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Civilian Personnel

**SUPERVISOR
TRAINING
COURSE—LEADERS'
GUIDE**

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SUMMARY of CHANGE

DA PAM 690-31
SUPERVISOR TRAINING COURSE-LEADERS' GUIDE

Not applicable.

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FOREWORD

This pamphlet is the Leaders' Guide for the Department of Army Supervisor Training Course. It is to be used by employee development specialists and other personnel responsible for the training of new supervisors of civilian employees of the Army. Army implementation of the Civil Service Reform Act of 1978 requires that first-time civilian supervisors serve a one-year probationary period in the supervisory assignment. It should be the goal of the training and development staff to help them succeed, by providing pertinent training as soon as possible after they are appointed.

The subject matter contained herein is important for supervisors to know and understand in order to carry out their personnel administration and management functions properly. The loose-leaf format of this pamphlet will facilitate updating as regulations and procedures require change.

Civilian Personnel

SUPERVISOR TRAINING COURSE—LEADERS' GUIDE

By Order of the Secretary of the Army:

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History. This publication has been reorganized to make it compatible with the Army electronic publishing database. No content has been changed.

Summary. This pamphlet is the Leaders' Guide for the Department of Army Supervisor Training Course. It is to be used by

employee development specialists and other personnel responsible for the training of new supervisors of civilian employees of the Army. Army implementation of the Civil Service Reform Act of 1978 requires that first-time civilian supervisors serve a one-year probationary period in the supervisory assignment. It should be the goal of the training and development staff to help them succeed, by providing pertinent training as soon as possible after they are appointed.

Applicability. The content of this pamphlet is to be used by employee development specialists and other personnel responsible for the training of both civilian and military supervisors of civilian employees of the Department of the Army.

Proponent and exception authority. The proponent agency for this pamphlet is the Office of the Deputy Chief of Staff for Personnel.

Interim changes. Interim changes to this pamphlet are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless they are sooner superseded or rescinded.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to US Army Civilian Personnel Center, 200 Stovall Street, Alexandria, Virginia 22332.

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Chapter 1

TRAINING COURSE GUIDE

1-1. Introduction.

The purpose of this chapter is to provide background and guidance for the conduct of the Department of the Army (DA) Supervisor Training Course. This pamphlet is the Leader's Guide for conduct of that course. This pamphlet will serve as the basis for local planning and presentation of supervisory training for new first line supervisors required by AR 690-400, chapter 410.

1-2. The Army Supervisor.

a. The first-line supervisor of civilian employees within Army is considered a member of the management team. As such, he or she shares responsibility for the accomplishment of the organization's mission.

b. Section 7103 (a)(10)* of title 5, United States Code, defines a supervisor as "an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline or remove employees, to adjust their grievances or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that with respect to any unit which includes firefighters or nurses, the term 'supervisor' includes only those individuals who devote a preponderance of their employment time to exercising such authority."

c. The Civil Service Reform Act (CSRA) of 1978 has increased the importance of supervisor training:

(1) First-time supervisors serve a one-year probationary period. Unsuccessful supervisory performance during this period will result in removal from the supervisory position and return to the former position or an equivalent one. It is the responsibility of civilian personnel officers and chiefs of training and development to assure that new supervisors receive timely and high quality training which will assist them in successful completion of the probationary period.

(2) Supervisors under the Merit Pay System will be paid according to individual performance and organizational accomplishments.

d. Accordingly, training must be timely and germane to the on-the-job responsibilities of supervisors. Training is not the sole ingredient of supervisory success or failure, but no Army supervisor should fail because of any deficiency in his/her training.

1-3. Training Military Supervisors.

a. Many civilian employees are supervised by commissioned and noncommissioned officers who have both experience and training in the leadership and command of military personnel. Frequently, however, military supervisors have had little or no exposure to the supervision of civilians and, unlike their civilian counterparts, they have not become familiar with civilian employment practices by personally being subject to them. Accordingly, although new military supervisors are competent leaders, they often lack knowledge of many of their specific responsibilities as supervisors of civilians. This course is as applicable to them as to new civilian supervisors.

b. It is highly desirable that military supervisors participate with their civilian counterparts in standardized supervisor training classes. The advantage of such training is the benefit of the additional information and insight afforded by the communications among class members. Such exchange is of equal value to civilian participants. Some commanders, however, prescribe separate training for military personnel to address their special needs. In such circumstances, material in this pamphlet will serve as the basis for local design of such training.

1-4. Supervisor Training Program Design.

a. This pamphlet contains material to be used by Army civilian personnel officers in the conduct of the basic training required by AR 690-400, chapter 410 for new Army supervisors. It will ordinarily be conducted in approximately 40 classroom hours. The first unit of training will always be The Role of the Supervisor (Chapter 2), which provides an overview. Subsequent units may be presented in whatever sequence is desired by the course director. Ordinarily, all units of training will be included in the course. Some circumstances which may warrant departure from this are situations where participants do not, and are not likely to, supervise employees in an organized labor unit, making it unnecessary to conduct the labor relations unit; or where an installation-wide course in alcohol and drug abuse makes the unit on that topic redundant. The pamphlet is so designed (i.e., loose leaf) so that individual chapters may be reproduced for use by instructors concerned, and locally developed materials may be interweaved in the training office "master" guide.

b. This course is only the first step in the continuing process of supervisor development. It should be followed with advanced classroom training as prescribed in AR 690-400, chapter 410, other training as necessary to instruct supervisors on new and changed responsibilities and practices, and on-the-job experience with competent coaching to further develop supervisory skills.

* Enacted by the Civil Service Reform Act of 1978 (Pub. L. 95-454, 13 October 1978, sec. 701; 92 Stat. 1194)

1-5. Instructor Selection and Preparation.

a. The chief of training and development normally designates an employee development specialist to serve as course director, with responsibility for planning, arranging for, scheduling, and monitoring the course.

b. The instructor staff is selected from civilian personnel office staff members, local managers and supervisors, and subject matter experts. Each person who serves as an instructor must be both fully familiar with the material to be presented and competent to present the information effectively in a classroom setting. Subject matter experts may include the activity safety officer, EEO officer, member of the manpower office, and others.

c. In addition to being fully familiar with the subject matter, every instructor is responsible for studying the material in this pamphlet which is germane to his/her assigned topic and for presenting the material prescribed in the time allotted, unless the course director has agreed to modification of the subject matter content because of unique circumstances. Material should be presented in the instructor's own words, with appropriate local references and examples. Instructors must also review films, Handouts, and other training aids to become familiar with them and plan their use. They may develop and distribute local Handouts to supplement those in this pamphlet.

d. In addition to familiarizing himself/herself thoroughly with the content of this pamphlet, the course director (and staff) should be acquainted with pertinent parts of the *Manager's Handbook* published by the Office of Personnel Management. A further reference source is the civilian personnel office library of pamphlets, regulations and professional publications. Installation and local libraries might also be useful. Local supervisory handbooks are important reference sources and may be used as course Handouts.

1-6. Course Presentation.

a. This course may be presented in a continuous block of time, i.e., as a full-time, week-long course, or in a variety of other formats (e.g., half-days, alternate day). The time for each unit of the course is not prescribed to permit flexibility on the part of installation/activity civilian personnel offices. It is expected that the total time of the course will approximate 40 hours.

b. Facilities and instructor capabilities will govern the size of the class. Ordinarily it is expected that the maximum manageable class size would be about 20 participants.

c. The frequency with which the course is conducted will be governed by the demand (i.e., number of untrained supervisors) and the capacity of the training staff. When needs cannot be met because of the latter, action should be initiated to obtain additional resources or to find other means of meeting the needs.

d. The convenience and adequacy of training facilities is essential to effective learning. They should be as centrally located as possible and comfortable enough to encourage attendance and learning. Projectors, screens, and other training devices should be in good working order.

e. A cornerstone of this course is that supervisors, however new and at whatever grade, are a part of management. It is essential that every participant be treated accordingly, from the initial invitation and the greetings on the first day of the course. Instructor attitudes and presentations should convey the message that participants are members of management and that the staff will support them in doing their jobs.

f. Commander and management support, and its evidence, are important to the success of the course. This includes involvement of the training committee in planning and scheduling the training, participation of managers in assuring attendance of supervisors and in conducting some sessions, and presence of the commander or his representative at the "kick-off" session and/or graduation ceremony.

1-7. Acquisition and use of Films.

A number of films are cited for use in the course. Information regarding availability of the films may be obtained from the Defense Audio-Visual Information System (DAVIS). Consult the local TASO (Training Aids Service Office) for specific information on local availability of DAVIS access.

1-8. Evaluation of Training.

a. The civilian personnel officer's responsibility for the course does not end when the class is graduated. He/she has a responsibility to evaluate the course for the purpose of improving its presentation to subsequent classes. Instruments for and methods of such evaluation include:

(1) *End-of-course critiques by participants.* Before dismissing the final session of a class, course directors should have participants complete an end-of-course critique. A block of time should be reserved for the exclusive purpose of discussing participant's reactions. Particular attention should be given to establishing a climate which encourages participants to express both dissatisfaction and satisfaction with the course. The primary purpose of this critique is to discover the weaknesses and strengths of the course in order to correct or reinforce the sessions to achieve maximum benefit. Critiques should focus on all aspects of the course, including content, structure, mode of delivery, instructor style, instructional method and physical facilities. Written (anonymous) critique forms may also be used to get participant reaction.

(2) *Instructor critique.* Each member of the instructional staff should be asked to make an objective appraisal of his/her sessions to identify possible improvements.

(3) *Follow-up evaluation.* Approximately 90 days after the training, participants should be contacted to learn how the course has helped them, in what areas it may have failed, and what suggestions they have for improvement.

b. The evaluations summarized above should be made with the goal of course improvement in mind. Accordingly, the information obtained should be translated into action by means of:

- (1) Documentation of the evaluations and of specific recommendations for improvement;
- (2) Feedback of this information to the course director and to instructors concerned;
- (3) Reference to the records when planning the next course. If improvements are not made, the evaluation effort is wasted.

Chapter 2

THE ROLE OF THE SUPERVISOR

2-1. Learning Objectives.

Upon successful completion of this unit of training, learners will be able to—

- a. Summarize the principal functions of supervisors as members of Army's management team;
- b. Describe the principal characteristics of Army employment which influence the nature of the supervisor's job.
- c. Summarize the major elements of the management cycle.

2-2. Selection and Preparation of Instructor.

This unit of training should be presented by the course director, who should be a senior member of the training staff, with the local commander or his/her representative introducing the course and emphasizing the commander's support and the essential role of supervisors on the management team. This session sets the tone for the entire course and will greatly affect the attitude of participants toward the training staff and function. Accordingly, it is essential that the director be "on top" of the training content and be fully prepared to conduct the unit effectively.

2-3. Materials Used.

- a. *Subject matter content (para 2-5).*
- b. *Handouts.*
 - (1) Organization chart or directory of local civilian personnel office staff responsibilities.
 - (2) Handout 2-1, Elements of the Management Process.
 - (3) Handout 2-2, Supervisor's Personnel Management Responsibilities.
- c. *Transparencies of Handouts (optional).*
- d. *Equipment.* Depending on the choice of presentation methods, an overhead projector, chart stand and paper and/or a chalkboard, with markers or chalk as appropriate; film projector.

2-4. References.

- a. AR 690-200, chapter 250.
- b. DA Pam 690-11, Guide to Civilian Personnel Management for Key Military Officials.
- c. Local civilian personnel policy issuances, supervisor handbooks, etc.

2-5. Training Content.

a. *Welcome.* The course director should introduce the commander or his/her representative, who has been invited to welcome the class and include comments along the following lines:

- (1) First line supervisors are management's link with the civilian workforce. Their competent performance is essential to mission accomplishment.
- (2) This course, and training in general, are important tools in helping supervisors achieve and maintain a high level of competence. Accordingly, top management fully supports supervisory training.
- (3) If military personnel are in the class, special emphasis should be given to the fact that they are probably experienced leaders, but that this course will help them learn features of a new (to them) personnel system, about which knowledge is essential to their successful supervision of civilians.
- (4) Participants will benefit from the course in proportion to their efforts and participation.

b. *Introductions and "Warm Up."* Ask participants to introduce themselves and to briefly describe their supervisory responsibilities and what they would like to gain from the course. Then divide class into small groups of 4-6 people (preferably individuals from the same organization will be assigned to different groups) and ask them to identify and discuss for about 20 minutes the problems they have or expect in their jobs as supervisor. Reconvene, list on the

blackboard the problems identified by each group, and discuss the major categories they represent. Conclude by stating that the *course* will not solve all of these problems but may provide information and ideas which *participants* can use in solving some of them.

c. Course Overview. Review the course agenda, highlighting the following points:

(1) The course begins with an examination of the supervisor's role as a manager of work and supervision of workers.

(2) You will then deal in somewhat greater detail with the management process.

(3) This management takes place in a unique work environment and employment system, and some time will be taken to look at the major features of that system.

(4) You will then deal separately with each of a number of specific personnel management responsibilities of supervisors under our system.

(5) Invite and answer questions about course agenda.

(6) Present learning objectives for remainder of this unit on Role of the Supervisor (see para 2-1).

d. The Supervisor's Role.

(1) *Lecture.*

(a) The first-line supervisor is an essential member of the Army management team because he/she is the link between the rest of management and the worker. The effectiveness of this link is critical to assuring that the workforce accomplishes what management plans and directs; i.e., the accomplishment of the organization's mission.

(b) (At this point the instructor may want to interject local references to the installation/activity mission and/or the responsibilities of the class participants.)

(c) We might divide the responsibilities of the supervisor into two major categories; managing the *work*, and supervising the *worker*. These functional areas are interdependent—neither stands alone in the job of the first-line supervisor—and both have to be done if the supervisor is to do his/her job! Let's take a closer look at *managing work*.

(2) *Managing Work.* There are many variations on the elements of the management process. No one of them is necessarily better than the others, so for our discussion let's use this one which may be familiar to some of you.

Note. (To Instructor. Place a chart as shown in Handout 2-1 on the blackboard, show it as a transparency, or provide it as a Handout.)

(3) *Planning.* Planning entails selecting or participating in the selection of the objectives, goals, and programs for the unit and the procedures for achieving them. Planning is decision making. It involves thinking about the job to be done, what is needed to do it (personnel, equipment, supplies, and spaces), choosing from among available alternatives, and developing orderly plans and decisions to best accomplish the job. Programming and budgeting activities in the Army are associated with the basic program planning function and as first-line supervisors you may be involved in them for your organization.

(4) *Organizing.* Organizing is determining and identifying the activities required to achieve the planned objectives and goals, grouping these activities, and assembling resources to accomplish the job to be done. It involves developing a formal structure for a stable grouping of personnel, work activity, equipment, and supplies so that plans can be put into operation. The assignment of work and responsibilities and the establishment/grading of positions is a part of this function, and we'll discuss that in some detail when we come to the position and pay management unit.

(5) *Directing.* Directing is guiding and supervising subordinates in the accomplishment of the work that has been assigned. It involves daily and periodic distribution of work, provision of technical guidance, and other activities which cause and help subordinates accomplish the work of the unit. Directing includes scheduling, establishing and adjusting work load priorities, and instructing workers.

(6) *Controlling.*

(a) Controlling involves the continuing supervision of work in progress. It is done in various ways, depending on the nature of the work supervised. Some work and its product can actually be seen; the supervisor can immediately tell whether it is being done correctly. Other kinds of work are not so readily viewed.

(b) (Instructor may give examples based on the work supervised by class members.)

(c) The *degree* of control depends on a number of factors. It should not be so intensive as to display a lack of confidence in the workers; no one likes to have the boss "looking over his shoulder" all the time. Supervisors are held responsible for the work of their units, however, and they need to exercise the kind and extent of review necessary to assure that it's being done right.

(7) *Evaluation.*

(a) Evaluation is the measurement of the organization's performance by comparing accomplishment with plans and objectives. Where short falls are disclosed, analysis must be made to discover their *causes*, and to identify *appropriate* corrective actions. Such actions may include modifying objectives, changing work methods, training workers, establishing different priorities, seeking additional resources, etc. This then brings us around to the first step of the "management cycle"—planning—and the process is repeated.

(b) (If your installation/activity uses a formal management-by-objectives system, it may be appropriate to modify or supplement the foregoing to describe the system in which class members must operate.)

e. The Management Cycle.

(1) *Discussion.*

(a) Encourage group discussion of the management cycle by asking such questions as:

- Does this sequence seem to operate in your organization?
- Are there any managerial functions not included in these five categories?
- Which of these five are most important (time consuming) in your own jobs?
- What are the most difficult of these functions to perform successfully, and why?

(b) (This discussion will probably lead to (or can be led to) a focus on the *personnel* management aspects of the supervisor's job, which will be dealt with next.)

(2) *Title not used.* Paragraph not used.

f. The Personnel Management Environment.

(1) *Lecture.* The Army supervisor does his/her job in a unique environment, and it is important to understand it before we tackle the specific personnel management responsibilities of supervisors. We are frequently reminded that, unlike the private sector, government does not have a "profit motive" or "bottom line." This does not mean that we are unconcerned with economy, efficiency, and effectiveness of operations. As Federal supervisors we are ultimately responsible to the American public for our performance and our actions. Let's look at some of the characteristics of Federal employment, why they exist, and how we can live with them.

