:
    - a. Jointly with their supervisors review the position descriptions, standard position guides, and task statements to ensure they accurately describe major duties;
    - b. Jointly with their supervisors develop and discuss their performance plan;
    - c. Discuss and help document performance during progress reviews. When the evaluation period expires, the employee has the option to prepare a statement of accomplishments.
  2. A rating official (immediate supervisor) shall:
    - a. Jointly with their employees review the position descriptions and standard position guides to ensure they accurately describe major duties and responsibilities.
    - b. Jointly with their employees develop and discuss employees' performance plan. The plan's final specifications remain a supervisory right and responsibility.
    - c. Jointly with approving officials develop performance plans to ensure performance expectations are consistent with organizational objectives and will promote

equitable treatment of all employees.

- d. During the full-year appraisal period (1 April to 31 March) or (1 February to 31 January) employees along with the rating official, shall conduct at least two documented progress reviews at regularly spaced intervals during the rating cycle.
  - e. In arriving at the rating of record consider any interim ratings for an employee.
  - f. Propose the final rating of record.
  - g. Recommend performance awards as appropriate.
  - h. If leaving the position before the end of the rating period, submit an interim rating for all employees supervised 90 days or more to assist the incoming rating official whom later will prepare the rating of record.
  - i. Discuss evaluations with approving officials and resolve differences before discussing with employees.
  - k. Discuss the rating of record with the employee and give him or her a copy.
  - l. In consultation with the personnel staff at Community Service Command, take appropriate action if an employee's performance falls below the "Meets" or "Achieves Expectations" level.
3. Approving officials, normally second-level supervisors, shall:
- a. Administer their respective organizations' evaluation system, ensuring promptness throughout;
  - b. At the beginning of each evaluation cycle, review and approve the performance plan their subordinate rating officials prepare for consistency, fairness, objectivity, completeness, etc., making sure plans reflect the larger organization's overall needs or goals;
  - c. Review and approve significant changes to the performance plan during the rating period;
  - d. Approve ratings of record; and
  - e. Assess subordinate rating officials' performance in executing this Chapter's provisions.

4. Community Service Command personnel staff shall:
  - a. Advise and assist supervisors and managers on the performance evaluation process and issue any required implementing directives;
  - b. Ensure all affected personnel are aware of deadlines, time frames, and schedules; annually send reminder notices to all supervisors at least 30 days before the rating due date; and, follow-up on performance evaluations until all are received;
  - c. Keep adequate records to respond to report requirements and requests; and,
  - d. Process pay increases and awards, and complete, process, and file related forms and records quickly and correctly.
5. Commandant (CG-121) develops Coast Guard performance evaluation and pay policies, programs, and procedures. Community Service Command has operational responsibility for program implementation.

F. Performance Evaluation Process For Use With Both Evaluation Systems.

1. At the beginning of each evaluation cycle, a supervisor shall develop a written performance plan for each employee. Base the plan on organizational objectives and the position's requirements and identify applicable job elements as documented on the evaluation form. Optionally, the plan may include a work plan that clarifies standards and/or specifies matters such as associated tasks, timetables, and resources.
  - a. Both employee and supervisor should review the standard position guide and task statement to ensure accuracy and completeness.
  - b. While a supervisor approves a performance plan, the employees and supervisor should jointly develop and update the plan.
  - c. Before the plan becomes final, the approving official shall review and approve it for consistency with plans established for similar positions and conformity with organizational goals. The approving official has final authority over the plan's content.
  - d. The rating and approving officials sign and date the plan to indicate approval. The employee signs and dates the plan to indicate receiving it.
  - e. Depending upon the evaluation system used, the rating official and employee normally develop the employee's performance plan by 1 February or 1 April annually. If the employee is reassigned, promoted, demoted, etc., to a new position during the evaluation period, the rating official and employee shall develop a new performance plan within 30 days.

- f. A rating official can significantly change a performance plan at any time up to 90 days before the rating cycle ends. The rating official must appropriately annotate such changes. The approving official must approve them. The employee must receive a copy and should initial the revised plan to indicate its receipt.

2. Process For Employee Under (EARS).

- a. Core Competencies (CC's). Additions to the nine CC's listed below are not permitted. Within the performance plan the supervisor must specify (such as checkmark) at least four applicable CC's, including any that are Mandatory. When considering overall performance, the supervisor weighs each CC equally. If an employee "Fails to Meet" the performance standard for any single CC, his or her overall rating is "Fails to Meet." The nine CC's are:

(1) Applied Job Knowledge and Skills (Mandatory for all employees)

(2) Supervisory Leadership (Mandatory for supervisors)

(3) Teamwork

(4) Customer Service

(5) Communication

(6) Quality of Work

(7) Timeliness and Quantity of Work

(8) Safety

(9) Funds Management

3. Progress Reviews For Employees Under (EARS).

- a. During the full-year appraisal period (1 April to 31 March) the rating official and employee shall conduct at least two documented progress reviews to discuss performance to date and whether to change the performance plan. Progress reviews should normally be made at regularly spaced intervals. Neither the initial discussion to establish a performance plan nor the presentation of the approved rating is a progress review. If the appraisal is for the minimum 90-day period only, no progress review is required. If the appraisal period lasts between 91 and 180 days, only one documented review is required. The rating official and employee shall document the progress review by signing and dating the Performance Plan and Evaluation form, Part III, as appropriate. As necessary, they may complete multiple copies of Part III when documenting three or more progress reviews.

- b. Rating officials are strongly encouraged to provide ongoing feedback to employees in addition to the required progress reviews. For example, feedback might be appropriate when an employee completes a short-term assignment or a 60-day detail to another position.
4. The Rating Process For Employees Under (EARS). At the end of the appraisal cycle, the rating official assesses the employee's performance compared to each CC the employee has performed for at least 90 days and prepares a recommended rating of record.
- a. Obtaining Employee Input. As the first step in preparing a final rating, the supervisor shall give the employee an opportunity to provide a written statement of accomplishments (Part IV, as appropriate) in fulfilling the plan. The statement may be made in any appropriate format (e.g., narrative, bullet, or list), may include discussion or elaboration of associated factors, resources available, scheduling, and other matters, and should be limited to the space provided in Part IV.
  - b. Rating the Core Competencies. After considering any employee input, the supervisor shall use one of the levels described below to rate the employee's performance for each applicable CC against the appropriate performance standard:
    - (1) "Exceeds" the Performance Standard. Superior performance, accomplished with little supervision that so clearly exceeds the criteria for "Meets" as to be truly noteworthy. Performance at this level adds an unusual degree of value to the organization and significantly contributes to mission accomplishment.
    - (2) "Meets" the Performance Standard. Good, sound performance, accomplished with normal supervision, that is generally consistent with the CC's performance standard. "Meets" encompasses a broad range of performance including at the upper end performance of high organizational value and commendable mission accomplishment.
    - (3) "Fails to Meet" the Performance Standard. The performance fails to meet the performance standard's criteria. Requires unusually close supervision or correcting work substantially.
5. Rating Official For Employees Under (EARS). The rating official rates all individual CC's and shall prepare, in the Performance Plan and Evaluation form Part V, as appropriate, a narrative statement describing overall performance. The statement need not discuss all applicable CC's, but should highlight outcomes and results of the employee's performance. It should be limited to the space provided in Part V. Before sending the recommended rating of record to the approving official, the rating official shall propose an overall summary rating based on these criteria:
- a. "Exceeds" the Performance Standard. No more than one CC is rated as "Meets" and no CC is rated "Fails to Meet." This is superior, truly noteworthy performance,

accomplished with little supervision. Performance at this level adds an unusual degree of value to the organization and significantly contributes to mission accomplishment.

- b. “Meets” the Performance Standard. Two or more CC’s are rated “Meets” and none are rated “Fails to Meet.” This is good, sound performance, accomplished with normal supervision. “Meets” encompasses the broad range of performance including at the upper end performance of high organizational value and commendable mission accomplishment.
- c. “Fails to Meet” the Performance Standard. One or more CC is rated “Fails to Meet.”

6. Performance Evaluation Process For Employees Evaluated Under the Coast Guard Exchange Performance Review System, Form CGES 3430.

- a. There are two parts to the Exchange Performance Review; 1) performance factors, 2) performance objectives. Employees are evaluated and rated on the performance factors relating to their position. A numerical rating value is assigned to each performance factor. The rating of each performance objective is the same as the performance factors. The score achieved for the performance objectives is added to the performance factor score to determine the overall rating.
- b. Performance is also measured by comparing business results against the fiscal year business plan. The statistical elements used to measure performance vary by type of position. There are no rating values assigned to the statistical elements. However, the actual fiscal year business results compared to the fiscal year business plan are used in the evaluation process.
- c. The Performance Factors are:
  - (1) Customer Satisfaction
  - (2) Training/Staff Development
  - (3) Financial Performance
  - (4) Drive Sales (Operations and Merchandising Personnel)
  - (5) Teambuilding/Motivation
  - (6) Drive for Results
  - (7) Communication
  - (8) Work Quality

7. Progress Reviews.

- a. During the full-year appraisal period (1 February to January 31) the rating official and employee shall conduct at least two documented progress reviews to discuss performance to date and whether to change the performance plan. Progress reviews should normally be made at regularly spaced intervals. Neither the initial discussion to establish a performance plan nor the presentation of the approved rating is a progress review. If the appraisal is for the minimum 90-day period only, no progress review is required. If the appraisal period lasts between 91 and 180 days, only one documented review is required. Employees who moved from non-exempt to exempt status with less than 90 days remaining in the evaluation cycle shall be evaluated for that FY using Form CG-3430.8. The rating official and employee shall document the evaluation progress review. Under the Exchange Performance Review, regular review meetings should be held throughout the year to encourage ongoing dialog and ensure performance remains properly focused on the business plan.
- b. Rating officials are strongly encouraged to provide ongoing feedback to employees in addition to the required progress reviews. For example, feedback might be appropriate when an employee completes a short-term assignment or a 60-day detail to another position.

8. The Rating Process. At the end of the appraisal cycle, the rating official assesses the employee's performance compared to each performance factor the employee has performed for at least 90 days and prepares a recommended rating of record. If an employee is hired after 1 November, i.e. would have less than 90 days service at the end of the evaluation cycle no performance review is required based on this short time period. Their performance during this period shall be considered in the next full evaluation cycle

- a. Obtaining Employee Input. As the first step in preparing a final rating, the supervisor shall give the employee an opportunity to provide a written statement of accomplishments in fulfilling the plan. The statement may be made in any appropriate format (e.g., narrative, bullet, or list), may include discussion or elaboration of associated factors, resources available, scheduling, and other matters, and if appropriate, may be attached to the evaluation.

9. Rating the Performance Factors. After considering any employee input, the supervisor shall use one of the levels described below to rate the employee's performance for each applicable performance factor against the appropriate performance standard:

- a. Exceptional (E). Job performance which significantly stands out above others and exceeds all job standards, objectives and goals. The performance is recognized as a driving influence for the team, highly motivated and productive. Superior and unique contributions are recognized by management and peers. Takes on new business challenges even when uncomfortable or risky. Seeks opportunities to

share own learning and experience with others for the benefit of the organization rather than personal gain.

- b. Exceeds Expectations (EE). Performance consistently meets all jobs standards, objectives and goals and is frequently exceeded. Results consistently exceed most expectations. Identifies specific strengths and expertise of others at all levels and seeks to learn from them. Reflects on and learns from experience, is not judgmental and rarely makes the same mistake twice.
- c. Achieves Expectations (AE). Performance meets job standards, objectives and goals. Occasionally exceeds expectations and has no serious deficiencies.
- d. Below Expectations (BE). Performance fails to meet job standards. Failure to improve will jeopardize employment.

10. Rating Official (Performance Factors). The rating official rates all individual performance factors and objectives, in the Performance Review and prepares the performance objectives for the next review period as appropriate not later than 45 days after the end of the evaluation cycle. The rating official must specify at least four objectives to be pursued during the next fiscal year. Objectives must support CGES business plan, and results expected must be measurable. One objective must address Equal Employment Opportunity/Workforce Diversity. Before sending the recommended rating of record to the approving official, the rating official shall propose an overall summary rating based on the Performance Factor described under Paragraph 6.c. **The rating official shall not discuss the evaluation (proposed marks or comments) until it has been signed by the approving official.** The rating official will present the completed evaluation form to the employee within 1 week of receiving it from the approving official.

11. Approving Official (For Both Evaluation Systems). The approving official shall review the evaluation to ensure the rating official's marks and comments are consistent with his/her observations. If there are any differences of opinion, these are to be resolved between the rating and approving official at this point in the process and if necessary, a new evaluation form must be completed reflecting appropriate change(s). The approving official must sign the finalized evaluation within 60 days of the end of the evaluation cycle and return the signed form to the rating official.

G. Minimum Rating Period and When to Rate.

- 1. The minimum evaluation period is 90 calendar days.
- 2. Ratings of record are required for all employees who on January 31 or 31 March have been on an approved performance plan for at least 90 days during the performance cycle.
- 3. If a new employee who is evaluated under EARS has not worked at least 90 days under an approved performance plan by the end of their appraisal period (31 January or 31

March), the supervisor shall extend the evaluation period by the number of days necessary to meet the 90 day minimum evaluation period, when he or she shall prepare a rating of record.

4. When an employee who has performed on an approved performance plan for at least 90 days is reassigned or promoted to a new position or returns from a detail or temporary assignment of 90 or more days to his or her original position, the losing NAF organization must prepare an interim rating. The gaining NAF organization should consider such interim ratings when developing the next rating of record.
  5. When vacating his or her position, the rating official shall prepare an interim rating for any employee supervised for 90 or more days on an approved performance plan during the evaluation period.
  6. If two or more supervisors have rated an employee during the evaluation period, the rating official of record at the end of that period, no matter how long assigned as rating official, shall provide a single, integrated rating of record for the employee, incorporating previous interim ratings. If the employee has no supervisor of record, the second-level supervisor prepares the rating of record.
- H. Resolving Disagreements Over the Rating. When possible, the employee and rating official should informally resolve any disagreements about the rating of record. If they cannot, this applies:
1. The employee has a right to file a grievance in accordance with Employee Grievances, Chapter 10 of this Manual.
  2. Bargaining unit employees covered by a negotiated agreement, which includes a grievance procedure applicable to complaints over performance ratings, must use that procedure.
  3. The employee should be prepared to provide material related to his or her own work product demonstrating his or her performance warrants a higher rating.
- I. Linkage with Other Personnel Decisions or Actions. Performance ratings play an important part in major personnel decisions. The rating of record is the basis for adjusting base pay and deciding performance awards. To adjust base pay, see Salary and Wages, Chapter 4 of this Manual; to make performance awards, see, Incentive Awards, Chapter 11 of this Manual. Performance ratings also affect these personnel actions:
1. Probationary Periods. Employees new to NAF service undergo a probationary period. An employee's performance is one factor management considers when deciding whether to retain or separate the employee before the end of the probation. A rating of record is not required when making such decisions.

2. Promotion. The performance appraisal may serve as one factor when considering employees under competitive promotion procedures. Past performance indicates future performance only to the extent the applicant's performance objectives and standards and the duties and tasks upon which they are based apply to the position being filled.
3. Training. Appraisals may identify persons whose further training may benefit the Coast Guard. Especially high performance may enable an individual to use further training to maximum effect. Conversely, observed performance not meeting standards may necessitate additional guidance, counseling, and appropriate training to improve knowledge, skills, and abilities.
4. Reduction in Force (RIF). Performance ratings of record are used in a RIF in accordance with Reduction In Force (RIF), Chapter 12 of this Manual.
5. Removing, Reassigning or Reducing in Grade. These regulations prescribe procedures for taking personnel actions as a result of unsatisfactory performance, and equivalent ratings of "Below Expectations". This can occur at any time during the appraisal period. Management may reassign, reduce in grade, or remove an employee, but only after giving the employee a reasonable opportunity to demonstrate acceptable performance during a Performance Improvement Plan (PIP). If after the PIP the employee's performance has not improved, management must reassign, reduce in grade, or remove the employee. In determining what action should be taken, management should review the employee's previous performance. If the employee is failing in his or her present position, but had previously performed in a satisfactory manner in another position, management may wish to reassign or demote if a vacant position is available. Management should consult with the personnel office for advice on the action to be taken.
6. When an Employee Resumes Problem Performance. Some employees, realizing the urgency of the situation and knowing if they do not perform well might lose their jobs, perform well during a PIP, but after management so informs them, lapse again into a period of unsatisfactory performance. An employee need be placed on only one PIP within a calendar year. Thus, if an employee on a 30-day PIP performs well but 2 months later performs unacceptably, the supervisor may subject that employee to an adverse action without putting him or her on a new PIP. The new instance of unacceptable performance after completing a PIP successfully must occur within 1 year of the time the employee first was placed on the PIP (see Exhibit 8-3).
7. Performance Improvement Plan (PIP) Retention. Put performance ratings of record and supporting documentation, such as a PIP, on the left side of the Official Personnel Folder; destroy these records 3 years after the evaluation date.

J. Performance Related Compensation.

1. Percentage to Base Pay Increase. A percentage increase changes base pay and therefore has cumulative benefits, thus making a percentage increase a significant form

of recognition. Percentage increases apply only to pay band employees.

2. Performance Cash Awards. To motivate, recognize, and reward employees who attain high performance, the Coast Guard grants performance cash awards as one-time cash payments outside basic pay in addition to Special Achievement or Act awards.
3. Performance Award Requirements. An employee occupying a position on the last day of the evaluation period for which performance awards are being paid (31 January) or (31 March) is eligible for a performance award.
4. Award Recommendation. The immediate supervisor recommends all performance cash awards by completing this form (Exhibit 8-2) and sending it through the appropriate CGES or MWR chain of command for final approval.
5. Nominating MWR Employees. Supervisors shall nominate MWR and CDC employees for performance awards by sending the award recommendation, a copy of performance evaluation, and recommended award amounts through the chain of command to the commanding officer for approval.
6. Nominating CGES Employees. Supervisors shall nominate CGES employees for performance awards by sending the Award Recommendation, copy of performance evaluation, and recommended award amounts to the region manager. The region manager will submit a summary of award nominations to Community Service Command for approval.
7. Approval. The unit commanding officer reviews and approves MWR nominations for performance awards. Community Service Command performs the same functions for CGES nominations.
  - a. Supervisors may not nominate employees with a lower rating for a higher amount than coworkers with a higher performance rating who are in the same pay band or grade.
  - b. Community Service Command will publish the method to determine funds available for performance percentage increases and cash awards for CGES employees.
  - c. Commanding Officers for MWR will determine awards based upon financial conditions for MWR and CDC employees.
8. Performance Cash Award. The commanding officer for MWR and Commandant (CG-103) have the discretion to grant performance cash awards for CGES and MWR employees, respectively, and decide award amounts. Pay band level and grade do not have to relate to the amount of the performance cash award.

K. Within-Grade Increase (WGI) Crafts and Trades Only.

1. Relationship to Performance. Each WGI must be based on a current rating of record. Individuals without a current rating of record shall be treated in accordance with paragraph 2 below.
2. Eligibility. A crafts and trades employee paid below the top step of his or her grade shall earn advancement in pay to that grade's next higher step on meeting these three requirements established by law:
  - a. The employee must perform at an acceptable level of competence; his or her most recent rating of record must be "Meets" or "Achieves Expectations".
    - (1) If the decision to grant or deny a WGI is inconsistent with the employee's most recent rating of record, the rating official must prepare a new rating of record.
    - (2) The rating of record used to determine acceptable level of competence for a WGI must not have been assigned before the most recently completed appraisal period.
  - b. The employee must have completed the required waiting period for advancement to the next higher step of his or her grade.
  - c. The employee must not have received an equivalent increase during the waiting period.
  - d. If the rating and approving officials decide a crafts and trades employee's work is not acceptable, the supervisor shall counsel and notify the employee in writing as soon as possible including in the notice:
    - (1) The basis for the negative determination and the specific performance improvements required for the employee to earn a WGI; and
    - (2) A statement that employees may file a grievance over the negative determination. Bargaining unit employees covered by a negotiated agreement which includes a grievance procedure applicable to complaints over WGI denials must use that procedure. Others may use the administrative grievance procedures.

L. Records Maintenance. The employee performance folder maintained by the personnel office contains only the three most recent ratings of record. Performance records superseded through an administrative or judicial procedure are to be destroyed.

M. Disposing of Records. When sending an employee's Official Personnel Folder (OPF) to another Coast Guard NAF, another agency, or the National Archives and Records

Administration, the “losing” servicing personnel office includes employee performance ratings of record 3 or fewer years old with the OPF.

N. Intermittent (WAE) Employee Performance Evaluation.

1. Rating. All intermittent employees must be appraised by the use of Exhibit 8-1 and will be given one of the two following performance ratings at least annually:
  - a. Met acceptable level of performance.
  - b. Did not meet acceptable level of performance.
2. Rating Justification. Supervisors must make a brief statement justifying performance cash awards or percentage increases. A statement is not required if an employee is not receiving a performance cash award or percentage increase.



INTERMITTENT (WAE) EMPLOYEE PERFORMANCE EVALUATION				
NAME (LAST, FIRST, MI OF RATED EMPLOYEE)			Employee ID	
POSITION TITLE AND GRADE OR PAY BAND				
DUTY LOCATION OR APPROPRIATION CODE			RATING PERIOD	
			FROM	TO
RATING		MET ACCEPTABLE LEVEL OF PERFORMANCE	DID NOT MEET ACCEPTABLE LEVEL OF PERFORMANCE.	
RATING JUSTIFICATION (SUPERVISOR MUST BRIEFLY EXPLAIN OR JUSTIFY PERFORMANCE CASH AWARD, PERCENTAGE INCREASE).				
DATE EVALUATED	PRINT/TYPE RATER'S NAME	SIGNATURE		DUTY PHONE
EMPLOYEE'S SIGNATURE				DATE
NOTE: EMPLOYEE'S SIGNATURE DOES NOT CONSTITUTE AGREEMENT WITH SUPERVISOR'S RATING. IF EMPLOYEE REFUSES TO SIGN EVALUATION THE SUPERVISOR WILL SO STATE IN THE EMPLOYEE SIGNATURE BLOCK.				

Exhibit 8-1

AWARD RECOMMENDATION TRANSMITTAL			
1. AWARD RECOMMENDED		2. DATE	
3. EMPLOYEE RECOMMENDED (Last, First, MI, Employee ID)		4. PRESENT POSITION, TITLE, GRADE, STEP, AND SALARY	
1. PREVIOUS RECOGNITION AND DATES		2. POSITION, TITLE, GRADE, STEP, AND SALARY DURING PERIOD OF CONTRIBUTION (if other than Item 4)	
		3. RECOMMENDING OFFICIAL (Name, Organization, Phone number, Signature and Title)	
ACTION (Initial Applicable Block)	AMOUNT	DATE	AUTHORIZING OFFICIAL (Signature and Title)
RECOMMEND			
APPROVED			
DISAPPROVED			
RECOMMEND			
APPROVED			
DISAPPROVED			
1. SEND COPY TO PAYROLL FOR PROCESSING 2. PUT ORIGINAL IN EMPLOYEE'S OPF			

Exhibit 8-2

(SSIC)  
(DATE)

From: Supervisor's or Manager's Name and Title

To: Employee's Name and Title

Subj: PERFORMANCE IMPROVEMENT PLAN (PIP)

1. I have determined a Performance Improvement Plan (PIP) is necessary to inform you what performance requirements you have failed to meet, what you must do to bring your performance to an "Achieves Expectations" level, and what efforts I will make to help you improve.
2. The tasks, duties, and responsibilities in which your performance is unacceptable are [List below the unacceptable tasks and duties, e.g.]:
  - a. Identify the core competencies the employee performs deficiently and minimum performance standards the employee must meet.
  - b. List evidence documentation if appropriate.
  - c. Performance deficiency.
  - d. Performance deficiency.
3. To achieve an "Achieves Expectations" rating on these tasks and performance elements, below are the corrective actions needed and the support management will provide to help you correct the deficiency.
  - a. List corrective actions required to improve.
  - b. Publish a schedule of periodic reviews with the employee during the performance period.
  - c. Advise the employee of any assistance available, such as reference manuals and guides.
  - d. Advise of any formal or informal training offered.
  - e. Offer a referral to the EAP if appropriate.
4. The opportunity period will begin with your receiving this notice. You will have at least 30 calendar days, until [insert date], to improve to the "Achieves Expectations" performance standard in all core competencies listed above.

5. At the end of the opportunity period, your performance will again be evaluated. If your performance does not improve to the minimum performance standard level on all core competencies, you may be reassigned, demoted, or removed from employment concurrently when the opportunity period expires on [insert date].
6. A copy of the performance improvement plan will be placed in your Official Personnel Folder for at least 1 year and up to 2 years from the issuance date, until you reach the “Achieves Expectations” performance level, or on separation or transfer, whichever occurs first.
7. You are asked to acknowledge receiving this letter by signing and dating the record copy where indicated.

\_\_\_\_\_  
SUPERVISOR’S NAME AND SIGNATURE

\_\_\_\_\_  
EMPLOYEE’S NAME AND SIGNATURE  
(file copy only)

\_\_\_\_\_  
(Date)

Encl: (1) [List supporting documents]

(SSIC)  
(DATE)

From: Approving Official (Name and Title)

To: Employee's Name and Title

Subj: NOTICE OF REMOVAL

Ref: (a) Notice of Unsatisfactory Work Performance

1. This is a removal notice issued in accordance with Commandant Instruction M12271.1A. You will be removed from duty and pay at the close of business on the date you receive this letter for these specific reasons:
  - a. Reference (a) advised you your performance was unacceptable for the core competency (ies) [list]. The Notice advised you must receive a performance rating of "Achieves Expectations" or you would be reassigned, demoted, or removed from employment. You were given a reasonable opportunity and assistance to help you improve
  - b. Your performance has failed to meet the "Achieves Expectations" performance rating for this core competency because [give specific instances of unsatisfactory performance on this core competency].
  - c. [Repeat any other core competencies the employee has failed to meet, how the employee failed to meet the "Achieves Expectations" rating successful standard, etc.]
2. The described instance(s) of unacceptable performance are fully established and supported. It is my decision to remove you from employment effective [Date].
3. Enclosure (1) is a copy of the NAF unit's grievance procedure. You have the right to choose a representative; to respond to the reasons above verbally or in writing or both; and furnish affidavits and evidence to support your response.
4. Address your response to [indicate first appeal level within 7 calendar days from the date you receive this letter. [Supervisor's or Manager's Name and Title] will consider extending this deadline if you submit a written request stating your reasons for desiring more time.

---

Official's Signature

Encl: (1) Unit Grievance Procedure



SSIC  
(DATE)

From: Name and Title of Supervisor/Manager  
To: Name and Title of Employee

Subj: LETTER OF REQUIREMENT

1. This letter of requirement is issued in accordance with COMDTINST M12271.1A, Nonappropriated Fund (NAF) Manual. We have had continual discussions regarding your excessive use of sick and annual leave. Since the beginning of this leave year you have earned 104.55 hours of annual leave with a balance of 6.13. You have earned 68 hours of sick leave, leaving a balance of 2 hours. This represents an absence of almost 20 working days since February. In almost all instances, these absences occurred without prior approval. Your frequent absences have disrupted the efficient operation of the office and burdened the other members of the staff with additional work to compensate for your absences. Effective today, the following instructions and controls are imposed upon you regarding the use of sick and annual leave.

2. Annual leave must be requested in advance by submitting an SF-71 to me, except under emergency circumstances when advance notice is impractical. When emergency leave is necessary, you must call me within the first hour of your workday. I will determine if the situation is an emergency. If I inform you that the absence is not of an emergency nature, you will be charged AWOL until you arrive at work. If I am not available at the time you call, you must then speak to (be specific) or (higher level supervisor). If none of us is available, you must call back until you speak to one of us, or leave a telephone number where you can be reached.

3. Sick leave will not be approved, regardless of duration unless supported by a medical certificate. A medical certificate is a written statement showing the name, address and telephone number of the physician or medical treatment facility, bearing the handwritten signature of the attending physician or other medical personnel responsible for treatment and containing sufficient medical information upon which to determine whether sick leave should be granted or denied. The medical certificate must explain how the illness incapacitated you insofar as your specific duties are concerned. The medical certificate must be submitted immediately upon your return to duty.

4. You must request sick leave each day that you will be absent. Your request must be directed to me, or in my absence (Mr. \_\_\_\_\_ be specific) or (Ms. \_\_\_\_\_ be specific) within the first hour of the workday. Requests for sick leave for medical appointments must be requested in advance by submitting an SF-71 to me. Failure to follow any of the above listed instructions will result in your being charged AWOL, which can be charged in 15 minute increments. In addition, AWOL and failure to follow the above leave procedures can result in further disciplinary action.

5. I am concerned about your health and well being. However, I must also be concerned with the economy and efficiency of operations as well. If you are experiencing any personal problems that may be affecting your work, you should contact a counselor with the Employee Assistance Program (EAP) at 1-800-532-5668. The EAP assists employees and their family who have personal problems that affect work performance or conduct. Any assistance provided through EAP is confidential.

Signature

---

Employee Signature

Date

**SCHEDULE OF OFFENSES AND REMEDIES**

Supervisors apply the appropriate penalty listed below for the offenses identified. If a range of penalties is listed, supervisors may select the penalty, up to the most severe they believe is warranted. Supervisors who wish to deviate from this guide and impose a lesser or greater penalty as circumstances require may do so but must base such deviations on sound reasons supported by appropriate documentation. Except for Offense 28, apply suspensions in WORK DAYS. This table is not designed to cover every possible offense. Supervisors may impose penalties up to and including removal for offenses not listed. This table considers the first time an employee is reprimanded or suspended for a listed offense his or her “first offense”. Subsequently violating the same rule or regulation is the second and third offense as appropriate. If the third offense does not cause removal, further violations of that rule or regulation should produce penalties of increased severity.