(2) *Basic Purpose.*

(a) The basic purpose of Government personnel management, like personnel management everywhere, is to get work done efficiently and economically. To do this, the Federal personnel system attempts to attract and retain fully competent workers in the career service and ensure that their services are used to the best advantage. To attract and hold such workers, the Government must assure that employees receive fair pay, opportunities for recognition and advancement, and protection against unwarranted adverse action or capricious removal.

(b) While doing this, the personnel system must also meet the standards of public service in a democratic government. This means that the system must emphasize equal opportunity to compete for Federal employment opportunity.

(c) An additional goal is to achieve economical operations and responsive service to the public. As our course progresses and we discuss some of our personnel management responsibilities in greater detail, we will see evidence of meeting the above goals in many personnel activities. For example:

- Competitive Merit system hiring seeks to ensure equal opportunity and appointment of well-qualified personnel.
- Promotion policy helps us to select the most competent employees.
- Effective use of training, performance appraisal, and step rate increases promotes employee productivity.

(3) *How the Present System Developed.*

(a) For many years, government jobs were filled on the basis of personnel favoritism and political patronage. This "spoils system" produced serious inequities among applicants and employees, impaired the efficiency of the Federal workforce, and denied many supervisors the staffing authority necessary to sound management.

(b) In 1883, in response to the public outcry against the "spoils system," Congress passed the Civil Service Act, providing for appointment to government jobs on the basis of merit and fitness without regard to political or religious considerations. This act also established the US Civil Service Commission and charged it with drawing up rules for the civil service. From this beginning, the "civil service" system has grown.

(c) The first comprehensive revision of the Civil Service Act of 1883 occurred in October 1978 with the enactment of the Civil Service Reform Act. The Reform Act and related laws provide the general pattern for the operation of the Federal personnel system.

(4) *Scope of Federal Employment.* Today, most civilians employees of the Federal Government are subject to the civil service system, and the current size of Federal employment affects how we manage within that system. The Federal Government with over 2½ million employees is by far the largest employer in the United States. These workers represent over 15,000 different occupational skills. Less than 10 percent of this workforce is in Washington; over 90 percent is spread throughout the United States and in other parts of the world.

(5) *Standard Government Practices.* To assure that employees of the various departments and agencies are subject to the same requirements and similar conditions of employment, we are all governed by executive orders, and Federal regulations. The Office of Personnel Management which replaced the Civil Service Commission, is the central personnel agency of the executive branch of government. OPM's responsibilities are to—

- Develop and issue specific goals, policies, procedures, and regulations needed to make laws and Presidential directives effective;

- Provide testing, evaluation, and referral of job applicants to agencies;
- Develop the standards by which jobs are classified;
- And, in general, provide advice and assistance to agencies in developing effective personnel management programs.

(6) *Army Implementation.*

(a) The Department of Army implements OPM regulations by publishing its own regulations, circulars, pamphlets, and letters. Commands and activities may supplement them. It is a principle of Army civilian personnel management that it is decentralized insofar as feasible, so that the local commander has the maximum authority, within regulations, to manage his personnel resources.

Note. (To Instructor. If there are military supervisors in the class, the contrast should be made with military personnel management, which is highly centralized. Military participants should be introduced to DA Pamphlet 690-11.)

(b) It is further Army principle that the first line supervisor is the true personnel manager. Accordingly, the individual must understand and apply the procedures which implement civil service laws, rules, and regulations.

(7) *Support for the Supervisor.* Supervisors are not expected to stand alone or to discharge all personnel management responsibilities single-handedly. The civilian personnel office is the staff office charged with supporting managers at all levels, from the commander to the first line supervisor, with advice and assistance.

Note. (To Instructor. Distribute local CPO chart or directory and briefly review how the CPO is organized to do its job, who the principal points of contact are, and how they may be reached. Identify individual who will appear as instructors later in the course, so that participants can begin to relate people and functions. Invite questions and discussion, both to assure understanding and to give participants a period of activity before the remainder of the session.)

(8) *Supervisor's Personnel Management Responsibilities.*

(a) The remaining sessions of this course will deal with a number of specific personnel management responsibilities of Army supervisors—not in general, theoretical terms but in terms of practical things you must know and do as supervisors of civilian employees. Those of you who have been employed under the civil service system for any length of time are familiar with how some of these functions operate—from an employee's point of view. Now you'll be considering them from the supervisor's vantage point. Ideally, these viewpoints would be the same, but we know that sometimes they are not "where you stand depends on where you sit."

(b) (Show transparency/Handout 2-2.)

(c) This chart shows, by broader category, some of the principal personnel management functions in which supervisors have a major role and which will be featured in future sessions of this course.

(d) You will note that some of the specific functions relate to more than one category. As we begin each unit of the course we will outline the learning objectives of that unit so that you will be able to judge your success in learning about these functions.

(e) (Discuss *briefly* what each of the units entails. For example:

(f) In position and pay management we will discuss how positions are designed and established, how they are described and classified, what the policies are for controlling average grade, and the supervisor's responsibility for each of these steps.) (Conclude this unit of instruction with a brief summary of the principal topics—keyed to learning objectives presented earlier today—and information about the time, location, and subject of the next session.)

Elements of the Management Process

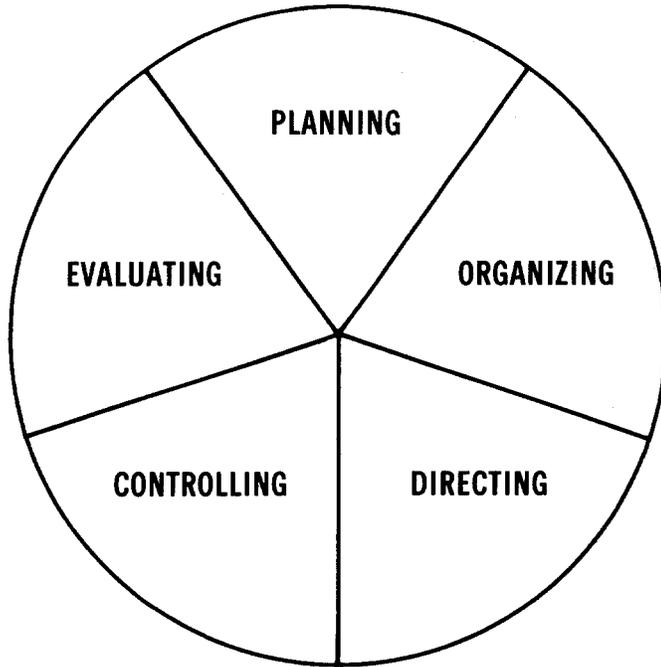


Figure HO 2-1. Elements of the Management Process

Supervisors' Personnel Management Responsibilities

POSITION AND PAY MANAGEMENT

Organizing work and establishing positions
Managing classification and pay

STAFFING

Selecting workers

EMPLOYEE PRODUCTIVITY

Training and development
Recognition
Scheduling work and administering leave
Promoting safety and health
Preventing and controlling alcohol and drug abuse

MANAGEMENT-EMPLOYEE RELATIONS

Communication
Appraising performance
Administering discipline
Handling grievances
Relations with employee groups

GENERAL

Assuring equal employment opportunity
Career management

Chapter 3

JOB CLASSIFICATION AND POSITION MANAGEMENT

3-1. Learning Objectives.

This unit of training is designed to help supervisors to:

- a. Better understand their basic supervisory role in establishing and managing positions and the procedures for carrying out these responsibilities.
- b. Broaden their knowledge of EEO, union, and other related aspects of position and pay management responsibilities.
- c. Gain useful information and experience through discussion and practical exercises.

3-2. Selection and Preparation of Instructor.

This session should be conducted by one or more specialists from the position and pay management branch. The material should be adapted to local situations to make the discussions more meaningful for supervisors. The instructor should have a chalkboard and overhead projector available. The recommended transparencies may be reproduced from the Handouts in this chapter. Whether the material will be shown on transparencies or distributed as Handouts is at the instructor's option. Both are recommended, however, to provide for student review of instructions presented.

3-3. Materials Used.

- a. *Subject matter content (para 3-5).*
- b. *Handouts.*
 - (1) Handout 3-1, General Schedule Job Description.
 - (2) Handout 3-2, Factor Evaluation System (FES) Job Description.
 - (3) Handout 3-3, Wage Grade Job Description.
 - (4) Handout 3-4, Job Description Worksheet (DA Form 374 WS).
 - (5) Handout 3-5, DA Form 279-R (Test).
 - (6) Handout 3-6, Factor Evaluation System Definitions.
 - (7) Handout 3-7, Job Classification Cases.
 - (8) Handout 3-8, Solutions to Pay Management Cases.
 - (9) Handout 3-9, Position Management and Classification Instructions and Checklist. (Appendix E, AR 690-500, chap 501).
 - (10) Handout 3-10, Position Management Cases.
 - (11) Handout 3-11, Solutions to Position Management Cases.
 - (12) Handout 3-12, How You can Help Achieve the Kind of Position and Pay Management Program you need.
- c. *Equipment.* Overhead projector, chalkboard and/or chart stand and paper with chalk or felt markers as appropriate.

3-4. References.

- a. AR 690-500, chapter 501, Position and Pay Management.
- b. Position Classification Standards, General Instructions for the Factor Evaluation System, USCSC, May 1977, (Introduction, Background and Instruction, Section VII).
- c. DA Pamphlet 690-8, Guide to Position Management for Key Military and Civilian Personnel.
- d. FPM chapter 511, Classification under the General Schedule.
- e. AR 570-4, Manpower Management.
- f. Supervisory Grade Evaluation Guide.

3-5. Training Content.

Note. (To Instructor. The following are suggested remarks for development of a five-minute introduction to the session.)

- a. *Introduction.*
 - (1) (State the objective of the session or show a transparency.)
 - (2) The aim of this session will be to provide you with enough information to help you understand your role as a supervisor, for insuring proper classification and effectively managing positions. This is part of your overall personnel management responsibility of procuring, developing, maintaining, and utilizing a labor force so that the objectives for which the organization is established will be attained, economically and effectively. And, importantly, you will be able to assure that the objectives of equitable grading and compensation of personnel and sound business-like management are served properly.
 - (3) The establishment of positions is the first step in the total personnel process. The job classification and description is a basic tool used in other personnel processes including employment, promotion, and reassignment. It is a

voucher for salary payment. Federal law requires that job classification be based on a comparison of duties and responsibilities assigned to a job and OPM classification standards.

(4) *Your responsibility* is to plan, organize, and assign duties to various positions. In reality you, not the classifier, determine the grade of positions because you assign the duties to a position. You should be willing to support the decisions that result from your assignments.

(5) During this session, we will be giving some thought to the basic considerations and understandings pertaining to duties, job descriptions, job evaluation (grading), and to position management. All of these help to assure that employees are treated fairly and that pay rates have a direct relationship to the level of skill and responsibility of the work performed. Position management contributes to effective, economical government operations.

b. Job Classification.

(1) *Lecture Discussion.*

(a) *Purpose.* The purpose of this session is to provide you with sufficient information to help you to assign duties to positions and/or to establish positions, to familiarize you with the basic fundamentals of job evaluation (grading), and to gain some “hands on” (practical) experience in pay management. It is not, however, intended to make classifiers of each of you!

(b) *Definition of Job Classification.* First, what is Job Classification? It involves the planning, establishing and executing of a job analysis and job evaluation program in accordance with laws, rules, regulations, etc., to assure equitable pay treatment for employees who occupy positions established by management’s action. You, the supervisor, are management. You assign duties and establish positions. They result in the title, occupation and grade placed on a position.

(c) *Job Description.* Positions are established through the medium of a documented job description which we will consider in some depth shortly. A job description identifies the duties and responsibilities of a position or a group of like positions. It provides a permanent record of a managerial decision that someone is to perform certain work. This record becomes the basis for many subsequent determinations and actions, for example, recruitment, promotion, RIF. It should be noted that one of the primary uses of job descriptions is for classification and pay purposes. It serves, in effect, as a pay voucher.

(d) *Three Basic Questions.* In order for you to better assign duties to positions being newly established, it is first necessary to answer three fundamental questions: What work will be done? How will it be done? and Under what controls? Clearly, if you are considering changes to a previously established job, your knowledge and that of the incumbent are the best sources of information.

(e) *Sources of Information.* You can answer these questions for new jobs by getting information from a variety of sources such as current related job descriptions, regulations, and standard operating procedures which will be followed by the incumbent. If the new position is a result of added functions, the nature of the new function is a primary consideration.

(f) *Two Groups of Facts.* The information required for establishment of a new position or review of an old position may be developed into two groups of facts:

1. Facts obtained from location of position

- Functions of organization
- Functions of immediate work unit
- Lines of authority in the organization
- Flow of work through the unit

2. Facts obtained from position itself

- What work is done? What is the end project?
- How is work done including personnel contacts required?
- Under what controls? Preparation of a draft description follows gathering the information.

(g) *Guide to Preparation of Draft.* Some helpful hints:

- Be *current, factual* and *concise*. Write all facts necessary but state them as clearly and concisely as possible!
- Be *specific*. Tell “what” in every instance. Try not to use vague or unclear terms or verbs. When using such words as “assists,” “prepares,” “participates,” “coordinates,” add modifying statements as to how or what is specifically done.
- *Use adjectives sparingly*. A position is an active thing, something is being accomplished, so present facts with verb and nouns whenever possible, using modifying adjectives to explain. Select all *statements* carefully. Describe what actually needs to be done or is being done.
- *Use simple descriptive language*. A job description must present the same meaning to all who read it. Common everyday language is more effective than highly technical, academic, or lengthy words.

(h) *Contents of Job Description.*

1. (Show transparency/Handout 3-1, General Schedule Job Description)
2. Currently the job descriptions for Classification Act (GS) employees follow a format of Supervisory Controls, Major Duties and the statement "Performs other duties as assigned."

(i) Factor Evaluation System.

1. (Show transparency/Handout 3-2, FES Job Description)
2. Under the Factor Evaluation System (FES), which will eventually replace most of the current standards and of which more will be said later, the format will be a brief description of major duties followed by narratives of *nine* factors: knowledge, abilities and skills required by position; supervisory controls; guide lines; complexity of work; scope and effect of personal contacts; purpose of contacts; physical demand; and work environment and the statement "Performs other duties as assigned." Consult with your servicing classifier before you start to write to find out what kind of standard will probably be used for evaluation—FES or non—FES.

(j) Wage Grade Job Description.

1. (Show transparency/Handout 3-3, WG Job Description)
2. For Wage Grade employees, the format includes major duties, skills and knowledges, responsibility, physical effort, working conditions and the statement "Performs other duties as assigned." Identify each task or function required to accomplish the work which needs to be done. After each task or function has been identified, group them into a cohesive work unit which is termed a duty.

(k) Duty.

1. A duty is a series of closely related tasks usually performed in a given sequence which results in the same end product or purpose and requires the same or closely related knowledges, skills, and abilities. A duty is a major duty when the end product or function served by its performance constitutes an essential and basic reason for establishment or existence of the position. In addition, any other continuing or periodically recurring duty will constitute a major duty if it either occupies 25 percent or more of the incumbent's time or is sufficiently different from the other major duties of the position to require additional entrance qualifications or extensive post assignment training.

2. For example, a job may consist of two duties, the first typing (GS-3) may take 75% of the time and the second voucher examining (GS-4) may take 25% of the time. The voucher examining is sufficiently different to be a major duty and control the classification of the job. We will talk more about the high cost of this kind of mixed grade level job in the next session on Position Management.

(l) Other Duties as Assigned. The phrase "Performs other duties as assigned" at the end covers assignment of those duties that do not meet the major duty criteria but are incidental and directly related to their performance. This includes duties temporarily assigned or assigned only for "one time." Supervisors should avoid the assignment of incidental duties that are inappropriate to the employee's job and qualifications.

(m) Job Description Worksheet.

1. (Show transparency/Handout 3-4, DA Form 374 WS.)
2. You, the supervisor, in preparing the draft, can and are encouraged to use the Job Description Worksheet for Supervisors (DA Form 374 WS) as a tool. For new positions the draft should cover all aspects of the job. For existing positions, where significant changes have taken place, documentation of only what has changed is necessary.

(n) Identifying Significant Changes. But what constitutes a significant change? Let us first discuss what changes are not considered significant: difference in quantity of work produced by employees; temporary change in assignments for training or emergencies due to absence of some employees; changes in organizational level only, for example, changes from section to branch and branch to division that do not affect the degree of supervision received; changes in methods/procedures that do not affect the work product or the skill required to produce it; a change in the number of employees supervised when still within the range shown on the job sheet; a change in the name of the organization; changes in examples of work shown in the job description, if the new examples are at the same level of responsibility. *Now, you will want to know what changes are significant.* The answer is: Any change resulting in an assigned increase or decrease in responsibility, or any significant change resulting in addition or deletion of major duties assigned. When in doubt, call upon the position classification specialist.

(o) Personnel Action Request. Upon completion of the worksheet, you are in a position to initiate a personnel action request (SF 52) for initial establishment of the job or revision of the existing one. It is important to note that inherent in the supervisor's responsibility for planning, organizing, and assigning work is the requirement for reviewing subordinate jobs, not only when jobs are initially established, but also when positions change significantly and when vacancies occur, as well as on the required biennial survey basis.

(p) Biennial Survey. (Show transparency/Handout 3-5, DA Form 279.) At least once every two years a review of civilian positions is conducted by the classifier with your help to determine continued necessity of each position, whether duties are assigned and organized for optimum economy, the costs or other benefits of any proposed immediate or long range changes, and whether your job descriptions are complete, accurate, and properly classified.

(q) Role of the Manager and Supervisor In Survey. The supervisor identifies positions for which changes have taken place, annotates the review list in the appropriate column and documents significant changes, informs employees of changes, secures the employees initials (which indicate they have been informed, not that they necessarily agree), and forwards material (the review list and any DA Form 374 WS worksheets) to the classifier. The supervisor and manager,

using current Army position management instructions, (contained in AR 690–500, chapter 501, Appendix E—Position Management and Classification Instructions and Checklist) also must review the structuring of their jobs. We will discuss that responsibility in the second part of this unit.

(r) *Responsibility of Classifier.* The classifier is responsible for the survey. Upon receipt of the Job Description Worksheet or of a draft job description, the classifier may conduct job audits with the supervisor and the employee (if the job is filled) to ensure a full understanding of the facts surrounding the job. During biennial surveys, the classifier will typically audit those jobs which have been reported as changed and a number of the remaining positions under the supervisor's control. Whether the Job Description Worksheet was submitted for establishment of a new job or revision of an older one, it is only after a review of the material presented by the supervisor and the conduct of necessary desk audits that the classifier prepares the final description.

(s) *Key Point.* It is important to point out that the supervisor must give the classifier all the relevant information pertaining to the job. The classifier has sole responsibility for proper style of the description, i.e., grouping tasks into Major Duties.

(t) *Certification.* Upon completion of the final job description, the supervisor is required to sign it and to certify that the statement of duties indeed does accurately describe the work required in that position or group of positions for which she/he is responsible. The statement reads: "I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations."

(u) *Job Evaluation.*

1. Job evaluation is defined as the process of comparing jobs to appropriate OPM standards to determine proper grades and to identify the basic qualifications (knowledges, skills and abilities) necessary to performance of the job.

2. Job evaluation is the responsibility of the classifier not the supervisor! However, as stated earlier, the supervisor assigns duties which then determine the classification. Therefore, it follows that it is also your responsibility to support the determination regarding the employee's grade. Evaluation involves determination of the proper occupation and grade level of a job by comparison with levels in position classification standards, issued by OPM, for the same or related kinds of work. This step is vital not only in terms of the grade level and pay but also because it directly affects the qualifications requirements that will be established in screening candidates for the job. The classifier is not only required to sign the job description to indicate that the job description and supplemental material is adequate for purposes of evaluation, but is also required to attest for the commander to the proper evaluation (determination) of title, pay category, code and grade.

(v) *Factors for GS.*

1. (Refer again to Handout 3–1, GS Job Description.)

2. In the current Classification Act or GS System, comparisons are made based upon consideration of the following factors: nature and variety of work; nature of supervision received by the incumbent; nature of available guidelines for performance of work; originality required; purpose and nature of person-to-person work relationships; nature and scope of recommendations, decisions, commitments and conclusions; nature and extent of supervision exercised over work of other employees and qualifications required.

(w) *Factors for WG.*

1. (Refer again to Handout 3–3, WG Job Description.)

2. In the case of nonsupervisory Wage Grade jobs, the following factors are used: experience and training; responsibility; mental application; physical demand; and working conditions.

(x) *Factor for GS under FES.* (Refer again to Handout 3–2, FES Job Description.) Under the Factor Evaluation System for Class Act (GS) employees, many of the same factors currently used for evaluating GS jobs are used. These factors are: knowledge, ability and skill required by the position; supervisory controls; guidelines; complexity; scope and effect; personal contacts; purpose of contacts; physical demands and work environment. Instead of a brief narrative on the nature of assignment and level of responsibility representative of each grade level, along with representative examples of work performed, the FES standards involve the use of descriptive benchmarks assigning numerical points against various levels of complexity for each of the nine factors. (Furnish students Handout 3–6, Factor Evaluation System Definitions.)

(y) *Supervisor Understanding of Grading of Subordinates.* As a supervisor you should study and become familiar with the standards applicable to the jobs you supervise and the basis for their evaluation. Unless you do, you run the risk of creating a number of problems which occur when employees are consistently assigned work above or below their official grade level.

(z) *Fair Labor Standards Act.* The classifier is required to determine whether or not the job comes under the provisions of the Fair Labor Standards Act. The Fair Labor Standards Act is a law relating to hours of work and the payment of overtime. All Army job descriptions are marked exempt or nonexempt. Nonexempt means a position is covered by FLSA and exempt means not covered. Supervisors are responsible for ensuring that the work hours of nonexempt employees are carefully controlled to either preclude or to pay the employee for overtime hours worked.

Overtime need not be officially ordered or assigned to be payable; if a supervisor allows work to be performed in excess of 40 hours, overtime pay is required.

(aa) *Supervisor's Approval of Job Change.* Making reference to the biennial survey again, upon completion of preparing the final job description for positions that have changed and preparing the job evaluation, the classifier clears the survey with the supervisor furnishing a copy of the survey list for signature, reflecting his/her final approval (concurrence) with the changes proposed. You can expect to get a detailed explanation of the survey process from the classifier shortly before the survey begins.

(bb) *Summary.*

1. Job Classification includes planning, establishing and executing a program to assure equitable pay treatment for employees who occupy positions established by management action. The supervisor accomplishes his/her responsibilities by promptly furnishing accurate and complete facts on changes to jobs to the Civilian Personnel Office, Position and Pay Management Branch; by participating in biennial surveys (quality control check by P&PM Branch), and by explaining and supporting the classification of the job(s) and the Position and Pay Management Program to employees.

2. The classifier's responsibilities are writing the final description and assuring that the supervisor certifies to the accuracy of the description. The classifier must attest that it is adequate for evaluation (grading), analyzing the information relevant to the job, evaluating the worth of the position, and determining title, pay category, code and grade, and providing assistance to the supervisor in explaining the Position and Pay Management Program to employees.

(2) *Workshop. Job Classification Case Studies.*

Note. To Instructor. A workshop will help to provide a clearer understanding of basic classification policies. Distribute job classification cases (Handout 3-7). Break class into groups of 6-7 to review the cases for 30 minutes. Have each group appoint a spokesperson to give the group's conclusions when they reassemble. Discuss cases and then provide the class with the correct answers from Handout 3-8.

c. *Position Management.*

(1) *Lecture Discussion.*

(a) *Purpose.* The purpose of this session is to help provide you with basic concepts and the ability to conduct position structure analysis, to design and manage positions, and to get some "hands on" (practical) experience in position management. It is not, however, intended to make experts of you. You have other trained specialists, i.e., management analysts, manpower analysts and the classifier to assist you.

(b) *Position Management Defined.* Position Management is the process by which business-like decisions are made as to what duties will be incorporated into a job or how they will be distributed among a number of jobs. Only after management (supervisor) has made that decision can the classification be decided and put into effect. This process involves consideration of the organizational structure into which the job will be placed, work flow and distribution, and work methods and procedures. By its nature, it must primarily be a decision by the line supervisor who is responsible for the accomplishment of the work. Supervisors are required to select position structures (assign duties to jobs) that accomplish the mission plus anticipated contingencies at the lowest payroll cost and which are consistent with other Army/congressional policies; for example, average grade control or high grade reduction.

(c) *Objectives.* The supervisor is to design positions and select structures that include a sound and economical proportion of managerial and supervisory positions to nonsupervisory positions in the organization structure; a balanced proportion of senior level, journeyman, junior, technician and supportive skills; a reasonable proportion of trainees and juniors to estimated replacement needs; a clear delineation of work assignments and job-to-job relationships which avoid overlaps, conflicts and ambiguities; adequate opportunity for development and career progression; and a sound use of grade levels, preferably a structure that will lower rather than increase average grade and costs. This includes the elimination of marginally needed duties and ensuring that each position has a full work load and other factors shown in the position management checklist (Appendix E, AR 690-500, chapter 501) which provides detailed guidance. Supervisors are required to use the checklist in the biennial survey process.

(d) *Method for Attaining Objectives.*

1. (Furnish Handout 3-9, Position Management and Classification Instructions and Checklist.)

2. The manager, with the staff advice and assistance of the classifier, examines the existing job structure and decides where improvements can be made. This review can be done most conveniently during the biennial review, but must also be done whenever a vacancy occurs. By changing previous decisions on the distribution of duties and responsibilities, which created the current structure, improvements can be made; e.g., higher grade duties which were uneconomically distributed among too many positions can be consolidated into fewer positions. Supervisory jobs which may no longer require that 100% of the time be devoted to supervisory duties can be consolidated. When this is done, maximum use of attrition should be exercised to eliminate impact on employees. This is why management aspects must be considered prior to filling a vacant position.

(e) *Supervisory Ratio.* (Use a transparency or demonstrate on a chalkboard.) Divide the number of supervisors military and civilian into the number of authorized nonsupervisors (which would include leaders). For example, 40 nonsupervisors, 10 leaders, 10 supervisors. $40 + 10 \div 10 = 5$. Ratio of supervisors to nonsupervisors is 1:5.

(f) *Average Grade.* (Use a viewgraph or demonstrate on a chalkboard.) Multiply the actual number of employees at each grade level by grade, total the result and divide by the number of positions. For example:

Table 3-1
Computing Average Grade Level

Number of Employees	Grade	Grade Points
1	5	5
2	7	14
10	9	90
<u>13</u>		<u>109</u>

$109 \div 13 = 8.38$ average grade

(g) *Commander's Authority.* You, the supervisor, have been authorized to act for the commander by assigning duties to those positions subordinate to your control. This in no way lessens the commander's ultimate responsibility for assuring that jobs are properly structured and evaluated and for taking action necessary to ensure that an effective position management program is established and maintained. Commanders may delegate their position management responsibilities to one principal assistant, referred to as the Position Management Officer (PMO). The PMO has the authority to approve/disapprove controversial position management actions, including job structure changes designed to increase grade levels, but not classification determinations (title, pay category, code and grade).

(2) *Workshop Position Management Case Studies.*

Note. (To Instructor. This session provides an opportunity to simulate problem solving in position management and for supervisors to get practical "hands on" experience. Distribute position management cases depicting local situations, those given in Handout 3-10, or locally developed cases.

Divide the class into groups and ask them to review the cases for approximately 30 minutes. Have each group select a spokesperson who will present the group's solutions to the cases when the class reassembles. Discuss the cases and then provide the class with the possible solutions for the local situation or from Handout 3-11 as locally developed. At the end of the workshop furnish each participant a copy of Handout 3-12, How to Achieve the Kind of Position and Pay Management Program You Need.

(3) *Complaints and Appeals (Lecture).*

Note. (To Instructor. For this session, each activity will prepare locally developed materials using FPM Chapter 511 and AR 690-500, chapter 501, subchapter 8, as well as procedures which may apply within each major command. The lecture and discussion should take no more than 30 minutes.)

(4) *Panel Discussion.*

Note. (To Instructor. A panel discussion is suggested, covering EEO and union aspects of position and pay management. The purpose of this panel would be to apprise the supervisor of areas of further special emphasis, each of which necessarily influences or impacts on position design and selection of position structure.

Panel members should be selected from among current employees, from the Equal Employment Opportunity Office, from women's groups (FEW), from labor unions, and from the Civilian Personnel Office. The instructor may serve as leader of the panel, introduce the members of the panel, and begin the discussion.)

Note. For Discussion:

- Use of job engineering to establish additional lower graded jobs to facilitate entry into clerical or technician jobs. Give examples and discuss tie-in with equal employment opportunity and with upward mobility.
- Legitimate union interests in position and pay management when standards are to be applied to employees in a bargaining unit which will result in classification changes or when reorganizations are proposed.
- In addition, there may be local circumstances warranting discussion at your installation. These discussions, however, should be confined to situations having greatest impact. Individualized cases should be avoided.

DEPARTMENT OF THE ARMY JOB DESCRIPTION For use of this form, see CPR 501; the proponent agency is DCSPER.		1. JOB NUMBER	
2. INSTALLATION OR HEADQUARTERS OFFICE		3. ORGANIZATIONAL LOCATION <i>(Complete on organization copy only)</i>	
4. CITATION TO APPLICABLE STANDARD AND THE DATE OF ISSUANCE CSC Standards for Engineering Drafting Series, GS-818-0, dated April 71		5. TITLE Engineering Draftsman	
		6. PAY SCHEDULE GS	7. OCC CODE 818
		8. GRADE 4	
		9. FAIR LABOR STANDARDS ACT <input type="checkbox"/> EXEMPT <input type="checkbox"/> NONEXEMPT.	
		10. COMP LEVEL	
11. EVALUATION APPROVAL			
TITLE, PAY SCHEDULE, OCC CODE, AND GRADE OF THIS JOB HAVE BEEN FIXED IN ACCORDANCE WITH OFFICIAL POLICY AND GRADE LEVEL STANDARDS			
_____ <i>(Signature)</i>		_____ <i>(Date)</i>	
12. JOB CONTENT APPROVAL <i>(COMPLETE ON ORGANIZATION COPY ONLY)</i>			
a. I CERTIFY THAT THIS IS AN ACCURATE STATEMENT OF THE MAJOR DUTIES AND RESPONSIBILITIES OF THIS POSITION AND ITS ORGANIZATIONAL RELATIONSHIPS AND THAT THE POSITION IS NECESSARY TO CARRY OUT GOVERNMENT FUNCTIONS FOR WHICH I AM RESPONSIBLE. THIS CERTIFICATION IS MADE WITH THE KNOWLEDGE THAT THIS INFORMATION IS TO BE USED FOR STATUTORY PURPOSES RELATING TO APPOINTMENT AND PAYMENT OF PUBLIC FUNDS AND THAT FALSE OR MISLEADING STATEMENTS MAY CONSTITUTE VIOLATIONS OF SUCH STATUTES OR THEIR IMPLEMENTING REGULATIONS.			
_____ <i>(Signature of Approving Supervisor)</i>		_____ <i>(Date)</i>	
b. THIS JOB DESCRIPTION WITH SUPPLEMENTAL MATERIAL IS ADEQUATE FOR PURPOSE OF EVALUATION.			
_____ <i>(Signature of Position Classification Specialist)</i>		_____ <i>(Date)</i>	
13. STATEMENT OF DUTIES AND RESPONSIBILITIES			
<u>SUPERVISORY CONTROLS</u>			
Works under general supervision. Assignments are usually received in the form of marked-up precedent drawings, design sketches, project layouts, and pertinent notes. Supervisor gives general instructions as to the suggested method of approach, applicable precedents, and advice on source materials. Work is spot-checked during development for progress and compliance with instructions, and the supervisor is available for assistance as needed. Finished work is reviewed for clarity, technical adequacy, and proper placement of features.			
<u>MAJOR DUTIES</u>			
1. Prepares preliminary and final drawings of engineering and architectural projects (buildings, structures, systems, equipment), for which the design characteristics are precedented or standardized, and previous drawings of similar projects are available. The drafting assignment is complicated by the requirement for alternate views of components and features, and the presence of intricate detail, curved lines and configurations, and the necessity for consolidating details from a number of sources. Computes dimensions, determines placement, space and clearance			

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Figure HO 3-1/1. Sample DA Form 374-GS Job Description

requirements, and selects and develops most advantageous views. Arranges views in logical sequence, and prepares and correlates drawings. Typical assignments may include drawings which involve detailing of foundation and floor plan, structural framework, mechanical and electrical components and systems, etc., where the draftsman must adjust and transpose dimensional scales, and identify and emphasize important features through shading, cutaway views, and other drafting techniques.

2. Receives training and experience in the more difficult drafting assignments such as the following: Under close supervision draws perspective views of equipment or changes existing perspective drawings where line density, shading and placement of features must be precise to clearly illustrate and differentiate the objects shown. Performs other duties as assigned.