NATURE OF OFFENSE	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE	3 <sup>RD</sup> OFFENSE
1. Unexcused or unauthorized absence or lateness.			
a. Unexcused or unauthorized absence of 1 to 5 scheduled work days.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
b. Unexcused or unauthorized absence of more than 5 consecutive scheduled work days.	Removal		
c. Frequent tardiness.	Letter of reprimand	5-day suspension	10-day suspension to removal
2. Unexcused absence from work site at any time during duty hours.	Letter of reprimand to 5-day suspension	10-day suspension or removal	
3. Using sick leave improperly.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
4. Failure to carry out orders or assignments given by a superior official.	Letter of reprimand to 10-day suspension	Removal	

**SCHEDULE OF OFFENSES AND REMEDIES**

5. Insubordination and failure to carry out orders or assignments given by a superior official.	10-day suspension to removal	Removal	
6. Failure to carry or show proper identification credentials as required.	Letter of reprimand	5-day suspension	10-day suspension
7. Failure to observe personal safety precautions, e.g., failure to use safety equipment provided or available safety restraints when operating a motor vehicle on Government business, or ignoring signs, posted rules, or regulations or written or verbal safety instructions.	10-day suspension	Removal	
8. Failure to report personal injury or accident occurring on the job.	Letter of reprimand	5-day suspension	10-day suspension
9. Conducting personal affairs while on duty.	Letter of reprimand	5-day suspension	10-day suspension
10. Gambling or promoting gambling on NAF premises.	10-day suspension to removal	Removal	
11. Use or improper possession of alcoholic beverages on duty.	Offer each employee the opportunity to enter a NAF-approved appropriate alcohol treatment program. Failure to enter the program or complete it successfully will result in removal.	Removal	

**SCHEDULE OF OFFENSES AND REMEDIES**

12. Using, being under the influence of, possessing, selling, or purchasing illegal or controlled substances on or off NAF premises.	Removal		
13. Failure without sufficient excuse or reason to honor valid debts or legal obligations.	Letter of reprimand	10-day suspension	Removal
14. Borrowing money or obtaining subordinates' co-signatures.	Letter of reprimand	5-day suspension	Removal
15. Sleeping on duty.			
a. The employee does not endanger other persons' or property's safety.	Letter of reprimand to 1-day suspension	10-day suspension	Removal
b. The employee endangers other persons' or property's safety.	10-day suspension to removal	Removal	
16. Negligent or careless work performance that wastes public funds or resources.	Letter of reprimand to removal	10-day suspension to removal	Removal
17. Negligent or careless work performance that injures or endangers the employee or others.	10-day suspension to removal	Removal	
18. Disorderly conduct or threatening another on the job or NAF premises.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
19. Fighting, attempting to inflict, or inflicting bodily injury to another on the job or NAF premises.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal

**SCHEDULE OF OFFENSES AND REMEDIES**

20. Disreputable conduct, using insulting, abusive, or obscene language to or about others while on the job or NAF property.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
21. Creating a disturbance on or off the job that impairs efficiency or reflects unfavorably on NAF.	Letter of reprimand to 5-day suspension	10-day suspension to removal	Removal
22. Acts of sexual harassment, including deliberate or repeated unsolicited or unwelcome verbal comments, gestures, or physical contact of a sexual nature.	10-day suspension to removal	Removal	
23. Making disparaging references, expressing a stereotyped view, or associating undesirable characteristics with a person's race, color, religion, sex, national origin, age, or disability.	10-day suspension to removal	Removal	
24. Failure or refusal to correct a discriminatory practice or to rectify a situation that contravenes the agency's policy of assuring equal opportunity in NAF programs.	10-day suspension to removal	Removal	
25. Making false or unfounded statements about other employees.	Letter of reprimand	5-day suspension	30-day suspension to removal
26. Seriously or repeatedly violating traffic regulations while driving a Government vehicle or one rented or leased for official purposes.	5-day suspension	10-day suspension	Removal

**SCHEDULE OF OFFENSES AND REMEDIES**

27. Reckless driving or improper operation of any motor vehicle on NAF premises.	Letter of reprimand	5-day suspension	30-day suspension
28. Willfully using or intentionally authorizing using Government vehicles for unofficial purposes.	30-calendar day suspension	Removal	
29. Unauthorized canvassing, soliciting, or peddling on NAF premises.	Letter of reprimand	5-day suspension	Removal
30. Concealing or covering up a recognized offense, including acts of sexual harassment or other types of prohibited discrimination, or a material fact for another employee, including a supervisor or subordinate, which if known would result in disciplinary action being assessed against the employee.	10-day suspension to removal	Removal	
31. Failure to assess a penalty when the facts are known and disciplinary action is warranted, including acts of prohibited sexual harassment or other types of prohibited discrimination.	Letter of reprimand to 5-day suspension	10-day suspension	Removal
32. Falsifying attendance record for oneself or another employee.	5-day suspension to removal	Removal	
33. Falsifying, misstating, exaggerating, or concealing material in connection with employment, promotion, any record, investigation, or other proper proceeding.	15-day suspension to removal	Removal	

**SCHEDULE OF OFFENSES AND REMEDIES**

34. Intentionally falsifying, misstating, or concealing material fact or refusing to testify in connection with employment or any investigation or inquiry.	10-day suspension to removal	Removal	
35. Actual or attempted theft or unauthorized removal of government or personal property.	10-day suspension to removal	Removal	
36. Misuse of Government property or leased services, including misusing computers.	10-day suspension to removal	Removal	
37. Generally criminal, infamous, immoral, perverted, or notoriously disgraceful misconduct.	30-day suspension to removal	Removal	
38. Forging or falsifying official Government records or documents.	10-day suspension to removal	Removal	
39. Gross negligence.	30-day suspension to removal	Removal	
40. Violating confidential wage data obtained during wage survey of private companies.	15-day suspension to removal	Removal	
41. Abusing NAF privileges.	15-day suspension and 6-month loss of privileges to removal	Removal	
42. Conducting, assisting, or participating in any strike against the Government of the United States or any of its agencies.	Removal		

**SCHEDULE OF OFFENSES AND REMEDIES**

43. Conducting, assisting, or participating in activities concerned with a labor organization's internal management, including holding a membership meeting, soliciting membership, and distributing literature during working hours.	Letter of reprimand to 10-day suspension	10- to 30-day suspension	30-day suspension to removal
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**SCHEDULE OF OFFENSES AND REMEDIES**

## CHAPTER 9. DISCIPLINARY AND ADVERSE ACTIONS

A. General Policy. The primary objective of discipline is to correct an employee's conduct and in some cases performance, while maintaining all employees' high productivity, discipline, and morale. Accordingly, the Coast Guard Exchange System (CGES) and Morale, Well-Being, and Recreation (MWR) Program impose the minimum remedy that reasonably can be expected to meet these objectives. Only if previous disciplinary action has failed to correct an offender or an employee has committed a particularly serious first offense may a supervisor initiate removal. Supervisors will act without regard to race, religion, sex, sexual orientation, color, national origin, age, political affiliation, physical or mental disability, or marital status.

B. Coverage.

1. Covered Actions. Letters of reprimand, suspensions, reductions in grade or pay band level, and removals based on unacceptable conduct and/or in some instances of performance deficiencies if caused more by misconduct than from a lack of skill or ability. For example, if a motor vehicle operator has a job requiring certification (a driver's license), he or she cannot operate a Government vehicle without a license, which is a performance requirement.
2. Excluded Actions.
  - a. An action against an employee serving in a temporary or intermittent appointment.
  - b. An action taken because a temporary position terminates.
  - c. Removal of a probationary employee.
  - d. A reduction in grade or pay band level or removal based solely on unacceptable performance. Refer to Performance Evaluations and Ratings, Chapter 8 of this Manual, for performance based actions.
3. Covered Employees.
  - a. Permanent full-time and part-time employees.
  - b. Seasonal full-time and part-time employees.
4. Excluded Employees.
  - a. Appropriated fund employees.
  - b. Intermittent employees.

c. c. Probationary employees.

d. Temporary employees.

C. Definitions.

1. Active Duty Status. Any pay status, including authorized overtime, holiday pay, and other forms of premium pay.
2. Bargaining Unit Employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.
3. Day. Calendar day.
4. Disciplinary Action. A letter of reprimand; suspension; reduction in grade or pay band level; and removal.
5. Fact-finder. An individual appointed by the initiating official to conduct an investigation into an issue(s) relating to the misconduct of the employee. The fact-finder must be a person who has not been involved in the matter and who does not occupy a position directly subordinate or accountable to any official who recommended, advised, made a decision on, or who otherwise is or was involved in the matter.
6. Official. An individual delegated authority to take an action under this Chapter.
7. Official Case File. A separate file from the employee's Official Personnel File (OPF) containing all disciplinary action documents.
8. Preponderance of the Evidence. That degree of relevant evidence a reasonable person, considering the record as a whole, would accept as sufficient to support a conclusion the matter asserted more likely is true than not true. Grievable adverse actions must be supported by the preponderance of the evidence.
9. Servicing NAF Personnel Office. Nonappropriated Fund Activities with a personnel staff. For others, Community Service Command as specified in this Chapter.

D. Staff Support. Commandant (CG-121) develops policy on disciplinary actions. Managers initiating disciplinary actions and separations must coordinate with Community Service Command to ensure contemplated actions conform to this Manual's policies and procedures. Community Service Command will also assist by reviewing letters proposing and effecting such actions to ensure they inform the employee of rights of representation, reply, and review of material on which the action is based and explain grievance procedures.

- E. Relationship to the Employee Assistance Program. The Employee Assistance Program (EAP) supplements but does not replace discipline as a tool for dealing with a problem employee. Discipline seeks to correct the offender's conduct and maintain other employees' discipline and morale. The Employee Assistance Program seeks to correct unsatisfactory performance or conduct before disciplinary action becomes necessary. There is a distinction between offering a problem employee assistance through counseling and taking disciplinary action. In some instances, it will be appropriate and necessary for a supervisor to take both actions if an employee has committed an offense that arose from a personal problem. Refer questions on the relationship between EAP and effective discipline to Commandant (G-WPX).
- F. Relationship to Equal Employment Opportunity Complaints. A supervisor who discovers an employee alleged in writing he or she suffered discrimination based on race, color, sex, sexual orientation, religion, physical or mental disability, age, or national origin should consult the local Civil Rights Officer, if necessary by telephone to minimize delays, before issuing a final decision on a removal action; see Equal Employment Opportunity EEO, Chapter 17 of this Manual. This consultation, however, will not serve to delay management's decision on the action. When deciding the proposed action, the deciding official shall consider any information about discrimination allegations submitted in the employee's or employee's representative's reply. These allegations will be included in the case file. Employees cannot file both a grievance and an EEO complaint.
- G. Preliminary Investigations.
1. Purpose. The preliminary investigation of relevant facts may provide the necessary information to proceed with a specific disciplinary action or eliminate the need for any action.
  2. Gathering Information.
    - a. The supervisor or appointed fact-finder shall assemble any and all information available that would clarify the issues, including documents such as leave records, time cards, office records, disciplinary records, and other pertinent evidence.
    - b. The supervisor or fact-finder may interview previous supervisors, physicians, counselors, and witnesses and ask an employee to submit relevant evidence, such as medical documents, repair bills, bills for professional services, etc., subject to supervisor verification. Supervisors or fact-finders will obtain written statements as necessary and, in serious incidents of misconduct or performance deficiencies, affidavits.
  3. Fact-finding Discussions. Before taking a disciplinary action, the supervisor or fact-finder should hold documented fact-finding discussions with the employee, if available, to determine his or her side of the story. Supervisors or fact-finders can use the Discussion Documentation Sheet (Exhibit 9-1) to assist in acquiring relevant information during these discussions. Supervisors or fact-finders should not inform the employee of

the particular disciplinary action contemplated until they have gathered all the facts and deciding officials have thoroughly considered them.

4. Employee's Right to Union Representation.

- a. Before and during fact-finding discussions, the employee, if a bargaining unit member, may qualify for union representation if he or she so requests it from the exclusively recognized union. The employee must request a union, not a personal, representative.
- b. The meeting purpose is for management to interview the bargaining unit employee in connection with an investigation.
- c. The bargaining unit employee reasonably believes disciplinary action may result from the meeting.
- d. Before interviewing a bargaining unit employee, the supervisor or fact-finder must notify the union of the meeting; its time, place, and date, and the employee has requested union representation.
- e. If an employee requests union representation in the middle of a fact-finding discussion, the supervisor or fact-finder will stop the meeting and provide the exclusive union with an opportunity to be present.
- f. If an employee requests union representation while a supervisor is explaining acceptable standards of conduct or performance to correct minor conduct or performance problems, but the supervisor does not believe disciplinary action will result, the employee is not entitled to union representation. When in doubt discuss any questionable circumstances with Commandant (G-WPX).

H. Determining Appropriate Action. After completing the preliminary investigation, the supervisor must determine any appropriate corrective action. If the misconduct warrants corrective action, the supervisor should refer to the Schedule of Offenses and Remedies (Exhibit 9-2) which specifies the general range of remedies for specific offenses. The most appropriate remedy is the least serious action that will correct the problem. Also in selecting the remedy, the supervisor should consider any existing relevant factors (see Paragraph Q. of this Chapter). The supervisor should include in the official case file any relevant factors considered. Relevant factors are not required for letters of reprimand.

I. Disciplinary Actions. Disciplinary actions include letters of reprimand, suspensions, grade or pay band level reductions, and removals. Although these actions usually are progressive, a first incident of misconduct or performance deficiency may be so serious it warrants severe action, including removal from employment. Disciplinary actions become a matter of record in an employee's OPF. The preponderance of the evidence must support disciplinary actions.

1. Letter of Reprimand. Before issuing a letter of reprimand, the least severe disciplinary action, the supervisor will conduct a preliminary investigation and determine appropriate action. The Letter of Reprimand, shown in Exhibit 9-3, requires this information:
  - a. The specific charge(s) of misconduct or performance deficiencies. An example of a charge is “using obscene language to another employee”.
  - b. A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.
  - c. Notice that the reprimand will be filed on the temporary side of the employee’s OPF for at least 1 year up to 2 years.
  - d. Notice that the employee has a right to file a grievance under either administrative or negotiated grievance procedures, including the time for filing (deadlines may differ between negotiated and/or administrative procedures, as appropriate).
  
2. Suspension.
  - a. A supervisor may suspend an employee if a previous action failed to correct a minor incident(s) of misconduct or for a first serious offense. The employee is removed from work status for a specified period of time to impose a financial penalty and give an employee forced time off to think about the misconduct and the importance of keeping his or her job. An employee must be given 7 calendar days advance written notice of the suspension.
  - b. A notice of suspension requires a Notification of Personnel Action, Standard Form 50 (SF-50), which becomes a permanent part of the employee’s Official Personnel File (OPF); Exhibit 9-4 is a sample Notice of Suspension. Before suspending an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.
  - c. Complete the SF-50 and issue a Notice of Suspension (Exhibit 9-4) with this information:
    - (1) The action is a suspension.
    - (2) The suspension’s inclusive dates and length.
    - (3) The specific charge(s) of employee misconduct.
    - (4) A warning that future instances of misconduct may lead to more severe disciplinary action, up to and including removal from employment.

(5) The employee's right to review the official case file material that supports the reasons given in the notice, including the name and telephone number of the person to contact to arrange to review the material.

(6) Notice that the employee has a right to file a grievance under administrative or negotiated grievance procedures, including applicable deadlines, as appropriate.

3. Reduction in Grade or Pay Band Level.

a. An employee may be reduced in grade or pay band level for a first offense of serious misconduct or performance deficiency or if previous disciplinary action did not correct the situation. Generally, a supervisor takes these actions if he or she expects the employee will be able to perform successfully at the new grade or pay band level. Before reducing an employee's grade or pay band level, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.

b. The SF-50, completed as normally required, is the official notice of reduction in grade or pay band level. The supervisor will issue a letter of reduction in grade or pay band level with this information:

(1) The action is a reduction in grade or pay band level, as applicable.

(2) The effective date of the action.

(3) The new job title, series, grade or pay band level, and salary if applicable.

(4) Specific charge(s) of employee misconduct or performance deficiencies.

(5) A warning that future instances of misconduct or performance deficiencies may lead to more severe disciplinary action, up to and including removal from employment.

(6) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.

(7) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.

c. Employees will be given 7 calendar days advance notice of these actions.

4. Removals.

a. In the most severe of disciplinary actions, a supervisor may remove an employee for a first serious offense of misconduct or performance deficiency or if previous disciplinary actions did not correct the situation; Exhibit 9-5 is a sample Notice of

Removal. Before removing an employee, the supervisor or appropriate designee will conduct a preliminary investigation and determine appropriate action.

- b. The SF-50, completed as normally required, is the official notice of removal. The supervisor will issue a Notice of Removal (Exhibit 9-5) with this information:
  - (1) The action is a removal.
  - (2) The action's effective date.
  - (3) Specific charge(s) of employee misconduct or performance deficiencies.
  - (4) The employee's right to review the official case file material relied on to support the charge(s), including the name and telephone number of the person to contact to arrange to review the material.
  - (5) Notice the employee has a right to file a grievance under administrative or negotiated grievance procedures, including any applicable deadlines.
- c. Employees will be given 14 calendar days advance notice of the removal action.
- d. Exceptions to the 14 Calendar Day Advance Notice Requirement. An exception to the requirement for 14 calendar day advance notice of a proposed adverse action, is authorized when:
  - (1) Retention might result in damage to, or loss of, property or funds.
  - (2) Retention might be injurious to the employee, other workers, or the general public.
  - (3) There is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed.
  - (4) Retention might be detrimental to the interests of the Government.
  - (5) The employee committed workplace violence and threatening behavior (see COMDTINST 5370.1A, Workplace Violence and Threatening Behavior).

Advance notice of 24 hours is sufficient in all of the above situations.

J. Official Time.

- 1. An employee who is otherwise in a work status is entitled to a reasonable amount of official time to review the material management relied on to make its decision. The supervisor will determine the amount of official time to grant individually. In so determining, the supervisor or manager should consider the charges' gravity and

complexity, the amount of legal or regulatory research involved, and the employee's knowledge of disciplinary proceedings and research abilities. Supervisors should avoid granting more official time than is absolutely necessary.

2. Grant an employee official time only if he or she so requests. If and when the employee requests official time, the supervisor shall grant it for a specified duration at a time reasonably consistent with the workload and the employee's needs. A supervisor should deny an employee's request for official time only if the request clearly is unreasonable.

K. Rejecting A Representative.

1. Reasons to Reject a Representative. A supervisor can reject an employee's chosen representative under these circumstances:
  - a. Conflict of interest, such as a supervisor or management official serving as a representative.
  - b. Conflict of position, such as a Personnel or Equal Employment Opportunity (EEO) Specialist serving as an employee's representative in a case involving a personnel action or EEO matter the employing personnel or EEO office controls, has participated in, or in any way has been involved.
  - c. A cost to the Government.
  - d. A priority work assignment precluding the representative's release.
  - e. A bargaining agreement governs representation for employees in an exclusive bargaining unit and the unit employee's chosen representative violates the agreement's provisions.
2. Procedures to Reject an Employee's Chosen Representative. The written rejection letter should specify the reasons for the rejection; advise the employee of his or her rights to have the rejection reviewed and, if upheld on review, select another representative; specify the date by when the employee must request the review; and any changes to the applicable deadlines for filing the grievance.

L. Considering a Medical Condition(s).

1. Employee's Responsibility. If the employee wishes the initiating official to consider any medical condition contributing to misconduct, the official shall give the employee a reasonable time to furnish medical documentation. Because the employee bears the burden of proof to demonstrate the medical condition exists, that proof reasonably includes the cost of any necessary medical examination. The supervisor and Coast Guard medical personnel, if available, may assist the employee by identifying in writing the necessary, relevant medical documentation. In most cases, a copy of the employee's physician's or hospital records will contain the necessary information.

2. Management's Responsibility. After the deciding official reviews the medical documentation supplied, he or she may require a medical examination. If an employee submits acceptable medical documentation to support his or her medical condition, management may have an affirmative obligation to reasonably accommodate a qualified disabled employee.
- M. Official Case File. The supervisor, designee, and/or the NAF personnel office shall compile an official case file on the action. The record must contain copies of the written notice of action, any written decision on the grievance, and any supporting material, including relevant factors, used to support the decision. The file may include witnesses' statements, affidavits, documents, previous disciplinary action(s) considered in making the decision, and complete investigative reports or extracts. The NAF personnel office destroys reprimand case files 2 years after the case is closed. Suspension, reduction in grade or pay band level, and removal case files shall be destroyed 4 years after the case is closed. Official case files must be separately maintained from the OPF by the NAF personnel office.
- N. Delivering Disciplinary Action Correspondence. When delivering correspondence on a disciplinary action, the official delivering shall note on the correspondence copy the time, date, and place delivered and any unusual circumstances. An official personally delivering disciplinary action correspondence should obtain a written receipt. If an employee refuses to accept the correspondence or is absent, the official shall mail it by both first class and certified mail, return receipt requested, to the employee's last known home address.
- O. Employee's Voluntary Action. An employee confronted by management with a potential disciplinary situation may volunteer to accept a lower grade or pay band level or reassignment or resign in lieu of a disciplinary action. However, management must not coerce the employee into doing so. Management may inform an employee a removal action is contemplated and if he or she resigns before that action occurs, the OPF will not contain such records. Management may not inform the employee he or she must resign or face a removal action, because doing so is coercion, and must be avoided.
- P. Leave Abuse Problems.
1. General.
    - a. If an employee is absent without permission, that employee must appear as Absent Without Leave (AWOL) on his or her time card. If the employee returns to work his or her supervisor should hold a fact-finding discussion with the employee. An AWOL charge supports attendance abuse charges. A supervisor may determine the loss of pay is sufficient motivation to prevent such absences in the future.
    - b. Because Leave Without Pay (LWOP) is an approved absence, supervisors may not attempt to initiate a disciplinary action for an instance of LWOP.

## 2. Letters of Requirement.

- a. A supervisor may issue a letter of requirement to an employee whose use of leave, including unpaid, for medical reasons is excessive or reflects a questionable pattern (see Exhibit 9-6). In this letter a supervisor may impose requirements on an employee that do not apply to the rest of the workforce. Specifically, the supervisor will require the employee to submit a medical certificate for every absence, no matter how short, due to medical reasons. The letter should perform these functions:
  - (1) Define an acceptable medical certificate, e.g., stating the nature of the illness, dates incapacitated, and date seen by the physician, and containing the physician's signature;
  - (2) Advise the employee of the deadline by which he or she must provide acceptable documentation for each instance of illness; and,
  - (3) Impose specific reporting requirements on the employee, for example, by what time and to whom, including an alternate reporting official.
- b. The letter will advise the employee he or she will appear in an AWOL status until he or she provides acceptable medical documentation. While AWOL in and of itself is not a disciplinary action, it may furnish a basis for disciplinary action. A supervisor may change AWOL to an approved leave category only if the employee submits acceptable documentation within the deadline or the approving authority determines circumstances prevented the employee from doing so. The letter should warn the employee failure to follow the prescribed procedures might result in disciplinary action.
- c. A supervisor also may warn the employee about his or her use of annual leave for unplanned absences due to emergencies in a Letter of Requirement. If the employee's use of unplanned leave becomes excessive or is questionable, the supervisor may require the employee to submit documentation, e.g., repair bills, professional receipts for the emergency for the time and date in question.
- d. The supervisor will review a Letter of Requirement after a reasonable period of time, normally at least 6 months after the date issued. The letter of requirement will remain in effect until such time as the employee has demonstrated appropriate use of leave, the expiration of 1 year, or until replaced by a more serious disciplinary action.

Q. Relevant Factors. Management must demonstrate its remedy is reasonable by showing it considered all these applicable factors. Some may not be relevant; some may or may not weigh in the employee's favor. When applicable, initiating officials must apply these factors in suspending, reducing in grade or pay band level, and removing employees:

1. The nature and seriousness of the offense, how it related to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical, inadvertent or was committed maliciously or for gain, or was repeated frequently.
2. The employee's job level, type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. How the offense affected the employee's ability to perform satisfactorily and the supervisor's confidence in the employee's ability to perform assigned duties.
6. Consistency of the remedy with those imposed on other employees for the same or similar offenses.
7. Consistency of the remedy with any applicable agency table of remedies.
8. The notoriety of the offense or its impact on the agency's reputation.
9. How clearly the employee was on notice of any rules he or she violated in committing the offense or had been warned about the conduct in question.
10. The potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense, such as unusual job tensions, personality problems, mental impairment, harassment or bad faith, malice or provocation on the part of others involved in the matter.
12. Whether alternate sanctions are adequate and effective to deter the employee or others from such conduct in the future.

DISCUSSION DOCUMENTATION SHEET

Employee's Name:	Discussion Date:
1. <u>DESCRIBE THE INCIDENT.</u> (Briefly describe the employee's erroneous conduct or omission; where and when it occurred; how it violated regulations, standards, etc.; and who was involved; list witnesses.)	
2. <u>DESCRIBE THE ACCEPTABLE STANDARDS OF CONDUCT OR PERFORMANCE.</u> (Attach any written guidance given the employee.)	
3. <u>DESCRIBE THE EMPLOYEE'S EXPLANATION OF THE INCIDENT.</u> (Include any mitigating or aggravating factors.)	
4. <u>DESCRIBE YOUR RESPONSE TO THE EMPLOYEE.</u>	

If additional space is needed to complete required information, attach extra sheets.

SUPERVISOR'S SIGNATURE DATE

EMPLOYEE'S SIGNATURE

DATE

(SSIC)  
(DATE)

From: Name and Title of Supervisor/Manager

To: Name and Title of Employee

Subj: LETTER OF REPRIMAND

1. You are hereby officially reprimanded for the following reason(s):

State specific reason for reprimand.

a. First incident. Identify incident, to include date and time.

b. Second incident. Continue in same format as above.

2. State dates, incidences, and outcome of prior counseling which concerns the reason(s) for the Letter of Reprimand.

3. Use this paragraph to state what improvements are required within a specific time period and what action will be taken if the improvements are not made.

4. Inform the employee that the notice will be maintained in his or her official personnel folder for a minimum of 1 year but not to exceed 2 years from the date of issuance, or upon separation or transfer, whichever occurs first. The Letter of Reprimand is subject to grievance procedures and the employee should be directed to the personnel office to obtain information concerning specific procedures.

5. A signature block is provided for the employee on the file copy only. The employee is asked to acknowledge receipt of the notice by signing and dating the file copy on the line indicated.

NAME/SIGNATURE OF SIGNER

Encl: (1) List supporting documents

NAME/SIGNATURE OF EMPLOYEE (on file copy only)

Exhibit 9-3

(SSIC)  
(DATE)

From: Name and Title of Supervisor/Manager

To: Name and Title of Employee

Subj: NOTICE OF SUSPENSION

1. This letter is to officially inform you that you will be suspended from duty for \_\_\_\_\_ work day(s) effective \_\_\_\_\_ (a minimum notification period of 7 calendar days from the date of issue). This action is being taken for the following reason(s).

State specific reason for suspension.

- a. First incident. Identify incident, to include date and time.
  - b. Second incident. Continue in same format as above.
2. State dates, incidences, and outcome of prior counseling which concerns the reason(s) for the Notice of Suspension.
  3. Inform the employee that the notice will be maintained in his or her official personnel folder for a period of 3 years from the date of issuance, or upon separation or transfer, whichever occurs first. Notification that the SF-50 will remain as a permanent record in the official personnel folder. The suspension is subject to grievance procedures and the employee should be directed to the personnel office to obtain information concerning specific procedures.
  4. A signature block is provided for the employee on the file copy only. The employee is asked to acknowledge receipt of the notice by signing and dating the file copy on the line indicated.

NAME/SIGNATURE OF SIGNER

Encl: (1) List supporting documents

NAME/SIGNATURE OF EMPLOYEE (on file copy only)

Exhibit 9-4



(SSIC)  
(DATE)

From: Name and Title of Supervisor/Manager

To: Name and Title of Employee

Subj: NOTICE OF REMOVAL

1. This letter is to officially inform you that you will be removed from your position of (title, pay plan, series) effective \_\_\_\_\_(a minimum notification period of 14 calendar days from the date of issue). This action is being taken for the following reason(s):

State specific reason for removal.

- a. First incident. Identify incident, to include date and time.
  - b. Second incident. Continue in same format as above.
2. State dates, incidences, and outcome of prior counseling which concerns the reason(s) for the Notice of Removal.
  3. Inform the employee that the Notice of Removal is subject to grievance procedures and the employee should be directed to the personnel office to obtain information concerning specific procedures.
  5. A signature block is provided for the employee on the file copy only. The employee is asked to acknowledge receipt of the notice by signing and dating the file copy on the line indicated.

NAME/SIGNATURE OF SIGNER

Encl: (1) List supporting documents

NAME/SIGNATURE OF EMPLOYEE (on file copy only)



## CHAPTER 10. EMPLOYEE GRIEVANCES

- A. Purpose. This Chapter establishes the procedures to process grievances under which covered employees may seek redress of employment concerns and dissatisfactions. Where a negotiated procedure exists it will be the exclusive procedure available to employees in the Bargaining unit for resolving grievances falling within its coverage.
- B. Policy. Management's goal is to treat employees fairly and resolve employee dissatisfactions promptly and equitably. Despite the initial attempt to resolve a grievance, management recognizes an employee may desire to seek resolution at a higher level. This Chapter prescribes the procedures for pursuing and handling grievances to that extent. The Coast Guard Exchange System (CGES) and Morale, Well-Being, and Recreation (MWR) Program adhere to a policy of considering such matters objectively and resolving them promptly. These procedures are designed to achieve these objectives.
- C. Commandant's Role. Commandant (G-WPX) provides advice and guidance on processing grievances. If the formal grievance-deciding official requires a hearing examiner's or fact finder's assistance, Commandant (G-WPX) assists as requested.
- D. Definitions.
1. Bargaining unit employee. An employee included in an appropriate bargaining unit for which a labor organization has been granted exclusive recognition.
  2. Day. A calendar day.
  3. Deciding official. Management or supervisory officials in the line of authority over the grievant have the responsibility to decide informal and formal grievances. Grievance-deciding officials must be at a higher administrative level than the official who initiated the subject action. At the informal step, an employee presents a grievance involving performance ratings to the approving official for reconsideration. The employee then presents the formal grievance, if any, to the next level supervisor in the chain of command. For a grievance involving the commanding officer for MWR, the CGES region manager, or Commandant (G-WPX) personally, in each case the informal grievance deciding official is the next higher official in the chain of command and the formal deciding official is the next higher level in the chain of command.
  4. Employee. A non-bargaining unit employee, an employee in a bargaining unit that does not have a negotiated contract in effect, or any former Coast Guard NAF employee for whom a personal remedy can be provided.
  5. Fact finder. An individual the formal grievance-deciding official appoints to investigate an issue(s) raised in a grievance. The fact finder must be a person uninvolved in the subject issue and who holds a position equal to any official

who recommended, advised, decided, or otherwise is or was involved in the contended matter. The fact finder may be an employee within the Coast Guard command or of another Coast Guard command, or any other person competent to carry out the fact-finding investigation.

6. Grievance. An employee's or group of employees' written request for personal relief in a matter of concern or dissatisfaction about their employment subject to the commanding officers' for MWR and CGES managers' control.
7. Hearing examiner. A person the formal grievance-deciding official authorizes to conduct a hearing on an issue(s) raised in a grievance. The hearing examiner must have been trained to conduct hearings, is uninvolved in the contended matter, and occupies a position equal to an official who recommended, advised, decided, or otherwise was involved in the contended matter.
8. Nonappropriated Fund Activity. An organizational entity under the commanding officer for MWR and Commandant (G-WPX) for CGES.
9. Personal relief. A specific remedy directly benefiting the grievant(s); it may not include a request for disciplinary or other action affecting another employee or individual.
10. Employee Scope. These policies and procedures extend to present non-bargaining unit employees except for probationary, intermittent, and temporary employees not entitled to grievance rights.

E. Subject Scope.

1. Generally, an employee can contest any matter of personal concern or dissatisfaction subject to the commanding officers' for MWR, CDC or CGES managers' control.
2. This Chapter does not apply to these matters:
  - a. The content of published Department of Homeland Security and Coast Guard regulations and policies unless the complainant questions the interpretation of the policy or that local requirements are at variance with such policy requirement. In this case the proponent of the regulation or policy may be requested to provide the official interpretation and decision.
  - b. Non-selection for appointment or promotion from a group of properly ranked, certified candidates or failure to receive a noncompetitive action.
  - c. Grievances covered by a negotiated agreement.

- d. An action that ended a temporary promotion and returned the employee to the position from which promoted or an equivalent position.
- e. A supervisor's determination of objectives and performance standards for an employee's position.
- f. Granting or not granting a performance, incentive, honorary, or any other discretionary award. Adopting or not adopting a suggestion or invention.
- g. Separation during probationary period or separation from a temporary or intermittent appointment provided all procedural requirements pertaining to such separation have been met.
- h. A position classification or job grading decision processed in accordance with chapter 5 of this manual, except for the assignment of a payband position to a particular band.
- i. A decision appealable under law or regulation through other authority, such as the Federal Labor Relations Authority (FLRA) or Equal Employment Opportunity Commission (EEOC). Examples are:
  - (1) Labor organization complaints.
  - (2) An unfair labor practice complaint processed under the FLRA.
  - (3) Allegations of violations of the Fair Labor Standards Act.
  - (4) Allegations of discrimination due to age, race, color, religion, sex, sexual orientation, national origin, or disability.
- j. Personnel actions voluntarily requested by the employee.
- k. Wage or salary rates or schedules established by appropriate authority.
- l. Separation of off duty military personnel upon withdrawal of their commanding officer's permission to work.
- m. Reassignment to a position at the same rate of pay and appointment category.
- n. Separation for disqualification as stated in Chapter 19.E.7., of this manual.
- o. Separation for abandonment of position.
- p. Any issue previously decided in an earlier grievance by the employee.

- q. Allegations of mismanagement when no form of personal relief to the employee is appropriate.
- F. Right to Present. An employee is entitled to present a grievance through the procedures contained in this Manual.
- 1. Access to Advice. An employee presenting a grievance is entitled to communicate with and seek advice from the servicing personnel office. The appropriate designee may counsel and advise the employee on procedural aspects and employee rights in submitting and processing grievances. The appropriate designee must inform the employee in writing of his or her right to file a grievance or an EEO complaint if the employee believes their EEO rights have been violated. However, an employee may not file a grievance and an EEO complaint on the same issue. If no local source is available, Commandant (G-WPX) will provide technical advice.
  - 2. Representation, Freedom from Restraint, Official Time. In presenting a grievance, an employee has the right to have a representative of his or her own choice accompany, represent, and advise the employee. The grievant must designate the chosen representative in writing and provide written notice of any subsequent change. Information related to the grievance will not be released to the representative until authorization to do so is received by the grievance deciding official. The employee and his or her representative, if chosen, have these rights:
    - a. Freedom from restraint, interference, coercion, discrimination, or reprisal; and,
    - b. A reasonable amount of official time, as determined by grievance-deciding officials, to present the grievance (meet with the examiner or management officials considering grievance) if otherwise in an active duty status.
  - 3. Rejecting a Representative. The informal grievance-deciding official may disallow an employee's chosen representative on the basis of: priority needs of the Government, Coast Guard Exchange System, and/or Morale, Well-Being, and Recreation Program; costs to any of these three entities; conflict of interest; or conflict of position. The employee may challenge the decision to the next higher management level by letter within 5 calendar days after the rejection and obtain a decision within 10 calendar days after the grievance-deciding official(s) receives the challenge before proceeding with the grievance. If the formal step grievance-deciding official first decides to reject the representative, that decision is final.
- G. Informal Procedures. An employee must complete action under informal procedures before the next higher management level will accept a grievance for formal processing procedures.

1. Time Limits. An employee shall contest a particular act within 15 calendar days after the act or event occurred or the date the employee reasonably could have been expected to become aware of the act or occurrence. The informal grievance-deciding official can extend these deadlines if the grievant or management can show circumstances beyond their control, e.g., illnesses, absences, complex issues, or workload, delayed their actions.
2. Requirements.
  - a. To initiate the informal procedure, an employee presents a written grievance to his or her immediate supervisor or to the next higher level in the chain of command if the grievance concerns the immediate supervisor and could not be resolved at the supervisor's level; if so, the grievant may elect to bypass the immediate supervisor but must inform the supervisor of this intention. When presenting a grievance, the employee must so inform the informal grievance-deciding official, clearly stating he or she is invoking the grievance procedure and not merely discussing an item for clarification or presenting a problem the employee does not intend to contest.
  - b. A properly presented informal grievance must:
    - (1) Be written;
    - (2) Be filed by the deadline;
    - (3) Contain sufficient detail to identify and clarify the basis of the grievance;
    - (4) Specify the corrective action sought and relief directly affecting the grievant.
    - (5) If chosen, contain the employee representative's name, phone number, and location;
    - (6) Contain the employee's or chosen representative's signature.
3. Acceptance, Rejection, and Remand. The informal grievance-deciding official determines whether to accept or fully or partly reject any grievance presented (according to Paragraph G.2. of this Chapter). If that official does not have the authority to resolve the matter, he or she contacts Commandant (G-WPX) for procedural guidance. In deciding to accept or reject a grievance, with the assistance of Commandant (G-WPX) the informal grievance-deciding official determines whether the grievance meets the requirements of this Chapter in Paragraph H.2.a. If the grievance does not clearly describe the issues or relief sought, the informal grievance-deciding official may remand the grievance to the grievant for clarification or additional information. The grievant must

clarify those matters within 5 calendar days. If the informal grievance-deciding official rejects all or part of the grievance, the employee may contest that decision in writing within 5 calendar days to the formal grievance-deciding official. The formal grievance-deciding official's decision on the rejected issue(s) is final and not subject to further review.

4. Informal Grievance Decision. The informal grievance-deciding official shall investigate the grievance as appropriate, which may include meeting with the grievant and his or her representative. Processing grievances promptly should be a priority responsibility. The informal grievance-deciding official develops a grievance file and provides the grievant a written decision within 15 calendar days of receiving the employee's written grievance. If the informal deciding official is unable to reply within 15 days, he or she must inform the grievant why he or she needs additional time and indicate when the employee can expect the response. If the informal grievance-deciding official does not reply or requests a delay, the grievant may file a formal grievance. The written decision should include these elements:
  - a. The date of the informal grievance and the date received;
  - b. A statement of the issue(s) the employee's grievance presented and requested relief;
  - c. Findings and conclusions on the contested issue(s);
  - d. The decision(s) on the contested issue(s). If the informal grievance-deciding official grants the relief the employee requested or an alternate solution satisfactorily resolves the grievance, the decision should include a statement to that effect. If the grievance is not resolved, the decision should state any attempts made to obtain a satisfactory resolution; and
  - e. A statement advising the employee how to submit a formal grievance, including the name and location of the formal step deciding official and deadline by when the employee must submit the written grievance.

H. Formal Grievance Procedures. An employee whose grievance is not resolved informally may file a grievance with the formal grievance-deciding official within 5 calendar days after receiving the informal grievance decision. Normally, the formal grievance-deciding official is the next higher level manager, except commanding officers for MWR and Commandant (G-WPX) for CGES. Commanding officers for MWR are always the formal deciding official on removals and suspensions of 15 or more days for MWR employees.

1. Format. A properly presented formal grievance must:

- a. Be written;
  - b. Be presented within 5 calendar days after the informal grievance decision;
  - c. Contain sufficient detail to identify and clarify the basis of the grievance and discuss only issues raised at the informal step;
  - d. Specify relief applying only to the grievant as the corrective action sought;
  - e. State why the adjustment proposed at the informal step, if any, was unacceptable;
  - f. If chosen, contain your representative's name, phone number, and location;
  - g. Contain your representative's signature.
2. Formal Grievance-Deciding Official's Action. If an employee files a formal grievance, the formal grievance-deciding official must request the grievance file from the informal grievance-deciding official. The formal deciding official may use any of these procedures in issuing a final decision.
- a. Personally review the grievance file, informally investigate the grievance, which may include meeting with the grievant and his or her representative, and issue the final decision;
  - b. Appoint a fact finder to investigate and report findings, conclusions, and recommendations for resolving the grievance. When employing a fact finder, the deciding official immediately sends a copy of the fact-finding report and any other relevant material to the grievant for review and comment. After examining the fact finder's report and the grievant's response, the formal grievance-deciding official issues the final decision.
  - c. In unusual situations appoint a grievance hearing examiner to conduct a hearing. The grievance hearing examiner prepares report findings, conclusions, and recommendations for resolving the grievance. The formal grievance-deciding official issues the final decision based on the grievance file and hearing examiner's report.
3. Formal Grievance Decision. The formal grievance-deciding official should provide the grievant a written decision within 90 days after the date the employee filed the formal grievance. The written decision should include:
- a. The formal grievance's date and date received.
  - b. The issue(s) the employee's grievance presented and requested relief.

- c. Finding(s) and conclusion(s) on the contested issue(s).
- d. The decision(s) on the contested issue(s). If the formal grievance-deciding official grants the employee's requested relief or an alternate solution satisfactorily resolves the grievance, the decision should so state. If the grievance is not resolved, the decision should state any attempts made to obtain a satisfactory resolution.
- e. The decision is final and the formal grievance-deciding official will not further consider the contested matter.

I. Discrimination Allegations.

- 1. If an employee alleges discrimination based on race, color, national origin, sex, sexual orientation, age, religion, or physical or mental disability at any stage of the grievance procedure, the grievance-deciding official must inform the grievant in writing that introduction of the allegation will terminate the grievance. The grievant must be given the opportunity to either withdraw the allegation and continue under the administrative grievance procedure or proceed under the discrimination complaint procedure, commencing with the counseling stage. The grievance-deciding official must document the grievant's decision and include it in the case file. If the grievant chooses to pursue the discrimination complaint, the grievance-deciding official cancels the grievance, and notifies the grievant. The personnel office shall maintain the grievance file separately in the personnel or administrative office.
- 2. The Department of Homeland Security Civil Rights Investigative Procedures Manual describes how to process a Nonappropriated Fund civilian employee's allegation of discrimination based on sexual orientation. Equal Employment Opportunity, Chapter 17 of this Manual, contains information on these procedures.

J. Combining Grievances. If two or more CGES or MWR employees have identical grievances, such as the dissatisfaction expressed and relief requested are the same, the grievance-deciding official may join the grievances for processing as a group grievance. The grievance-deciding official will notify the employees and require them to designate a representative for the group.

K. Canceling a Grievance. A grievance may be canceled by:

- 1. The employee. An employee may cancel a grievance at any stage of the process but having done so, may not reactivate the grievance.
- 2. Terminating Employment. If an employee's Coast Guard employment terminates, the grievance-deciding official cancels the grievance unless the employee requested a remedy that would result in personal relief after

termination.

3. Death. An employee's death automatically terminates a grievance unless the adjustment sought involves pay to the deceased's beneficiaries.
  4. Management. The informal grievance-deciding official cancels a grievance if the employee does not furnish required information or duly advance the grievance on time. The informal grievance-deciding official notifies the employee in writing of the reasons for canceling the grievance and the employee's right to protest the cancellation in writing to the next higher management level within 5 calendar days of receiving the notice. If the formal grievance-deciding official initially decides to cancel the grievance, that decision is final and not subject to further review.
- L. Grievance File. When a grievance is submitted, the receiving official starts a grievance file that becomes the grievance proceedings' official file. The servicing personnel office maintains a grievance file and destroys it 3 years after the case is closed. The grievance file contains copies of all documents pertinent to the grievance processing, including:
1. The employee's written grievance;
  2. Any available documentation of informal and formal grievance processing through the steps;
  3. Available documentation of the grievance-deciding official's efforts to communicate with the grievant and resolve the grievance equitably for both management and the grievant;
  4. Written designation of the grievance hearing examiner or a copy of the grievant's hearing examiner designation notice;
  5. Records or copies of available documents related to the grievance;
  6. Witnesses' affidavits, depositions, or signed written statements;
  7. The fact finder's reports of personal interviews or group meetings;
  8. The transcript or written summary of any hearing held;
  9. Any written exceptions to the transcript or summary;
  10. Any written comments the employee, his or her representative, or the management representative made on reviewing the grievance file;

11. A copy of the grievance decision; and
  12. Any correspondence or documents about rejecting an employee's representative, the grievant's challenge of the rejection, and the decision on the challenge.
- M. Obtaining a Hearing Examiner. Commanding officers for MWR and CGES region managers may request a hearing examiner from these sources:
1. On written or telephoned request, Commandant (G-LGL) will assign an Administrative Law Judge.
  2. Commandant (G-WPX) will assist if Commandant (G-LGL) cannot provide an Administrative Law Judge.
- N. Grievance Hearings. A grievance-deciding official schedules hearings only when required under these circumstances.
1. Scheduling. If a hearing examiner holds a hearing, he or she schedules it at a time that will ensure meeting deadlines. An employee may request for good cause and a hearing examiner postpone a scheduled hearing; such postponement extends the 90-day limit.
  2. Site. Normally the hearing site is the grievant's place of employment except when the parties agree otherwise.
  3. Hearing Record. The hearing examiner consults with the formal grievance-deciding official and then determines whether to have a verbatim transcript or summary made of the hearing proceedings. The deciding official arranges for such administrative support as required for a proper hearing.
  4. Witnesses. Both parties are entitled to produce witnesses. The examiner determines whether to call a witness to testify after considering the requests made by the grievant and the CGES or MWR Program. The CGES and MWR programs make their employees available as witnesses when the hearing examiner so requests unless it is administratively impractical to do so. The CGES or MWR Program notifies the hearing examiner in writing of their reasons for declining to make a witness available. If they otherwise would be in a duty status, employees are in a duty status while available as witnesses.
  5. Travel Expenses. Unless otherwise agreed, management does not pay travel and related costs for the grievant's witnesses or participants at the hearing.
  6. Closing the Record. The hearing examiner determines whether to permit post-hearing briefs; and if so, adds the time granted for submitting post-hearing briefs to the 90-day time limit. The parties may verbally summarize testimony for the record at the hearing conclusion. The hearing record closes at the hearing

conclusion, unless the examiner specifies otherwise.

7. Second Hearings. A hearing examiner holds only one hearing in connection with a grievance.
8. Information Copy. Immediately on receipt, the grievance deciding official sends a copy of each impartial third-party report of findings and recommendations to Commandant (G-WPX) for information and program maintenance purposes.

## CHAPTER 11. INCENTIVE AWARDS

- A. Purpose. The Incentive Awards Program motivates employees to increase productivity and creativity by rewarding their job performance and ideas benefiting the Government substantially exceeding normal job requirements.
- B. Policy. The Commandant's policy is to:
1. Motivate all Coast Guard employees to increase their creativity and productivity by recognizing job performance, excellence, exceptional achievement, and cost-saving ideas benefiting the Coast Guard Exchange System (CGES); Morale, Well-Being, and Recreation (MWR) Program; Coast Guard; Department of Transportation (DOT); or Federal Government;
  2. Appropriately recognize and reward individuals and groups on the basis of merit for significant special acts, services, or other personal contributions substantially exceeding normal job standards and expectations;
  3. Assure incentive awards under this Chapter are used only for their intended purpose; to recognize and reward an employee or group of employees for beneficial contributions above or beyond normal job requirements.
- C. Types of Awards. Of the various awards, many are appropriate for specific situations, ranging from a letter of appreciation to a cash or honorary award. The proper award to recommend depends on the kind of accomplishment, its magnitude, and its duration. Supervisors and managers should consider the awards program a flexible tool they can adapt to meet management needs.
- D. Coverage.
1. This Chapter applies to Coast Guard civilian employees paid from nonappropriated funds (NAF).
  2. A military incumbent serving in a NAF position as a military duty assignment is ineligible for cash awards under this Chapter but is eligible for certain Departmental honorary awards as discussed in Paragraph L. of this Chapter.
- E. Grievances. Incentive awards are discretionary actions. No grievance rights inhere to granting or failing to grant awards under this Chapter. Supervisors nominating employees for awards may discuss reviewing or approving officials' denials through normal administrative channels.
- F. Confidentiality. Nominating supervisors, reviewing officials, and approving officials must not discuss award nominations with nominees until the award has been approved. Treat award nominations and supporting documentation as privileged information and share it only with those who need to know. Failure to observe this rule may embarrass the

nominee, management, or both.

G. Responsibilities.

1. Managers and supervisors implement the Incentive Awards Program in their organization and actively support and participate in the Program by:
  - a. Using incentive awards as an integral supervisory and management element;
  - b. Promptly acting on award recommendations;
  - c. Ensuring employees have an equal opportunity to earn awards;
  - d. Considering relevant awards earned when evaluating employees for selection or promotion;
  - e. Justifying award nominations in writing;
  - f. Assuring funds are available to pay awards;
  - g. Assuring the appropriate level within the chain of command presents awards to recipients consistent with the type of award received;
  - h. Periodically reviewing program areas to reveal those showing superior quality, quantity, timeliness, and/or cost-saving results and identifying individuals and groups who produced those superior results and thus are eligible for incentive awards recognition.
2. Nonappropriated fund CGES managers and MWR officers provide positive leadership when administering the Incentive Awards Program, including:
  - a. Knowing all available forms of recognition and advising managers and supervisors on using each properly;
  - b. Recommending new program policies, goals, and objectives;
  - c. Providing employees and supervisors with orientation and training on the Program;
  - d. Reviewing award nominations for compliance with appropriate laws and regulations and returning award nominations that do not comply with regulations and procedures to the nominating official.
3. Commands employing NAF civilians shall designate one individual to serve as the unit's collateral duty Incentive Award Program Coordinator. Award coordinators may:

- a. Serve as executive secretary to local award review boards to assure adequacy of award nominations, continuity of board activities, etc.;
  - b. Develop, implement, and monitor local policies, procedures, and program operations;
  - c. Coordinate program objectives, activities, and publicity;
  - d. Assist in program evaluations;
  - e. Maintain program data and records, prepare and submit reports, etc.;
  - f. Arrange appropriate award payment and presentation ceremonies.
- H. Time Off from Duty as an Incentive Award. Supervisors may authorize up to 5 days time off from duty in a given leave year as an incentive award for full-time employees. Part-time employees also can receive time off prorated depending on their normal tour of duty. For example, an employee scheduled 4 hours per day could receive a maximum amount of 20 hours during the leave year.
1. Granting Time-Off Awards. A supervisor can grant a Time-Off Award without loss of pay or charge to leave to recognize superior accomplishment or other personal effort that contributes to NAF operations' quality, efficiency, or economy. A Time-Off Award recognizes these types of employee contributions:
    - a. Meaningfully contributing to a difficult or important project or assignment.
    - b. Displaying special initiative and skill in completing an assignment or project before its deadline.
    - c. Using initiative and creativity to improve a product, activity, program, or service through an action or suggestion.
    - d. Ensuring the unit's mission is accomplished during a difficult period by successfully completing additional work on a project assignment while performing the existing workload.
  2. Scheduling and Using Time-Off Awards. The recipient must take the time within 120 days after award presentation at the employer's convenience. Time-off awards do not convert to cash under any circumstances.
  3. Documenting Time-Off Awards.
    - a. A supervisor must document a Time-Off Award in a written justification with this information:

- (1) The employee's name and position.
  - (2) How the employee met the criteria.
  - (3) The recommended number of hours of time off, justified by describing the benefits the NAF realized from the employee's contribution.
  - (4) Whether the employee previously received a Time-Off Award during the same leave year and, if so, the award date and number of hours granted.
- b. The supervisor will retain a copy of the written justification and original document sent to the appropriate servicing personnel office.
  - c. The supervisor records the amount of time off granted on an Award Recommendation Transmittal (Exhibit 8-2), which the appropriate personnel office retains. The personnel office provides copies of the Award Recommendation Transmittal and justification to the payroll office and documents time off by entering the appropriate code on Time and Attendance Reports.

I. On-The-Spot Cash Awards.

1. Definition. First-level supervisors can quickly recognize extra efforts or one-time achievements with On-the-Spot Cash Awards, single awards of up to \$250 each. An employee can receive a maximum of \$500 per year in On-the-Spot Cash Awards.
2. Eligibility. Employees may receive several On-the-Spot Cash Awards, but the maximum one employee can receive is \$500 in a 12-month period. A performance award must not previously have recognized the contribution.
3. Award amount. The maximum amount per award is \$250.
4. Documentation. The supervisor prepares an SF-50 with written documentation and submits it to the payroll office for processing. Cash awards must meet all state and Federal tax requirements.
5. Approving authority. First-level supervisors may approve On-the-Spot Cash Awards.

J. Special Act or Service Awards. The Special Act or Service Award recognizes individual or group efforts significantly beyond expected job performance. The Special Act or Service Award is used to improve efficiency, economy, and effectiveness by motivating employees to increase productivity and creativity and rewarding their efforts.

1. Definition. Special Act or Service Awards are monetary or non-monetary awards, e.g. plaques, ribbons, letters of commendation, etc., granted for an employee's or employee group's contribution resulting in benefits or services to the NAF activity or the entire Government. Improvements include accomplishments achieved through special acts or

services that contribute to operational efficiency, economy, or other improvements or significantly reduce administrative, personnel, or other costs.

2. Criteria. A Special Act or Service Award is appropriate to recognize an employee or group of employees who contributed substantially beyond expectations on a specific assignment or job function or an aspect of either. The award supplements performance awards, which recognize employee performance during the entire performance appraisal year and are based on the annual rating of record. Special Act or Service Awards recognize exemplary efforts, such as:
  - a. A nonrecurring contribution either within or outside of job responsibilities.
  - b. An administrative or technical achievement.
  - c. A heroic act.
  - d. Disclosing fraud, waste, or abuse.
  - e. Increased customer service.
3. Determining Extent of Job Responsibility. Special acts or services often are related to an employee's work. However, being related to the employee's job does not automatically mean the contribution is part of the employee's job responsibilities. A contribution can fall within "job responsibilities" if it meets expected job performance requirements. Because an employee contribution and normal job requirements can be very closely related, management frequently must decide whether a contribution recommended for recognition goes beyond what normally is expected of the contributor.
4. Documentation Requirements. The supervisor writes a brief, but explicit, justification describing the superior accomplishments the employee or group of employees performed.
5. Relationship to Other Forms of Recognition. Special Act or Service Awards may be granted together with or in addition to performance awards. However, if recognizing an accomplishment within job responsibilities, performance appraisal-related awards must not have recognized the contribution. The act or service must be nonrecurring and significantly exceed normal job expectations.
6. Group Awards. When a group of employees contributes, all contributing employees including supervisors may share in the award, provided a performance appraisal-related award has not recognized the contribution. The cash award may be granted equally to each employee in the group or in proportion to his or her personal contribution to the achievement.

7. Time Limits. For fairness, maximum employee motivation, and confidence, it is important the award process function quickly and efficiently. Submit nominations whenever appropriate, but within 90 days after the act or achievement meriting the award.
8. Nomination Procedures.
  - a. Send the nomination, justification, proposed citation highlighting significant achievements, and an Award Recommendation Transmittal (Exhibit 8-2) to the MWR officer for regulatory and budgetary review; on return submit these documents to the approving official, who will return nominations disapproved or approved at a lesser or greater cash value with an explanation to the originator. Nomination for CGES employees must be submitted to Community Service Command, NAF Awards Review Board, 870 Greenbrier Circle Ste 502, Chesapeake, VA 23320.
  - b. The Commander's Award for Civilian Service (Form CG 5514) may accompany the Special Act or Service Award.
9. Approving Authority. Commanding officers for MWR may approve cash awards up to \$500 and re-delegate this authority to the MWR officer. The NAF Awards Review Board for CGES employees has approval authority for all Special Act or Service Awards.
10. Repeat Awards. Repeat awards are discouraged and management takes care to ensure they are not granted automatically. Reviewing and approving officials and all managers and supervisors should be alert to and correct repetitive nomination patterns. They should ensure they avoid unjustifiably rewarding the same employee's usual performance level and do not repeatedly use awards as compensation for lack of promotion opportunities or rewards for long, faithful service.
11. Presentation. Present awards to recipients at appropriate ceremonies as soon as practical after approval. In addition, publicize them consistent with local command, MWR, or CGES procedures.

K. Career Service and Retirement Recognition.

1. Service emblems.
  - a. The Coast Guard awards emblems to NAF employees to recognize their creditable service with the Federal Government. That service need not be continuous and should include all service in Coast Guard and other agencies.
  - b. Lapel pin service emblems, available from Community Service Command, are granted at increments of 5, 10, 15, 20, 25, and 30 years of service.

2. Retirement certificates. Retiring CGES and MWR Program employees are eligible to receive retirement certificates signed by the Commandant. The blank certificates are available from Commandant (G-WPX). They may be framed or laminated at local expense and should be presented to the retiree with suitable ceremony.

L. Coast Guard Honorary Awards. Under the Departmental awards program the Commandant is authorized to approve two high-level honorary awards: the Superior Achievement Award (Bronze Medal) and Distinguished Career Service Award. While equal in stature, these awards are appropriate at different points in an employee's career. In addition, CGES and MWR employees can qualify for the Commander's Award for Civilian Service for demonstrated leadership, initiative, outstanding performance, courage, or patterns of excellence.

1. Commandant's Superior Achievement Award (Bronze Medal).

- a. Award summary. This is the highest Coast Guard civilian award in recognition of exceptional achievements during a civilian employee's career. This Award is not intended as a retirement honor for long, faithful service, nor is it appropriate as a first-time award. Nominees previously must have received at least two of the following: Outstanding Performance Rating; Performance Award; Special Act or Service Award; any DOT or Coast Guard honorary award; or Coast Guard nominee for any Governmental or external awards listed in this Chapter. Repeat awards are granted only in exceptional circumstances. Base a nomination on one or more of these standards:
  - (1) Performance of duties in so exemplary a manner as to set an achievement record others are inspired to attain;
  - (2) Demonstrating unusual skills or initiative in developing new or improved work methods or procedures or conceiving inventions that cause substantial savings in staff, time, space, materials, etc., or improved work force safety and health;
  - (3) Notable authorship;
  - (4) Exceptional achievement that substantially contributes to accomplishing the Coast Guard's mission;
  - (5) Significant achievements that inspire others in supporting Coast Guard equal employment opportunity programs.
- b. Nomination procedures. At any time area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, Chief of Staff, assistant commandants for directorates, and special staff offices in Headquarters may submit to Commandant (G-WPC) nominations with this information:

- (1) The nominee's name, title, series, and current position's grade or pay band level.
  - (2) A brief statement of current duties.
  - (3) A brief biographical sketch.
  - (4) A list of significant honors and awards earned.
  - (5) A proposed citation (25 words maximum) for use in the awards presentation and engraved inscription on the award plaque.
  - (6) A detailed description of achievement or service (two pages maximum) showing clearly how the nominee met the award criteria.
- c. Review. Send nominations to Commandant (G-WPC), who reviews them for procedural compliance and adequacy of documentation and sends them to the Civilian Awards Board for approval. The Board forwards approved nominations to the Commandant for final approval. Since approval takes approximately 30 days after Commandant (G-WPC) receives them, allow sufficient lead time.
- d. Awardee(s). The awardee receives a bronze medal, lapel rosette, and engraved plaque.
2. Commandant's Distinguished Career Service Award.
- a. Award summary. This is the highest award, equivalent to the Superior Achievement Award (Bronze Medal), granted to a very select group of employees at retirement.
  - b. Criteria. This award is for civilians whose long, exceptional careers have contributed significantly to the CGES or MWR Program. The career achievements on which the nomination is based should be either uniquely important projects of national scope and significance or nationally recognized expertise in some phase of the Coast Guard's technical, professional, or administrative work. The award is appropriate for any grade, pay band level, or occupation. Requirements are:
    - (1) At least 20 years of creditable NAF service.
    - (2) Receipt of two or more of the following:
      - (a) Outstanding performance ratings;
      - (b) Performance bonus award;
      - (c) Quality step increases;

- (d) Significant Special Act or Service awards;
  - (e) The Gold, Silver, or Bronze Medal awards or equivalent honorary recognition.
- c. Nomination procedures. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, assistant commandant of directorates, or special staff offices submit nominations to Commandant (G-WPC). Nominations should include:
- (1) The nominee's name, title, series, and current position's grade or pay band level;
  - (2) A brief statement of current duties;
  - (3) A brief biographical sketch, primarily a career history but it may contain personal information, if available and appropriate;
  - (4) A list of previous honors and awards;
  - (5) A narrative about the nominee's career achievements, two pages maximum and sufficiently specific so a disinterested reviewer would conclude the nominee in fact merits such recognition.
- d. Review. Commandant (G-WPC) receives nominations, reviews them for procedural compliance and adequacy of documentation, and forwards them to the Civilian Awards Board for approval. The Board sends approved nominations to the Commandant for final approval. Since approval takes approximately 30 days after receipt by Commandant (G-WPC), allow sufficient lead time.
- e. Awardee(s). The awardee receives an embossed plaque.
3. Commander's Award for Civilian Service.
- a. Award summary. This Coast Guard honorary award gives commanding officers the opportunity to recognize individuals or groups for their achievements and contributions to the Coast Guard. Employees who have established a pattern of excellence, recognized by previously receiving one or more honorary or monetary performance awards, qualify for this award. A Commander's Award recipient can earn the same award in the future if any later nomination is based on a different subsequent achievement or service. Retirement, separation, or lengthy service do not constitute a sufficient basis for conferring the Commander's Award.
  - b. Criteria. Civilian employees at all grades or pay band levels are eligible. Base nominations on one or more of these attributes:

- (1) Supervisory or non-supervisory duties outstandingly performed, setting an example of achievement for others to follow.
- (2) Demonstrated initiative and skill in devising new or improved equipment, work methods, and procedures, resulting in considerable savings in personnel, time, space, materials, or other expense items, or improved work force safety or health.
- (3) Demonstrated leadership in performing duties, improving productivity.
- (4) Achievements or contributions supporting the Coast Guard's Equal Employment Opportunity Program.
- (5) Professional or public relations service rendered, creating considerable favorable publicity for CGES or the MWR Program.
- (6) Demonstrated courage or competence in an emergency while performing assigned duties benefiting the Federal Government.

c. Nomination procedures.