Figure HO 3-1/2. Sample DA Form 374-GS Job Description—Continued

DEPARTMENT OF THE ARMY JOB DESCRIPTION <small>For use of this form, see CPR 501; the proponent agency is DCSPER.</small>		1. JOB NUMBER	
2. INSTALLATION OR HEADQUARTERS OFFICE		3. ORGANIZATIONAL LOCATION <i>(Complete on organization copy only)</i>	
4. CITATION TO APPLICABLE STANDARD AND THE DATE OF ISSUANCE OPM PCS, GS-318, Jan 79	5. TITLE Secretary (Typing)		
	6. PAY SCHEDULE GS	7. OCC CODE 318	8. GRADE 05
	9. FAIR LABOR STANDARDS ACT <input type="checkbox"/> EXEMPT <input type="checkbox"/> NONEXEMPT		10. COMP LEVEL
11. EVALUATION APPROVAL			
TITLE, PAY SCHEDULE, OCC CODE, AND GRADE OF THIS JOB HAVE BEEN FIXED IN ACCORDANCE WITH OFFICIAL POLICY AND GRADE LEVEL STANDARDS			
_____ <i>(Signature)</i>		_____ <i>(Date)</i>	
12. JOB CONTENT APPROVAL <i>(COMPLETE ON ORGANIZATION COPY ONLY)</i>			
a. I CERTIFY THAT THIS IS AN ACCURATE STATEMENT OF THE MAJOR DUTIES AND RESPONSIBILITIES OF THIS POSITION AND ITS ORGANIZATIONAL RELATIONSHIPS AND THAT THE POSITION IS NECESSARY TO CARRY OUT GOVERNMENT FUNCTIONS FOR WHICH I AM RESPONSIBLE. THIS CERTIFICATION IS MADE WITH THE KNOWLEDGE THAT THIS INFORMATION IS TO BE USED FOR STATUTORY PURPOSES RELATING TO APPOINTMENT AND PAYMENT OF PUBLIC FUNDS AND THAT FALSE OR MISLEADING STATEMENTS MAY CONSTITUTE VIOLATIONS OF SUCH STATUTES OR THEIR IMPLEMENTING REGULATIONS.			
_____ <i>(Signature of Approving Supervisor)</i>		_____ <i>(Date)</i>	
b. THIS JOB DESCRIPTION WITH SUPPLEMENTAL MATERIAL IS ADEQUATE FOR PURPOSE OF EVALUATION.			
_____ <i>(Signature of Position Classification Specialist)</i>		_____ <i>(Date)</i>	
13. STATEMENT OF DUTIES AND RESPONSIBILITIES			
Serves as personal assistant to the Chief of Maintenance Division, and performs the following duties:			
<p>1. Receives telephone and personal callers. Evaluates requests for information and determines if request should be referred to superiors or subordinate staff specialist in the particular subject matter area. When superior is engaged in conference determines if caller has priority on his time and determines if he is to be interrupted, or the call deferred. Relays information between superior and his subordinate staff and other officials of the Headquarters. Maintains calendar of appointments subject to confirmation. Sets up conference rooms as required and notifies all concerned participants.</p> <p>2. Receives incoming correspondence. Routes correspondence to superior or members of his staff. Maintains suspense log on incoming letters and follows up to assure compliance by staff members. May prepare answers to requests for routine information. Keeps superior advised of status of projects related to correspondence. Reviews all outgoing correspondence prepared by the staff and assures that it meets required format and quality standards set by the office or Headquarters. Maintains and posts</p>			

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Figure HO 3-2/1. Sample DA Form 374-FES Job Description

various personnel records and data, such as time cards, job descriptions, SF 52's and SF 7-B cards.

3. Types from handwritten or rough draft material in a wide variety of formats and from a wide variety of sources, such as official letters, disposition forms, office memorandums or routing slips, statistical or tabular reports, blank forms, stencils, lesson plans, writs, programs of instructions and other material for publication. Materials usually typed in final form without an intermediate rough draft. Correct punctuation, capitalization, spelling and grammar is the responsibility of incumbent. There is a responsibility also for arranging such material in acceptable format according to local office practices. Incumbent prepares correspondence in proper order for staffing through headquarters. This includes proper citation and attachment of inclosures and exercise of familiarity with appropriate correspondence manuals, distribution of copies, and the known preference of persons for whom material is typed.

Performs other duties as assigned.

Knowledge Required - 350 points

Knowledge Type II

- o knowledge of organization structure and functions of Maintenance Division sufficient to perform routine clerical and procedural work of the immediate office and direct inquiries to appropriate unit.
- o ability to operate an electric typewriter.
- o knowledge of grammar, spelling, punctuation, and required formats.
- o skill in selecting and applying appropriate references and procedural guides.

Work Situation B

The Division has a formal system of internal procedures to facilitate coordination between the subordinate units. The Division is divided into three offices and three branches, which are further subdivided into sections and units, with over 200 employees.

Guidelines -- 125 points

Guidelines includes dictionaries, internal procedures, local policies, and time and leave and correspondence regulations. Incumbent uses judgment in selecting proper guidelines, sometimes determining between possible alternatives.

Complexity -- 150 points

The work consists of duties that involve several related work processes. Direction of the staff is accomplished through subordinate supervisors. Coordination within the Division is accomplished through a formal set of procedures.

Scope and Effect -- 75 points

Incumbent ensures that the clerical functions of the office are effectively accomplished. The incumbent's work affects the accuracy and reliability of subordinate units.

Personal Contacts -- 10 points

Contacts are primarily with employees of Maintenance Division.

Purpose of Contacts -- 50 points

Incumbent plans and coordinates the clerical work of the office, including contacts to give or clarify information, to schedule meetings, and to follow-up on suspenses.

Physical Demands -- 5 points

Work requires sitting, standing, walking, bending, and carrying light objects.

Work Environment -- 5 points

Works in an adequately lighted, heated, and ventilated office.

TOTAL POINTS -- 1045

DEPARTMENT OF THE ARMY JOB DESCRIPTION <small>For use of this form, see CPR 501; the proponent agency is DCSPER</small>		1. JOB NUMBER	
2. INSTALLATION OR HEADQUARTERS OFFICE		3. ORGANIZATIONAL LOCATION <i>(Complete on organization copy only)</i>	
4. CITATION TO APPLICABLE STANDARD AND THE DATE OF ISSUANCE USCSC JGS Packer, WG-7002, Feb 70 USCSC JGS Inspectors, Sep 73		5. TITLE Packing Inspector	
		6. PAY SCHEDULE WG	7. OCC CODE 7002
		8. GRADE 6	
		9. FAIR LABOR STANDARDS ACT <input type="checkbox"/> EXEMPT <input type="checkbox"/> NONEXEMPT	
		10. COMP LEVEL	
11. EVALUATION APPROVAL			
TITLE, PAY SCHEDULE, OCC CODE, AND GRADE OF THIS JOB HAVE BEEN FIXED IN ACCORDANCE WITH OFFICIAL POLICY AND GRADE LEVEL STANDARDS			
_____		_____	
(Signature)		(Date)	
12. JOB CONTENT APPROVAL <i>(COMPLETE ON ORGANIZATION COPY ONLY)</i>			
a. I CERTIFY THAT THIS IS AN ACCURATE STATEMENT OF THE MAJOR DUTIES AND RESPONSIBILITIES OF THIS POSITION AND ITS ORGANIZATIONAL RELATIONSHIPS AND THAT THE POSITION IS NECESSARY TO CARRY OUT GOVERNMENT FUNCTIONS FOR WHICH I AM RESPONSIBLE. THIS CERTIFICATION IS MADE WITH THE KNOWLEDGE THAT THIS INFORMATION IS TO BE USED FOR STATUTORY PURPOSES RELATING TO APPOINTMENT AND PAYMENT OF PUBLIC FUNDS AND THAT FALSE OR MISLEADING STATEMENTS MAY CONSTITUTE VIOLATIONS OF SUCH STATUTES OR THEIR IMPLEMENTING REGULATIONS.			
_____		_____	
(Signature of Approving Supervisor)		(Date)	
b. THIS JOB DESCRIPTION WITH SUPPLEMENTAL MATERIAL IS ADEQUATE FOR PURPOSE OF EVALUATION.			
_____		_____	
(Signature of Position Classification Specialist)		(Date)	
13. STATEMENT OF DUTIES AND RESPONSIBILITIES			
<u>DUTIES</u>			
Performs inspection of packaging, packing, crating, loading, storage, shipping, unloading, uncrating and unpacking work performed by others.			
<u>SKILLS AND KNOWLEDGES</u>			
1. Inspects contractors work at owners residence and at warehouse during packaging, packing, crating, loading, shipping, unloading, uncrating and unpacking. Checks to see that loading or unloading is done in a way to prevent damage and contract specifications are being followed. Inspects to insure that van and packing materials are clean, packing methods are proper, correct types and sizes of containers and packing material are used for each type of item, adequate cushioning is used, moisture barriers and waterproofing material provided, as required, containers are correctly marked and gross tare and net weight are accurate, and condition code and inventory is legible and complete. On material being delivered, checks for evidence that packing was correct and notes contractors performance. Insures that inventory is complete and report on damage and missing items is accurate. Prepares reports of findings and requests action, such as photographing goods, re-weighing shipment to			

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Figure HO 3-3/1. Sample DA Form 374-WG Job Description

support findings. Notes workmanship, neatness and courtesy of contractor. Inspects crates and material for o/s or domestic shipment and rejects those not meeting specifications. May halt work or notify Contracting Officer of non-compliance with contract.

2. Inspects contractor or government warehouses to determine storage methods are proper, adequate protection is provided against fire, flooding, insects, vermin and fungus, and facility is receiving adequate community fire and police protection. Calls and visits freight terminals to expedite movement of priority hold baggage and household effects. Ascertains reasons for non-delivery and assists in identifying consignee for unmarked or confused markings and helps get delivery to proper consignee. Advises contractors of government requirements and acts as contracting officers representative in dealings with commercial contractor. Occasionally observes blocking and bracing of household goods shipments in rail boxcars to insure cargo will not shift and become damaged. Maintains miscellaneous records and reports on shipments, shipment schedules, and loss and damage. May drive light vehicle.

RESPONSIBILITY

General supervision is provided in form of explanations of assigned duties and responsibilities, established policies and procedures and interpretation of new or revised regulations. Performs day-to-day assignments with a minimum of direct supervision. Supervisor provides advice on more difficult problems encountered. Technical orders, regulations, procedures, contract specifications and federal specifications manuals serve as guides in accomplishing inspections.

PHYSICAL EFFORT

Inspection work is frequently performed on land surfaces and in areas that require standing, stooping, bending and working in tiring and uncomfortable positions.

WORKING CONDITIONS

Work is predominately performed in inadequately heated residences, warehouse and freight terminals but, also works in well-lighted and heated buildings and occasionally outside.

Performs other duties as assigned.

<p>DEPARTMENT OF THE ARMY JOB DESCRIPTION WORKSHEET FOR SUPERVISORS <i>(or Statement of Major Changes to Job)</i> For use of this form, see CPR 501.6; the proponent agency is ODCSPER.</p>	<p>PREPARED BY <i>(Supervisor's Signature)</i></p>
<p><input type="checkbox"/> NEW JOB <i>(Complete all of Parts I and II)</i> <input type="checkbox"/> CHANGE TO JOB NUMBER _____ <i>(Complete Part I and Factors in Part II being changed)</i></p>	<p>NUMBER OF INCUMBENTS, IF ANY</p>
<p><i>Continue on plain bond paper, if necessary</i></p>	
<p>PART I - MAJOR DUTIES</p>	
<p>1. MAJOR DUTIES: <i>(For change of existing job, explain which duties are changing, which remain the same, and for the new duties, "what" is done. For new job, describe "what" is done.)</i></p> <p>Delete duty #2 and add:</p> <p>Recommends, discusses with patient and administers general anesthetics by various means. Determines need for and administers plasma and blood.</p>	
<p>PART II - FACTORS</p>	
<p>2. KNOWLEDGE/SKILL: <i>(What procedures, work practices, regulations, processes, principles, sequences, equipment, tools, facts, and abilities are used? To what are they applied, for what purpose, and to what degree or level?)</i></p> <p>Knowledge of properties and effects of anesthetics. Ability to administer. Skill in management of anesthetics.</p>	
<p>3. SUPERVISORY CONTROLS: <i>(How is work assigned? What is the responsibility for carrying work out? How is work reviewed and by whom?)</i></p> <p>General guidance available from an anesthesiologist. Receives minimum supervision in recommending, administering, managing anesthesia. Review made of technical proficiency.</p>	

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Figure HO 3-4/1. Sample DA Form 374 WS

<p>4. GUIDELINES <i>(What written and/or oral guides are used? Is deviation permitted or judgment used in their application?)</i></p> <p>Texts by authorities in field and advice from surgical team. Must use judgment in maintaining effective anesthesia throughout surgery.</p>
<p>5. COMPLEXITY <i>(What is the nature of assignment? What variable factors and conditions must be considered or exist in the work?)</i></p> <p>Requires intensive analysis before and during surgery to administer and manage agents.</p>
<p>6. SCOPE AND EFFECT OF WORK. <i>(How does the work influence, guide, inform, and affect the work of others?) THIS FACTOR BASICALLY APPLIES ONLY TO GS-TYPE POSITIONS.</i></p> <p>Essential to work of surgical team, has an obvious impact on patient health.</p>
<p>7. PERSONAL CONTACTS <i>(With whom are contacts made, i.e., coworkers, workers in other Units/Divisions/HQ/Agencies, Private Sector, National Bodies, etc?)</i></p> <p>Patients and hospital personnel.</p>
<p>8. PURPOSE OF CONTACTS <i>(Is it to exchange information, make arrangements, resolve problems, discuss requirements, give instructions, control, etc?)</i></p> <p>Primarily to exchange information with personnel but also to put patients at ease.</p>
<p>9. PHYSICAL DEMAND/EFFORT: <i>(What are the frequency and degree of such physical activities as walking, sitting, bending, lifting, concentrating, etc?)</i></p> <p>Long periods of standing.</p>
<p>10. WORK ENVIRONMENT/CONDITIONS <i>(Where is work performed, i.e., Office, Shop, Lab, Warehouse, Outside, etc? What is frequency or degree of risk, discomfort, unpleasantness? What protection is used or provided to counteract abnormal conditions?)</i></p> <p>Danger of agents exploding. Long-range exposure may be hazardous.</p>

U. S. Government Printing Office: 1975-280-962/8219

Figure HO 3-4/2. Sample DA Form 374 WS—Continued

REPORT ON SURVEY RESULTS - BEFORE AND AFTER: (1) IMPACT ON AVERAGE LEVEL AND NUMBER OF HIGH GRADE POSITIONS; (2) TOTAL SALARY COSTS (Use Step 1 of GS and Step 2 of WG code.)

ADMINISTRATIVE INSTRUCTIONS	
1. SF 53's will be submitted to CPO-PPM at the time manager signs document.	<i>survey procedure for definition.</i>
2. Use approved Review List to request TDA change (requirements/authorizations) including possible temporary, WAE and part-time employment.	4. After the "JOB DESCRIPTION DISCUSSED WITH EMPLOYEE (Employee initials)" column is completed, furnish classifier with Review List and position changes (on WS-374) when changes are required.
3. When the Classification and Position Management Review List is used in lieu of SF 52, the "SF 52 NEEDED" column is used for the "X" procedure. (See	5. When listing is used in lieu of SF 52, Manpower coordination is identical to SF 52.
TO CIVILIAN PERSONNEL OFFICE:	
OPERATING OFFICIAL'S CERTIFICATION AND APPROVAL	
EACH POSITION ON THIS FORM HAS BEEN REVIEWED FOR NEED IN TERMS OF ACCURACY OF POSITION DESCRIPTION; FULL POSITION WORKLOAD AND MANPOWER UTILIZATION; AND EFFECTIVE POSITION MANAGEMENT. CHANGES TO PROPERLY DESCRIBED POSITIONS AND TO APPROVED POSITION MANAGEMENT IMPROVEMENTS ARE LISTED ON THE REVIEW LIST. THESE POSITIONS INCLUDE ANY SUPPLEMENTAL POSITIONS ESTABLISHED FOR PART-TIME, UPWARD MOBILITY, TEMPORARY OR INTERMITTENT HIRE OR FOR INTERIM USE.	
SIGNATURE OF SUPERVISOR (Position Structure Authority)	TITLE
SIGNATURE OF REVIEWER	TITLE
MANPOWER COORDINATION (Optional for Position Management)	TITLE
POSITION MANAGEMENT OFFICER COORDINATION (When required by DA policy - see AR 690.600, Chapter 601)	TITLE
SIGNATURE OF CPO APPROVING OFFICIAL (When used in lieu of SF 52)	TITLE
	DATE

Figure HO 3-5/2. Sample DA Form 279-Continued

- (5) *Handouts 3–6 through 3–12.*
(a) *Factor Evaluation System Definitions.*

Handout 3–6

Factor Evaluation System Definitions

Primary Standard. The basic tenet of the system is that nonsupervisory positions in grades GS–1 through 15 are ultimately point rated against a single “standard-for-standards,” the primary standard. The primary standard describes *nine factors common to white collar occupations*, the degrees of each factor, and the point values for each degree. A conversion table, which is part of the primary standard, shows the range of total point values for each GS grade. All series standards which use this system must be in accordance with the primary standard. Thus, it serves as the basic tool for alignment of standards across occupational lines.

Factor-Level Descriptions. Factor-level descriptions are included in Factor Evaluation System (FES) classification standards to describe the characteristics of each factor in terms of the specific occupation or group of closely related occupations covered by the standard. Each level described has appropriate point values assigned.

Benchmarks. Benchmarks describe actual work situations which typically represent significant numbers of positions in the occupation in terms of the duties performed, and the nine factors as they relate to those duties. Benchmarks are point rated and graded by reference to the factor-level descriptions in the occupational standard. These benchmark descriptions and the factor level descriptions replace the narrative descriptions of grade levels now found in non-FES standards.

FES Factor. The nine factors in the new system are: knowledges required by the position, supervisory controls, guidelines, complexity, scope and effect, personal contacts, purpose of contacts, physical requirements, and work environment. Each FES standard will provide appropriate descriptions of the nine factors as they apply to the occupation(s) covered by the standard.

Classification of Positions Under FES. In order to classify a position, the position description must first be analyzed in terms of the new factor format. Grades are determined by making a factor-by-factor position analysis, matching the factors in the position to factor levels in the FES standard, signing point values to each factor of the position, adding the point values and, through a conversion table in the standard, converting the total points to the right grade level for the position.

If the classifier can match the position description completely with an existing benchmark, that will automatically determine the classification of the position. If the position cannot be point rated using benchmarks, the factor level descriptions for the series are used. In those very few instances in which a factor cannot be point rated by use of benchmark or factor-level descriptions, the primary standard may be used.

(b) Job Classification Cases.