- (1) The employee's supervisor processes nominations through the chain of command to the approving official listed in Paragraph L.3.h. in this Chapter. A proposed citation highlighting significant achievements should accompany the nomination.
- (2) The servicing personnel office reviews nominations for procedural compliance and adequacy of documentation. When the award certificate is completed and signed, the signer or designated official presents the certificate consistent with other ceremonies.

d. Approval procedure. The servicing personnel office forwards the nomination to the approving official. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, assistant commandants of directorates, and special staff offices in Headquarters can approve nominations. These officials are authorized to redelegate this authority to subordinate managers and supervisors to the extent they deem appropriate.

e. Awardee(s). The awardee receives a Commander's Award for Civilian Service (Form CG-5514).

4. Resource Director or Comptroller Awards for Excellence.

- a. The Resource Director or Comptroller Awards for Excellence are given each year to recognize individuals who contributed conspicuously to the field of financial resource management.

- b. The awards are given in each of these categories:
  - (1) Officer.
  - (2) Warrant Officer.
  - (3) Enlisted.
  - (4) Civilian GS-9, NF-4, or equivalent wage grade and above.
  - (5) Civilian GS-8, NF-3, or equivalent wage grade and below.
- c. Awards are granted in each of these fields:
  - (1) Accounting.
  - (2) Acquisition management.
  - (3) Analysis and evaluation.
  - (4) Budgeting.
  - (5) Contracting.
  - (6) Internal control review.
  - (7) Material management.
  - (8) Pay.
  - (9) Procurement.
  - (10) Retail sales.
  - (11) Transportation.
- d. Coast Guard Medals and Awards Manual, COMDTINST 1650.25 (series), contains detailed instructions for submitting nominations in Chapter 11 of this Manual.
- 5. Awards Supporting Equal Employment Opportunity (EEO). These awards recognize superior achievements in EEO activities: Secretary's Award for Meritorious Achievement, Secretary's Award for Achievements in Equal Employment Opportunity, Commandant's Civil Rights Accomplishments Award, Commandant's Superior Achievement Award (Bronze Medal), and Commander's Award for Civilian Service. Recipient criteria are as follows:

- a. Supervisors. These are employees at all supervisory and management levels who clearly excel in promoting EEO within their organization. The award must recognize superior accomplishments based on objective evidence indicating the supervisor has excelled in several of these important job factors:
    - (1) Through direct encouragement and assistance, motivating employees to develop their full potential and use their skills to the maximum extent.
    - (2) Treating all employees sensitively.
    - (3) Demonstrated commitment to all EEO concepts and results-oriented affirmative action plan responsibilities.
  - b. Employees Whose Primary Job Responsibility Is Elsewhere. The employees' work is not specifically in the EEO area, but they advance equal employment opportunity in the Coast Guard through superior accomplishments in training, recruitment, or other activity.
  - c. Equal Employment Opportunity (EEO) Program Leaders. These employees, including civil rights officers, EEO counselors, Federal Women's Program managers, or Hispanic Employment Program managers, have specific Coast Guard equal employment opportunity responsibilities. Performance includes providing employee career counseling, resolving employee discrimination complaints effectively, developing EEO action plans, and successfully supporting economic opportunity or other community action programs designed to advance equal opportunity in Government.
6. Letter of Commendation. An immediate supervisor normally writes and presents Official Letters of Commendation to honor high quality performance of official duties, such as extra effort, consistent devotion to duty, or above-average accomplishment on a project or public relations assignment. Other supervisors also may award these letters to recognize an employee who temporarily worked on another project or an employee of another organizational element made special contributions. The original letter presented to the employee should state a copy of the commendation will become a permanent document in the employee's Official Personnel Folder (OPF).
  7. Letter of Appreciation. Normally a supervisor writes an informal Letter of Appreciation to one or several employees. Official Coast Guard committees or working groups also may present these letters. Letters of Appreciation serve as morale builders, providing the supervisor and others with a means to express appreciation for an employee's efforts on a particular project or performance under adverse conditions.
- M. Departmental Honorary Awards. Honorary awards are available to all Coast Guard employees through the Department of Transportation (DOT). Coast Guard managers and supervisors are expected to weigh carefully all individual achievements they believe deserve performance recognition and recommend the employee(s) for the highest award

consistent with the award's criteria. While managers and supervisors may recommend only one DOT award for an employee for a single achievement, if the recommended award is not approved, they should nominate the employee for the next successively lower award. An employee can qualify for an honorary award in addition to a cash award.

1. Secretary's Award for Outstanding Achievement (Gold Medal).

- a. Award summary. Given at the Secretary's discretion, this is the highest DOT honorary award granted to civilian employees.
- b. Criteria. Outstanding leadership and distinguished contributions of major significance. The Commandant does not directly nominate individuals for the Outstanding Achievement Award. The Secretary personally selects the Gold Medal awardee, usually only one per year, from those nominated for Meritorious Achievement.
- c. Awardee(a). The awardee receives a gold medal, lapel rosette, and engraved plaque.

2. Secretary's Award for Meritorious Achievement (Silver Medal).

- a. Award summary. This is the second-highest Department award for civilian employees and the highest award for which the Commandant is authorized to submit nominations.
- b. Criteria. This award is for civilians and military members while assigned to other DOT Administrations with contributions of unusual value to the Department, such as these:
  - (1) Accomplishing duties so outstandingly as to be clearly exceptional among all those who have performed similar duties.
  - (2) Developing and improving methods and procedures that have accomplished extraordinary results for the Department.
  - (3) Eminent authorship.
  - (4) A valuable contribution to science or technology with national or international scope.
  - (5) Exceptional, outstanding leadership that resulted in accomplishing Departmental missions highly successfully or redirecting major objectives or accomplishments to meet unique or emergency situations.
  - (6) Outstanding, distinctive contributions to the Department's EEO program.

- c. Awardee(s). The awardee receives a crystal trophy.
3. Secretary's Award for Valor.
- a. Award summary. This is the highest Departmental award for heroic or courageous acts involving great personal risk under unusual circumstances.
  - b. Criteria. This award is for civilians for actions undertaken on or off duty. The employee must have demonstrated outstanding courage and voluntarily risked personal safety in the face of danger in an emergency.
  - c. Awardee(s). The awardee receives a medal, lapel rosette, and engraved plaque.
4. Secretary's Award for Achievement in Equal Employment Opportunity (EEO).
- a. Award summary. This award is the highest honor and recognition given to employees who excelled in their efforts to promote equal opportunity while serving in positions not primarily EEO-related. The award demonstrates how highly senior management values employees, supervisors, and managers who actively and effectively participate in EEO activities.
  - b. Criteria. Civilian employees and military members whose primary job responsibilities are EEO should be considered for a Special Act or Service Award in accordance with appropriate criteria for those awards.
  - c. Awardee(s). The awardee receives an engraved plaque.
5. Secretary's Award for Excellence.
- a. Award summary. This award is designed for high-achieving career civilian employees in lower grades or pay bands.
  - b. Criteria. This award is for civilian clerical, administrative, technical, and general support employees in pay band levels 1 through 3 and Crafts and Trades (NA, NL, and NS) at grades NA, NL, and NS-1 through NA, NL, NS-8, or equivalent. Base nominations on performing all major duties outstandingly. All aspects of performance must far exceed normal requirements and deserve special commendation.
  - c. Performance Rating. An employee need not have received an outstanding performance rating during the last rating period to be nominated for this award, providing he or she is performing at a level to earn such a rating when nominated.
  - d. Awardee(s). The awardee receives a crystal trophy.

6. Secretary's Award for Volunteer Service and Secretary's Award for Community Service.
  - a. Award summary. Representing the Department's strong interest in recognizing volunteer service, the Volunteer Service Award is presented to the employee who has significantly contributed through any volunteer program the Department supports or sponsors. The Community Service Award is presented to an employee who has significantly contributed to the local or wider community through sustained commitment and involvement as a volunteer. Employees at all grade or pay band and organizational levels are eligible for consideration.
  - b. Criteria. The criteria for selecting award nominees, including military members, include length of volunteer service; number of hours per week, month, or year; innovation or initiative in improving conditions of the organization served; type of service rendered; and benefits to the community.
  - c. Awardee(s). Awardees receive an engraved plaque.
7. Program Emphasis Awards.
  - a. Award summary. Occasionally, the Secretary establishes a special award category to emphasize a particular Departmental or Presidential initiative or program and uses the DOT Honorary Awards Program as a vehicle to solicit nominations. In recent years these have included the Secretarial Award for Cost Avoidance, Reduction, and Efficiency (CARE), supporting a special Departmental program, and the Volunteer Service and Community Service Awards, supporting the President's volunteer initiative.
  - b. Criteria. Criteria vary with the program featured. Specific nomination requirements are published when nominations for the DOT honorary awards ceremony are solicited.
  - c. Awardee(s). The awardee usually receives a plaque or certificate.
8. Nomination Procedures.
  - a. In an ALCOAST, usually in late June, Commandant (G-W) solicits nominations for the Departmental honorary awards ceremony. Nominators may submit nominations for Departmental awards at other times but the Department will hold them for processing for the next ceremony.
  - b. Nominate personnel on DOT Form 3200.2, available from Commandant (G-WPC-2) or SWIII Jet Form Filler.
  - c. Submit nominations to Commandant (G-WPC) via the chain-of-command.

9. Review and Approval.

- a. An ad hoc Coast Guard panel reviews all nominations, prioritizes them, and makes recommendations to the Commandant.
- b. The Commandant forwards the nominations to a Departmental awards review board, which makes final recommendations to the Secretary.

Unapproved nominations may be considered for appropriate local recognition.

10. Multiple Awards. An employee may be nominated for either a Commandant's Superior Achievement Award or a Departmental honorary award, but not both, for the same achievement. An employee may receive two or more honorary awards while serving in the same position if his or her performance there is sufficiently meritorious on two or more occasions.

11. Departmental Awards Ceremony. The Departmental Annual Awards Ceremony generally occurs annually in the Fall in Washington, DC. It showcases Departmental activities meriting high recognition during the past year. Employees who attend the ceremony are considered in a duty status and all recipients are encouraged to attend the ceremony if possible. Commandant (G-WPC) authorizes appropriate travel and per diem expenses for field unit recipients.

N. Other Honorary Awards.

1. Award summary.

- a. Occasionally each year, various other Federal agencies, professional organizations, educational institutions, and other private organizations invite the Coast Guard to nominate both civilian and military employees for their awards. The publicity and honor given the successful candidate reflect favorably on the recipients, the Coast Guard, Department of Transportation, and Federal service.
- b. The CG Civilian Awards Manual, COMDTINST M12451.1 (series), lists the more significant awards processed through Commandant (G-WPC).

2. Criteria. Each granting organization specifies its own criteria. While nomination requirements, format, and deadlines may change, these awards usually are granted annually, normally with national competition. Pay particular attention to employees recommended for or who have received outstanding performance ratings. Consider also employees who have not received outstanding performance ratings but who meet these awards' specific criteria.

3. Nomination procedures.
    - a. Commandant (G-WPC) distributes information on these awards throughout the year.
    - b. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of Headquarters units, assistant commandants of directorates, and special staff offices in Headquarters should submit nominations to Commandant (G-WPC). To the extent they deem appropriate, these officials are authorized to re-delegate this authority to subordinate managers and supervisors.
  4. Special note. Since submission deadlines often are extremely short, supervisors should follow these procedures:
    - a. Continually review employees' achievements and, to the extent practical, identify potential nominees in advance.
    - b. Maintain close liaison with the servicing civilian personnel office.
- O. Presidential Awards. Annual nomination solicitations outline more detailed selection criteria and documentation requirements for Presidential Awards, except those for which nominations may be submitted at any time. The Commandant, Secretary, and Director of the Office of Personnel Management must review nominations before the President approves them. However, nominators may nominate employees for these awards separately and employees can receive Coast Guard or Department of Transportation (DOT) awards for the same achievements.
1. President's Award for Distinguished Federal Civilian Service.
    - a. Award summary. This Presidential Award is the highest honorary award granted under the Federal Incentive Awards Program to recognize exceptional achievements of unusual benefit to the nation. It is reserved for a maximum of five career Federal civilian employees each year. Federal employees serving by Presidential appointment and noncareer Senior Executive Service (SES) members are not eligible for this Award if their Government work is considered to fall within the Federal career service.
    - b. Criteria. Base nominations on achievements exemplifying one or more of these qualities:
      - (1) Imagination in developing creative solutions to problems in Government;
      - (2) Courage in persevering against great odds and difficulties;
      - (3) Great ability in accomplishing extraordinary scientific or technological achievement;

- (4) Outstanding leadership in a major program of unusual importance and complexity;
  - (5) Long, distinguished career service.
  - c. Nomination procedures. Submit the original nomination and five copies to Commandant (G-WPC), including biographical data, a proposed citation, a detailed discussion of the achievement, and a summary of the achievement.
  - d. Nominating season. Any time during the year.
  - e. Awardee(s). The awardee receives a gold medal, lapel rosette made from the medal neck ribbon, and citation signed by the President.
2. Presidential Letter of Commendation.
- a. Award summary. These commendation letters can be authorized for suggestions, inventions, or special achievements beyond job requirements resulting in tangible benefits to the Government of \$250,000 or more. All civilian and military personnel, including individuals, small working groups, teams, and task forces, are eligible for nomination.
  - b. Criteria. Base nominations on a suggestion, invention, or special achievement beyond job requirements resulting in tangible benefits to the Government of \$250,000 or more and for which the nominee has received recognition under the Coast Guard Incentive Awards Program.
  - c. Nomination procedures. Send a nomination to Commandant (G-WPC) a containing the following information:
    - (1) Name of nominee(s).
    - (2) Title or rank.
    - (3) Organization.
    - (4) Brief description of employee contribution, citing the first year's measurable benefits.
    - (5) Coast Guard recognition.
    - (6) Date of previous Presidential letter, if any, the nominee(s) received.
  - d. Nomination Season. Any time during the year.
  - e. Awardee(s). The awardee receives a Letter of Commendation signed by the President.

3. Presidential Management Improvement Awards.

- a. Award summary. The President grants these honorary awards to individuals, small working groups, and teams for accomplishments resulting in substantial tangible benefits to the Government or exceptional achievements in an area of high Presidential interest. Military personnel are eligible for nomination.
- b. Criteria. Base nominations on contributions to improve Governmental operations and public services with verified tangible benefits of \$250,000 or more. Also, nominees must have been recommended for or received a Presidential Letter of Commendation when nominated.
- c. Nomination procedures. Submit nominations to Commandant (G-WPC) in the format prescribed in the annual award notice.
- d. Nomination Season. Usually October.
- e. Awardee(s). The awardee receives an engraved bronze plaque or certificate signed by the President.

## CHAPTER 12. REDUCTION IN FORCE (RIF)

- A. Purpose. This Chapter establishes procedures by which management effects reductions in force (RIF's) to increase operational efficiency, economy, or effectiveness by releasing an employee from his or her competitive level by separation, demotion, or reassignment requiring displacement. Reductions in force also occur when management must release an employee from his or her competitive level due to lack of work or funds, reorganization, reclassification due to change in duties, or the need to make a place for a person exercising reemployment or restoration rights.
- B. Scope. This Chapter applies to all permanent full-time and part-time employees.
- C. Advance Planning and Information.
1. Careful planning is necessary to minimize employees' personal suffering and administrative problems caused by hasty action. Separations, demotions, and displacements are common RIF consequences. Therefore, good employer/employee relationships require management to show concern for employees' problems, morale, and economic security. Managers must inform employees of plans affecting them and advise them of RIF procedures. Completely informing employees is an effective way to avoid harmful rumors and prevent unnecessary appeals and grievances.
  2. Avoid RIF's whenever possible. Alternate ways to adjust the workforce include managing recruitment and promotion, eliminating temporary positions, and reassigning employees occupying surplus positions.
  3. The commanding officer for MWR and CGES region managers will simultaneously inform all affected employees of the impending RIF, including its causes, the number and kind of positions affected, and applicable RIF regulations. Management may inform employees by written notice, but a group meeting is preferable, especially one that encourages employees to ask questions management answers frankly. Management will consult labor organizations with exclusive recognition about the RIF implementation before announcing it to employees.
  4. Servicing personnel offices must notify the Department of Labor in advance of a RIF involving 25 or more Nonappropriated Fund (NAF) employees.
- D. Definitions.
1. Commuting area. A geographic area usually constituting an area for employment purposes, such as an area where people live and can be expected to travel back and forth daily to their usual employment, normally within a 50-mile radius of the work site.
  2. Competing employee. An employee properly included on a retention register.

3. Competitive area. All NAF activities under a single command's jurisdiction. A satellite or branch activity located 10 or more miles from the command may constitute a separate competitive area.
4. Competitive level. All positions within the competitive area sufficiently alike in duties, responsibilities, requirements, pay grade or band, and appointment terms (full-time or part-time) so an incumbent of one position could move to another position in that level without changing appointment terms, requiring significant training, or unduly interrupting the work program. The job number from the employee's standard position guide or position description identifies the competitive level in Block 13 of Optional Form 8 (OF-8), Position Description sheet.
5. Function. A NAF-funded service or group of services, such as a Bachelor Officer Quarters, Officers Club, Exchange, etc.
6. Group. One of the two divisions on a retention register, listing employees in descending order of their retention scores. Group I employees have completed their probationary period; Group II employees are serving their probationary period.
7. Reduction in force (RIF) notice. An advance notice advising an employee a RIF affecting him or her will occur.
8. Reorganization. Any management action that may eliminate jobs, restructure positions, reduce working hours, change employment categories (full-time to part-time), or abolish or reduce a function or part of a function.
9. Retention register. A list of employees within a competitive area in their own competitive level, in descending order of retention.
10. Retention score. The number that establishes where an employee falls within a group on a retention register, produced by combining factors such as tenure (probationary and non-probationary service), length of Coast Guard NAF (or AF under portability) service, and performance. It reflects the employee's total Coast Guard NAF (or appropriated fund (AF) if covered under portability) service in permanent full-time and part-time positions on the basis of one point for each year of creditable service, with any additional months represented by decimals.

E. Policy.

1. Management will institute a RIF only in these circumstances:
  - a. The commanding officer for MWR and Commandant (G-WPX) have determined the workforce must be reduced.
  - b. The servicing personnel office has identified in writing the full-time or part-time surplus positions by job title, position description number, grade or pay band, and

organizational location.

- c. The servicing personnel office has established retention registers specifying the employees occupying positions targeted for RIF and registers for other competitive levels the reduction in force may affect.
2. Management will give each employee affected by the RIF a 30 calendar day advance written RIF notice (see Exhibit 12-1).
  3. The servicing personnel office will attempt to find positions for employees separated from their positions due to a RIF. If the personnel office cannot place employees in other NAF positions in the competitive area, it will provide reasonable assistance in finding positions through contacts with local employers and employment offices.
  4. Between the date the RIF notice is issued and the effective date of the last resulting personnel action, management will not attempt to fill a position of any type included in the surplus positions' competitive level with an employee from a different competitive level or any other applicant.
  5. Employees may file grievances on RIF actions only on the matters listed in Paragraph M.2. of this Chapter.
- F. Transfer of Function. A transfer of function (TOF) occurs when a function ceases in one competitive area and moves to one or more competitive areas that do not perform the function when transferred. The function must wholly cease in the old area(s) to meet this definition. If a single position continues to perform the function at a losing competitive area, the function has not ceased and TOF has not occurred.
- G. Establishing a Retention Register.
1. The servicing personnel office establishes a retention register listing the employees who may be displaced for each competitive level in which targeted RIF positions have been identified and for each competitive level.
  2. This basic information is required to establish a retention register:
    - a. Position identification, including titles, grades or pay band levels, series, job descriptions and standard position guides, and organizational locations.
    - b. Employees' names.
    - c. Each employee's probationary or non-probationary status.
    - d. Appointment terms (full-time or part-time). The personnel office will establish separate registers for full-time and for part-time employees.

- e. Performance rating effective when the servicing personnel office establishes the register.
  - f. Evidence of an employee's having received an outstanding or exceeds performance rating, an excellent or meets rating, or any monetary award for sustained superior performance or special achievement within the most recent 3 years.
  - g. Length of creditable service for RIF purposes.
3. The servicing personnel office will compute a retention score for each employee the RIF affects. The retention score determines an employee's standing on a retention register. In each group, rank employees by their service dates, reflecting their total NAF or AF service and additional service credit for certain performance ratings. The employees with the higher scores in the same group in the same register rank higher than those with lower scores in that group and register. All Group I employees (completed probation) rank higher than Group II employees (serving probation) on the same register, regardless of the scores.
4. Employees receive additional performance service credit based on the mathematical average of the value of the employee's three most recent ratings received before the RIF notice date. When computing the mathematical average, employees receive 4 additional years' credit for each Outstanding or Exceeds rating, 3 additional years for an Excellent or Meets rating, and 3 additional years for any monetary award for sustained superior performance or a special achievement award. Cash performance awards granted for these ratings do not accrue additional credit. For example, an employee whose last three performance ratings included two Outstanding/Exceeds and one Excellent/Meets rating would receive  $11 \text{ years} / 3 = 3.66$  rounded up to 4 additional years' credit.
5. The servicing personnel office will record the basis for breaking tied scores for each register with tied scores. Apply these criteria in the sequence listed to break all tied scores on a retention register:
- a. Length of service in the current position.
  - b. Completion of one year of honorable military service.
6. If any employee claims he or she is entitled to more credit points for service or performance than have been used to compute his or her retention score, he or she must supply evidence to support his or her claim before the RIF's effective date. If the employee supplies such evidence, the personnel office will re-compute his or her score and accordingly adjust his or her standing on the register. However, the personnel office will not adjust a score on the basis of a performance rating authorized after the register has been established or delay computing a score pending a decision on a grievance of a performance rating.

H. Changes in Standing on a Retention Register. The order of standing on a retention register on the date a RIF notice(s) was issued controls employees' entitlements throughout the notice period. The servicing personnel office will adjust standings to reflect these changes occurring during the notice period(s):

1. An employee completes probation.
2. The personnel office corrects an error in service or performance credit used to compute the score.
3. Adding to the competitive level employees lower on the register than those scheduled for separation from their positions.

I. Effecting a Reduction in Force (RIF).

1. When the commanding officer for MWR and Commandant (G-WPX) have determined a RIF is necessary, the command will identify the surplus positions.
2. The servicing personnel office will establish retention registers.
3. The commanding officer for MWR or CGES region manager will issue a 30 calendar day minimum advance notice of the RIF to each affected employee. These officials can re-delegate issuance of RIF notices to the manager of each activity having an employee affected by the RIF (see Exhibit 12-1).
4. Management will release employees in inverse order of their standing on the register. Management will not separate any employee from his or her position or reduce him or her in grade or pay band level due to a RIF if an employee with lower standing on the register in the same competitive level remains employed. A unit may retain out of order for whatever period required up to 90 calendar days an employee scheduled for separation from his or her position by a RIF in these two circumstances:
  - a. When necessary to permit the employee to use annual leave he or she otherwise would forfeit.
  - b. When an employee is working on an essential project, the commanding officer for MWR and Commandant (G-WPX) determine another employee cannot assume the work, and the project cannot be completed within 90 calendar days.
5. If management retains any employee out of order in his or her competitive level for more than 30 calendar days, management will notify in writing each employee scheduled for a RIF action with a higher standing on the register of the reasons for and expiration date of the temporary retention. Management will inform employees they may use grievance procedures to object to the retention. Managers will not delay reductions in force pending a decision on any grievance or appeal.

J. Reduction in Force (RIF) Notice and Notice Periods.

1. Management must give employees advance notice at least 30 full calendar days before the proposed action's effective date. In determining the 30 calendar days or any longer notice period, the activity will count neither the notice receipt date nor the proposed action's effective date. Managers will notify employees not in a duty status at the time of the RIF notice by means of certified mail, return receipt requested.
2. Reduction in force required actions will become effective only after the 30 calendar day advance notice period.
3. The RIF notice must clearly, specifically inform an employee of the action to be taken and the reasons for the action. At a minimum the notice must include:
  - a. The proposed actions' nature, such as separation, demotion, or reassignment.
  - b. The current position's title, grade or pay band, and salary; competitive level; competitive area; RIF group; and retention score.
  - c. When applicable, a statement of demotion or reassignment is in lieu of separation due to a RIF.
  - d. The proposed action's date.
  - e. The last day in a duty status in current position.
  - f. The reasons for the action.
  - g. Disposition of annual leave, such as use during the notice period, lump sum payment, or both.
  - h. Reasons for any time in a nonpay status during the notice period.
  - i. The office name and location where the employee can obtain information about the RIF and inspect pertinent retention registers and records.
  - j. The time limit for initiating a grievance related to the RIF.
4. An employee who has received an advance notice of a RIF may resign without giving the customary advance resignation notice but that resignation must become effective earlier than the scheduled RIF action's effective date.

K. Placing Employees Affected by a Reduction in Force (RIF).

1. When a RIF action will force an employee from his or her position, management will place him or her in another NAF position in the competitive area, reduce his or her hours, or separate that employee from the rolls.
2. A Group I (completed probation) employee forced to separate from his or her position by a RIF action is entitled to one offer of an available position, provided he or she is qualified and an employee in a lower group occupies the position. An employee is not entitled to the offer of a vacant position, although at its discretion management can offer a vacant position, if the employee is qualified or can perform the new position's full duties within a 90-day trial period. The position may not carry a higher grade, pay band level, or representative pay rate. Management may put the employee in a higher grade or pay band position if it selected him or her under proper merit promotion procedures. Each offer will specify the preferred position's title, grade or pay band level, salary, location, and hours of duty. The employee may accept or reject the offer. If the employee fails to reply within 5 calendar days, management will consider such failure a declination. No further offer is required.
3. An available position is one in the same competitive area for which the employee is qualified and meets all these conditions:
  - a. The position is in the same NF pay band or NA, NL, or NS grade.
  - b. The position carries the same grade, pay band, or representative pay rate as the employee's present one.
  - c. The position will last at least 3 months.
  - d. An employee whom the affected employee is entitled to displace (with a lower retention score) occupies the position.
4. If possible, the available position will have the same grade, pay band level, representative rate of pay, and number of duty hours per week as the employee's current position. If such a position is not available, it is proper for management to offer an available position at a lower grade, pay band level, or lower pay rate or with fewer weekly working hours. Management may properly offer a temporary position only if a permanent position is not available. Management may properly offer an employee who has served in a full-time position a regularly scheduled, part-time position only if a full-time position is not available. Management is not required to offer any employee an intermittent position.
5. If management cannot place an employee in a position under the provisions above and cannot make a better offer on the basis of group seniority, the employee is entitled to an offer of the last position from which he or she was promoted, provided an employee

6. In lieu of a required offer, management can offer a vacant position or, if two or more positions exist, can offer any of them. The employee is not entitled to a position at a higher grade, pay band level, or representative rate of pay than the position he or she occupied when the retention register was established.
7. Management has the discretion to administratively reassign employees affected by a RIF action and others and in fact should administratively place as many employees as possible to reduce the number of separations and provide further career opportunities.

L. Reduction in Force Records.

1. The servicing personnel office will establish all records necessary to determine competing employees' retention standing and retain these records for 1 year after issuing the RIF notices. These records will include this information:
  - a. Identification of the surplus positions, including whether full-time or part-time.
  - b. A copy of the retention register.
  - c. Copies of all advance notices and any amendments.
  - d. Copies of all assignment offers, if any, replies, or statements it received no replies.
  - e. The affected employees' organizational location.
  - f. Copies of all official personnel actions taken as a result or in lieu of the RIF.

M. Reviewing Reduction in Force (RIF) Actions.

1. At the request of an affected employee, the servicing personnel office will review a RIF action. The employee may request the review at any time between receiving the advance notice and 15 calendar days after the action's effective date.
2. The personnel office will review a RIF action only for these issues:
  - a. Accuracy of computing the RIF score.
  - b. Whether the employee was properly notified and received notice of his or her release from the competitive level.
  - c. The adequacies of the RIF notice.
  - d. The length of the notice period.