Handout 3-7

Job Classification Cases

Case 1

Guy D., a subordinate supervisor, says: "Two years ago my position as a Foreman of the Shipping Section was allocated to WG-5. At that time we handled in the neighborhood of 5,000 items monthly. Now, without incurring additional expense for increased personnel, we are handling over 25,000 items. If my position as supervisor was worth WG-5 two years ago, when at times there was practically nothing to do, it seems perfectly obvious that it should be allocated to WG-6 now that I have to be on my toes every minute of the day. I go home at night so tired that I can hardly stand; whereas I was formerly able to attend an occasional sporting event."

Case 2

TO: Section Chief

My grade, as an attorney according to our records, is GS-11. I have no complaint to make about this grade, except that I anticipate circumstances in the near future which will not fully recognize the difficulty of the assignments now on my docket.

A few weeks ago, you assigned a block of cases to try in various District Courts. When my itinerary came before the General Counsel (Branch Chief) for approval, he added to my docket a case he had already put on Mr. Campbell's docket, which is supposed to include cases of more difficulty than I generally get. This case is known as U.S. vs Sixty-four Bottles of T.N.T. This is a difficult piece of litigation with explosive potentialities.

What I want to know is this: When I actually finish the T.N.T. case, and can therefore claim it as part of my duties and responsibilities, would you favorably consider the reallocation of my position to GS-12? Or, should I file an appeal right away?

Yours truly,
Mr. Lloyd

Case 3

Dear Pete,

As Division Chief, you recall we have decided to divide the work of the branch into four sections; namely, the Scientific Section, employing eighteen chemists and three physicists; the Statistical Section, employing twenty statistical clerks; the Correspondence Section, employing nineteen correspondence clerks; and the Printing and Publications Section, employing twenty-three machine operators and clerical employees.

Each of the section heads will supervise approximately the same number of employees, will report to the same branch head, and work will flow upward in the same channel. Hence we request that their positions be allocated as nearly as possible to grades commanding identical salaries.

Case 4

You are a Section Chief (GS-13) and have just been directed to go on TDY for 5 months to Germany effective next week. You supervise two GS-12 Project Engineers (one of whom is very poor in getting along with people) and eight GS-11 Engineers. How will you arrange to have your job covered?

Case 5

TO: Shop Foreman

From: Local #619 Shop Steward

George Patton and Ralph Valone (Carpenters, WG-9) have complained to me that they have been given leader responsibilities and should be promoted. Work orders prove their charges. During the last six months on 15 separate jobs, Patton was put in charge of either one or two carpenters to work on enlisted barracks. Total days spent as a leader—50. In Valone's case, he has served as a leader on only three separate jobs (15 days) but has led

six carpenters (Leader-L9-Pete Drucher's entire crew during his vacation time). When will the men get their promotion? I'd like to discuss this with you tomorrow.

Sincerely,
W. Reuther

You've checked out the facts and found them correct. You supervise 12 carpenters WG-9 and two leaders—Drucher and Taylor.

Solutions to Pay Management Cases

Case 1

An increase in workload, itself, means nothing in relation to increasing the grade of a supervisory position, unless such an increase is accomplished by a sufficient increase in the number of employees supervised. Also all increases in the personnel strength of an organization will not automatically increase the grade of the supervisor. The evaluation factor concerned with the size of the workforce in the supervisory standards is expressed in terms of ranges, i.e., 3 to 8, 18 to 30, 40 to 70, etc. Unless the increase in the number supervised clearly falls in the next higher range, the grade of the supervisory position will not be increased. Therefore, in this case an increase in the supervisor's grade is not warranted, based on the facts stated, nor is there any apparent need to report a change in the job description.

Case 2

In this case the supervisor must first determine if the new work assignments given to Mr. Lloyd are GS–12 level. (Consult Position Classification Specialist if there is any uncertainty.) If not, Lloyd should be told this by his supervisor. The second consideration is management's intent if the work is GS–12, i.e., is this permanent or temporary? If the case has been assigned for developmental (training) purposes (temporary only) Lloyd should be told this and no further action is necessary.

If it is determined that the assignments are at the GS–12 level, does management want to have Lloyd do the work? If it is not developmental, and the assignment is over 30 days, a detail action or a temporary promotion should be submitted. If it appears that the GS–12 assignments will remain a permanent part of Mr. Lloyd's position, an action should be submitted to permanently upgrade the position.

Note: Whether or not Mr. Boyd is promoted will depend upon merit promotion procedures.

Case 3

While the four supervisory positions are similar in the kinds of supervisory responsibility exercised, they are dissimilar in the nature of the work supervised. Therefore, each will be classified with a different title, occupational code and (probably) grade. There are instances in the grading of supervisory positions where alignment with other supervisory positions is a consideration. But this is only done when the overall responsibility and level and type of work of the positions are nearly identical. In the example given, the responsibilities of each section supervisor are quite different. Each supervisor heads a section which has a different kind of work. One has chemists, another has statistical clerks, still another has correspondence clerks, and the last section supervisor has machine operators and some clerical employees. Therefore since the type of work and level of difficulty are different in each section, the job classification including the pay grade will probably be different. A decision on the supervisory grades cannot be made until the grades of the subordinate positions are known. The branch chief should be informed of these facts and scheduled for supervisory training in personnel management or given an orientation by the Division Chief with assistance from the servicing P&PM specialist.

Case 4

No change in job description is needed. This is a placement problem as temporary assignments are needed. A temporary promotion or a competitive detail action might be in order for one of the two GS–12s. Since the length of time would be 150 days, a competitive temporary promotion would be indicated, but time is not available to do this. A non-competitive promotion for 120 days for the "good" GS–12 project leader followed by a 30-day detail for one of the GS–11 engineers might be the best solution. If this is done, the "poor" GS–12 should be told what is happening and why.

Case 5

Neither Patton nor Valone can be classified as Leaders. Leaders perform "leader type" duties as a regular and recurring part of their jobs over three or more employees. Patton has only led one or two employees (not three or more) while Valone has performed leader duties for only 15 days which cannot be considered as a regular or recurring part of his job.

Handout 3-9/1
Missing from all extant copies of pamphlet.

Figure HO 3-9/1. Position Management and Classification Instructions and Checklist. (Missing.)

Handout 3-9/2
Missing from all extant copies of pamphlet.

Figure HO 3-9/2. Position Management and Classification Instructions and Checklist. —Continued (Missing.)

(d) *Position Management Cases.*

Handout 3-10

Position Management Cases

1. The Supply Division Case

You have just received a revised manpower voucher authorizing 22 manpower spaces and direction to restructure within that authorization. Your directorate chief has advised you to reduce your average grade so that it is not higher than 7.23. You and a position classifier have determined that the grade levels of the work are as follows:

—*Work Performed in the Purchase and Contract Section*

- 1 man year of supervisory duties at GS-12
- 3 man years in contract work at GS-11
- 1 man year in contract work at GS-9
- .6 of a man year in purchasing at GS-6
- 3.4 man years in purchasing at GS-5
- .8 man year in procurement clerical at the GS-4 level
- 1.2 man years for clerk typist GS-3 work

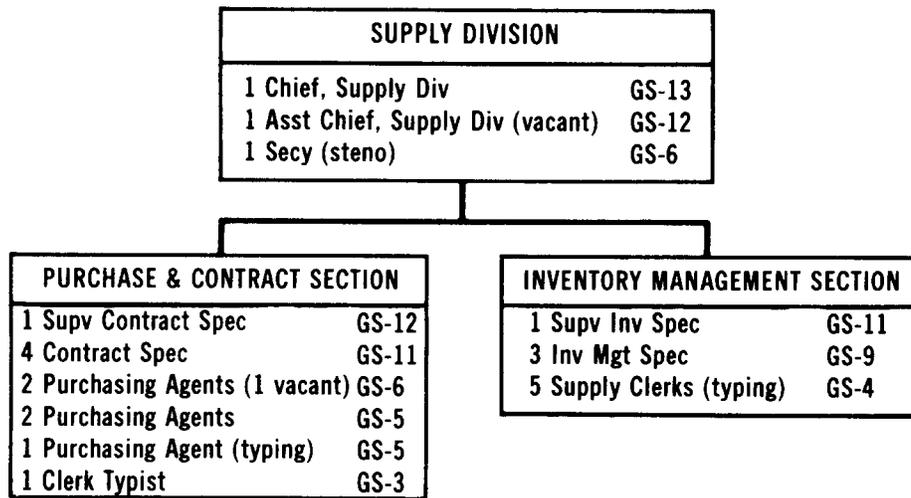
—*Work Performed in the Inventory Management Section*

- 1 man year of supervisory duties at GS-11
- 2 man years in inventory management at GS-9
- 1 man year in inventory management at GS-7
- 2 man years of supply clerical duties at GS-4
- 3 man years of supply clerical duties at GS-3

Work Group Assignment: If you were the Division Chief:

- What would be your initial thoughts on immediate actions possible for restructuring, based solely on the above facts.
- What long-range actions would be desirable?

The organization of the Supply Division is shown in the sketch that follows.



Supervisory Ratio (authorized) is: 1:4.75
Average Grade (actual): 7.476

Figure HO 3-10. Organization of the Supply Division

2. The Auto Repair Case

You are the new supervisor of the Automotive Repair Section. The section is authorized ten WG-10 Mechanics who are spending 50% of their time replacing various components of the vehicles (WG-8 level).

Three weeks after becoming the supervisor, you lose three employees through retirement and transfers.

Do you feel there is a more efficient and economical way of reorganizing the duties of the Mechanics? If so, how?

At what grade level would you recruit?

Solution to Position Management Cases

1. The Supply Division Case

a. Immediate Actions Possible:

(1) Abolish the vacant assistant division chief position. It is highly unlikely the position is now required considering the size of the division and the existence of only two subordinate sections. This action would satisfy the need to reduce one space.

(2) Abolish vacant GS-6 Purchasing Agent position and establish a GS-4 Procurement Clerk in P&C Section. This will—

(a) Reduce the dilution you had formerly with two GS-6 Agents sharing .6 of a man year of GS-6 work and performing lower grade level work for the remainder of the time.

(b) Provide a GS-4 level position to handle .8 man year of GS-4 work.

(3) Reassign 1 GS-4 Supply Clerk from IM Section to the new GS-4 position in P&C Section. This is one of three actions needed to clear up the imbalance between the grade of clerical workload in IM Section and the clerical position structure.

(4) Establish and fill GS-2 Clerk Typist job in IM Section (full performance GS-3.) The grade 2 level is selected for input to provide possible opportunity for minority recruitment and to provide opportunity for advancing the new recruit, as well as for average grade control purposes.

b. Long-Range Actions Possible:

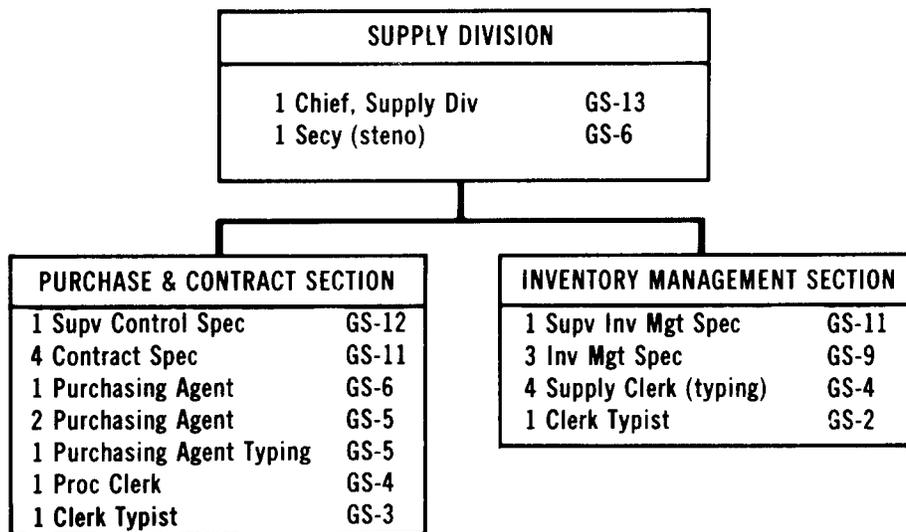
(1) When the next GS-11 Contract Specialist position becomes vacant, abolish the position and establish and fill a GS-9 level, full performance position.

(2) When the next GS-9 Inventory Management Specialist position becomes vacant, abolish the position and establish and fill a GS-7 level, full performance level position.

(3) When the next two Supply Clerk (Typing) GS-4 positions become vacant, establish and fill at the GS-3 level.

(4) Ensure that GS-2 Clerk Typists are promoted when they are assigned GS-3 level supply work.

All of these actions would bring your position structure in line with the workload of your division and result in the organization shown in the following sketch.



Supervisory Ratio is 1:6.33
Average Grade (actual): 7.227

Figure HO 3-11. Organization of the Supply Division

2. The Auto Repair Case.

The optimum grade structure would be 5 WG-10 Mechanics and 5 WG-8 Mechanics. However, the nature of the workload might not enable you to organize your positions in such a manner. Until experience proves otherwise, it would probably be best to fill the three vacancies at the WG-8 level. They can be upgraded later if workload cannot be managed to keep some of the positions at the WG-8 level.

How You Can Help Achieve the Kind of Position and Pay Management Program You Need

1. By careful planning of the duties of the positions and the grade structure that results.
2. By clear-cut assignment of responsibilities to each subordinate.
3. By accurately describing jobs: making sure they are specific, complete (all pertinent information only), and neither overstated nor understated.
4. By becoming familiar with those job evaluation standards that apply to the jobs under your supervision.
5. By keeping the servicing position classifier informed of changes in job duties so that the job descriptions are always current.
6. By explaining to a subordinate the means of establishing his/her grade and assuring the employee of the equity involved. This includes—
 - a. Recognizing that to the subordinate each supervisor is a key part of installation management—the “key” part.
 - b. As a part of management, recognize that it is your responsibility to support management’s determination regarding an employee’s grade.
 - c. Maintain a good general knowledge of the overall position classification plan, and understand the underlying reason for the decision in an individual case.
 - d. Explain the Position and Pay Management Program to employees. Explain the basis of position and pay management actions to employees when positions are affected.
 - e. Assure that employees understand the following: A job sheet is not a contract with the employee. Management has the right to change an assignment. The job sheet reflects these changes, never causes them. The employee may be temporarily detailed to work that is different from that on the job sheet. This is sometimes necessary to meet emergency situations, changes in operation, or to make better use of employees during slack and peak periods.
 - f. Request personnel actions to change positions only if they are in line with grade management plans and principles of position management in the Position Management and Classification Instructions and Checklist (Handout 3-9).

Chapter 4

ALCOHOL AND DRUG ABUSE PREVENTION AND CONTROL PROGRAM (ADAPCP)

4-1. Learning Objectives.

Upon completion of this unit of training, the successful participant will be able to—

- a. Describe the philosophy, objective, and principal features of the Army's drug and alcohol prevention and control program (ADAPCP).
- b. Describe the supervisor's responsibility in connection with employees suspected of alcohol and drug abuse.
- c. Describe specific behavior required of supervisor in interviewing subordinates suspected of being abusers.

4-2. Selection and Preparation of Instructor.

Ideally this unit will be conducted by the installation/activity ADAPCP Coordinator (military or civilian) or other local official who works regularly with the program. He/she should be asked to familiarize him/herself with the reference material cited below, with the content (para 4-5), and with the film to be used in presenting the training.

4-3. Materials Used.

- a. Subject matter content (para 4-5).
- b. Handouts.
 - (1) Local or command policy statement or other issuance on ADAPCP.
 - (2) Guide for a successful interview (page 4-14).
- c. Films. Any of the following films which are all available in the Army Film system.
 - (1) *The Dryden File*, AFIF 269.
 - (2) *Weber's Choice*, AFIF 295.
 - (3) *Alcoholism: The Bottom Line*, AFIF 292.

Note. Films (1) and (2) have white collar and blue collar settings, respectively; either, however, provides a good vehicle for understanding responsibilities and problems of supervisors in referring employees for professional assistance under the program.

4-4. References.

- a. AR 600-85, Alcohol and Drug Abuse Prevention and Control Program.
- b. FPM Supplement 792-2
- c. FPM Chapter 792, subchapters 5 and 6
- d. FPM Letters 792-10, 792-11, 792-12, 792-13
- e. AR 690-400, Chapter 430
- f. CPR Chapter 700
- g. FPM Chapter 751
- h. FPM Chapter 752
- i. Command and activity policies and procedures governing alcohol and drug abuse.

4-5. Training Content.

Note. To Instructor. The material which follows is a concise statement of the content which is to be presented to achieve the learning objectives stated above. It is not intended to be delivered verbatim but, rather, it should be presented in the instructor's own words. The presentation should incorporate reference to local circumstances and examples from the instructor's own experience, and should provide for learner participation via Questions and Answers and class discussion. The film will also provide a useful vehicle for discussion of action supervisors must take to discharge their responsibilities and to use the program effectively.

a. Introduction.

(1) *Objectives of the training.* Tell the class what the objectives of this training session are, in terms of *their* (the participants') learning (para 4-1).

(2) *Policy on Alcohol and Drug Abuse.* At this point distribute copies of the local or command policy statement, and focus participants' attention on the basic policy regarding alcohol and drug abuse. Allow time for participants to read the policy.