- e. Whether the Office made an offer when an available position existed.
  - f. Failure to provide reasons for exceptions to retention order.
3. The Personnel Office will not review these matters.
- a. The determination the RIF was necessary.
  - b. The type and number of jobs declared surplus.
  - c. The RIF's effective date.
  - d. The position offered the employee, if management determines the personnel office followed this Chapter's provisions about making an offer.
4. If after review the employee is not satisfied with explanation of the action taken, employee will be advised of the procedures for initiating a formal grievance. The grievance must be presented within 15 calendar days after the effective date of the action and can only pertain to matters outlined in Paragraph M.2. of this Chapter.
- N. Reemployment Priority List. Each command for MWR and Commandant (G-WPX) separating employees from their positions in a RIF action will retain such employees' names for 1 year on a reemployment priority list. If a vacancy occurs in the former position's competitive level, management will offer the position to listed employees in the order of their retention scores, beginning with the highest. The personnel office will delete an employee separated from a regular full-time position when he or she accepts or declines a regular full-time position with the same representative rate as the previous position. The personnel office will follow an identical procedure in removing a former part-time employee from the list after offering a permanent full-time or part-time position. Appointment under this paragraph is not subject to competitive procedures.
- O. Special Instructions for Reducing Regularly Scheduled Duty Hours.
- 1. Change of Employment Category. The unit will follow normal RIF and official notification procedures if reducing the regularly scheduled hours of duty per week changes the employment category as follows (see Exhibit 12-1):
    - a. Permanent part-time changes to intermittent employment.
    - b. Permanent full-time changes to permanent part-time or intermittent employment.
  - 2. Reducing Hours. The unit will not follow Reduction in Force procedures if it reduces the regularly scheduled weekly duty hours to a weekly schedule of fewer hours than specified for the position when appointed but does not change the initial condition of employment category.

- a. At least 14 calendar days before the reduction's effective date, the unit will give the employee a written notice advising it will reduce the regularly scheduled duty hours. A decision notice is not required.
- b. The notice will contain this information:
  - (1) The effective date of the reduction in duty hours.
  - (2) The number of regularly scheduled hours each week the employee will work after the reduction's effective date.
  - (3) A statement the employee will continue to serve in the position with the reduced number of hours unless he or she chooses to resign.
  - (4) If the employee retains his or her existing pay rate, a statement the reduced duty hours will not affect the current hourly rate.
  - (5) The personnel office will give the employee a Notification of Personnel Action, Standard Form 50 (SF-50).

P. Dissolving a Nonappropriated Fund Activity. If Commandant (G-WPX) determines to dissolve a NAF activity and abolish all its functions and positions, management will follow the usual RIF procedures, except for these two:

- 1. Management will give each employee 60 calendar days notice and afterwards separate employees in inverse order of their standing on a retention register. The activity may retain employees required to close out the activity up to 30 calendar days after the 60 calendar days expire. The activity will select such employees based on their standing on a retention register.
- 2. The servicing personnel office will process the personnel actions. If the employing command deactivates before all the NAF personnel actions have been processed, Commandant (G-WPX) will complete processing the personnel actions.



(SSIC)  
(DATE)

From: Name and Title of Initiating Official

To: Name and Title of Employee

Subj: NOTICE OF REDUCTION IN FORCE (RIF)

1. This letter officially informs you the position you now occupy, (TITLE, SERIES, GRADE/PAY BAND, and PDN), is scheduled to be abolished due to (REASON FOR RIF)
2. This reduction in force (RIF) action complies with the current Coast Guard Nonappropriated Fund (NAF) Personnel Manual, COMDTINST MI2271.1A, regulations and applicable Collective Bargaining Agreements. You may inspect all records, regulations, and retention registers applicable to this action in the NAF Administrative/Personnel Office. The retention register established for this action shows your standing as follows:  
  
Title, Series, Grade/Pay Band: ( \_\_\_\_\_ )  
  
Competitive Level: ( \_\_\_\_\_ )  
  
Competitive Area: ( \_\_\_\_\_ )  
  
Service Computation Date: ( \_\_\_\_\_ )
3. Under RIF procedures, you have retention rights to any position for which you are senior based on your service computation date (SCD), title, series, competitive level, and grade or pay band. However, your position is the only (SERIES, GRADE/PAY BAND, RATE OF PAY) within your competitive level; therefore we are unable to offer you another position. However, you have the right to retreat to (TITLE, SERIES, GRADE/PAY BAND), from which you were promoted to your present position. A copy of the position description/position guide is attached. You must notify the (CGES or MWR) Officer of your decision to accept or decline this offer within 5 working days after receiving this letter. If you decline this position, you are not entitled to any further retreat rights.
4. You will remain in an active work status through (AT LEAST 30 CALENDAR DAYS' NOTICE), which will your effective separation date unless you resign your position before then.
5. You will remain on a Reemployment Priority List (RPL) designed to give RIF-separated employees priority consideration for vacant positions over applicants from outside Coast

Guard NAF for 1 year, until (Date). If you decline an offer from the RPL, management will no longer consider you for positions at or below the grade declined.

6. Management will pay you a lump sum for any accrued accumulated annual leave to your credit on the date separated
7. If you believe your rights have been violated based on procedural error, you may appeal this action through the NAF administrative grievance procedures or negotiated grievance procedures if applicable within 15 calendar days after receiving this notice. The personnel office will give you a copy of the appeal procedures at your request. If you decide to appeal, you must identify yourself by name, title, grade or pay band, organizational unit, and specific relief you request. Submit your written appeal, which must contain the specific grounds on which you are basing your appeal, to (OFFICIAL'S NAME).
8. You are entitled to choose your own representative, who must be willing and free to represent you, i.e., not disqualified because of conflict of interest or position or unavailable to serve because of the Service's priority needs or unreasonable costs to the Government.
9. If you wish assistance, (NAME and TITLE), located in (OFFICE and LOCATION) is available for counsel and advice.
10. I assure you management is taking this action only for the reasons mentioned above; the action does not in any way reflect adversely on your work performance.

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SIGNER'S NAME AND SIGNATURE

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EMPLOYEE'S NAME AND SIGNATURE (**file copy only**)

## CHAPTER 12. REDUCTION IN FORCE (RIF)

- D. Purpose. This Chapter establishes procedures by which management effects reductions in force (RIF's) to increase operational efficiency, economy, or effectiveness by releasing an employee from his or her competitive level by separation, demotion, or reassignment requiring displacement. Reductions in force also occur when management must release an employee from his or her competitive level due to lack of work or funds, reorganization, reclassification due to change in duties, or the need to make a place for a person exercising reemployment or restoration rights.
- E. Scope. This Chapter applies to all permanent full-time and part-time employees.
- F. Advance Planning and Information.
5. Careful planning is necessary to minimize employees' personal suffering and administrative problems caused by hasty action. Separations, demotions, and displacements are common RIF consequences. Therefore, good employer/employee relationships require management to show concern for employees' problems, morale, and economic security. Managers must inform employees of plans affecting them and advise them of RIF procedures. Completely informing employees is an effective way to avoid harmful rumors and prevent unnecessary appeals and grievances.
  6. Avoid RIF's whenever possible. Alternate ways to adjust the workforce include managing recruitment and promotion, eliminating temporary positions, and reassigning employees occupying surplus positions.
  7. The commanding officer for MWR and CGES region managers will simultaneously inform all affected employees of the impending RIF, including its causes, the number and kind of positions affected, and applicable RIF regulations. Management may inform employees by written notice, but a group meeting is preferable, especially one that encourages employees to ask questions management answers frankly. Management will consult labor organizations with exclusive recognition about the RIF implementation before announcing it to employees.
  8. Servicing personnel offices must notify the Department of Labor in advance of a RIF involving 25 or more Nonappropriated Fund (NAF) employees.
- D. Definitions.
11. Commuting area. A geographic area usually constituting an area for employment purposes, such as an area where people live and can be expected to travel back and forth daily to their usual employment, normally within a 50-mile radius of the work site.
  12. Competing employee. An employee properly included on a retention register.

13. Competitive area. All NAF activities under a single command's jurisdiction. A satellite or branch activity located 10 or more miles from the command may constitute a separate competitive area.
14. Competitive level. All positions within the competitive area sufficiently alike in duties, responsibilities, requirements, pay grade or band, and appointment terms (full-time or part-time) so an incumbent of one position could move to another position in that level without changing appointment terms, requiring significant training, or unduly interrupting the work program. The job number from the employee's standard position guide or position description identifies the competitive level in Block 13 of Optional Form 8 (OF-8), Position Description sheet.
15. Function. A NAF-funded service or group of services, such as a Bachelor Officer Quarters, Officers Club, Exchange, etc.
16. Group. One of the two divisions on a retention register, listing employees in descending order of their retention scores. Group I employees have completed their probationary period; Group II employees are serving their probationary period.
17. Reduction in force (RIF) notice. An advance notice advising an employee a RIF affecting him or her will occur.
18. Reorganization. Any management action that may eliminate jobs, restructure positions, reduce working hours, change employment categories (full-time to part-time), or abolish or reduce a function or part of a function.
19. Retention register. A list of employees within a competitive area in their own competitive level, in descending order of retention.
20. Retention score. The number that establishes where an employee falls within a group on a retention register, produced by combining factors such as tenure (probationary and non-probationary service), length of Coast Guard NAF (or AF under portability) service, and performance. It reflects the employee's total Coast Guard NAF (or appropriated fund (AF) if covered under portability) service in permanent full-time and part-time positions on the basis of one point for each year of creditable service, with any additional months represented by decimals.

N. Policy.

6. Management will institute a RIF only in these circumstances:
  - d. The commanding officer for MWR and Commandant (G-WPX) have determined the workforce must be reduced.
  - e. The servicing personnel office has identified in writing the full-time or part-time surplus positions by job title, position description number, grade or pay band, and

organizational location.

- f. The servicing personnel office has established retention registers specifying the employees occupying positions targeted for RIF and registers for other competitive levels the reduction in force may affect.
7. Management will give each employee affected by the RIF a 30 calendar day advance written RIF notice (see Exhibit 12-1).
  8. The servicing personnel office will attempt to find positions for employees separated from their positions due to a RIF. If the personnel office cannot place employees in other NAF positions in the competitive area, it will provide reasonable assistance in finding positions through contacts with local employers and employment offices.
  9. Between the date the RIF notice is issued and the effective date of the last resulting personnel action, management will not attempt to fill a position of any type included in the surplus positions' competitive level with an employee from a different competitive level or any other applicant.
  10. Employees may file grievances on RIF actions only on the matters listed in Paragraph M.2. of this Chapter.
- O. Transfer of Function. A transfer of function (TOF) occurs when a function ceases in one competitive area and moves to one or more competitive areas that do not perform the function when transferred. The function must wholly cease in the old area(s) to meet this definition. If a single position continues to perform the function at a losing competitive area, the function has not ceased and TOF has not occurred.
- P. Establishing a Retention Register.
7. The servicing personnel office establishes a retention register listing the employees who may be displaced for each competitive level in which targeted RIF positions have been identified and for each competitive level.
  8. This basic information is required to establish a retention register:
    - h. Position identification, including titles, grades or pay band levels, series, job descriptions and standard position guides, and organizational locations.
    - i. Employees' names.
    - j. Each employee's probationary or non-probationary status.
    - k. Appointment terms (full-time or part-time). The personnel office will establish separate registers for full-time and for part-time employees.

- l. Performance rating effective when the servicing personnel office establishes the register.
  - m. Evidence of an employee's having received an outstanding or exceeds performance rating, an excellent or meets rating, or any monetary award for sustained superior performance or special achievement within the most recent 3 years.
  - n. Length of creditable service for RIF purposes.
9. The servicing personnel office will compute a retention score for each employee the RIF affects. The retention score determines an employee's standing on a retention register. In each group, rank employees by their service dates, reflecting their total NAF or AF service and additional service credit for certain performance ratings. The employees with the higher scores in the same group in the same register rank higher than those with lower scores in that group and register. All Group I employees (completed probation) rank higher than Group II employees (serving probation) on the same register, regardless of the scores.
10. Employees receive additional performance service credit based on the mathematical average of the value of the employee's three most recent ratings received before the RIF notice date. When computing the mathematical average, employees receive 4 additional years' credit for each Outstanding or Exceeds rating, 3 additional years for an Excellent or Meets rating, and 3 additional years for any monetary award for sustained superior performance or a special achievement award. Cash performance awards granted for these ratings do not accrue additional credit. For example, an employee whose last three performance ratings included two Outstanding/Exceeds and one Excellent/Meets rating would receive  $11 \text{ years} / 3 = 3.66$  rounded up to 4 additional years' credit.
11. The servicing personnel office will record the basis for breaking tied scores for each register with tied scores. Apply these criteria in the sequence listed to break all tied scores on a retention register:
- c. Length of service in the current position.
  - d. Completion of one year of honorable military service.
12. If any employee claims he or she is entitled to more credit points for service or performance than have been used to compute his or her retention score, he or she must supply evidence to support his or her claim before the RIF's effective date. If the employee supplies such evidence, the personnel office will re-compute his or her score and accordingly adjust his or her standing on the register. However, the personnel office will not adjust a score on the basis of a performance rating authorized after the register has been established or delay computing a score pending a decision on a grievance of a performance rating.

Q. Changes in Standing on a Retention Register. The order of standing on a retention register on the date a RIF notice(s) was issued controls employees' entitlements throughout the notice period. The servicing personnel office will adjust standings to reflect these changes occurring during the notice period(s):

4. An employee completes probation.
5. The personnel office corrects an error in service or performance credit used to compute the score.
6. Adding to the competitive level employees lower on the register than those scheduled for separation from their positions.

R. Effecting a Reduction in Force (RIF).

6. When the commanding officer for MWR and Commandant (G-WPX) have determined a RIF is necessary, the command will identify the surplus positions.
7. The servicing personnel office will establish retention registers.
8. The commanding officer for MWR or CGES region manager will issue a 30 calendar day minimum advance notice of the RIF to each affected employee. These officials can re-delegate issuance of RIF notices to the manager of each activity having an employee affected by the RIF (see Exhibit 12-1).
9. Management will release employees in inverse order of their standing on the register. Management will not separate any employee from his or her position or reduce him or her in grade or pay band level due to a RIF if an employee with lower standing on the register in the same competitive level remains employed. A unit may retain out of order for whatever period required up to 90 calendar days an employee scheduled for separation from his or her position by a RIF in these two circumstances:
  - c. When necessary to permit the employee to use annual leave he or she otherwise would forfeit.
  - d. When an employee is working on an essential project, the commanding officer for MWR and Commandant (G-WPX) determine another employee cannot assume the work, and the project cannot be completed within 90 calendar days.
10. If management retains any employee out of order in his or her competitive level for more than 30 calendar days, management will notify in writing each employee scheduled for a RIF action with a higher standing on the register of the reasons for and expiration date of the temporary retention. Management will inform employees they may use grievance procedures to object to the retention. Managers will not delay reductions in force pending a decision on any grievance or appeal.

S. Reduction in Force (RIF) Notice and Notice Periods.

4. Management must give employees advance notice at least 30 full calendar days before the proposed action's effective date. In determining the 30 calendar days or any longer notice period, the activity will count neither the notice receipt date nor the proposed action's effective date. Managers will notify employees not in a duty status at the time of the RIF notice by means of certified mail, return receipt requested.
5. Reduction in force required actions will become effective only after the 30 calendar day advance notice period.
6. The RIF notice must clearly, specifically inform an employee of the action to be taken and the reasons for the action. At a minimum the notice must include:
  - k. The proposed actions' nature, such as separation, demotion, or reassignment.
  - l. The current position's title, grade or pay band, and salary; competitive level; competitive area; RIF group; and retention score.
  - m. When applicable, a statement of demotion or reassignment is in lieu of separation due to a RIF.
  - n. The proposed action's date.
  - o. The last day in a duty status in current position.
  - p. The reasons for the action.
  - q. Disposition of annual leave, such as use during the notice period, lump sum payment, or both.
  - r. Reasons for any time in a nonpay status during the notice period.
  - s. The office name and location where the employee can obtain information about the RIF and inspect pertinent retention registers and records.
  - t. The time limit for initiating a grievance related to the RIF.
4. An employee who has received an advance notice of a RIF may resign without giving the customary advance resignation notice but that resignation must become effective earlier than the scheduled RIF action's effective date.

T. Placing Employees Affected by a Reduction in Force (RIF).

8. When a RIF action will force an employee from his or her position, management will place him or her in another NAF position in the competitive area, reduce his or her hours, or separate that employee from the rolls.
9. A Group I (completed probation) employee forced to separate from his or her position by a RIF action is entitled to one offer of an available position, provided he or she is qualified and an employee in a lower group occupies the position. An employee is not entitled to the offer of a vacant position, although at its discretion management can offer a vacant position if the employee is qualified or can perform the new position's full duties within a 90-day trial period. The position may not carry a higher grade, pay band level, or representative pay rate. Management may put the employee in a higher grade or pay band position if it selected him or her under proper merit promotion procedures. Each offer will specify the preferred position's title, grade or pay band level, salary, location, and hours of duty. The employee may accept or reject the offer. If the employee fails to reply within 5 calendar days, management will consider such failure a declination. No further offer is required.
10. An available position is one in the same competitive area for which the employee is qualified and meets all these conditions:
  - e. The position is in the same NF pay band or NA, NL, or NS grade.
  - f. The position carries the same grade, pay band, or representative pay rate as the employee's present one.
  - g. The position will last at least 3 months.
  - h. An employee whom the affected employee is entitled to displace (with a lower retention score) occupies the position.
11. If possible, the available position will have the same grade, pay band level, representative rate of pay, and number of duty hours per week as the employee's current position. If such a position is not available, it is proper for management to offer an available position at a lower grade, pay band level, or lower pay rate or with fewer weekly working hours. Management may properly offer a temporary position only if a permanent position is not available. Management may properly offer an employee who has served in a full-time position a regularly scheduled, part-time position only if a full-time position is not available. Management is not required to offer any employee an intermittent position.
12. If management cannot place an employee in a position under the provisions above and cannot make a better offer on the basis of group seniority, the employee is entitled to an offer of the last position from which he or she was promoted, provided an employee

with a lower retention score than the separating employee occupies the position.

13. In lieu of a required offer, management can offer a vacant position or, if two or more positions exist, can offer any of them. The employee is not entitled to a position at a higher grade, pay band level, or representative rate of pay than the position he or she occupied when the retention register was established.
14. Management has the discretion to administratively reassign employees affected by a RIF action and others and in fact should administratively place as many employees as possible to reduce the number of separations and provide further career opportunities.

U. Reduction in Force Records.

2. The servicing personnel office will establish all records necessary to determine competing employees' retention standing and retain these records for 1 year after issuing the RIF notices. These records will include this information:
  - g. Identification of the surplus positions, including whether full-time or part-time.
  - h. A copy of the retention register.
  - i. Copies of all advance notices and any amendments.
  - j. Copies of all assignment offers, if any, replies, or statements it received no replies.
  - k. The affected employees' organizational location.
  - l. Copies of all official personnel actions taken as a result or in lieu of the RIF.
3. The servicing personnel office need not include information available in employees' official personnel folders required by Paragraph L.1. of this Chapter in the RIF file.

V. Reviewing Reduction in Force (RIF) Actions.

4. At the request of an affected employee, the servicing personnel office will review a RIF action. The employee may request the review at any time between receiving the advance notice and 15 calendar days after the action's effective date.
5. The personnel office will review a RIF action only for these issues:
  - g. Accuracy of computing the RIF score.
  - h. Whether the employee was properly notified and received notice of his or her release from the competitive level.

- i. The adequacies of the RIF notice.
  - j. The length of the notice period.
  - k. Whether the Office made an offer when an available position existed.
  - l. Failure to provide reasons for exceptions to retention order.
6. The Personnel Office will not review these matters.
- e. The determination the RIF was necessary.
  - f. The type and number of jobs declared surplus.
  - g. The RIF's effective date.
  - h. The position offered the employee, if management determines the personnel office followed this Chapter's provisions about making an offer.
4. If after review the employee is not satisfied with explanation of the action taken, employee will be advised of the procedures for initiating a formal grievance. The grievance must be presented within 15 calendar days after the effective date of the action and can only pertain to matters outlined in 2 above.
- N. Reemployment Priority List. Each command for MWR and Commandant (G-WPX) separating employees from their positions in a RIF action will retain such employees' names for 1 year on a reemployment priority list. If a vacancy occurs in the former position's competitive level, management will offer the position to listed employees in the order of their retention scores, beginning with the highest. The personnel office will delete an employee separated from a regular full-time position when he or she accepts or declines a regular full-time position with the same representative rate as the previous position. The personnel office will follow an identical procedure in removing a former part-time employee from the list after offering a permanent full-time or part-time position. Appointment under this paragraph is not subject to competitive procedures.
- O. Special Instructions for Reducing Regularly Scheduled Duty Hours.
3. Change of Employment Category. The unit will follow normal RIF and official notification procedures if reducing the regularly scheduled hours of duty per week changes the employment category as follows (see Exhibit 12-1):
- c. Permanent part-time changes to intermittent employment.
  - d. Permanent full-time changes to permanent part-time or intermittent employment.

4. Reducing Hours. The unit will not follow Reduction in Force procedures if it reduces the regularly scheduled weekly duty hours to a weekly schedule of fewer hours than specified for the position when appointed but does not change the initial condition of employment category.
  - c. At least 14 calendar days before the reduction's effective date, the unit will give the employee a written notice advising it will reduce the regularly scheduled duty hours. A decision notice is not required.
  - d. The notice will contain this information:
    - (6) The effective date of the reduction in duty hours.
    - (7) The number of regularly scheduled hours each week the employee will work after the reduction's effective date.
    - (8) A statement the employee will continue to serve in the position with the reduced number of hours unless he or she chooses to resign.
    - (9) If the employee retains his or her existing pay rate, a statement the reduced duty hours will not affect the current hourly rate.
    - (10) The personnel office will give the employee a Notification of Personnel Action (SF 50).

Q. Dissolving a Nonappropriated Fund Activity. If Commandant (G-WPX) determines to dissolve a NAF activity and abolish all its functions and positions, management will follow the usual RIF procedures, except for these two:

3. Management will give each employee 60 calendar days notice and afterwards separate employees in inverse order of their standing on a retention register. The activity may retain employees required to close out the activity up to 30 calendar days after the 60 calendar days expire. The activity will select such employees based on their standing on a retention register.
4. The servicing personnel office will process the personnel actions. If the employing command deactivates before all the NAF personnel actions have been processed, Commandant (G-WPX) will complete processing the personnel actions.



(SSIC)  
(DATE)

From: Name and Title of Initiating Official

To: Name and Title of Employee

Subj: NOTICE OF REDUCTION IN FORCE (RIF)

11. This letter officially informs you the position you now occupy, (TITLE, SERIES, GRADE/PAY BAND, and PDN), is scheduled to be abolished due to (REASON FOR RIF)

12. This reduction in force (RIF) action complies with the current Coast Guard Nonappropriated Fund (NAF) Personnel Manual, COMDTINST MI2271.1A, regulations and applicable Collective Bargaining Agreements. You may inspect all records, regulations, and retention registers applicable to this action in the NAF Administrative/Personnel Office. The retention register established for this action shows your standing as follows:

Title, Series, Grade/Pay Band: (\_\_\_\_\_)

Competitive Level: (\_\_\_\_\_)

Competitive Area: (\_\_\_\_\_)

Service Computation Date: (\_\_\_\_\_)

13. Under RIF procedures, you have retention rights to any position for which you are senior based on your service computation date (SCD), title, series, competitive level, and grade or pay band. However, your position is the only (SERIES, GRADE/PAY BAND, RATE OF PAY) within your competitive level; therefore we are unable to offer you another position. However, you have the right to retreat to (TITLE, SERIES, GRADE/PAY BAND), from which you were promoted to your present position. A copy of the position description/position guide is attached. You must notify the (CGES or MWR) Officer of your decision to accept or decline this offer within 5 working days after receiving this letter. If you decline this position, you are not entitled to any further retreat rights.

14. You will remain in an active work status through (AT LEAST 30 CALENDAR DAYS' NOTICE), which will your effective separation date unless you resign your position before then.

15. You will remain on a Reemployment Priority List (RPL) designed to give RIF-separated employees priority consideration for vacant positions over applicants from outside Coast

Guard NAF for 1 year, until (Date). If you decline an offer from the RPL, management will no longer consider you for positions at or below the grade declined.

16. Management will pay you a lump sum for any accrued accumulated annual leave to your credit on the date separated
17. If you believe your rights have been violated based on procedural error, you may appeal this action through the NAF administrative grievance procedures or negotiated grievance procedures if applicable within 15 calendar days after receiving this notice. The personnel office will give you a copy of the appeal procedures at your request. If you decide to appeal, you must identify yourself by name, title, grade or pay band, organizational unit, and specific relief you request. Submit your written appeal, which must contain the specific grounds on which you are basing your appeal, to (OFFICIAL'S NAME).
18. You are entitled to choose your own representative, who must be willing and free to represent you, i.e., not disqualified because of conflict of interest or position or unavailable to serve because of the Service's priority needs or unreasonable costs to the Government.
19. If you wish assistance, (NAME and TITLE), located in (OFFICE and LOCATION) is available for counsel and advice.
20. I assure you management is taking this action only for the reasons mentioned above; the action does not in any way reflect adversely on your work performance.

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SIGNER'S NAME AND SIGNATURE

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EMPLOYEE'S NAME AND SIGNATURE (**file copy only**)

## CHAPTER 13. EMPLOYEE DEVELOPMENT

- A. General Policy. It is the Coast Guard's policy to increase productivity by providing civilian employees training and development opportunities to improve performance of official duties; accommodate present and future workforce needs; and encourage employee self-development efforts. The Coast Guard shall provide each civilian employee with opportunities to participate in training and development experiences regardless of race, religion, color, sex, sexual orientation, national origin, age, disability, or other factors unrelated to the need for training.
- B. Responsibilities. Commandant (G-WPX) determines NAF employees training needs throughout Coast Guard Nonappropriated Fund (NAF) Activities and ensures training programs are available to meet these needs. Commandant (G-WPX) has further delegated responsibility to commanding officers for MWR programs and CGES region managers to establish and approve these kinds of training:
1. All non-Government training of 80 hours.
  2. All Government training of 120 or fewer days.
- C. Funding. With the assistance of the Morale, Well-Being and Recreation (MWR) Officer and CGES region managers, commanding officers plan, program, and budget NAF employee training. When determining appropriate funding sources, these officials must consider factors such as command and control, mission relevance, and nature of the training and follow these funding guidelines:
1. Command and Control Training. Depending on the course of study, Commandant (G-WTT) or Commandant (G-WPX) may fund courses such as NAF personnel management, sexual harassment awareness, supervisory training, labor-management relations, CGES administration, and CGES and MWR strategy training.
  2. Additional Job-Related Training. Nonappropriated funds must be used for job-related but not Command and Control training, e.g., marketing techniques, customer service, retail operations, college or technical courses, and self-development.
- D. Reviewing Training Requests. Morale, Well-Being and Recreation officers and CGES managers shall carefully scrutinize all training requests to ensure the courses' overall content and objectives relate to employees' current assignments. In addition, training approving officials will consider all requests in relation to their overall training needs, priorities, availability of funds, and ability to incorporate the training into the Coast Guard missions and programs.
- E. Selecting Employees for Training. As a supervisory responsibility, MWR officers and CGES managers nominate employees for training. The organizational unit conducting or arranging the training gives final approval to an employee attending a particular course. When considering training employees in a given occupational level through either

Government or non-Government facilities, supervisors shall weigh these factors in selecting employees for training:

1. The employee's need for training.
  2. The training's potential to increase the employee's opportunity for advancement.
  3. The extent to which the training may improve knowledge, skills, abilities, or performance .
  4. Employees' ability to pass on the training to others.
- F. Commandant (G-WPX) Responsibilities. Commandant (G-WPX) develops NAF-wide training policy, program guidance, and evaluations and administers certain programs. Headquarters sponsors training courses and issues directives about them annually or when scheduled.
- G. Activity Responsibilities. Within the policy and guidelines provided by Commandant (G-WPX), the individual activity:
1. Plans, administers, and coordinates the training program with budget and other management officials as appropriate.
  2. Provides training and development advisory services, assistance, and advice to all management levels and serves as the primary source of specialized, detailed information.
  3. Ensures compliance with statutory and regulatory requirements and internal program standards.
  4. Provides all operational and procedural services as required, including taking timely actions, establishing and maintaining necessary records, preparing required reports, etc.
  5. Prepares training activity plans, plans supervisory training and other centrally conducted programs, and evaluates training effectiveness.
- H. Managers and Supervisors. Managers and supervisors will oversee employees' training for increased efficiency, including:
1. Assessing training needs by identifying the knowledge, skills, and abilities required of their subordinates.
  2. Assisting employees to prepare for additional duties and responsibilities.

3. Encouraging employees to improve their performance through systematic, continuous self-development.
  4. Providing planned, systematic training for subordinates; conducting on-the-job training for employees; and assuring training costs are necessary and reasonable.
  5. Evaluating training provided their employees by noting improvements in performance based on training received.
  6. Discussing training needs during employees' performance evaluations and following up periodically.
- I. Employees. Employees shall take these actions:
1. Identify their own training needs and objectively relate them to current job requirements and career development plans.
  2. Work with their supervisor in preparing individual development plans (IDP's) when used.
  3. Actively participate in assigned training programs.
  4. Evaluate training by frankly commenting to their supervisors on the value of training received and its relevance to job functions.
- J. Self-Development. Managers may approve or fund on or off duty self-development only if it is relevant to present duties or planned or possible future assignments. However, managers may assist employees who wish to pursue non-job-related, occupational-oriented self-development. Assistance includes adjusting work schedules, granting leave without pay or annual leave for educational purposes, or attending general career counseling programs or activities. Managers will encourage self-development activities consistent with mission goals and work requirements.
- K. Counseling Employees. Supervisors shall provide job-related training and development counseling to their employees to help them attain full competence in performing official duties. Appropriate personnel staff should be available to provide career counseling on the knowledge, skills, and abilities required to perform official duties in a future assignment.
- L. Informing Employees of Training Opportunities. Personnel offices shall promptly, fully disseminate all relevant announcements of opportunities and available programs throughout the activity.
- M. Permanent Record of Training. Personnel offices shall maintain employees' training and self-development activities on the permanent (right) side of the Official Personnel Folder (OPF).