(a) The DA policy on drug and alcohol abuse is based on two premises. First: That drug and alcohol abuse constitute social problems as well as medical and legal problems which impact upon the entire military community and the Army's readiness. Second: Since prevention and control of drug and alcohol abuse require comprehensive effort, the program is centralized into one program for both military and civilian personnel.

(b) The Army has made alcohol and drug abuse a priority concern, and has developed and implemented a program designed to meet the problem among Army personnel. Civilian supervisors must be capable of properly implementing DA policy as a means of restoring/maintaining civilian employees at an effective performance level. All members of the civilian work force must be knowledgeable of the ADAPCP and the services it can provide.

(3) *Goals of Civilian Participation.*

(a) To increase efficiency, productivity and effectiveness, and ultimately reduce the use of sick leave by the civilian work force through the prevention of alcohol and other drug abuse.

(b) To provide assistance, rehabilitation or referral services to identified alcohol and drug abusers among the civilian work force.

b. Principal Features of Army Program for Civilian Personnel.

(1) *General.*

(a) Participation by civilian employees in all aspects of the ADAPCP is voluntary. However, civilian employees may be offered a choice between accepting adverse/disciplinary action for job performance problems or ADAPCP services. Civilian employees who choose to accept ADAPCP services will be enrolled in the installation ADAPCP and may participate in either the installation rehabilitation program or an approved rehabilitation program in the civilian community.

(b) No employee will enter the ADAPCP or be referred by the staff to an approved civilian rehabilitation program without an ADAPCP initial interview and social evaluation.

(c) Civilian employees enrolled in the ADAPCP will participate in rehabilitation based upon individual needs as designed by clinical and medical personnel. Where available and appropriate, Army rehabilitation programs will be available to civilian employees. In some cases, civilian employees will be referred to local civilian rehabilitation programs.

(d) No employee will have job security or promotion action jeopardized by a request for counseling or referral assistance, except as limited by a "sensitive position" assignment.

(2) *Program entry and referral.*

(a) When an employee has an alcohol or other drug abuse problem he or she may obtain assistance by—

(b) Volunteering for referral to the ADAPCP directly or through his or her supervisor, civilian program coordinator, chaplain, Army Community Services, occupational health services, private physician, labor organization representatives, or any other appropriate source of referral.

(c) Referral to the ADAPCP by a physician as the result of a fitness-for-duty examination.

(d) All civilian employees will be requested to sign the DA Civilian Employee Consent Statement prior to entering the ADAPCP. If the employee refuses to sign the consent form, the ADAPCP record will be so annotated and appropriate precautions will be taken regarding release of information. Signing of the consent form or revoking prior consent is strictly voluntary. The consent enables the Civilian Program Coordinator, acting for the ADCO, to report specific information to the supervisor named on the consent form once every two weeks, regarding clinical progress of the civilian client during rehabilitation. This disclosure enables the supervisor to assist the employee during the rehabilitation period and/or to take the necessary personnel action. The consent form provides for voluntary participation in urinalysis used to monitor progress during rehabilitation. The client may sign each section of the form separately and will not be denied entry into the program if he/she elects not to sign the consent form. The client may revoke consent on either section or on the entire form at any time. If an employee withdraws consent for the CPC to provide progress reports to the supervisor, the CPC will notify the supervisor of the withdrawal and no additional information or progress reports will be provided.

(e) Throughout rehabilitation the CPC will remain in contact with all civilian employee clients in the ADAPCP including those participating in approved civilian community programs. Clients participating in approved community rehabilitation programs will be included in the ADAPCP reporting system. If the client is determined to be a rehabilitation failure and if his job performance is not satisfactory, the supervisor (with CPO consultation) will determine the administrative action to be initiated.

(3) *Relationship to Employee Discipline.*

(a) The ADAPCP provides non-disciplinary procedures by which an employee with alcohol or other drug-related problems is offered rehabilitation assistance. Initiation of adverse actions for absenteeism, misconduct, and marginal or unsatisfactory job performance related to alcohol or drug abuse will be postponed for 90 days for employees who are enrolled in and satisfactorily progressing in the ADAPCP.

(b) Information pertaining to the employee's enrollment and progress in the ADAPCP can be obtained only with the employee's written consent.

(c) Adverse action must be based on unacceptable conduct or performance and may not be initiated based upon failure to participate in or complete the rehabilitation program.

(d) Once an adverse action has been initiated against an employee who previously refused rehabilitation assistance, the proposed adverse action need not be delayed as a result of the employee's subsequent request for rehabilitation.

(e) The civilian aspects of the ADAPCP supplement but do not replace existing procedures for dealing with employees whose job performance is not satisfactory as cited in the references included in paragraph 4-4. Although the CPC should be familiar with types of disciplinary and adverse actions for DA employees, this is a function of the supervisor, and the CPC and the ADAPCP staff will not become involved.

(f) If an employee decides to withdraw from the ADAPCP prior to completion of the prescribed rehabilitation, the

CPC will refer the employee back to his/her supervisor for any disciplinary action that may be pending. A supervisor will be advised of a withdrawal from the program only if the consent form has been executed and remains in effect.

(g) There should be a clear delineation between the ADAPCP staff, whose function is to deal as effectively as possible with employee's alcohol or other drug problem, and the supervisor and CPO who must deal with the employee's job performance and/or subsequent disciplinary or adverse actions. The CPC assists the ADCO by serving as the liaison between the supervisor/CPO and ADCO once the employee has been referred to the ADAPCP.

c. Responsibilities.

(1) *Employee responsibilities.* The employee whose job performance has been adversely affected by problems with alcohol or other drugs is the focal point of the civilian component of the ADAPCP. Success will be measured by the return of the employee's job performance to an acceptable level.

(a) The employee is responsible for.

1. Recognizing the adverse effect that alcohol or other drug abuse is having on job performance.
2. Seeking appropriate assistance in problem resolution.
3. Bringing job performance to an acceptable level through control of the problem.
4. Progress in rehabilitation will depend in great part on the employee's motivation and determination to control the alcohol or other drug problem and the employee's ability to improve job performance.
5. Civilian employees at all levels must recognize a responsibility to the employer, supervisor, and co-workers when safety or the national interest is involved. Abuse of alcohol and other drugs has a marked effect on individual job performance, employee safety (both the abuser's and other workers') and overall productivity of the work unit.

(b) Paragraph not used.

(2) *Supervisor responsibilities.* When alcohol or other drug problems are underlying factors in deteriorating job performance, prompt assistance may lead to early, even life-saving, identification and rehabilitation. Recognition of deteriorating job performance is a basic supervisory responsibility; early intervention will be most helpful in returning employees to full productivity. The supervisor will—

(a) Be alert, through continuing observation, to changes in the work and/or behavior of assigned employees.

(b) Document specific instances in which an employee's work performance, behavior, or attendance fail to meet minimum standards, or instances in which the employee's pattern of performance appears to be deteriorating.

(c) Consult with ADAPCP personnel or physician regarding questionable employee behavior which may indicate an alcohol or other drug problem.

(d) Conduct an interview with the employee focusing on deteriorating work performance and informing the employee of available counseling services. This and subsequent interviews will be documented. Supervisors will not attempt to diagnose personal or health problems of an employee.

(e) Request that the employee seek appropriate counseling or medical assistance.

(f) Conduct a subsequent interview in follow up to (d) above, to provide the employee with a choice of either accepting assistance through counseling or professional diagnosis of problems, or accepting consequences for continuing unsatisfactory job performance.

(g) Offer to temporarily suspend initiation of disciplinary or adverse action if the employee agrees to seek assistance. If the employee enrolls in the ADAPCP, such action will be suspended and subsequently cancelled at the end of 90 days if the employee has successfully participated in the program and job performance and conduct are satisfactory. Supervisors must coordinate these procedures closely with MER specialists in CPO. In addition, supervisors should document all offers of assistance and should continue to monitor and document employee performance in case there is a necessity to propose adverse action or other action based on unacceptable performance.

(h) Direct personnel actions to be taken (e.g., disciplinary or separation actions) in accordance with current civilian personnel regulations, when counseling and rehabilitation efforts have not been successful and the overall job performance of the employee warrants such actions.

(3) *Supervisors will not confront an employee with the possibility of alcohol or other drug involvement unless—*

(a) The employee appears to be under the influence of alcohol or other drugs. In such an instance, the supervisor should immediately order a fitness for duty examination. In ordering such examinations, supervisors should be aware that other health problems may create the impression that a person is under the influence of alcohol or other drugs. If such cases ultimately are determined to have resulted from abuse of alcohol or other drugs, supervisors will discuss the facts of the situation with the employee and refer him to the ADAPCP staff.

(b) The employee is known or suspected to be involved in illegal activities related to alcohol or other drugs. In this instance, the following measures are appropriate and consistent with DA and OPM policy:

1. If an employee has engaged in criminal conduct directed exclusively toward himself, the supervisor should be careful not to elicit or entertain from the employee any specificity or detail as to the nature of any illegal activity or conduct involved.

2. When the supervisor has good reason to believe an employee is involved in criminal conduct directed toward or potentially harmful to the person or property of others (such as selling drugs or stealing to support a drug habit), the supervisor has an obligation first to the persons or properties in jeopardy and then to the employee. The supervisor will

report the known facts to law enforcement authorities. Reports should be made through a management level at which the exercise of discretion is normally expected and through which reports of other types of criminal activity are generally made.

d. Identification and Counseling of Employees.

(1) The first task of a supervisor in implementing the ADAPCP is to identify individuals who *may* be alcohol or drug abusers.

Note. To Instructor. At this point, ask class, "What do you think some of these indicators might be?" List responses on blackboard. They should include—

(a) *Deteriorating job performance.* Some classic effects on job performance are tardiness, absenteeism (particularly AWOL), missed suspenses, excessive use of leave, disappearances from the workplace, and long lunches. (It must be remembered that individuals with alcohol problems are not likely to accept an interview on the basis that they have an alcohol problem.)

(b) *Deteriorating health.*

(c) *Deteriorating interpersonal relations.*

(d) *Deteriorating social conduct or other behavior.*

(e) *Increasing financial and legal problems.*

(2) Employees may also be identified through—

(a) *Self-identification.*

(b) *Medical identification.*

(c) *Apprehension or investigation by military or civilian law enforcement officials.*

(3) After above points have been elicited from class ask, "Are these always sure indicators of alcohol or drug abuse?" Of course, the answer is "no," which enables you to make the point that supervisors are not expected to diagnose causes of such problems, but only to identify them and help employees find solutions.)

(4) After the supervisor has identified a *possible* abuser, he/she must conduct an interview. Some points to be considered in preparing for such an interview are:

(a) Collect all relevant information before the interview. Be prepared to discuss specific facts and trends in job-related behavior. Do not deal in generalities or impressions.

(b) Be sure you understand the rights and entitlements of the employee, and the local ADAPCP procedures and requirements.

(c) Maintain an attitude of acceptance of and respect for the employee, and a desire to help him/her. The employee may be anxious, embarrassed, suspicious, irritated, or angry because of the interview.

(d) Have a clear plan for the interview—its purpose, what you intend to say and do, what you expect of the employee, what the options are.

(5) *Note.* To Instructor:

(a) At this point, introduce the film which will show events leading up to an interview and the interview itself and will serve as a vehicle for subsequent discussion. The films "The Dryden File" or "Weber's Choice" are recommended; the latter has an industrial, blue collar setting but either will serve to make the point. It is suggested that the instructor review the film to prepare for leading the class discussion. After showing the film, use the following questions to assure understanding and to further "set" the concepts concerned:

1. What were the indicators?

2. Why did the supervisor at first ignore or discount them?

3. Was his behavior unusual?

4. What principles did he follow?

5. What would you have done differently?

6. What was the single major point that applies in our program (in your job)

(b) Then hand out "Guide for Successful Interview" and invite discussion by a question such as, "Can you suggest any additions to this guide?" List pertinent responses on blackboard, and suggest that participants may wish to add them to their copies.

e. Summary.

(1) Instructor should conclude presentation by emphasizing that Army approach to alcohol and drug abuse prevention and control emphasizes:

— both voluntary self-identification and supervisor identification;

— that supervisors must act carefully and responsibly;

— that information is treated in confidence;

— that professional support is available to both supervisor and employee;

— that the goal of the program is prevention and rehabilitation, not "punishment."

(2) Before closing, instructor should entertain final questions, should invite individual (confidential) calls/visits if

participants want further consultation, and should provide specific information (phone and room numbers) for such contact.

4-6. Training Materials.

Guide for a Successful Interview.

a. Maintain standards of job performance. When substandard job performance calls for counseling, call the individual in to immediate account. Avoid giving a “break”; this may cause more harm than good.

b. Talk with the individual only when he/she is not under the influence of alcohol or other drugs. But make it within the following twenty-four hour period, when he/she can comprehend the nature of your counseling.

c. Keep your counseling session work-related. If counseling is primarily for job performance, cite specific areas in which deficiencies have been noted.

d. Point out specific consequences of continued sub-standard performance, either job related or as a suspected/identified abuser. Don’t accept excuses or problems. Concentrate upon the individual’s personal responsibilities and those of the work unit.

e. Be specific about your demands. Be explicit in what you expect in terms of future performance, output, attitude and ADAPCP.

f. Set a time period in which the individual will show improvement in his/her job performance.

g. Require that he/she seek help or refer. Tell the alcohol abuser to seek help. Give specific information on available resources.

Chapter 5

WORK SCHEDULING AND LEAVE ADMINISTRATION

5-1. Learning Objectives.

Upon successful completion of this unit of training, students will be able to administer the attendance and leave of civilian employees according to Federal, Department of the Army, and local laws, and regulations.

5-2. Selection and Preparation of Instructor.

This session should be conducted by a specialist from the Management/Employee Relations (MER) Branch or by a knowledgeable supervisor with assistance from an MER specialist. The material should be presented in the instructor’s own words and should be adapted to local circumstances. Pertinent local policies and regulatory supplements should be discussed as appropriate.

5-3. Materials Used.

a. Training Content (para 5-5).

b. Handouts.

(1) Locally developed Handouts; for example

(a) Local policies and procedures.

(b) Local command/activity sick leave experience, goals, and comparative data.

(2) Handout 5-1, Types of Leave.

5-4. References.

a. Chapters 55, 61, and 63, title 5, United States Code (USC).

b. FPM Supplement 990-2, DOD 1400.25-M, CPM 990-2, and CPR 990-2.

c. FPM Letter 551-1, Interim Instructions for Implementing the Fair Labor Standards Act, 15 May 1974.

d. Command supplements and local policy/regulations, as applicable.

5-5. Training Content.

Note. (To Instructor. State the objectives of the session and introduce the session with remarks such as the following.)

a. Introduction.

(1) Going to work, taking leave, and getting paid every two weeks are things most Federal employees take for granted. Yet all of them impose certain responsibilities on those employees who are also supervisors.

(2) Work time must be properly scheduled and employees must understand what is expected of them and what they may in turn expect.

(3) Laws and regulations on pay, leave, and hours of work, as well as decisions on these by the Comptroller General of the United States, are very detailed. During this session we will highlight areas which you as a supervisor should

know about. If there are questions on material not covered in this class, you should direct them to _____ (supply name and telephone number of contact in CPO.)

b. Scheduling Work.

(1) Each full-time employee must have a basic workweek of 40 hours. Part-time employees are regularly scheduled to work on one or more days of each administrative workweek. The basic workweek is 40 hours; the administrative workweek refers to the seven consecutive calendar day period which includes the basic workweek. The basic workweek may not extend over more than six of these seven days.

(2) While the most usual workweek is Monday through Friday, eight hours per day, work may be scheduled in other ways when it is necessary to accomplish organization's mission. When it is not practical to prescribe a regular schedule of definite hours, the first 40 hours of duty performed in the administrative workweek may be used.

(3) Work schedules must be established or changed at least two weeks in advance, must continue for at least two pay periods, and must be announced in writing.

Note. To Instructor. If installation/activity has Flexitime, discuss your specific program here. If appropriate, distribute local regulation governing it. Point out any specific provisions for supervisors; are they covered?

c. Scheduling Annual Leave.

(1) Annual leave is an employee entitlement provided by law for vacations, personal business or pleasure, and personal emergencies. Although annual leave is an entitlement, supervisors have the right and responsibility to decide (approve) *when* the leave may be taken. It is incumbent on the supervisor, together with each employee, to schedule annual leave as far in advance as possible. Encouraging employees to take at least a part of their leave early in the year can be of help. In most work situations, the more the leave taking is spread out, the less impact it will have on mission accomplishment.

(2) A leave schedule can be modified to take care of unexpected workload or other factors, but can still serve as a guide for effective staffing and reasonable support of employee vacation planning. Generally speaking, annual leave should be approved freely when an employee can be spared from work, whether or not the leave is scheduled. It is a good idea, however, to encourage some leave accumulation for contingencies.

(3) Civilian employees earn annual leave at the rate of 13, 20, or 26 work-days per year, depending on their length of service. The civilian leave year corresponds (nearly) to the calendar year. Employees may accumulate leave up to a maximum of 240 hours which they may "carry over" into the new year. (See FPM Supplement 990-2, Book 630, para S3-5b for the 45 day maximum for certain employees.)

(4) In rare cases, it may be necessary to cancel scheduled leave due to exigencies of the work situation. If it will not be possible to reschedule the leave before it might be forfeited at the end of the leave year, the supervisor should look into the requirements to be met to allow for credit of forfeited leave to a special account for use at a later time.

d. Sick Leave.

(1) Employees accrue sick leave at the rate of 13 days each year without limitation and without regard to length of service. Sick leave is for use of employees:

- When they are physically incapacitated for work.
- To obtain dental, medical, or optical examination or treatment.
- When the presence of contagious disease in the employee's immediate family requires the employee's personal care.
- When the employee has been exposed to a contagious disease that might endanger the health of coworkers.

(2) The employee's immediate supervisor approves or disapproves leave. Supervisors have the responsibility to control leave in a way that minimizes the adverse effect of employee absence on the work of the organization. At the same time, the right of an employee to take leave must be recognized.

(3) When an employee becomes ill off the job, the employee should, as promptly as possible, notify, or send word of his/her incapacitation to the supervisor. Leave for medical appointments should be requested and approved in advance. Sick leave should normally be approved unless there is reasonable doubt that it is a proper charge. In cases of serious illness, up to 30 days of sick leave can be advanced to an employee as long as there is reasonable expectation that he/she will return to work. If sick leave is not appropriate (i.e., the employee's absence is not for a reason covered by the sick leave authorization), the supervisor may instead charge the absence to annual leave, leave without pay (LWOP), or absence without leave (AWOL).

(4) Such situations can be sensitive and the supervisor should consult the CPO when in doubt.

e. Sick Leave Data.

(1) Because sick leave represents lost productive time, we keep records of our performance. Here are the statistics showing our installation's/activities sick leave rates.

(2) (Distribute and discuss Handout developed locally.)

f. Sick Leave Abuse.

(1) When there is evidence of sick leave abuse in your organization, you are responsible for taking steps to eliminate such abuse. This may take some counseling with employees to determine how you can help. The key to

effective sick leave control is, of course, the supervisor. Your own attitudes and personal practices will have an obvious effect on employees. If you are too lax, you may be imposed upon; if too strict, you may create an atmosphere that will cause tension and emotional strain. There is a direct linkage between leave usage and the state of employee morale. For example, leave trends go up when employees are not busy with meaningful work or when reduction-in-force rumors are flying.

(2) A large life insurance company found that the quality of supervision had far more effect upon the absence rates of the different departments than such factors as bad ventilation, noise, or crowding. Where the quality of supervision was excellent, illness and absenteeism were low. Apparently, this situation resulted from maintaining a work environment where nervous tension and other psychological handicaps were reduced to a minimum; consequently, people came to work even when they were suffering minor ailments.

(3) Experienced supervisors soon come to recognize the “symptoms” of possible sick leave abuse. What do you think some of these might be?

Note. (To Instructor. Use this opportunity to get some class participation. If they don’t produce the following list, help them with some leading questions.)

(4) Although there is no symptom which by itself is conclusive evidence of abuse, the following examples are typical of behavior that may indicate such a possibility.

- Leave usage seems to occur in a regular pattern (e.g., after payday.)
- Leave usage falls on Fridays or Mondays or before or after holidays.
- Absences are predominantly of a sudden and unheralded nature and the employee is lax about prompt notification of the supervisor.
- High leave usage is accompanied by other indications of lowered moral such as inattention, complaining, work slackening, tardiness.
- The nature of alleged illnesses seems vague and not subject to confirmation. Many of these symptoms are typical of the behavior patterns of persons subject to alcohol or drug abuse, for example.

g. Absence Controls.

(1) Commanders are responsible for determining what evidence will be furnished to support leave usage. Department of the Army policy guidance provides the following:

- Employees normally may personally certify use of leave for periods of three days or less.
- Over three days may require a doctor’s certificate.
- When abuse is suspected, a doctor’s certificate may be required for any amount of leave after appropriate advance notice to the affected employee.
- Employees may be required to submit to an Army medical examination to determine the medical necessity for sick absence.

Note. (To Instructor. At this point, supplement with information about local policies on this matter, including reference to specific issuances, which may be distributed as Handouts.)

(2) The Standard Form 71, application for leave, is a useful tool in planning absences and controlling leave. You may require the submission of SF 71s for both annual and sick leave, particularly when:

- Requested leave is for an extended period;
- Leave usage is substantially above the norm;
- A medical certification is required (for example, where an employee’s record warrants it or where required by local policy);
- Extended LWOP is requested.

h. Absence Without Leave (AWOL).

(1) Absence without leave is an absence from duty which has not been approved by the supervisor. *This is not a category of leave.* It is a time when the employee is neither on the job nor authorized to be away from it. For such a period, the employee receives no pay and disciplinary action may also be initiated by the supervisor when considered appropriate.

(2) Usually, AWOL is the result of a decision by the supervisor that annual or sick leave will not be approved because the employee did not obtain approval as required or because of leave abuse or other absence problems surrounding the work situation.

(3) If the AWOL is later excused because of extenuating circumstances, a charge to the leave account (sick or annual) will be made.

i. Leave Without Pay (LWOP). Leave without pay is a temporary nonpay status and absence from duty approved upon the employee’s request. LWOP is distinguished from AWOL by its permissive nature and approval. LWOP is normally granted to protect an employee’s employment status during extended absences. Examples of such situations

are:

- To seek other Federal employment when head of household (e.g., military spouse) is transferred.
- For an extended educational sabbatical.
- Pending a decision by the Office of Personnel Management on an application for disability retirement.

j. Approving Leave Without Pay. Unless a local policy prohibits approval, LWOP may be granted whether or not the employee has accrued annual leave. Leave without pay should be approved when it is expected that the employee will return to duty and that at least one of the following benefits will result:

- Increased job ability.
- Protection or improvement of employee's health.
- Retention of a desirable employee.
- Support of best interests of the Government.

k. Other Types of Leave.

(1) (Distribute Handout 5-1, Types of Leave. If time permits, discuss the other types of leave summarized below.)

(2) Several less common types of leave are authorized in particular circumstances. Principal types are as follows:

l. Home Leave. Home leave is an entitlement of employees working outside the United States. It is usually accrued at the rate of five days per year and is generally used in conjunction with extension of the oversea tour of duty. Employees may not use their home leave accrual unless they are scheduled to return to overseas assignments.

m. Funeral Leave. Funeral leave may be granted to attend the funeral of an immediate relative who died as a result of injury or disease incurred in a combat zone.

n. Military Leave. Fifteen calendar days per fiscal year are authorized for employees who are members of reserve components of the military services or of the National Guard when they are called to active duty. Any portion of the 15 days unused in a fiscal year may be carried over to the next fiscal year, not to exceed 30 days. Also, 22 workdays per year are authorized for the purpose of providing military aid to enforce the law.

o. Court Leave. Court leave is extended to employees called "as witnesses on behalf of any party in connection with any judicial proceeding to which the U.S., the District of Columbia, or a State or local government is a party," or selected for jury duty in any court. In order to draw regular pay, employees must turn in earned court fees so as not to violate dual compensation laws.

p. Absence for Maternity Reasons.

(1) Absence for maternity reasons is treated as sick leave but discussed in a separate category because extension of other types of leave is also applicable. Sick leave (including extended sick leave) is used for the period of medical incapacitation. The employee may elect, however, to use a further adjustment period (e.g., to care for the young child) and, in such a case, is entitled to additional extension of leave including annual and LWOP. Agencies are also obligated to provide temporary changes in duties whenever physical requirements of normal duties are too stringent due to the employee's condition. Men, also, are entitled to leave for paternity purposes but, since they have no medical incapacitation, may be granted only annual leave or leave without pay.

Note. To Instructor. At this point stop the presentation and invite questions on any aspect of hours of work and types of leave. Defer discussion of questions which are to be dealt with in the remaining part of the session. After appropriate discussion, resume.

(2) The supervisor's responsibility to effectively manage the work of the organization includes scheduling of the workforce to ensure the efficient performance of work when needed. Let us briefly discuss some other scheduling considerations of the duty day.

q. Lunch Periods. Breaks in the work day of more than one hour may not be scheduled. Since a break is not a requirement, circumstances may justify an on-the-job lunch period of 20 minutes or less, which is counted as duty time. Also, in some forms of Flextime scheduling, an employee might choose to take a break during the day of more than one hour.

r. Rest Periods. Where provided, these are breaks of not more than 15 minutes during each four hours of continuous work. Authorization for use of rest periods must be in writing and must meet certain prescribed criteria (see CPR 990-2, Book 610.S1.)

s. Work at Night. Work at night should be kept to an absolute minimum. When work is regularly scheduled between 6 pm and 6 am, GS employees are entitled to night pay, which is 10% of their basic pay rate. A wage grade employee receives 7½% of the regular scheduled rate for the entire shift when the majority of work hours are between 3 pm and midnight or 10% of the regular scheduled rate for the shift if the majority of hours are between 11 pm and 8 am.

t. Travel on Official Time. Insofar as possible, employees are not to be required to travel during nonduty hours. When it is essential that this be required and the employee may not be paid overtime, the travel ordering official must record the reasons for ordering travel at those hours and must, upon request, furnish a copy of these reasons to the employee concerned.

u. Overtime Pay for Travel.

(1) Most laws governing employees of the Federal Government are found in title 5 of the United States Code (Government Organization and Employees). Under title 5, travel during nonduty hours is work only if the travel:

- Involves the performance of work while traveling.
- Is incident to travel that involves the performance of work while traveling.
- Is carried out under arduous conditions.
- Results from an event which could not be scheduled or controlled administratively.

(2) Although time in a travel status may meet one of these conditions for being considered as hours of employment, it is not payable as overtime unless the travel outside regular duty hours has been officially ordered or approved.

v. *Fair Labor Standards Act (FLSA)*. Since May, 1974, the Fair Labor Standards Act, known as the FLSA, has been applicable to most Federal employees. Under FLSA, the following additional situations are counted as hours of work:

- Driving a vehicle at the request of and on behalf of the employing agency.
- Travel as a passenger on a one-day assignment.
- Travel as a passenger on nonwork days during hours which correspond to regular working hours.
- An employee is required to travel during regular working hours.

w. *FLSA Impact on Employee Entitlement*. The FLSA does not repeal, amend, or otherwise modify any existing Federal pay laws. It does require a determination as to which employees are “nonexempt” and which are “exempt” from its minimum pay and overtime provisions and it establishes a minimum standard to which nonexempt employees are entitled. To the extent that the FLSA would provide a greater pay benefit to a nonexempt employee (for example, a higher overtime rate) than the benefit payable under other existing pay rules, the employee is entitled to the FLSA benefit. If other existing pay rules provide a greater benefit, of course the employee continues to be paid for overtime work in exactly the same way as in the past.

x. *Impact of FLSA on Management Responsibility*.

(1) The basic responsibility of managers and supervisors to effectively manage and control the work of the agency, and to make efficient use of money and manpower resources towards this end, is in no way altered by the advent of FLSA. Managers will continue to ensure that work is performed by employees when they need and want it performed, and equally they must also ensure that work is *not* performed when it is not needed and when they do not want it performed. FLSA gives special emphasis to this continuing responsibility.

(2) Under FLSA, management cannot accept the benefits of a nonexempt employee’s work without compensating the employee for that work. It is not sufficient to issue a rule that employees covered by the act may not perform work outside normal work hours unless ordered to do so or that they may not perform such overtime work without a clear indication from the responsible manager or supervisor that it will be approved after the fact. Management *must assure* that supervisors *enforce that rule*.

(3) FLSA introduces a new concept regarding overtime work into the Federal service. Under this concept, a nonexempt employee becomes entitled to overtime compensation (for hours worked in excess of 40 a week) for all work which management “suffers or permits” to be performed. Under this concept, any work performed prior to or after the established shift hours or during the prescribed lunch period by an employee covered by the overtime provision of the act for the benefit of the agency, whether requested or not, is working time if the manager or supervisor knows of or has reason to believe it is being performed. The Office of Personnel Management is responsible for agency compliance with the FLSA. However, since the act provides that an employee can seek relief directly from the courts for overtime work performed for which the employee feels he/she has not been properly compensated, supervisors should make every effort to resolve pay complaints informally.

(4) It is important to emphasize that the FLSA does not in any way diminish a supervisor’s responsibility for ordering or authorizing overtime work. The FLSA simply *adds* an additional responsibility to supervisors, i.e., to see to it that overtime work is not, in fact, performed except when payment for such overtime is intended.

(5) Supervisors must keep accurate records concerning the hours worked by their “nonexempt” employees.

y. *FLSA Overtime Entitlement*. Overtime entitlement under the FLSA does not begin to accrue until the employee has first completed 40 hours of actual work in a week. For example, an employee who has any paid time off during the week (holiday, annual leave, sick leave, or any excused absence with pay) will not earn an entitlement to overtime pay under the FLSA until additional actual work exceeds the paid hours of nonwork and is in excess of 40 hours of actual work in the week. Limits on the amount of overtime paid under title 5, USC, do not apply to overtime paid under the FLSA.

z. *Title 5 Overtime Entitlement*. Overtime entitlement under title 5, USC, occurs when an employee is in a pay status more than 40 hours in a week *or* more than eight hours a day. Absences from duty with pay, such as holidays or annual leave, are included in the total of daily or weekly hours in a pay status.

aa. *Compensatory Time*.

(1) Compensatory time off may not be granted where payment of the extra work at overtime rates would be improper, as in the case of employees limited to total pay period earnings amounting to the basic compensation for the

top step of a GS-15. Wage grade employees and employees who have earned their overtime entitlement under FLSA are prohibited from taking compensatory time off; they must be paid.

(2) General Schedule employees who are paid at a rate equal to or higher than GS-10, step 10 may be directed by their activity to take compensatory time off, as long as they are exempt from FLSA. The time off must be taken as soon as possible but not later than thirteen pay periods after it is earned.

(3) Nonexempt employees under FLSA may request compensatory time off if it is taken within the same workweek that it is earned or if their entitlement to overtime pay under title 5, USC is equal to or greater than their overtime pay entitlement under FLSA.

(4) Compensatory time must be officially recorded when it is earned and when it is taken.

bb. Call-Back Overtime. When employees are called back to duty to perform work which had not been scheduled for them, they are entitled to credit for a minimum two hours of work. Travel time to and from the worksite is not included. When the nature of operations is such that it may become necessary at any time to call back employees for the purpose of dealing with situations arising during nonduty hours, commanders may establish rosters of employees to receive these calls.

cc. Administrative Dismissals.

(1) When normal operations of an activity are interrupted by events beyond the control of management of employees, the activity may be closed for a brief period and employees excused without charge to leave or loss of pay. If the closing of the activity can be planned in advance, however, employees are to be notified that they will be required to take annual leave.

(2) Certain employees will be required to work regardless of emergency situations or any general dismissal authorization. These employees should be made aware, preferably in writing, of the special requirements placed on them for reporting to, or remaining at, their worksites in emergency situations.

dd. Excusing Employees.

(1) Certain absences from duty should be excused without charge to leave. In other situations, supervisors have the responsibility for deciding whether the absence furthers an agency function and may be excused, or whether leave must be charged. (Excused absences of these sorts are what is inaccurately called "administrative leave.")

(2) Tardiness or a brief absence of less than an hour are the most common reasons for granting excused absence. Some other instances may be for registering and voting, donating blood, and attending a conference or convention. When in doubt, contact the CPO for advice.

ee. Summary.

(1) The supervisor's job is to accomplish the unit's mission with the help of others. To do this he/she must control their work schedules and use of leave, while recognizing their entitlement to the proper use of such leave. We have discussed the major kinds of leave, when they are to be used, and how they are to be controlled.

(2) Are there any questions?

(3) *Types of Leave.*

Handout 5-1

Table 5-1
Types of Leave

Type	Authorized Uses
Annual Leave	For vacations, pleasure, personal business, and emergencies.
Sick Leave	For medical incapacitation, medical and dental appointments, care of contagious disease in family, avoidance of the spread of contagious disease.
Home Leave	For home visitations by oversea employees expected to return to their oversea duty stations.
Military Leave	For active military duty for training or providing military aid to law enforcement activity. Available to members of reserve military components and the National Guard.
Funeral Leave	For attending the funeral of a family member who died as a result of injury or disease incurred in a combat zone.
Court Leave	For service as a court witness in US Courts and for jury duty.
Shore Leave	Granted as a result of extended service at sea.
Leave Without Pay	For employee-requested leaves of absence. Granted in lieu of or in addition to annual or sick leave.

Chapter 6 RECRUITMENT AND SELECTION

6-1. Learning Objectives.

Upon completion of this unit of training, the successful participant will be able to—

- a. Describe the basic broad policies of the Department of Army governing employee recruitment as implemented and practiced at the installation/activity.
- b. Describe requirements for making employee selections.

6-2. Selection and Preparation of Instructor.

- a. This session should be conducted by a representative of the Recruitment and Placement Branch. Since the specific application of the policies and principles may vary according to peculiar characteristics of the workforce, negotiated labor agreements, and other local conditions, these materials should be adapted to local situations.
- b. The lesson plan and teaching methodology should emphasize the practiced, “how-to” application of principles and policies governing recruitment and selection of employees.

6-3. Materials Used.

- a. Subject matter content (para 6-5).
- b. Suggested Handouts (available locally).
 - (1) Sample local vacancy announcement(s)
 - (2) DA Pam 690-13, Methods of Entry into the Federal Service
 - (3) DA Form 2600, Referral and Selection Register

6-4. References.