- N. Funding College and University Training. When funding is available it is Coast Guard NAF policy to financially support tuition for one course per semester for approved training courses at colleges and universities for students taking job-related training during non-duty hours. The CGES manager or MWR officer must approve undergraduate or graduate courses. Textbooks and supplies are not reimbursable.
- O. Continued Service Agreement.
1. Non-Government Training. Employees scheduled to attend non-Government training longer than 80 hours for a single program and for which the Coast Guard pays all or part of the non-salary costs must sign a continued service agreement, printed on the reverse of SF-182, before attending such training.
  2. SF-182. Use the SF-182, Section G on reverse of Copy 1, to execute the written continued service agreement before the employee starts training. Failure to sign an agreement when required does not relieve the employee of the obligation to continue in service for the required length of time.
  3. Servicing Personnel. The servicing personnel office shall inform employees of all conditions, entitlements, and obligations before they begin training in a non-Government facility.
  4. Exceptions from Continued Service Agreements. Employees are exempt from continued service requirements when training meets any one of these conditions:
    - a. A single program is 80 or fewer hours.
    - b. Involves no Coast Guard expense other than pay.
    - c. Training is taken by correspondence.
  5. Voluntary Separations. Employees who voluntarily separate from NAF employment before their continued service period expires are required to repay the Coast Guard for the additional training expenses incurred proportionate to the remaining continued service period. The servicing personnel office shall notify employees in writing of the repayment amount before separation.
  6. Computing Length of Continued Service.
    - a. The required service period is three times the training's duration when nonappropriated funds pay both salary and training costs.
    - b. The required service period is 1 month or the duration of the training period, whichever is greater, when the Government and/or nonappropriated funds pay all or part of the training cost excluding salary.

- c. The employee's continued service begins on the first complete workday after the training covered by the agreement ends and does not include any service in a nonpay status, except that at the Coast Guard's convenience.
7. Recovering Funds. Employees who fail to fulfill a continued service agreement must repay the Government and/or the NAF activity a maximum sum equal to the percent of the additional expenses proportional to the percent of the agreement not completed. For example, if an employee has 1 year of a 3-year obligation remaining, the repayment amount shall equal a maximum of one-third of the entire training cost. If the personnel office cannot obtain repayment directly from the employee, that office shall act to recover the funds from any pay or other monies due the employee.
- P. Paying Employees. An employee will be paid during authorized training with these provisions:
1. Premium pay is not authorized for time outside regular working hours spent in training.
  2. Overtime pay is not authorized for time spent in training.
  3. Overtime pay is not authorized for any hours exceeding 8 in one day or 40 in an administrative work week when an employee attends training after reporting to work.
  4. Overtime pay is authorized for hours exceeding 40 in an administrative work week only if an employee attends a training course during the first part of his or her shift and later reports back to work.
  5. The Department of Transportation (DOT) Travel Manual, 1500.6, governs paying travel, per diem, and transportation costs of employees assigned to training.
- Q. Protecting Government Interests. Managers and supervisors at all levels shall protect the Coast Guard's interests as follows if an employee fails to complete Government or non-Government training partially or fully paid by Coast Guard funds.
1. Government Training. If an employee fails to satisfactorily complete Government training, the employee must fully reimburse the Government or NAF if the failure is due to the employee's negligence or willful misconduct. The employee is not obligated for reimbursement if failure is due to reasons beyond the employee's control, such as illness or recall by proper authority.
  2. Non-Government Training. The Personnel Office shall inform the employee in advance if the Coast Guard will pay for the training beforehand or on completion or if the employee must share the training costs. In some cases, the continued service agreement may include this information. If an employee fails to satisfactorily complete non-Government training, personnel offices will act as described in Paragraph O.7. of this Chapter. Personnel shall advise employees in writing of these requirements before the training starts.



## CHAPTER 14. LABOR-MANAGEMENT RELATIONS

### A. General.

1. This Chapter discusses the basic elements of the labor relations program stipulated in Title 5, United States Code, Chapter 71 (5 USC 71), "Labor Management Relations."
2. Where bargaining units exist, Department of Transportation Order 3710.4 governs labor-management policies and procedures in accordance with 5 USC 71.
3. All employees are protected in exercising their right to freely form and join any lawful employee organization (union) without fear of penalty or reprisal or to refrain from joining any such activity. Coast Guard management will not interfere, restrain, coerce, or discriminate to encourage or discourage membership in any employee organization.

### B. Definitions.

1. Bargaining Unit. Normally a group of non-supervisory employees appropriate for the purpose of representation in dealing with management under exclusive recognition.
2. Exclusive Recognition. The right of a union chosen and elected by a majority of the unit's employees to represent all the unit's employees, even if they are not union members.
3. Labor-Management Partnership. A relationship between a labor organization and an agency (command, installation, activity, or other organizational element that recognizes the labor organization) designed to involve employees and union representatives in identifying problems and crafting solutions to better serve the agency's customers and carry out its mission. Although partnerships have no prescribed format or structure, local management is delegated responsibility to develop labor-management partnerships fostering cooperation, consensual methods of dispute resolution, and continual improvements in organizational performance. Units must coordinate formal written partnership agreements with Commandant (G-WPC).
4. Labor Organization. A lawful organization of any kind, commonly known as a union, in which employees participate and that exists wholly or partly to deal with management on grievances, personnel policies and practices, or other matters affecting the union's members' working conditions.
5. Union Agreement (also known as a contract). A written document formalizing matters agreed to during collective bargaining negotiations between management and an exclusively recognized union. Such an agreement's provisions have the full force and affect of regulation within the unit(s) to which applicable. Supervisors should determine whether their subordinates are in the bargaining unit and if so, must obtain a copy of the local contract, become familiar with its requirements, and ensure

compliance with the contractual provisions in daily organizational management.

6. Union Steward. A union official, usually located in a particular organization, whose duties are to assist in settling employee grievances and ensure the union agreement's provisions are kept. The steward also engages in certain internal union activities, such as membership solicitation, the latter during non-duty hours.

C. Membership.

1. Any employee may join an employee organization. However, these individuals may not act as a representative or participate in managing any employee organization holding exclusive recognition:
  - a. Management officials and supervisors.
  - b. Employees engaged in civilian personnel administration in other than a solely clerical capacity.
  - c. An employee who acts in a confidential capacity for a person who formulates or effectuates management policies in labor-management relations.
  - d. Any other employee whose activities as an officer or agent of a labor organization would conflict or appear to conflict with the proper exercise of or be incompatible with his or her official duties or responsibilities.
2. Professional employees join an exclusive unit with non-professionals only if a majority of the professionals vote for inclusion. Professional employees may choose to have or reject having their own unit.
3. If any employee in a bargaining unit with exclusive recognition becomes a supervisor within the meaning of 5 USC 7103(a)(10) or management official within the meaning of 5 USC 7103(a)(11), he or she automatically is excluded from the bargaining unit. The new supervisor or manager may retain his or her union membership, but may not actively participate in union affairs.

D. Supervisory Responsibilities. Labor-management supervisory responsibilities include:

1. Maintaining a working knowledge and understanding of the Coast Guard's policy on labor-management relations.
2. Maintaining strict neutrality while labor organizations seek recognition. Supervisors are to conduct themselves at all times in a manner neither displaying nor conveying a personal opinion on Federal unions.
3. Neither discouraging nor encouraging membership in a labor organization.

4. Within the bounds of their authority, demonstrating an affirmative willingness to cooperate with labor organizations either seeking or granted recognition for the organizational segment under their jurisdiction.
5. Consulting with a labor organization granted exclusive recognition on employment practices, policies, and working conditions and establishing, changing, and implementing personnel practices and policies.
6. Encouraging labor-management partnerships by forming labor-management committees or councils at appropriate levels;
7. Involving employees and their union representatives as full partners with management representatives to identify problems and craft solutions to better serve the agency's customers and mission.
8. Learning the identities of the labor officials and representatives for those organizations having exclusive recognition in their area of jurisdiction.
9. Understanding and complying with the provisions of an approved negotiated agreement (contract).
10. Maintaining contact with the personnel management staff at Commandant (G-WPX) to obtain advice and guidance and informing the labor relations specialist of labor relations activity.

## CHAPTER 15. UNEMPLOYMENT COMPENSATION

- A. Purpose. This Chapter establishes U. S. Coast Guard Nonappropriated Fund (NAF) policies and procedures to properly administer the Unemployment Compensation for Federal Employees (UCFE) Program, which applies to Coast Guard Exchange System (CGES) and Morale, Well-Being, and Recreation (MWR) Program employees.
- B. Background. Chapter 85 of Title 5 of the U. S. Code (5 USC) codifies unemployment compensation benefits provided under Public Laws 83-767 and 96-499, as amended. Under its own unemployment insurance law a State administers these unemployment benefits to any unemployed Federal civilian employee, including Nonappropriated Fund (NAF) employees, based on an employee's service and wages.
- C. Unemployment Compensation Benefit Criteria. Individual states establish the basic provisions under which civilian employees may qualify or be disqualified for unemployment compensation.
1. Qualifying Criteria. State unemployment insurance laws are not uniform and eligibility and disqualification provisions may vary. However, all state unemployment insurance laws require civilian employees to meet six basic criteria to qualify for unemployment benefits:
    - a. Be unemployed or employed less than full time and earn less than an amount state law specifies.
    - b. Register for work at a local employment service office and file a claim at the state employment security agency's local claims office.
    - c. Have been employed a specified time or have earned a specified amount of wages, or both, within a base period (usually 1 year) stipulated in state law.
    - d. Be able to work.
    - e. Be available for work.
    - f. Continue to report to the local employment service and claims office as directed.
  2. Disqualifying Criteria. The three most common reasons for disqualification of benefits are:
    - a. Discharge for misconduct. In protesting a fired employee's eligibility for benefits, prepare to show misconduct on his or her part. An employee fired for poor performance or judgment may collect benefits. However, one who intentionally or deliberately disregards certain standards of conduct or behavior may be denied benefits. Fighting, insubordination, stealing, committing illegal acts on Government property, etc., are often legitimate grounds for a misconduct-based

disqualification, depending on the state. To successfully contest a claim documentation must clearly show the worker's conduct was completely unacceptable, the employee knew or should have known it was punishable by termination, and the employer followed customary disciplinary procedures.

- b. Voluntary resignation. Employees who voluntarily resign without good cause usually are disqualified from unemployment compensation. While "voluntariness" is seldom an issue, "cause" arises frequently. "Good cause" or an equivalent term, such as "just cause," generally mean a real, substantial, compelling reason related to the job and not purely personal to the employee that would lead a reasonable person to quit under similar circumstances. States vary to some degree in the kinds of reasons they accept as good cause, but they generally assume the employee did have a good reason to leave. Typically the employer must prove otherwise.
- c. Refusal of a suitable position without good cause based on individual state determinations.

D. Notice of Personnel Action, Standard Form 50 (SF-50).

- 1. Remarks. The SF-50's "Remarks" section should contain the factual reasons for the separation, resignation, or agency's findings why the action occurred. The SF-50 must positively note and state the date the Notice to Federal Employee About Unemployment Insurance (SF-8), was issued. In a subsequent inquiry, the notation verifies the SF-8 was issued.
- 2. The information provided should be sufficiently detailed. Cite the employee's reasons, or state the facts to provide a basis for a state to determine benefit eligibility. Exhibit 15-1 presents adequate and inadequate documentation for six sample separations.

E. Employee Information.

- 1. Newly Hired or Rehired Employees. The CGES manager or MWR officer must inform newly hired or rehired employees who may receive or have applied for unemployment insurance benefits of their responsibility to notify the state employment security agency of their employment. Therefore, the CGES manager or MWR officer must provide newly hired or rehired employees this statement:

"If you have applied for or been receiving unemployment insurance benefit payments, you are legally obliged to notify the appropriate local office, in writing, to discontinue issuing you unemployment insurance checks now that you are employed. Failure to notify the state agency can result in a penalty of fine, imprisonment, or both".

- 2. Separation of Employees. At a minimum, employees must be informed of this information at the time of separation:

- a. The CGES manager or MWR officer will inform the state agency if the employee refuses a job offer, resigns voluntarily, is separated for misconduct or unacceptable performance, retires and receives an annuity, or any other pertinent facts about the separation.
- b. The unemployment agency will make a determination under state law.
- c. In administering unemployment compensation benefits, state agency will comply with the rights and responsibilities listed on the SF-8's reverse side.

F. Notice to Federal Employee About Unemployment Insurance, Standard Form 8 (SF-8). On or before the last day of employment the CGES manager or the MWR officer must furnish each employee a completed SF-8 and advise on its use.

1. Information Requirements. The completed SF-8 must contain this information:

- a. Third-Party Administrator. The third-party administrator for CGES and MWR activity, Automatic Data Processing, Inc. Unemployment Compensation Section (ADP UCS), is identified on this form as follows:

Automatic Data Processing, Inc.  
UCS Department  
P. O. Box 6501  
Diamond Bar, CA 91765-6501

- b. Contact Name. The name and telephone number of the activity's employee who can respond to information requests from ADP UCS or the state employment security agency.
- c. Agency Identification Code. The identification code established for CGES and MWR use is 811.

2. Intermittent Employees. Issue intermittent employees an SF-8 only the first time in each calendar year they revert to nonpay status. An SF-8 is not required for subsequent nonpay status periods in the same year provided the same payroll office pays the employee.

3. Temporary Employees. Issue an SF-8 to temporary, part-time, and others employed on less than a full-time, permanent basis when the appointment expires or the first instance of nonpay status occurs.

4. Employee in Nonpay Status. Issue an SF-8 in these nonpay conditions:

- a. When the individual is placed in a forced nonpay status, e.g., RIF, suspension pending results of an investigation, disciplinary suspension, expected to last for 7 or

more consecutive calendar days.

- b. When granting leave without pay (LWOP) at the employee's request for personal reasons, e.g., travel, education, sickness after exhausting sick leave, and the LWOP will last 7 or more consecutive calendar days.

G. Request for Wage and Separation Information—UCFE, ES-931, and Request for Separation Information for Additional Claim—UCFE, ES-931-A. State officials should mail these forms to ADP UCS but occasionally they arrive at the activity. If so, within 4 work days after receiving either form, the CGES manager or MWR officer must provide these items:

1. Required Information.

- a. Information on whether the employee performed CGES, CDC or MWR civilian service under Federal law.
- b. The period of service.
- c. The duty location.
- d. Annuity or other entitlements.
- e. Provide the requested wage quarters information from the beginning of the base period to the separation date. Indicate all wages paid or payable for the period shown on Form ES-931, taking the figures from information reported on W-2 or FICA quarterly reports. In so doing, do not compute lump-sum payments for accrued, unused annual leave paid at or related to separation from CGES or MWR civilian employment, which are considered terminal annual leave and reported separately on ES-931 Section 11, Item 3. The state employment security agency will follow state law in including or excluding the terminal leave payment in its monetary determination of claimant benefits. Some states pay benefits during this period; others don't.
- f. The amount of wages paid for this service.
- g. An offer of continued employment to a separating employee is important in determining unemployment compensation benefits. If the Activity offered the employee a specific job at the "expiration of appointment" or "job abolishment" and the employee refused the offer, so state on ES-931. Briefly describe the former and offered job, including a salary comparison. If an activity offers a job after returning the ES-931, the personnel office must notify the appropriate state employment security agency. The CGES manager or MWR officer will ensure the personnel office sends the state employment security agency this information as soon as possible because that agency determines whether the job offer is suitable and

whether the agency will pay benefits.

- h. The factual reason for termination or other nonpay status.
2. Required Forms. Provide the information listed on Page 15-4, Paragraph G.1, of this Chapter, on Form ES-931, Request for Wage and Separation Information—UCFE, or Form ES-931-A, Request for Separation Information for Additional Claim—UCFE. Form ES-931-A requests additional separation information or the reason for nonpay status. If the state employment security agency requires additional information or an individual disagrees with the information provided, the agency sends this form to the appropriate CGES or MWR activity for completion and response. It is essential to provide the agency adequate wage and separation information on which to determine entitlement. If for any reason the information supplied on Form ES-931 is not adequate, the agency may request additional clarifying information from the CGES or MWR activity on Form ES-934, Request for Information or Reconsideration of Federal Findings. The CGES manager or MWR officer should ensure the personnel office provides full separation information. If all relevant facts have already been provided, and no further information is available, the personnel office shall reiterate the information previously supplied and add the statement, "No additional information is available."
3. Record of Forms. The CGES manager and MWR officer must maintain a separate file as necessary, for each terminated employee and put in it the completed ES-931, ES-931-A, and ES-934 forms containing pertinent information. See Page 15-8, Paragraph M. of this Chapter.
4. National Archives and Records Administration, National Personnel Records Center (Records Center). If the documents necessary to comply with a state agency's request are transferred to the Records Center, the CGES manager or MWR officer must obtain the necessary information from the Records Center. Do not send Form ES-931 to the Records Center. It will not complete the forms or furnish information directly to a state employment security agency.
5. Information Delays. If the activity cannot promptly return the requested forms, the CGES manager or MWR officer must inform the state agency immediately of the delay, its causes, and the expected completion date. State agencies will defer follow-ups in such cases.
6. Follow-up Actions. The agency sends Follow-up Forms ES-931 and ES-934 to the CGES or MWR activity if the agency has not received a completed form by the 10th day after the original request or an acknowledgment stating the completed form's return will be delayed. If the activity returns the original form and receives a subsequent follow-up, the CGES manager or MWR officer should complete the follow-up form, note on it, "Original previously completed and returned (date)," and return it to the state agency.

7. Control Records. Each CGES manager and MWR officer must maintain a control record of all information sent to ADP UCS, information requests received, and the responses to those requests. The activity can maintain this record as a log, as copies of requests and responses, or in any other acceptable manner so ADP UCS can identify the number of outstanding requests and date received.
  8. Privacy Act. The individual's signed "Authorization for Release of Information" on Form ES-931 establishes legal authority under the Privacy Act for the CGES manager or MWR officer to report wage and employment data requested on the form.
  9. Errors. If within 1 year after the CGES manager or MWR officer returns a completed Form ES-931 or ES-931-A to a state employment security agency and discovers an entry(ies) is erroneous, he or she must send a correction promptly to the state security agency, either by letter or sending a corrected copy of the form on file and an explanatory letter.
  10. Appealed Personnel Actions. The forms must note the status of an appeal of a personnel action pending before the Coast Guard Exchange or Morale, Well-Being, and Recreation Activity. When an appeal is decided, the CGES manager or the MWR officer, as appropriate, must promptly notify the state employment security agency in writing of the decision. The payroll office maintains a copy of the written reply.
- H. Computing Basic Benefits. The amount an individual receives for a compensable week of unemployment, known as the weekly benefit amount, varies under state law. Usually the amount equals 50 or 60 percent of the claimant's normal weekly earnings up to a maximum prescribed by state law. Benefits typically continue for 26 weeks. Most states impose an initial waiting period, typically 1 week, before benefits begin. States use certain common criteria to compute basic benefits.
1. The Federal Unemployment Tax Act (FUTA) requires states to extend paying benefits for 13 weeks if a state's unemployment reaches prescribed levels.
  2. Under certain circumstances, state laws may augment weekly benefits with dependents' allowances.
- I. Reducing Unemployment Compensation Benefits. State unemployment insurance laws require agencies to reduce benefits in several circumstances. While state policy may vary, agencies will review these conditions in evaluating whether to reduce benefits:
1. Part-time employment and earnings of more than a specified sum.
  2. Receiving or entitlement to receive a lump-sum payment for accrued, unused annual leave paid at termination.
  3. Any pension, retirement or retired pay, annuity, or other similar periodic payment under a plan the employer maintained or contributed to.

J. Unemployment Compensation Benefit Claim Procedures. The CGES manager or MWR officer and an employee in a nonpay status or former employee seeking unemployment compensation benefits will follow these procedures:

1. The CGES manager or MWR officer must send ADP UCS a copy of the SF-50 and all supporting documentation, e.g., written warnings, employee correspondence, and time sheets. See the ADP Unemployment Compensation Services Client Guide for details.
2. The personnel office must give employees a Notice to Federal Employee About Unemployment Insurance, Standard Form (SF-8), before or at separation from CGES or MWR employment.
3. Individuals should go promptly to their state employment security agency's employment service office to file a claim for unemployment benefits and register for work. States administer claims on an interstate basis so if the individual's final employment was in another state, the state where registered should honor the claim.
4. Employees should provide three documents to the state employment service office:
  - a. Their Social Security Card.
  - b. Notice to Federal Employee About Unemployment Insurance, Standard Form 8 (SF-8).
  - c. The separation Notice of Personnel Action, Standard Form 50 (SF-50).
5. State employment security agencies will determine entitlement to compensation and the benefits payable under state unemployment insurance laws. To do this, the state employment security agency will send Form ES-931 to ADP UCS. If a claimant files an additional claim after a subsequent period of reemployment with a CGES or MWR activity, the state will send Form ES-931-A. ADP USC will request the CGES or MWR activity for more information.
6. If the CGES manager or MWR officer receives either ES-931 or ES-931-A, he or she must complete and mail the form as appropriate to the requesting state employment security agency by the due date listed on the form or indicated by a specific number of days from the mailing date. Fax a copy of ES-931 to ADP UCS. If the agency does not receive the form by the due date, it may pay the person benefits 12 days after the claim filing date based on other evidence of CGES or MWR employment, e.g., SF-50, Withholding Tax Statement (W-2), or official pay statement, and completion of an affidavit. Agencies do not consider an SF-8 alone credible evidence.

K. Coast Guard Payment of Benefits. Each CGES and MWR activity must absorb the cost of paying unemployment benefits to its Exchange and MWR employees. To do so, Commandant (G-WPX) pays the U.S. Department of Labor from the Coast Guard

Overhead Account and the CGES or MWR activity reimburses the Coast Guard Trust Fund Account for unemployment compensation benefits paid. To ensure activities pay these costs only when appropriate, CGES managers and MWR officers must act as follows:

1. Ensure state unemployment compensation agencies receive timely, accurate, complete wage and separation information on the ES-931 form.
  2. Challenge or appeal any unjustified claims, e.g., former employees removed for misconduct, resigned voluntarily, or refused suitable job offers, through the unemployment claims hearing process; see 9.N. of this Chapter.
- L. Quarterly Billing Procedures. The U. S. Department of Labor (DOL) sends Commandant (G-WPX) a quarterly summary report of former employees receiving unemployment compensation benefits by state. Commandant (G-WPX) verifies the Department of Labor billing against the state billing and ADP Payroll System and then bills each activity for its portion of the Department of Labor bill. The activity pays the Coast Guard Overhead Account. Report these expenses as Other General and Administrative Expenses. Each CGES manager or MWR officer should perform these reviews and resolve any discrepancies noted:
1. Verify the bill from Commandant (G-WPX) is accurate.
  2. Check to ensure employees receiving UCFE benefits do not receive them while they are on the CGES and MWR payroll. It is possible for an employee to receive UCFE benefits for reduced hours or pay rates.
  3. Each CGES manager and MWR officer is responsible for furnishing the Department of Labor or state employment security agency any information necessary to determine a claimant's entitlement to UCFE benefits.
  4. Contact Commandant (G-WPX) about any accounting or billing problems.
- M. Employee Unemployment Compensation Benefit Records. The CGES manager and MWR officer must maintain an employee relations file, as necessary, if the Official Personnel Folder does not contain sufficient information about the reasons for separation. Maintain this file apart from the employee's personnel records for 2 years after the effective date of the action. Since the state uses this file's documentation to determine eligibility for unemployment compensation benefits, also give a copy to the employee. The Office of Personnel Management's (OPM's) General Personnel Resources (OPM/GOVT-1) Privacy Act system of records governs these files; they are subject to OPM's Privacy Act Regulations in 5 CFR 297.
- N. Appeals. Local CGES managers and MWR officers must review any state determinations they receive, initiate appeals, and attend any hearings on benefit claims.

1. Notices of Determination. The state employment security agency sends Notices of Determination to ADP UCS, identified on the SF-8, and includes information on appeal rights and deadlines. If ADP UCS receives a hearing notice, it notifies the personnel office of the date and time and arranges for representation. The representative assigned to the case reviews the issues and documentation and determines if a witness from the activity is required. State employment security agencies generally allow initial administrative and subsequent court appeals of its determinations.
  2. Reviewing Appeals. Within the procedures provided by the state, CGES managers and MWR officers shall appeal any determinations they believe are incorrect and:
    - a. The state decision challenges the employing agency's statement of facts about the separation or nonpay status.
    - b. The state agency appears to have misinterpreted management's statement of facts.
    - c. The CGES manager or MWR officer believes the determination does not comply with state unemployment insurance law or the UCFE Program provisions.
- O. Notice of Reduction in Force (RIF) for 25 or More Employees. Send a copy of each advance notice of RIF involving 25 or more employees to the Department of Labor at the following address:
- Division of Federal Programs Management – TUMF  
Unemployment Insurance Service  
Employment and Training Administration  
U. S. Department of Labor  
601 D Street NW  
Washington, DC 20213
- P. Penalties for Fraud. A claimant who knowingly made a false statement, misrepresented a fact, failed to disclose a material fact, or received an improper unemployment compensation payment must repay the amount to the state employment security agency or Department of Labor. These agencies may recover such payments from future benefits or any other Federal unemployment compensation payable to the person within 2 years after the date of the finding and also may levy fines and/or imprisonment.

**TABLE OF INADEQUATE/ADEQUATE JUSTIFICATIONS TO INCLUDE IN SF-50  
WHEN DOCUMENTING SEPARATIONS.**

(TO FACILITATE STATE UNEMPLOYMENT OFFICES THE DETERMINATION OF BENEFITS)

<u>INADEQUATE</u> <u>JUSTIFICATION FOR UNEMPLOYMENT</u> <u>BENEFITS</u>	<u>ADEQUATE</u> <u>JUSTIFICATION FOR UNEMPLOYMENT</u> <u>BENEFITS</u>
	<b><u>RESIGNATION</u></b>
(1) Move to Another City	(1) To accompany spouse transferred to new duty station.
(2) Personal Reasons	(2) To seek other employment. No other information available.
	(3) Doctor informed employee fumes in battery room aggravate asthmatic condition; no other suitable job available.
	(4) Informed action had begun to separate the employee for drinking on the job on 4 occasions within 30 days before resignation.
	(5) Employee resigned because he or she did not receive parking space in building. Employee was informed he or she did not qualify under agency plan that assigns limited parking spaces only to disabled employees and car pools of two or more people. Employee informed he or she could request a grievance hearing, but said it would be a waste of time and submitted a resignation.
	<b>OPTIONAL RETIREMENT</b>
(1) Retired	(1) Voluntarily retired to obtain retirement benefits. No other information available.
	(2) Rather than accept a 2-grade or pay band level decrease in another line of work as the result of a RIF action.
	(3) Rather than move with unit from Washington to St. Louis. Employee offered similar work in Washington at same grade or pay band level.

**TABLE OF INADEQUATE/ADEQUATE JUSTIFICATIONS TO INCLUDE IN SF-50  
WHEN DOCUMENTING SEPARATIONS.**

(TO FACILITATE STATE UNEMPLOYMENT OFFICES THE DETERMINATION OF BENEFITS)

INADEQUATE  
JUSTIFICATION FOR UNEMPLOYMENT  
BENEFITS

ADEQUATE  
JUSTIFICATION FOR UNEMPLOYMENT  
BENEFITS

(4) Disability-based Retirement. Unable to perform duties of loading and unloading trucks; no other job available. Based on age and years of service, qualified for full annuity.

(5) Coast Guard deactivated base. Job abolished. No comparable job opening at bases in this area.

**REDUCTION IN FORCE**

(1) Reduction in Force

(1) No other work available.

(2) Employee refused offer of NF-2 typist job in typing pool at same salary (Secretary, NF-3). Wants only secretarial work.

**REMOVAL**

(1) AWOL

(1) Excessive tardiness. In the last 45 days employee was tardy 1 hour 8 times and 2 hours 5 times with only the explanation, "I overslept."

(2) Lying on Application

(2) Gave false information on application. Employee knew job required 1 year's experience in using spreadsheets. Investigation indicated only 3 days' spreadsheet training.

**SEPARATION**

(1) Inefficiency

(1) Inefficiency. After 4 trials, employee was unable to pass scheme-sorting test.

(2) Disqualification

(2) Disqualification. Employee repeatedly failed to prepare accurate, neat letters in standard format even though ability to do so had been demonstrated. Warned about poor work quality 3 times during probationary period.

**TABLE OF INADEQUATE/ADEQUATE JUSTIFICATIONS TO INCLUDE IN SF-50  
WHEN DOCUMENTING SEPARATIONS.**

(TO FACILITATE STATE UNEMPLOYMENT OFFICES THE DETERMINATION OF BENEFITS)

- |                        |   |
|------------------------|---|
| (3) Displacement       | (3) Displacement. Senior employee displaced temporary employee.                             |
| (4) Abandoned Position | (4) Abandoned Position. Walked off the job without notice before or after leaving position. |

**TERMINATION**

- |                |  |
|----------------|--|
| (1) Terminated | (1) Lack of work   |
|                | (2) 90-day Appointment Expired.<br>Employee wants permanent job and refused appointment extension. |



## CHAPTER 16. LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT

### A. Introduction.

1. This Chapter contains the regulations and legal requirements established by the Longshore and Harbor Workers' Compensation Act (the Act), as amended.
2. This Chapter highlights and simplifies often used sections of the Act; it is not a legal interpretation.
3. The U. S. Coast Guard Nonappropriated Fund Workers' Compensation Procedures Guide contains detailed procedures, requirements, forms, and directives. Each Coast Guard unit must have a copy of this Guide and strictly follow its provisions. Failure to comply may result in fines or penalties against the Coast Guard.

### B. Responsibilities.

1. Commandant (G-WPC) is responsible for Workers' Compensation Program policy and administers claims, including providing advice, issuing forms, and taking other required actions to ensure compliance with legal obligations. A third-party claim administrator administers and processes claims.
2. As Program Manager, Commandant (G-WPX) assesses costs to each activity and approves claims settlements.

### C. Coverage.

1. The Longshore and Harbor Workers' Compensation Act defines injury as "accidental injury or death arising out of and in the course of employment, and such occupational diseases or infections as arise naturally out of such employment or naturally or unavoidably result from such accidental injury and includes any injury caused by the willful act of a third person directed against the employee because of employment."
2. The only exception to this definition denies compensation if the injury resulted solely from the employee's intoxication or willful intent to injure him or herself or another. The employer bears the burden of proof when using these two reasons to controvert a claim.

D. Liability. The employer is liable for paying compensation, medical benefits, and death benefits due an injured employee through the third-party claim administrator. The Act further states compensation is payable to an injured employee regardless of who is at fault, except as specified above in Paragraph C.2.

E. Exclusive Remedy. Workers' compensation benefits are the employer's exclusive remedy and in place of all other employer liability to the employee or anyone otherwise entitled to

recover damages caused by an injury or death.

F. Compensation Under the Act.

1. Except for medical payments, no compensation is payable during the first 3 days of disability. However, if the injury results in disability lasting 14 or more days, compensation is effective from the first day.
2. The Act establishes a maximum and minimum compensation rate.
  - a. The maximum rate of compensation is 200 percent of the applicable national average weekly wage as determined by the Department of Labor (DOL).
  - b. The minimum compensation rate is 50 percent of the national average weekly wage or the actual weekly wage, if less.
  - c. The Department of Labor publishes the new national average weekly wage rates effective 1 October annually.

G. Medical Services and Supplies.

1. Through the third-party claim administrator, the employer must pay any and all medical, surgical, and other care or treatment, including nurses and healing processes the employee may require.
2. The employee has the right to choose any physician the DOL authorizes, including surgeons, ophthalmologists, osteopaths, chiropractors, and podiatrists. In an emergency, the employer may select a physician; however, the employee may select another when he or she is capable. The DOL annually publishes a list of physicians and health care providers not authorized to furnish treatment. On request the third-party claim administrator can provide this list.
3. After the employee has selected a physician, the employer must approve any change in physician. If the employer disapproves the choice, DOL can approve it. Obtaining necessary treatment from a specialist is not considered changing physicians.
4. Through the third-party claim administrator, an employer may withhold medical benefit payments if the claimant fails to follow proper procedures. However, DOL may award benefits if it finds the denial was contrary to the spirit of the Act. The attending physician must file reports with the DOL and third-party claim administrator.
5. If a claimant receiving compensation "unreasonably refuses" to submit to medical or surgical treatment or an examination by a physician the third-party claims administrator selects, the employer may suspend paying compensation while the employee refuses.

6. If a medical question or dispute arises, DOL has the authority to have a physician of its choice examine the claimant.
7. While the Act currently does not establish fee schedules, all fees charged for medical services are limited to prevailing community rates.

#### H. Total Disability.

1. Temporary Total Disability. Temporary total disability is an injury that temporarily totally disables an employee from earning wages. Through the third-party claim administrator the employer must begin payments within 14 days and continue paying all periods of temporary total disability regardless of when they occur.
2. Permanent Total Disability.
  - a. Permanent total disability is an injury that totally disables an employee from earning wages for life, until the medical impairment improves, or until alternative employment can be found.
  - b. In the absence of conclusive proof to the contrary, the Act considers losing both hands, arms, feet, legs, or eyes, or any two of them, e.g., one leg and one eye, as permanent total disability.
  - c. In all other cases, the facts determine permanent total disability. Since disability involves both medical and economic factors, the Act requires the employer to also consider the employee's age, experience, education, and work history and the availability of work he or she is physically able to perform. Thus, an employee who severely injures a single scheduled body member may recover compensation for permanent total disability.
3. Compensation for Disability.
  - a. The employer pays compensation for disability at the rate of  $66 \frac{2}{3}$  percent of the employee's average weekly wage, with a maximum and minimum rate set by law.
  - b. Permanent total disability rates are subject to an annual cost of living increase.

#### I. Partial Disability.

1. Temporary Partial Disability.
  - a. Temporary partial disability occurs when an injury causes a partial reduction in wage-earning capability for a temporary period. The employer pays the employee  $66 \frac{2}{3}$  percent of the difference between his or her pre-injury and present earnings.

- b. The maximum duration of temporary partial disability payments is 5 years.
- c. The employer must pay all periods of temporary partial disability regardless of when they occur.

2. Permanent Partial Disability.

- a. Permanent partial disability occurs if an injury results in loss or loss of use of one of the body's members. For example, the employee's loss or loss of use of an arm, leg, hand, foot, eye, finger, toe, or ear and/or disfigurement would qualify as a permanent partial disability under the Act.
- b. The employer compensates an employee who has sustained a permanent partial disability for a specified number of weeks according to the specific loss.
- c. The employee receives  $66 \frac{2}{3}$  percent of his or her average weekly wage for any time up to the maximum entitlement authorized.
- d. The employer considers an employee permanently partially disabled until the employee can show he or she has totally lost wage-earning capability.

J. Special Fund Relief.

- 1. The Act establishes an incentive for employers to hire employees having pre-existing physical impairments. The employee must have had an existing permanent partial disability when injured, which may be work-related or not and causes no loss of wages. The employer's responsibility for permanent total and permanent partial disability is limited when the alleged disability is due to a combination of the injury and preexisting factors.
- 2. Through the third-party claim administrator, an employer may apply to the Special Fund for relief from compensation payments after 104 weeks if an employee with a pre-existing condition or a permanent partial injury sustains a new injury and the resulting disability is materially and substantially greater than the disability resulting from the first injury.
- 3. Under the Act, three conditions must be met before relief is available to the employer:
  - a. The claimant must have had a preexisting, permanent partial disability.
  - b. The preexisting permanent partial disability must contribute to the permanent total disability.
  - c. The employer must know of preexisting permanent, partial disability before the new injury.

4. Case law has extended applying the third condition, described above in Paragraph 3.c., to a wide variety of situations in which the employer does not actually have to know about the disability before the second injury.
5. The employer must request the Department of Labor for relief through the third-party claim administrator on or before the dates of these events, whichever occurs first:
  - a. The informal conference that will consider the permanency of the claimant's condition.
  - b. When the employer first pays permanent benefits.

K. Settling Claims.

1. The parties may settle a compensation claim if both agree to the settlement and the DOL District Director determines the settlement is in the injured employee's best interests. The third party claims administrator must submit the settlement application to the DOL District Director, who has 30 days to approve or disapprove it.
2. If both parties to a settlement have counsel, DOL considers the settlement approved 30 days after a complete application is submitted unless the DOL District Director disapproves it.
3. If the DOL District Director disapproves the proposed settlement because it is not in the employee's best interest, either party may appeal.
4. The third-party claim administrator acts on the employer's behalf in settling claims.

L. Employee Wage Report. The employer must inform a disabled employee to report to the employer any employment or self-employment earnings at least semi-annually. Failure to report any or all earnings will cause forfeiture of the right to compensation for that period. The third-party claim administrator will advise the employer of any wages reported.

M. Compensation for Death.

1. Death benefits are paid to specific survivors and/or dependents of persons who die due to a work-related injury.
2. If an employee receiving scheduled permanent partial disability dies from causes unrelated to his or her work injury, his or her dependents receive the balance of the employee's award.
3. The Act provides payment of reasonable funeral expenses up to \$3,000 and death benefits to the deceased's surviving spouse or child(ren). Dependency must meet the Internal Revenue Code definition.

4. The employer may pay benefits to other dependents if no spouse or child(ren) survive. Dependency must meet the Internal Revenue Code definition.
- N. Notice of Claim. The employee must notify the employer within 30 days of the date injured. The employer must designate the agents or other responsible officials who receive the notice; these may include first-line supervisors and personnel office officials.
- O. Paying Compensation. If the employer controverts the employee's or dependent's right to compensation, the third-party claims administrator must file the prescribed form on or before the 14th day after the employer had knowledge of the alleged injury or death. The Department of Labor may penalize the employer for failing to file by specific deadlines.
- P. Agreement to Waive Compensation. An employee cannot waive his or her right to compensation under the Act.
- Q. Presumptions. In any claim for compensation the Act presumes, in the absence of evidence to the contrary, that:
1. The claim falls within the Act's purview.
  2. The employee gave sufficient notice of the claim.
  3. Neither the injured employee's intoxication alone nor his or her willful intention to injure or kill another caused the injury.
- R. Reports.
1. The employer must report an injury to the Department of Labor and third-party claims administrator within 10 days of the date of injury, alleged injury, or employer's knowledge of such injury; any injury resulting in losing one or more shifts; or if the employee sought medical attention. Failure to submit any required report can result in penalties up to \$10,000 for each occurrence.
  2. The U. S. Coast Guard Nonappropriated Fund Workers' Compensation Procedures Guide contains detailed instructions on filing claims and complete addresses for the Department of Labor and third-party claim administrator for specific areas.
- S. Statute of Limitations.
1. An employee or dependent must file a claim with the DOL district office within 1 year after the injury or death or 1 year from the date the employee or dependent became aware or should have become aware of the relationship between the injury or death and employment.
  2. If an employer has received notice and subsequently fails to file a report as required, the 1-year statute of limitations does not begin to run against the employee or

dependent until the employer has filed the report.

- T. False Statements. Any claimant or claimant's representative who knowingly and willfully makes a false statement to obtain a benefit or payment under the Act is guilty of a felony; the punishment for conviction is a fine of up to \$10,000, 5 years' imprisonment, or both.
- U. Third-Party Liability. If an employee is injured due to a third party's negligence, the employee need not choose between compensation or civil action but may choose either or both. However, the employee must pursue his or her rights against the third party within 6 months of accepting an award for compensation or his or her rights revert to the employer.
- V. Compensation Notice. Every employer shall conspicuously post a printed notice stating the employer has secured workers' compensation coverage under the Act. Notice to Employees, Form LS-242, meets this requirement; the U. S. Coast Guard Nonappropriated Fund Workers' Compensation Procedures Guide contains this form.
- W. Discrimination.
1. An employer may not discriminate against an employee who claims or attempts to claim compensation from the employer. If the employee proves the employer discriminated against him or her on this basis, the employer is liable for a penalty and must reinstate the employee and compensate him or her for wages lost due to discrimination.
  2. Discharging or refusing to employ a person convicted of filing a fraudulent claim for compensation does not violate the Act.
  3. In any case arising under this Paragraph, the employee bears the burden of proof.

## CHAPTER 17. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

- A. Policy. This Chapter discusses the Coast Guard's Civil Rights Program, whose program manager and policy-setting authority is the Director for Civil Rights (G-OOH). Every aspect of the Coast Guard civilian employee Equal Employment Opportunity Program is affirmatively planned, developed, implemented, and maintained in full accord with the Constitution and other pertinent laws, policies, rules, and regulations to assure equal opportunity and non-discrimination in recruitment, selection, advancement, or career development opportunities due to political views, religion, labor organization affiliation, marital status, race, sex, ethnicity, non-disqualifying physical or mental disability, age, or sexual orientation. Every Coast Guard employee shall fully comply with the letter and spirit of this policy in performing all official actions and take care to avoid even the appearance of discrimination based on any category listed above.
- B. Purpose. This Chapter provides policies and guidance for the Civilian Equal Employment Opportunity (EEO) Programs. It outlines responsibilities and procedures aimed at providing equal opportunity and promoting an environment where all Coast Guard Nonappropriated Fund personnel can reach their full potential and maximize their contributions to the Coast Guard Exchange, Morale and Well-being System's mission.
- C. Key Equal Employment Opportunity (EEO) Program Elements. The Coast Guard Equal Employment Opportunity Program for appropriated and nonappropriated fund (NAF) civilian employees is published in Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4 (series), which stipulates:
1. Demonstrate command leadership responsibilities.
  2. Developing an organizational culture that values diversity.
  3. Correct civilian workforce imbalances.
  4. Resolve complaints at the lowest level.
  5. Promote affirmative outreach in the community.
- D. Management Directive 715 (MD 715). Each command for MWR and CGES Exchange Manager develops affirmative employment plans to achieve equal employment opportunity goals. All management officials and supervisors must become involved in the Program's goals, actions, and projects to ensure progress and can take these actions to fulfill these responsibilities.
1. Conduct an annual work force analysis to determine if work force imbalances exist; as required, develop a plan to correct such imbalances based on these analyses, vacancy projections, and organizational goals, including internal employee development and external recruitment strategies.

2. Implement internal employee development and external recruitment strategies and make decisions and selections that positively affect organizational goals.
3. Use orientation sessions or other appropriate means to emphasize complete support for the EEO program. Evaluate subordinate managers and supervisors on their individual performance in correcting work force imbalances and overall contributions toward meeting organizational goals.
4. Wherever possible without adversely affecting the unit's mission, restructure positions to provide less skilled or disadvantaged persons opportunities to acquire the qualifying training and experience for occupations with greater promotion potential.
5. Actively participate in special employment programs, such as the Student Education Employment Program.
6. Counsel and encourage all employees to develop additional skills through reimbursable after-hours study whenever possible; see Chapter 13., Paragraph J. of this Manual.

E. Supervisory Responsibilities. In addition to taking those actions to implement local affirmative employment plans, supervisors are responsible for:

1. Personally and actively promote the spirit and the letter of the policies, regulations and law that frame the Civil Rights, Equal Opportunity (EO), AND Equal Employment Opportunity (EEO) Programs.
2. Identify and eliminate barriers to a diverse workforce and discrimination-free work environment.
3. Take prompt, positive action to eliminate discrimination in their commands, including being alert for any reprisals in the aftermath of discrimination complaints.
4. Focus on proactive, purposeful steps to building a healthy, dynamic, inclusive culture and climate in his/her unit.
5. Attempt to resolve complaints at the lowest level.
6. Selecting employees solely based on merit and fitness.
7. Distributing work equally among employees.
8. Granting privileges impartially.
9. Administering disciplinary measures fairly and equitably.
10. Publicize on bulletin boards and other locations:

- a. Notice of the time limits and necessary of contacting an Equal Opportunity Advisor (EOA) or (EEO) Counselor before filing a complaint in accordance with the coast Guard's discrimination complaint program.
- b. The EOAs and EEO Counselor's name, hours of availability, address, business telephone number and photographs.

F. Discrimination Complaints. Commandant (G-OOH) has provided the following procedure in the Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4, for processing individual complaints of discrimination. If the aggrieved person is covered by a collective bargaining agreement that permits allegations of discrimination to be raised in a negotiated grievance procedures, he or she may choose between the negotiated procedure or the following procedures, but may not resort to both.

1. The aggrieved person contacts the EEO counselor within 45 calendar days of the alleged discriminatory act, the effective date of an alleged discriminatory personnel action, or the date the aggrieved person knew or reasonably should have known of the discriminatory event or personnel action.
2. The counselor has 30 calendar days to attempt to resolve the matter informally with the management official authorized to effect or direct remedial action.
3. The counselor issues a Notice of Right to File an individual complaint, or if counseling is not completed within 30 days, obtains written permission from the affected person to extend counseling up to 60 more days.
4. The aggrieved person may file an individual formal complaint with the Chief of Staff of the Area for the aggrieved person's operational chain of command, if the aggrieved person is assigned to a District, MLC, or Area Unit; or with the Deputy Chief of Staff of the Coast Guard, if the aggrieved person is assigned to USCG Headquarters or a Headquarters Unit. The complaint must be filed within 15 days after receiving the Notice of Right to File. The respective addresses are:

Chief of Staff Atlantic Area (Acs)  
U.S. Coast Guard  
431 Crawford Street  
Portsmouth, VA 23704  
Chief of Staff Eyes Only

Chief of Staff Pacific Area (Pcs)  
U.S. Coast Guard  
Coast Guard Island  
Alameda, CA 94501  
Chief of Staff Eyes Only

Deputy Chief of Staff (COMDT G-CCSd)  
Room 2300, U.S. Coast Headquarters

2100 Second Street, SW  
Washington, DC 20593-0001  
Deputy Chief of Staff Eyes Only

5. If the complaint is accepted, the Coast Guard assigns an investigator. On completing the investigation, the investigator gives the complainant a copy of the Report of Investigation (ROI) and notice he or she has these choices:
  - a. A right to a hearing by an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ).
  - b. A DHS decision without a hearing. If the complainant elects a DHS decision without a hearing, the DHS Office for Civil Rights and Civil Liberties makes the final agency decision.
  - c. A right to appeal to the EEOC Office of Review and Appeals within 30 calendar days after receiving the DHS's final decision.

G. Discrimination Complaints Based on Sexual Orientation, Parental Status, and Protected Genetic Information.

1. Although Title VII of the Civil Rights Act of 1964 does not cover discrimination based on sexual orientation, such discrimination is prohibited in federal government employment under Executive Order 13087. In addition, Executive Orders 13152 and 13145 prohibit discrimination in federal government employment based on parental status and genetic information, respectively. Therefore, the procedures provided by Commandant (G-OOH) in the Coast Guard Equal Opportunity Program Manual, COMDTINST M5350.4, for processing individual complaints of discrimination apply to allegations of discrimination on these bases.
2. The process provides an opportunity for pre-complaint counseling, an impartial investigation, and a final decision by the Department's Office of Civil Rights and Civil Liberties. However, unlike the EEO complaint process, a complainant has no right to request a hearing before an EEOC Administrative Judge or receive compensatory damages if the Department finds discrimination.
3. A complainant alleging discrimination based on sexual orientation, parental status or protected genetic information may elect to file a complaint using the EEO process or elect to pursue a complaint through procedures provided in a negotiated union contract or Chapter 10 of this Manual.

H. Negotiated EEO Complaints. Some Coast Guard labor agreements require processing bargaining unit employees' discrimination allegations under negotiated grievance procedure provisions. An employee in a recognized bargaining unit has the right, protected under statute, to choose whether to use the administrative EEO complaint procedure or negotiated grievance procedure. Once the employee chooses the avenue of complaint, the

decision is irrevocable.

- I. Supervisor Self-Evaluation Checklist. Supervisors will treat all employees equitably without regard to race, religion, color, national origin, sex, sexual orientation, disability, age, political affiliation (except as required by law), marital status, or membership in an employee organization and build in a mixed group a feeling of employee confidence and mutual respect. Supervisors can take these actions to determine how well they are meeting these objectives:
  1. Continually review records to see if female and minority group (African-American, Hispanic, Native American, and Asian-Pacific Islander) staffing compares with local population ratios and whether such employees disproportionately occupy relatively low-paid jobs.
  2. If the staffing pattern is imbalanced, develop an action plan to improve the situation by positive counseling and action. Encourage women and minority group employees to develop their skills, determine career objectives, and apply for higher-level jobs.
  3. Guard against allowing personal feelings on race, religion, or nationality to interfere with supervisory practices.
  4. In considering employees for training, details, or promotion, avoid preference based on fraternal activities or common outside interests.
  5. When interviewing candidates for a vacant position, avoid allowing personal reactions based on non-job factors to influence selections.
  6. When informal or formal discrimination complaints arise, make a special effort to avoid being defensive and try to see the other person's point of view.

## CHAPTER 18. PERSONNEL RECORDS, FILES, AND REPORTS

- A. Introduction. This Chapter prescribes policies and procedures for establishing, maintaining, and handling nonappropriated fund (NAF) personnel records, files, and reporting systems.
- B. Exceptions. To promote administrative efficiency, follow the uniform record-keeping system described in this Chapter as closely as possible. Commandant (G-WPC) must approve in advance any deviations from this Chapter's procedures or forms. Send requests for exceptions from procedures through the chain of command to Commandant (G-WPC). Maintain letters approving such exceptions for management evaluation audits to support any deviations from the prescribed system.
- C. Records Systems.
1. This Chapter prescribes the uniform personnel record and file systems. The forms, records, and procedures that together make up the system are designed so staff can keep these records easily and efficiently.
  2. File systems are designed to integrate personnel records with other administrative devices to improve administrative control and service to the employee. Records contain current personnel information for management throughout the organization to use. Immediate supervisors have their subordinates' individual data. This Chapter provides record-keeping guidance to record additional data as actions occur daily. The systems provide the personnel office with:
    - a. A comprehensive, continuing record of each employee's service, status, skills, and other personal history.
    - b. A central control over pending personnel actions.
    - c. A reminder system for following up required personnel actions.
    - d. Basic data needed to determine pay, benefits, and qualifications.
    - e. Data used to prepare retention registers.
    - f. Basic data for preparing and verifying personnel reports, work measurement statistics, and evaluating personnel actions taken during any specific period.
    - g. A record of employees filed alphabetically, organizationally, or by Social Security Number.

- D. Duplication. Personnel actions originate in an operating office using basic personnel information sources such as the Official Personnel Folder. Only the servicing personnel office may keep these source records. Duplicate records at other organizational levels are not authorized.
- E. Records Disposal. The personnel office maintains personnel records up to 180 days after separation, termination, or retirement, and then sends them by first class mail to: National Personnel Records Center, GSA (Civilian Personnel Records, Nonappropriated Fund Section), 111 Winnebago Street, St. Louis, MO 63118. Seasonal and leave-without-pay (LWOP) status employees' records remain at the activity until their employment terminates.
- F. Definitions.
1. Access. Providing official personnel records or copies of them to an employee or his or her designated representative.
  2. Data Subject. The person about whom an activity or Headquarters maintains information in both a paper and/or electronic record system.
  3. Disclosure. Providing an employee's records or data to someone other than the individual data subject.
  4. Information. Records containing employee data required to conduct official business as defined by statute, regulation, or administrative procedure.
  5. Long-Term Record. The information in the right-hand side of the Official Personnel Folder (OPF), formerly called the "permanent" record; see Paragraphs I.1. and 2. of this Chapter.
  6. Maintain. Includes collect, use, amend, or disseminate.
  7. Official Personnel Folder (OPF), Standard Form 66 (SF-66). An SF-66 file established and maintained for each employee containing records and documents on nonappropriated fund civilian employment.
  8. Personnel Action. The record of any action processed to appoint, effect, or separate an employee by using a Notification of Personnel Action, Standard Form 50 (SF-50).
  9. Personnel Record. Any person's record maintained and used in the personnel management or policy-setting process.
  10. Personnel System. A system established by statute for the Civil Service and regulation for the nonappropriated fund system.

11. Record. Any document or collection of documents about an employee an agency maintains.
12. System of Records. A group of records under an agency's control from which information is retrieved by the person's name or by some identifying number or symbol assigned to the person.
13. Temporary Record. The information on the left-hand side of the Official Personnel Folder. In most cases, it does not accompany the OPF, but may be returned to the employee or destroyed either after he or she leaves the activity or in accordance with a records disposition schedule; see Paragraphs I.1. and 2 of this Chapter.

G. Official Personnel Folder (OPF).

1. On each NAF employee's initial appointment, his or her personnel office will establish an Official Personnel Folder and maintain in it all official personnel documents effected during the employee's service, as prescribed in this Chapter. If an employee transfers to another NAF activity or is employed after a break in service, the personnel office shall use a Standard Form 127 (SF-127) to request the OPF from the previous employer or the National Personnel Records Center, GSA (Civilian Personnel Records, Nonappropriated Fund Section), 111 Winnebago Street, St. Louis, MO 63118.
2. Because NAF employees' OPF specifications are similar to appropriated fund employees', the personnel office will mark the outside of the folder in one-half inch letters "NONAPPROPRIATED FUND EMPLOYEE" and affix a label to each folder showing the employee's name, birth date, and Social Security Number.

H. Official Personnel Folder (OPF) Documents.

1. Fasten these records on the OPF's right side:
  - a. OF-612, Application for Federal Employment, resume or any other written format used as an application.
  - b. College transcript or diploma if the position specifies an educational requirement.
  - c. SF-61, Appointment Affidavit.
  - d. Immigration and Naturalization Service (INS) Form I-9, Employment Eligibility Verification.
  - e. SF-50, Notification of Personnel Action.
  - f. Resignations or retirements.

- g. Health, life insurance, and retirement forms.
  - h. SF-85, Data for Non-sensitive, Non-critical Position.
  - i. DD 214, Certificate of Release or Discharge from Active Duty.
  - j. Evidence of Proof of Death.
  - k. Reduction in Force Notice.
  - l. Training Forms for Government and non-Government courses.
  - m. SF-127, Request for Official Personnel Folder.
  - n. Suspensions, terminations, notice of a decision to effect disciplinary and adverse actions, notice of a proposed disciplinary or adverse action and notice of cancellation of a disciplinary and adverse action.
  - o. Standard Position Guide or Position Description.
  - p. Employee Performance Folder (Performance Ratings of Record for last 3 years).
  - q. Notice of Injury or Occupational Disease.
  - r. Certificate of Medical Examination (SF-78) when required.
2. Fasten these records on the OPF's left (temporary) side:
- a. Letters of reprimand, or similar disciplinary actions based on conduct.
  - b. SF-52, Request for Personnel Action.
  - c. Correspondence between the employee and agency on work-related subjects, e.g., leave matters, name change requests, life and health insurance, etc.
  - d. Permanent Change of Station travel agreements.
  - e. Orientation checklists.
  - f. Requests for and approvals of training.
  - g. DOT Form 3300.1, Employment Inquiry (Exhibit 3-2).
  - h. Standards of Conduct.
  - i. Unemployment Acknowledgement Statement (see page 15-2, E.1.).
  - j. Work Rules Acknowledgement Statement.

3. It is prohibited to file these records and documents in the OPF:

- a. Investigative records or reports.
- b. Indebtedness Letters.
- c. Garnishment Letters.
- d. Grievance files and correspondence.
- e. Appeal files and correspondence.
- f. Reconsideration files and correspondence.
- g. Reference or recommendation letters.
- h. Correspondence from a member of the public complaining about an employee.
- i. Photographs.
- j. Copies of speeches and publications.

I. Safeguarding Personnel Records.

1. Only medical certificate and any other medical records of examinations used to determine an employee fitness for duty are considered permanent records. Medical examinations and other miscellaneous medical records not related to fitness for duty, remain under the local medical facility's control or kept in a separate, locked cabinet during the employee's service. **Do not fasten them in the OPF.**
2. Responsible officials will take these necessary steps to protect NAF employees' confidential files and OPF's.
3. Only the employee's name, position, title, grade or pay band, salary, and duty station can be released to the public, with these exceptions:
  - a. Law, Executive Order, or regulation in the interest of national security prohibits releasing the information.
  - b. The responsible official believes the recipient will use such information for purposes that violate the regulatory prohibition against NAF employees' political activity.
4. In addition to information listed in Paragraph I.3. and I.4., a prospective employer may be given the following about a former employee:

- a. The employee's type of appointment: regular, temporary, term, conditional, permanent, or intermittent.
  - b. Whether the employee has completed his or her probationary period.
  - c. Length of Coast Guard Exchange Service (CGES) and Morale, Well-Being and Recreation (MWR) service.
  - d. The date and reason for separation.
5. Personnel offices may give police or court officials the information listed in Paragraphs I.3. and I.4. above and an employee's home address. Such officials must furnish an appropriate request stating an indictment has been returned or a complaint, information, accusation, or other writ involving nonsupport or a criminal offense has been filed against the employee and the address is needed to serve a summons, warrant, subpoena, or other legal process.
  6. A current or former employee will be permitted access to the information in his or her OPF only in the presence of an official responsible for the OPF's physical custody.
  7. The servicing personnel office will retain control of Official Personnel Folders in a locked cabinet at all times. Commandant (G-WPC-2) will maintain OPF's for NAF employees at Coast Guard Headquarters in the Office of Civilian Personnel.
  8. Before releasing an OPF to the National Records Center or another appointing office, servicing personnel offices will review the OPF to ensure:
    - a. To properly include all outstanding permanent records arranged in chronological order and securely fastened on the right side.
    - b. To remove and destroy all temporary records on the OPF's left side except in a transfer of function. If sending an OPF to another Coast Guard employing office, temporary records may remain in the folder.
    - c. To remove all unauthorized and exact duplicates of records in the OPF.
  9. When an employee transfers to another NAF activity, the current activity will send the employee's OPF promptly on receiving an SF-127. If an employee does not transfer but is separated, and another NAF unit employs him or her within 180 days, the former unit shall send the OPF promptly to the gaining unit on receiving the SF-127.
  10. When an employee separates from a NAF unit and is not subsequently employed by another NAF unit, the servicing personnel office shall follow this Section in disposing of the OPF.

## CHAPTER 19. SEPARATIONS

- A. General Policy. This Chapter sets forth policy and procedures for the administration and processing of actions for voluntary and involuntary separations. Voluntary separations are usually those initiated by the employee while management initiates involuntary separations. The following policy defines the various types of separations and the effect of those separations on benefits.
- B. Actions Covered. Resignations, retirement, separations during the probationary period, cancellation of intermittent and temporary appointments, disability, death, and abandonment of position.
- C. Actions Excluded. Removals based on unacceptable conduct and performance. Refer to Chapter 9, Disciplinary and Adverse Actions, for conduct-based separations. Refer to Chapter 8, Performance Evaluations and Ratings, for performance-based actions.
- D. Voluntary Separations.
1. Resignations. In the case of separation by resignation, the employee shall submit his or her resignation in writing using a Request for Personnel Action, Standard Form 52 (SF-52), to the servicing personnel office via the employee's supervisor. The reason and effective date will be noted on the SF-52. Requests for withdrawal of resignations may be granted if the employee submits the request before the effective date of the resignation and/or the position has not been filled. Employees should give 14 calendar days notice of their intent to resign.
  2. Retirement.
    - a. Normal Retirement. Normal retirement is the first **day** of the month that falls on or follows your 62<sup>nd</sup> birthday or the completion of 5 years of continuous service, whichever is later.
    - b. Voluntary Early Retirement (unreduced benefit). If an employee is 55 years of age and has completed at least 30 years of continuous service or if the employee is 60 years of age and has completed 20 years of continuous service he or she will receive the full retirement benefit.
    - c. Optional Early Retirement (reduced benefit). An employee may retire before his or her normal retirement date if he or she is 52 years of age and has completed at least 5 years of continuous service. This benefit is reduced by 4 percent for every year he or she is under age 62.

#### E. Involuntary Separations.

1. An employee may retire if he or she is involuntarily separated from employment, except for disability or conduct, and is age 50 with 20 years of continuous service or has completed 25 years of continuous service at any age. His or her benefit will be reduced by 2 percent for every year under age 55.
2. An intermittent regularly scheduled employee should be given an advance notice of 14 calendar days prior to separation. This may be accomplished by a properly completed SF-50 delivered 14 calendar days in advance or a notice of removal letter with a 14 calendar day notice period. An intermittent when actually employed (WAE) employees may be separated at any time, with no advance notice. Reduction in force and adverse action procedures are not applicable to separation of any kind of intermittent employees. Periodic reviews will be made to ensure intermittent employees who are no longer needed are separated from the rolls.
3. A temporary employee may be terminated at any time if the conditions warrant. When termination of an appointment is to occur prior to the expiration date specified on the SF-50, a written notice will be issued as far in advance of the termination date as possible, but not less than 24 hours. An SF-50 indicating separation from temporary appointment may be used as the written notice.
4. An employee may be separated if it is determined that the employee has abandoned his or her position. An employee who fails to report for duty and is carried in an absent without leave (AWOL) status for 1 complete workweek will be determined to have abandoned his or her position regardless of any expressed intent to return to duty at a subsequent day. Advance notice is not required to effect the separation action. The SF-50 notifying the employee of the separation action will be mailed to the employee's last known address. .
5. An employee may be separated during his/her probationary period if he or she fails to demonstrate he or she possesses the skills or character for satisfactory performance in the position. Each employee should receive a fair time period in the position to show suitability for the job.
  - a. The supervisor is responsible for determining whether the employee's performance, conduct or character is such to warrant separation. Supervisors will discuss with the employee specific reasons that led them to conclude the employee is unsatisfactory. The supervisor will prepare a record of the discussion, put it in the employee's Official Personnel File (OPF) and give a copy to the employee. The supervisor will allow a reasonable length of time after the discussion to determine whether the employee has improved.
  - b. If it becomes apparent, after a fair period, that the employee's conduct, character or capabilities are not suitable for satisfactory service, the supervisor must initiate action to separate the employee. The supervisor will begin separation action in time to give

the employee 7 calendar days advance notice before the effective separation date unless retaining the employee in a duty status might:

- (1) Result in damage or loss of property or funds.
  - (2) Be detrimental to the activity interest.
  - (3) Injure the employee, his or her fellow workers, or the general public.
- c. The supervisor will notify the employee on an SF-50 and advise him or her that adverse action procedures covered in Chapter 9 of this Manual do not apply and the separation cannot be appealed through the administrative grievance procedures contained in Chapter 10 of this Manual.
  - d. All separation notices must be issued before the end of the employee's tour of duty on the last day of the probationary period. If the 1-year date falls outside the employee's tour of duty (such as a weekend), the effective date is the last workday preceding the 1-year expiration date.
6. When an appropriate medical authority determines an employee has become physically or mentally incapable of performing his or her assigned duties, the employer should make every effort to reasonably accommodate the individual and explore possible solutions to the employee's problem. Possible courses of action include reassigning at the same or a lower level, sick leave, leave without pay, or disability, if eligible. If none of these actions are appropriate, the employee will be separated as disqualified, using this Manual's Chapter 9 adverse action procedures in separating permanent employees. If the employee claims a "disabling condition," contact Commandant (G-WPX) for further guidance.
  7. Employees may be separated as disqualified if they:
    - a. Are barred by the commanding officer from the assigned unit;
    - b. Lose possession/entitlement for 30 calendar days to licenses or certificates necessary to perform their job due to administrative or legal actions;
    - c. Refuses or repeatedly fail to submit to required physical examinations;
    - d. Become ineligible for continued employment due to marriage to another employee, which creates an employee/supervisory relationship. Before effecting separation, make every effort to reassign the employee.
    - e. Becomes ineligible for continued employment by operation of laws, treaties, or international agreement.
  8. Separation of regular employees for cause will be effected in accordance with procedures in Chapter 9 of this Manual.

9. Off duty military employees must be separated from employment upon written request of the military member's commanding officer.
  10. An employee may be separated when they fail/cannot return to duty after expiration of an authorized period of LWOP. The effective date will be the day after the expiration of the authorized LWOP. Advance notice is not required.
- F. Processing Procedures. All separation actions will be documented on an SF-52 and forwarded to the personnel office for processing. The personnel office will prepare an SF-50, issue one copy to payroll, one copy to the employee and file one copy in the employee's official personnel folder.

## CHAPTER 20. NONAPPROPRIATED FUND (NAF) PORTABILITY PROGRAM

- A. Applicability. As stated in the Introduction, this Manual normally applies only to nonappropriated fund (NAF) employees. However, because of the unique provisions of the Coast Guard Employee Benefit Portability Program, this Chapter contains both competitive service and NAF personnel policy requirements and so applies to competitive service employees.
- B. Requirement. Commanding officers for MWR and Commandant (G-WPX) will implement the Coast Guard Benefit Portability Program by complying with this Chapter, the Portability of Benefits for Nonappropriated Fund Employees Act of 1990, Office of Personnel Management (OPM) regulations, and Thrift Board regulations.
- C. Coverage and Effective Date. The Coast Guard Employee Benefit Portability Program applies to Coast Guard civilian employees who move between nonappropriated fund (NAF) and competitive service employment systems with a break in service of 3 or fewer calendar days. The Program applies regardless of whether the move is “voluntary” (the employee initiated the move by applying for and receiving employment in the other system) or “involuntary” (the employee moved with the position from one system to the other). However, many provisions apply differently depending on whether the move is voluntary or involuntary.
- D. Appointments.
1. Voluntary Move. Regardless of the move’s direction (NAF to competitive service, or competitive service to NAF) the gaining employment system’s appointment procedures apply.
  2. Involuntary Move.
    - a. A NAF employee may qualify to convert to career or career-conditional employment if he or she was serving in a NAF position on the date it became part of the competitive service and the agency determines it is a "continuing" position. Continuing positions are appointments without time limits. Any intermittent position is considered to be a continuing position. Follow Title 5, Code of Federal Regulations, Part 351 (5 CFR 351) in processing personnel actions.
    - b. A competitive service employee whose position is abolished and reestablished as a NAF position has reduction in force (RIF) rights stipulated in 5 CFR 351. Nonappropriated fund management shall appoint without competition to the NAF job an employee who moves with the job to NAF status.

E. Pay Provisions for Moves from NAF Positions to Competitive Service Positions.

1. General Applicability.

- a. Basic Pay Rate. The Portability of Benefits for Nonappropriated Fund Employees Act of 1990 amended Title 5, United States Code, Section 5334 (5 USC 5334) to establish pay provisions for NAF employees moving to General Schedule positions. Public Law (PL) 92-392's pay provisions, which OPM regulates at 5 CFR 532, continue to apply to competitive service wage grade positions. Paragraphs E.2.4. of this Chapter describes how to set pay for employees based on the categories of the position the employee left and to which he or she moves.
- b. Grade and Pay Retention. The Portability Act stipulates all NAF employees involuntarily moving to a competitive service position retain their previous grade and pay as described in Paragraphs E.2.a.(2), 3.a.(2), and 4.a.(2) below.

2. Setting Basic Pay on Moving From Any NAF to a General Schedule Position.

a. Voluntary Move. Set minimum pay at either:

- (1) The appropriate pay band level's minimum rate.
- (2) Any rate that meets the employee's highest previous pay rate. If the highest previous rate falls between two rates of the new grade, follow 5 CFR 532 and apply the higher rate.

b. Involuntary Move. Set pay as follows:

- (1) At a rate within the grade where moved equal to the employee's basic pay rate under the NAF system immediately before the move. In determining the last basic pay rate, apply the saved pay rate to which the employee was entitled under the NAF system, excluding additions such as night shift differential and other premium payments. Do not set basic pay higher than the maximum of the grade where moved, except as provided in Paragraph 2.b.(2) below.
- (2) Grade and pay retention benefits apply if the involuntary move reduces the grade or pay. Follow 5 CFR 536 in administering grade and pay retention benefits.

3. Setting Basic Pay on Moving from a Nonappropriated Fund Crafts and Trades Position (NA, NL, or NS) to a Competitive Service Wage Grade Position.

a. Voluntary Move. Set the basic pay rate as follows:

- (1) At the grade's minimum step rate.

(2) At any rate that meets the employee's highest previous pay rate. If the highest previous rate falls between two rates of the new grade, apply the higher rate. Follow 5 CFR 532 in computing the highest previous pay rate.

b. Involuntary Move.

(1) Subject to 5 CFR 532's applicable promotion regulations, set pay at either:

(a) The employee's existing scheduled pay rate; or,

(b) Any rate that meets the employee's highest previous pay rate. If the highest previous rate falls between two rates of the new grade, pay the higher rate. Follow 5 CFR 532 in computing the highest previous pay rate.

(2) Grade and pay retention benefits apply if the involuntary move reduces grade or pay. Follow 5 CFR 532 in administering grade and pay retention benefits.

4. Setting Basic Pay on Moving from a NAF Pay Band Position (NF) to a Competitive Service Wage Grade Position.

a. Voluntary Move. Follow 5 CFR 532 in setting basic pay at the appropriate grade's minimum rate, except for exceptions that recognize special qualifications and hard-to-fill occupations.

b. Involuntary Move.

(1) Follow 5 CFR 532 in setting basic pay at the appropriate grade's minimum rate, except for exceptions that recognize special qualifications and hard-to-fill occupations.

(2) Grade and pay retention benefits apply if the involuntary move reduces grade or pay. Follow 5 CFR 532 in administering grade and pay retention benefits.

F. Pay Provisions for Moves from Competitive Service to Nonappropriated Fund Positions.

1. General Applicability.

a. Basic Pay Rate. Coast Guard NAF pay band setting provisions parallel those of the Portability of Benefits for Nonappropriated Fund Employees Act of 1990 for moving to the General Schedule. Public Law 92-392 pay provisions, which OPM regulates in 5 CFR 532, cover nonappropriated fund crafts and trades positions. Paragraphs F.2. and F.3. of this Chapter describe how to set employees' pay based on the categories of position they leave and to which they move.

- b. Grade and Pay Retention. Nonappropriated fund activities do not provide grade retention for pay band employees. A competitive service employee involuntarily moving to a pay band system is eligible for pay retention. Title 5 USC 53, Subchapter VI, and implementing regulations cover grade and pay retention for employees moving from any competitive service position to a NAF crafts and trades position. Paragraphs F.2.b. and 3.b. below contain instructions for applying grade and pay retention.
2. Setting Basic Pay on Moving From Any Competitive Service Position to a NAF Pay Band Position (NF).
- a. Voluntary move. Set pay rates as follows:
    - (1) At the appropriate pay band level's minimum rate.
    - (2) At any pay band level rate equal to or less than the employee's highest previous basic competitive service pay rate.
  - b. Involuntary Move.
    - (1) Set pay at an appropriate NAF pay band level rate that equals the employee's basic pay rate immediately before the move. In determining the employee's last basic pay rate, apply the saved pay rate to which the employee was entitled of either the competitive service system or the special rate position, excluding additions such as night shift differential and other premium payments. Do not set basic pay higher than the maximum of the pay band where moved, except as provided in Paragraph 2.b.(2) below.
    - (2) In administering pay retention for employees moving from a competitive service position to a NAF pay band position, follow the pay band system instructions.
3. Setting Basic Pay on Moving from Any Competitive Service Position to a NAF Crafts and Trades (NA, NL, or NS) Position.
- a. Voluntary Move. Set pay as follows:
    - (1) The grade's minimum step rate.
    - (2) Any rate in the new grade that meets the employee's highest previous rate. If the highest previous rate falls between two rates of the grade, pay the higher rate.
  - b. Involuntary Move.
    - (1) Subject to applicable 5 CFR 532 promotion regulations, set pay at:

- (a) The employee's existing scheduled pay rate.
- (b) Any rate that meets the employee's highest previous pay rate. If the employee's highest previous rate falls between two rates in the new grade, pay the higher rate computed in accordance with 5 CFR 532.

(2) Grade and pay retention benefits apply if the involuntary move reduces grade or pay. In administering grade and pay retention benefits, follow 5 CFR 532.

G. Crediting Service in Waiting Periods for Within-Grade Step Increases (Voluntary and Involuntary Moves).

1. Nonappropriated Fund to Competitive Service General Schedule Moves.

- a. Credit NAF service toward the period of service required for General Schedule step increases.
- b. In determining whether an employee previously in a NAF pay band position has received an equivalent increase for a within-grade increase, OPM regulations apply.

2. Nonappropriated Fund to Competitive Service Wage Grade Moves.

- a. Follow 5 CFR 532 in crediting NAF service in a Crafts and Trades (NA, NL, or NS) position toward the service period required for step increases.
- b. Nonappropriated fund service in a pay band position (NF) is not creditable.

3. Competitive Service to Nonappropriated Fund moves. Credit competitive service employment in the same manner as NAF service.

- a. The 5 CFR 532 applies to all NAF Crafts and Trades (NA, NL, or NS) employees.
- b. The NAF pay band system does not have within-grade increases.

H. Crediting Service Towards Promotion Time-in-Grade Requirements (Voluntary and Involuntary).

1. Nonappropriated Fund to Competitive Service Moves. Follow 5 CFR 300 in crediting NAF service to the General Schedule.

2. Competitive Service to NAF Moves. Credit competitive service employment in the same manner as NAF service.

I. Crediting Time-in-Service in Computing Severance Pay (Voluntary and Involuntary).

1. Nonappropriated Fund to Competitive Service Move. An employee's NAF service, as defined in 5 USC 2105(c), is creditable when computing an employee's severance pay under 5 CFR 550.707.
2. Competitive Service to NAF Move. Nonappropriated Fund activities do not offer severance pay.

J. Retirement.

1. General Applicability. Whether voluntarily or involuntarily moving from NAF to the competitive service or vice versa, apply all retirement portability provisions exactly the same except for the areas of employer and employee contributions addressed below.
2. Employee Retirement Plan Election.
  - a. Retirement Election. Employees moving between appropriated and nonappropriated fund (NAF) employment and vested in the Civil Service Retirement System (CSRS), Federal Service Retirement System (FERS), or a retirement plan established for Nonappropriated Fund Instrumentalities (NAFI) employees may elect to continue coverage in a vested retirement system in an irrevocable one-time election.
  - b. Alternative Election Opportunity. Under this opportunity, an eligible employee in FERS may elect to receive FERS retirement credit for previous civilian service credited under the NAF retirement program and continue FERS coverage. A NAF employee participating in a NAF retirement system may elect to receive credit toward eligibility for a NAF retirement benefit for any previous civilian service credited under the FERS program and continue NAF coverage.
3. Qualifying Moves for Prospective Elections. If it meets all four of these criteria an employment move triggers an opportunity to elect to continue retirement coverage:
  - a. The employee must not have had a previous opportunity to elect to continue the same retirement coverage under 1990 portability provisions (moved before 1987);
  - b. The employee must have been vested in a retirement plan before the employment change;
  - c. The employee must have moved from a Coast Guard NAF to any civil service position or from a civil service to a Coast Guard NAF position; and
  - d. The break in employment qualifying for retirement coverage was a maximum of 3 days.
4. Standard Election Form. On 14 March 1991, OPM issued three standard election forms: one covering CSRS to NAF, one covering FERS to NAF, and one covering NAF to either CSRS or FERS. The Office of Personnel Management's memorandum contained

election procedures and a notice to put in the Official Personnel Folder (OPF) when an employee elects to retain coverage in a NAF retirement plan. Personnel offices will reproduce the documents, use the appropriate election form, and explain its purpose to the employee. The gaining employment system personnel office must complete Part 1 of the appropriate election form. This requires the losing employment system to provide timely assistance, cooperation, and information. In accordance with OPM requirements, follow these procedures in completing and filing employee election forms:

- a. The gaining personnel office completes Part 1 of the form and copies the form.
  - b. The personnel office gives the employee both copies of the form; immediately has the employee read and sign Part 2 of one copy; and collects and retains the signed copy with both Parts 1 and 2 completed. The employee keeps the other copy with only Part 1 completed.
  - c. The personnel office files the signed copy on the OPF's left side or in some other temporary file until the employee chooses a retirement system or the election deadline expires.
  - d. When the employee signs the box in Part 3 of the form and returns it to the personnel office to make an election, the personnel office marks the date received on the form and copies it with Parts 1 and 3 completed. The personnel office gives the employee the copy of the signed form, files the form with the Part 3 original signature on the OPF's right side, and destroys the form copy with Part 2 completed.
  - e. If the time limit expires before the employee returns the election form with Part 3 completed, the personnel office takes the form with Part 2 completed, notes the employee did not file a form with Part 3 completed, and files the form on the OPF's right side.
5. Election Deadline. The deadline for making an election is 30 days after the effective date of the move from one system to another. If the employee does not return the standard election form to the personnel office by the deadline, he or she has in effect elected to enter the gaining employment system's plan without transferring the losing plan's service credit.
  6. Waiving the Election Deadline. Commandant (G-WPC) is authorized to grant exceptions to the deadline for employees who exercise due diligence but are prevented by circumstances beyond their control from making a timely election. Commandant (G-WPC) will determine whether the circumstances were beyond the employee's control and decide whether to grant the waiver request. There is no appeal to the OST level. The agency decision to waive or observe the deadline is final and not appealable to OPM. The procedures for waiving the time limit do not allow reviews under any employee grievance procedures, including those established by 5 USC 71 and 5 CFR 771.

7. Effective Election Date. The election is retroactive to the date of the move from one system to another.
8. Employee Contribution to Plan if Electing to Retain the Losing Employment System's Plan. The employee's contribution to the defined benefit plan will be determined in the same manner as for the other plan employees. The gaining employer remits the employee's contribution to the plan, including FERS Thrift Savings Plan contributions, where applicable.
9. Employer Contribution to Plan When Its Employee Retains the Losing Employment System's Plan.
10. Nonappropriated Fund Employer's Contribution to FERS's Defined Benefit. The contribution is the "normal cost percentage" of basic pay OPM determines under 5 USC 8423. Also, NAF makes employees' social security payments in FERS.
  - a. Nonappropriated Fund Employer's Contribution to FERS Thrift Savings Plan. The contribution is at least 1 percent of basic pay regardless of whether the employee contributes. If the employee does so, NAF matches the contribution dollar for dollar for the first 3 percent of pay contributed and 50 cents on the dollar for the next 2 percent of pay contributed. Note: While a CSRS participant may contribute up to 5 percent of basic pay to the FERS Thrift Savings Plan, the employer is not permitted to match the contribution.
  - b. The NAF Employer Contribution to CSRS.
    - (1) Nonappropriated fund activities will calculate its contribution for NAF employees in CSRS exactly the same way as the agency contribution for competitive service employees in CSRS. Social security payments are not made for CSRS employees, but matching funds are required for Medicare contributions for CSRS employees.
    - (2) Civil Service Retirement System offset employees are covered by Social Security due to separation from CSRS Federal employment for more than a year and returned to a position in which they were covered by CSRS after 1983. The employees' OASDI (social security) withholdings are offset from their CSRS contribution, so the combined social security and CSRS contributions are the same as for employees who have CSRS coverage only.
  - d. Competitive Service Employer Contribution to NAF Retirement Plan. The Retirement Plan Board will determine regulations governing the actual employer contribution, if any, for competitive service employees in the NAF retirement plan.

K. Annual and Sick Leave.

1. Scope. Apply all provisions exactly the same whether the move is voluntary or involuntary and regardless of its direction, NAF to competitive service or competitive service to NAF.
2. Transferring Leave Balance. All leave transfers without limit. The employee receives credit for the full amount of leave, even if he or she earns a higher pay rate from the gaining employment system. The employee may not "cash in" any portion of the leave balance and be paid for accumulated hours. Personnel offices will administer leave under the gaining system's rules.
3. Transferring Funds. Do not transfer funds.
4. Annual Leave Accrual Rate. Personnel offices will credit service in the losing employment system in determining the appropriate leave accrual rate. For NAF to competitive service moves, see 5 CFR 630 for details.

L. Health and Life Insurance.

1. Nonappropriated Fund (NAF) to Competitive Service (Voluntary and Involuntary Moves).
  - a. Employee Coverage. Employees may not elect to remain in the NAF health or life insurance plans but must enroll in the Federal Employees Health Benefits (FEHB) Program and/or the Federal Employees Group Life Insurance (FEGLI) Program to comply with 5 CFR 890 and 870 requirements, respectively.
  - b. Retiree Coverage. See 5 CFR 890 and 870. The FEHB participation after retirement does not depend on retirement from FERS or CSRS if the employee retires under a NAF plan because the NAF retirement plan is a "qualifying" plan under the portability law.
2. Competitive Service to Nonappropriated Fund (NAF) Move.
  - a. Employee Coverage (Voluntary or Involuntary).
    - (1) Employees may not elect to retain FEHB or FEGLI Program coverage.
    - (2) Former competitive service employees are immediately eligible for medical, life, and accidental death and dismemberment coverage. They receive credit for previous service as a competitive service employee to satisfy the 1-year eligibility waiting period required under the existing short- and long-term disability policies.
    - (3) The effective insurance date is the date the employee enrolls in the plan, provided he or she enrolls during the initial enrollment period. Coverage for employees previously enrolled in FEHB or FEGLI programs is continuous. The insurer will treat former competitive service employees not previously enrolled in FEHB or

FEGLI as new enrollments. However, if the employee was eligible to participate in FEHB but did not, he or she must submit medical evidence of insurability to the insurance carrier.

(4) The NAF medical plan preexisting condition rule does not apply to employees previously continually covered under FEHB or FEGLI.

a. Retiree Coverage.

(1) Voluntary Move. All new NAF Group Insurance Plan enrollees must have participated in the Plan for 15 years for their Group Life and Comprehensive Medical coverage to continue after retirement until age 65 at the current rate. The employee can continue coverage only for that coverage in which he or she participated.

(2) Involuntary Move. All new NAF Group Insurance Plan enrollees are required to participate for 15 years in the Group Insurance Plan and FEHB to continue their Group Life and Comprehensive Medical coverage after retirement until age 65 at the current rate. Coverage continues only for that coverage in which the employee participated.

M. Reduction-in-Force (Voluntary and Involuntary Moves).

1. Nonappropriated Fund (NAF) to Competitive Service Move. Personnel offices shall credit nonappropriated fund (NAF) and competitive service employment in establishing competitive service retention registers; see 5 CFR 351 for details. In using performance ratings to determine retention rights, follow this OPM guidance: “Under paragraph 5 CFR 430.204(k) of OPM’s performance management regulations, NAF employees who are converted to competitive service positions are entitled to RIF credit for their NAF performance ratings for the purpose of determining their retention rights.”

2. Competitive Service to Nonappropriated Fund (NAF) Move. In establishing retention records, NAF personnel offices will credit NAF employment under normal NAF rules and credit competitive service employment as well. If NAF personnel offices use performance appraisals in the NAF RIF system, competitive service employees converted to NAF positions are entitled to RIF credit for their competitive service performance ratings.

N. Probation Status (Voluntary and Involuntary Moves). In this Paragraph, “same agency” means the Coast Guard, not the Department of Transportation. “The same line of work” means the duties performed are similar in nature and character and require substantially the same or similar qualifications.

1. Nonappropriated Fund (NAF) to Competitive Service Move. In determining probation status, credit all NAF service in the same agency and same line of work immediately

preceding the move as the position to which moving; see 5 CFR 315 for details.

2. Competitive Service to NAF Move. Credit all competitive service employment immediately preceding the move in the same agency and same line of work as the position where moving in determining probation status.

O. Tenure.

1. Nonappropriated Fund (NAF) to Competitive Service Move. See 5 CFR 315.
  - a. Voluntary Move. Do not grant service credit for NAF employment.
  - b. Involuntary Move. Credit all continuous non-temporary service preceding the move to satisfy the qualifying period requirement.
2. Competitive Service to Nonappropriated Fund (NAF) Move.
  - a. Voluntary Move. Do not grant service credit for competitive service employment.
  - b. Involuntary Move. Credit all continuous non-temporary competitive service employment immediately preceding the move.

## **STATEMENT OF HONESTY, TRUST AND INTEGRITY**

### **1. CONDUCT.**

- a. I acknowledge receipt of Chapter 2: Standards of Conduct of COMDTINST M12271.1A and that I attended a briefing on its contents.
- b. I understand federal employees have a grave responsibility under the Federal code of conduct and ethics for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the Government's business and the maintenance of confidence of the American people.

### **2. SEXUAL HARASSMENT.**

- a. I understand sexual harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment debilitates morale and interferes in the work productivity of its victims and co-workers.
- b. I understand sexual harassment is deliberate or repeated unsolicited verbal comments, gesture, or physical contact of a sexual nature, which are unwelcome.
- c. I understand that within the Federal Government, a supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee of an agency who behaves in this manner in the process of conducting agency business is engaging in sexual harassment.
- d. I understand any employee who participates in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome and interfere in work productivity is also engaging in sexual harassment.
- e. I understand that it is the policy of the Department of Transportation (DOT) that sexual harassment is unacceptable conduct in the workplace and will not be condoned. Personnel management within the Federal sector shall be implemented free from prohibited personnel practices and consistent with merit system principles, as outlined in the provisions of the Civil Service Reform Act of 1978. All Federal employees should avoid conduct, which undermines these merit principles. At the same time, it is not intent of DOT to regulate the social interaction or relationships freely entered into by Federal employees.

**3. USE OF PERSONALLY OWNED AND GOVERNMENT COMPUTERS.**

- a. I understand the use of privately owned or leased personal computers or microcomputers to conduct official Government business in a Coast Guard workplace must be authorized in writing by the Automated Data Processing Security Officer (ADPSO).
- b. I understand that the computer must be purged of any government information prior to being returned to private use. Privately owned personal computers shall not be used to process classified information.
- c. I understand that, only official Government business may be conducted on Coast Guard owned computers, microcomputers and/or automated information systems, any records produced are government records, and must be handled in accordance with Paperwork Management Manual, whether reduced to paper or in electronic form, to comply with the Federal Records Act, (FRA) and regulations of the National Archives and Records Administration (NARA).
- d. I understand it is my responsibility to protect information processed by Coast Guard owned computers, microcomputers and/or automated information systems, directly or via remote access.
- e. I understand that there is no expectation of privacy on Coast Guard owned computers, microcomputers and/or automated information systems and that the system is subject monitoring by authorized personnel. I further understand that if security monitoring reveals evidence of possible improper or criminal activity, such evidence will be provided to appropriate management and/or law enforcement personnel.

\_\_\_\_\_ Date \_\_\_\_\_  
(Printed Name) (Signature)

\_\_\_\_\_ (User name if known) \_\_\_\_\_ (Phone Number)

**NONAPPROPRIATED FUND PERSONNEL MANUAL  
 COMMANDANT INSTRUCTION M12271.1A  
 LISTING OF FORMS**

<b>Form #</b>	<b>Form Title</b>	<b>Stock ##</b>	<b>Stock Point</b>	<b>To Obtain Form</b>
CG 3430.8R	U.S. Coast Guard Performance Plan and Evaluation (NAF Pay Bands 5 & 6)	N/A	JetFiller	Jetfiller
CG 5545	NAF Personnel Evaluation Report (NAF Pay Bands 3 & 4)	N/A	JetFiller	JetFiller
CG 5545A	NAF Personnel Evaluation Report (NAF Pay Bands 1 & 2)	N/A	N/A	Jetfiller
DOT 3200.2	Recommendation for Secretarial Award	N/A	JetFiller	Jetfiller
DOT 3300.1	Employment Inquiry	N/A	JefFiller	JetFiller
LS 242	Notice to Employees (Compensation Notice)	N/A	Personnel Office	USCG NAF Worker's Compensation Procedures Guide
OF 8	Position Description	N/A	Personnel Office	GSA Internet Address: <a href="http://www.opm.gov">www.opm.gov</a>
OF 612	Optional Application for Federal Employment	N/A	Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>
SF 8	Notice to Federal Employee About Unemployment Insurance	NSN 7540-00-634-3964	Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>
SF 50	Notification of Personnel Action	NSN 7540-01-333-6236	Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>
SF52	Request for Personnel Action		JetFiller	JetFiller
SF 61	Appointment Affidavit	7540-00-634-4015	GSA	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>
SF 66	Office Personnel Folder	NSN 7540-00-222-3442	Personnel Office	GSA Internet Address: <a href="http://www.gsa.gov">www.gsa.gov</a>
SF 71	Request for Leave or Approved Absence	N/A-	JetFiller	Jet Filler
SF78	Certificate of Medical Examination	N/A	JetFiller	Jetfiller

<b>Form #</b>	<b>Form Title</b>	<b>Stock ##</b>	<b>Stock Point</b>	<b>To Obtain Form</b>
SF 85	Questionnaire for Non-Sensitive Positions	OMB No. 3206-0005 NSN 7540-00-634-4035	JetFiller	Jetfiller
SF 93	Report of Medical History	N/A	JetFiller	Jetfiller
SF 127	Request for Official Personnel Foler (Separated Employee	N/A	GSA	GSA
SF 177	Statement of Physical Ability for Light Duty Work	N/A	GSA	GSA
SF 182	Request, Authorization, Agreement and Certification of Training (5 PTS)	N/A	GSA Commandant (G-SII)	Jetfiller
SF 258	Agreement to Transfer Records to the National Archives of the United States	N/A	JetFiller	Jetfiller

**NONAPPROPRIATED FUND PERSONNEL MANUAL  
 COMMANDANT INSTRUCTION 12271.1A  
 LISTING OF *EXHIBITS***

<b>CHAP- EXH</b>	<b>TITLE</b>	<b>MISSING - INCLUDED</b>	<b>FORMAT</b>
1	<b>None</b>	N/A	
2-1	Statement of Honesty, Trust and Integrity	Missing	USCG Macro, Standard Letter
3-1	?? Orientation and Check-Off Sheet ??	Missing	??
4	<b>None</b>		
5	<b>None</b>		
6	<b>None</b>		
7	<b>None</b>		
8-1	Notice of Removal	Included	USCG Macro, Standard Letter
8-2	Award Recommendation Transmittal	Included	??
8-3	Intermittent (WAE) Employee Performance Evaluation	Included	??
8-4	Performance Improvement Plan (PIP)	Included	USCG Macro, Standard Letter
9-1	Discussion Documentation Sheet	Included	??
9-2	Schedule of Offenses and Remedies	Included	??
9-3	Letter of Reprimand	Included	USCG Macro, Standard Letter
9-4	Notice of Suspension	Included	USCG macro, Standard Letter
9-5	Notice of Removal	Included	USCG Macro, Standard Letter
9-6	Discipline and Adverse Action	Missing	??
10	<b>None</b>	N/A	N/A

<b>CHAP-EXH</b>	<b>TITLE</b>	<b>MISSING INCLUDED</b>	<b>FORMAT</b>
11-1	Commander's Award for Civilian Service	Missing	Certificate
12-1	Notice of Reduction in force (RIF)	Included	USCG Macro, Standard Letter
13	<b>None</b>	N/A	N/A
14	<b>None</b>	N/A	N/A
15-1	Reasons for Separation	Included	N/A
16	<b>None</b>	N/A	N/A
17	<b>None</b>	N/A	N/A
18	<b>None</b>	N/A	N/A
19	<b>None</b>	N/A	N/A
20	<b>None</b>	N/A	N/A