- a. FPM Chapter 335.
- b. AR 690-300, chapter 335.
- c. Local merit promotion plan and negotiated agreement, if any.
- d. AR-690-950-1, Career Management

6-5. Training Content.

The material which follows is a concise statement of the content which is to be presented to achieve the learning objectives stated above. It is not intended to be delivered verbatim but, rather, it should be presented in the instructor's own words. The presentation should incorporate reference to local circumstances and examples from the instructor's own experience and should provide for learner participation by questions and answers and class discussion.

a. *Introduction.* Objectives of the training. Tell the class what the objectives of this unit are, in terms of *their* (the participants') learning (para 6-1).

b. *Merit System Principles.* The Federal personnel system operates on a merit standard.

(1) This means that whenever someone is hired or promoted, it must be because of the individual's ability and performance.

(2) To take personnel action based upon friendship, bribery or for any reason other than the person has earned it is forbidden.

(3) Although it may seem that the demands of the merit system are extraordinarily rigorous and the procedures unnecessarily complicated, you will discover that the process is designed to ensure that the Federal Government will

(a) Have the best possible employees,

(b) Have employees who are treated fairly, and

(c) Provide its employees the opportunity to go as far as their abilities will take them.

c. *Legal Basis for Hiring.*

(1) Basic Federal personnel policies are established by legislative action or executive order. Most of these policies are codified in title 5 of the United States Code.

(2) Civil Service laws (or executive orders) are interpreted and implemented by the US Office of Personnel Management (OPM).

(3) OPM is vested with the legal authority to appoint civilian Federal employees. OPM has delegated this authority to DA, but it retains the responsibility for post-audit and review.

d. *Agency Responsibility.*

(1) Each Federal agency is required to adopt and administer a program which will ensure a systematic means for selection and promotion based on the merit principles discussed earlier. In turn, each Army activity is required to have its own merit promotion plan.

(2) Among other requirements, each merit promotion plan must provide the following:

- (a) Areas of consideration that are broad enough to ensure availability of high quality candidates. (Ask participants for definition of "area of consideration" and discuss.)
- (b) That candidates meet minimum qualification standards prescribed by OPM.
- (c) That management has the right to select or not to select from among a group of candidates.
- (d) A system of recordkeeping to allow reconstruction of promotion actions. FPM Chapter 335, paragraphs 1–3 and 1–4 discuss merit promotion plans and requirements in more detail.
- e. *Army Requirements.* DA has supplemented the OPM guidance by adding the following requirements:
 - (1) That EEO affirmative action goals be considered when establishing the area of consideration.
 - (2) Selecting officials must write down reasons for selection on the referral list. This requirement will be discussed later in this unit.
- f. *Local Merit Promotion Program.*
 - (1) The local merit promotion plan operates within the guidelines established by OPM and HQDA.
 - (2) *Local program.* Describe the local merit promotion program, including the items listed below. Use copies of local vacancy announcement(s) to show examples of particular items.
 - (a) Number of local plans.
 - (b) Occupations covered.
 - (c) Area of consideration.
 - (d) Extending area of consideration.
 - (e) Negotiated agreement provisions, such as rating panel participation.
 - (f) Voluntary applicants.
 - (g) Special consideration for repromotion. (This will also be discussed later.)
- g. *Planning Recruitment.*
 - (1) *Advance Planning.* Anticipation of future manpower needs can help to decrease hire lag and keep long-term vacancies at a minimum. Things to consider:
 - (a) Previous turnover in an occupation (how many vacancies during the prior 12 to 24 months, causes, length of time it took to fill).
 - (b) Known losses (upcoming retirements, resignations, transfers, for which early recruitment can be started).
 - (c) Availability of workers (within DA or from other sources).
 - (d) Current hiring constraints (possible reduction-in-force, functional transfers, limited or general hiring freeze).
 - (2) *Sources of Candidates.*
 - (a) *Noncompetitive consideration.* The civilian personnel office operates local programs (such as special consideration for repromotion, mentioned during the discussion of the local plan) or has access to DA, DOD, or OPM programs that provide placement opportunities for workers who, under law or regulation, may be considered as exceptions to the competitive procedures of the merit promotion plan. (A number of these should be mentioned.)
 - (b) *Placement under RIF procedures.* Generally, management is under no obligation to offer vacant positions to employees affected by RIF. (Discuss local policy.)
 - (c) *Re-employment through Displaced Employee Program.* OPM maintains inventory of former Federal employees entitled to consideration ahead of outside candidates with no prior civil service experience.
 - (d) *Employee exercising reemployment rights to former position following oversea tour, military service, or duty with an international organization such as the United Nations.*
 - (e) *DOD Priority Placement Program (PPP) registrants.*
 - (3) Other sources from outside the Federal workforce. Refer to DA Pamphlet 690–13, Methods of Entry into Federal Service, and describe briefly each program listed as it appears in the pamphlet.
 - (a) Worker-Trainee
 - (b) Apprenticeship
 - (c) Handicapped
 - (d) Veterans Readjustment Appointment
 - (e) Co-op Student
 - (f) Mentally restored
 - (g) Mentally retarded
 - (h) Prisoner work-release
 - (i) Student volunteer
 - (j) OPM register of eligibles.
 - (4) All of the just-mentioned programs are considered appropriate as an additional candidate resource although not all will suit the skills needed for a particular vacancy.
 - (5) Sometimes placement of an individual may be directed by OPM, the courts, or by another appellate jurisdiction.

h. Noncompetitive Actions. Some types of personnel actions can be made without the use of competitive procedures (note any that are prohibited or modified by the local merit promotion plan):

(1) Career ladder promotion. If a position was initially filled below the full performance level through competitive procedures and the promotion potential was made known at the time, promotions to the target level do not require further competition. Examples:

- (a) Career interns in DA career programs.
- (b) Upward mobility. Explain local upward mobility programs.
- (c) Apprenticeship (trades and crafts positions) (explained in DA Pamphlet 690-13).
- (d) Any others provided locally.

(2) Temporary promotion up to 120 days.

(3) Application of a new job classification standard or correction of a classification error (incumbent must meet requirements for promotions).

(4) Special consideration for repromotion (already covered under discussion of local plan).

(5) Consideration of a candidate not given proper consideration in a competitive promotion action, for instance, when a candidate was not included on a referral list, but should have been referred. (This may be used only if authorized in local plan.)

(6) Details up to a total of 120 days.

(7) Permanent promotion following a competitive temporary promotion if:

- (a) The possibility of permanent promotion was made known to all candidates at the time of competition, and
- (b) The area of consideration for the temporary promotion was no narrower than required for permanent promotion.

(8) Promotion resulting from the addition of new duties and responsibilities, provided:

(a) There are no other employees at the same grade in the unit supervised by the selecting official who are performing duties substantially the same as those performed by the employee prior to addition of the new duties and responsibilities. (For example, in classification, jobs are considered substantially the same when major duties, supervisory controls, knowledges required, and working conditions are the same.)

(b) The employee continues to perform the same basic functions as were in the former position and the duties of the former position are administratively absorbed into the new position;

(c) The addition of the duties and responsibilities does not result in an adverse impact on another incumbered position, such as abolishing the position or reducing the known promotion potential of another position; and

(d) The employee meets all eligibility and qualification requirements for the position.

i. The Rating and Ranking Processes.

(1) Following announcement of a vacancy, candidates are evaluated to determine those most likely to perform in a superior manner on the job.

(a) The evaluation to determine the highly qualified (HQ) must be based on job related criteria, i.e., those knowledges, skills, abilities and other characteristics (KSAO's) which have been determined to be essential for highly successful performance.

(b) In the ranking process, candidates are compared to identify those who possess the KSAO to the greatest degree. This process identifies the "best qualified" who are referred to the selecting official.

(c) The evaluation must be documented to the extent that it can be reconstructed for audit purposes.

(2) The evaluation procedure used may vary according to

(a) The type and complexity of the position.

(b) The number of candidates.

(3) The evaluation should be conducted by subject matter experts, under guidance provided by the CPO.

(4) Management should assist the CPO in conducting the evaluation procedure in order to ensure:

(a) Timely fill of the position.

(b) That the truly best qualified are referred for consideration.

j. Selection.

(1) When the CPO has completed the rating process and the referable candidates have been identified, the selecting official receives

(a) DA Form 2600, Referral and Selection Register.

(b) Information on each candidate. Explain what information is provided under local policy such as application, appraisal, etc.

(2) Local policy may determine how long a selecting official may retain a DA Form 2600 before returning it to the CPO. The suspense date is noted on the form. Explain local policy, to include method for extending date. Is the policy part of a negotiated agreement?

(3) The selecting official—

(a) Reviews the list of candidates referred,

(b) Indicates the selection in Part II of the DA Form 2600, and

(c) Documents reasons for selection before returning the form to the CPO.

(4) Selection interview. Part of the candidate review may include interview of each available candidate. If local policy *requires* interviewing available candidates, explain this to the class. If local policy requires or allows structured panel interviews, explain how they are used.

(a) Research shows that a majority of employers rely on the interview for selecting employees.

(b) To be defensible as a selection device, the selection interview must be based on job related criteria.

(c) Some questions must not be asked because they are considered discriminatory, such as questions

— Relating to age, race, national origin, religion.

— Concerning spouse, spouse's employment.

— Regarding dependents, arrangements for child care.

(Ask the class for examples of other items that may cause problems if asked, or ask for items the class considers acceptable, and then discuss. If there is command or local guidance available on interviewing, provide copies to the class.)

(5) Documenting reasons for selection. Selecting officials must base their selections on one or more legitimate, job related reasons as to why the selectee may be expected to perform the job most successfully. Reasons given are subject to later audit in case of

(a) Complaints of discrimination, or

(b) Grievances. Note that reasons for selection are also required on DA Form 2302-2A-R Career Referral Record.

k. *Conclusion.*

(1) During this session, we have covered the following practices and policies governing the recruitment and selection of employees in the Department of the Army—

(a) Hiring and promotion is based on ability and performance.

(b) Merit procedures are prescribed by Federal and DA regulation.

(c) DA regulation is implemented by a local merit promotion plan. (Summarize the major points of your local plan.)

(d) Some personnel actions do not require use of competitive procedures.

(e) When competitive procedures are used, candidates are evaluated to determine those likely to be superior performers on the job.

(f) Generally, the selecting official must base a selection on job related criteria and document these reasons.

(2) Questions and Discussion.

Chapter 7

TRAINING AND DEVELOPMENT

7-1. Learning Objectives.

Upon successful completion of this unit of training, participants will be able to—

a. Outline their responsibilities for the training of subordinates;

b. Describe sources of training needs, how such needs can be met, and what the supervisor should do to meet them;

c. Describe how to evaluate success in meeting training needs;

d. Identify and act to meet own training needs.

7-2. Selection and Preparation of Instructor.

a. Ordinarily this unit should be conducted by a member of the Training and Development Branch.

b. Depending on the composition of the class, substantial use should be made of group discussion, information drawn from participants, etc. Most supervisors will have had some experience as recipients of various kinds of training and can share both factual and evaluative information about what training should and should not be. The leader should supplement suggested questions with those of his/her own.

7-3. Materials Used.

a. Blackboard, charts, transparencies to reinforce points made.

b. Handouts

(1) Locally obtained

(a) Local training policy/regulation

(b) Sample DD Form 1556, Request, Authorization, Agreement, Certification of Training and Reimbursement, with instructions.

(2) Handout 7-1, Performance Improvement Plan

7-4. References.

- a. FPM Chapter 410
- b. AR 690-400, chapter 410
- c. AR 690-900, chapter 971, Department of the Army Facilities Engineer Apprentice Program.
- d. Pertinent command and local issuances.

7-5. Training Content.

a. Introduction.

Note. (To leader. Using chart or other visual medium, state objectives of unit (para 7-1, above). In your own words, tie this into the following ideas:)

Supervisors are responsible for—

- (1) Identifying the training needs of each one of their subordinates;
- (2) Deciding how best to meet those needs;
- (3) Providing, or arranging for provision of, training;
- (4) Evaluating training to judge if it met the need and if not why not.
- (5) Identifying and acting to meet the supervisor's own training needs.

b. Identifying Training Needs.

Note. (Here is the first of a number of opportunities to elicit class participation. Ask such questions as those following. Post responses on the board, so arranged to produce a final layout along the lines shown in subparagraph (2). From their participation in this unit, especially if it is presented early in the course, you will get some idea of the level of knowledge and understanding of the class.)

(1) Suggested questions:

- Where do training needs come from?
- What are some indicators of needs?
- Do employees always recognize needs? (Why not?)
- Can you forecast future needs? (If so, how?)

(2) Sources and types of training needs may be portrayed on a blackboard or on a chart as follows:

Training Needs

- Needs inherent in situation
 - New employee job orientation
 - New equipment or procedures
 - Training required by commander
- Needs shown in performance
 - During annual appraisal
 - Make good employee better
 - To maintain performance level
 - To overcome deficiencies
 - Performance problems
- Needs for future performance
 - Career plans
 - Personal goals
 - Mobilization assignments

Figure 7-0. Sources and types of training

(3) If there appears to be a lack of understanding, ask for examples of each category.

(4) As above are presented or elicited from group, be sure to make the following observations:

(a) Training is not the answer to all performance problems. Before training is identified as a solution, consider other approaches e.g., discipline, improved communication, etc. Consult with employee relations personnel for assistance.

(b) Do not use training as a reward or substitute for other appropriate recognition. Consult with the incentive awards specialist.

(c) We are talking about job or Army career related needs only; not private interests.

c. *Deciding How to Meet Training Needs.*

(1) *Lecture/discussion.*

(a) After a training need has been identified, you must decide how best to meet it. As a general rule, closer-to-home training is preferable. One of the first questions a supervisor should ask him/herself is, "Can we provide this training on-the-job?" Certainly almost every new employee requires some degree of training (we may call it orientation or familiarization), and the supervisor and co-workers provide it. The same is true for much other training. We should be alert to this source and, if it seems best, systematically plan for it; that is, decide exactly what needs to be taught, who is best prepared to teach it, etc. There are several variations of on-the-job training. They include—

- Coaching on the employee's present job
- Special assignments on present job
- Formal details and assignments to task groups
- Rotational assignments and job exchanges (Post these on the blackboard and ask the class to provide examples of each and to describe what sort of need would be met by that approach. Be prepared with examples of particular needs and ask class which method might apply. For example, a recently assigned secretary must learn how to prepare and administer the division's travel budget.)

(b) When we think of training we most often think of the classroom, and that's where a lot of training is done. What are some of the reasons for selecting this means of meeting a training need? (Class should provide such ideas as: sometimes attendance at course is required; meeting common needs of a group can be done economically; standardized content and quality of instruction. Ask class for examples.) Don't use the "catalog" approach to selecting classroom training; consult with the T&D staff to learn what courses are available; for many subjects there are alternatives, and you will want to select the most cost-effective one. (Instructor should give local examples.)

Note. (To Instructor. If your activity has access to an Army "learning center" you should describe this source of training, the course available there and how to arrange for its use.)

(c) Correspondence courses cover a wide variety of topics and are available from the Office of Personnel Management, Department of the Army, colleges and universities, International Correspondence School, etc. They have advantages and disadvantages which supervisors will want to consider. Arrangements should be made through the T&D office.

Note. (To Instructor. Ask if class members have experience with such training. Give examples of correspondence course used locally or those which you believe pertinent to the class.)

(d) We have been talking about training which is provided by the Army or using Army resources. Employees ultimately have the primary responsibility for their own development and growth—whether it is to keep abreast of current developments or to prepare for the future. Among the personal efforts employees may be encouraged to make are:

1. Outside reading.

Note. (To Instructor. Describe installation, community, and other local libraries available. Give examples pertinent to the class.)

2. Outside activities. Participation in civic, social, religious, service and professional organizations provides an opportunity to develop a variety of skills—public speaking and other communications, interpersonal relations, and financial management, for example. We should encourage our employees to volunteer for those which interest them and to seek out the kinds of activities which will contribute to their development.

Note. (To Instructor. Ask if any class members personally do so and ask them to describe benefits.)

(e) In discussing each of the sources of training we have encouraged you to consult with the T&D staff. This is important because we want to help obtain the most appropriate training to meet your workers' needs, and because we want to assure that we comply with a variety of requirements and limitations. For example:

1. There are a number of conditions and restrictions related to training by non-government sources. They include requirements for official approval in advance, limitations on the amount of such training, selection of institutions, etc.

Note. (To Instructor. Tell who has approval authority at your activity.)

2. Funds for tuition, travel.
3. Quotas must be obtained sufficiently in advance.
4. In-house classes must be scheduled.

Note. (To Instructor. Provide local examples.)

Note. (At this point, describe local system for recording training needs on individual development plans in connection with the performance appraisal process, the subsequent procedures to implement such plans, and assigned responsibilities in connection therewith. Supervisors must understand how their local system works.)

(2) *Performance Improvement Planning Exercise.*

Note. (To Instructor. Give Handout 7-1, Performance Improvement Plan, to participants with instructions along the following line.)

(a) Here's a format which might help you to develop a plan of action for improving the skills of a subordinate worker; that is, to overcome a deficiency or increase ability to perform a function of the present or a future assignment. To make this exercise as worthwhile as possible for each of you, I want you to think of a particular feature of performance of one of your employees in which improvement is desirable. As we have said, training isn't always the answer to performance problems. This format should be useful in analyzing deficiencies and deciding on the appropriate solution. But for purposes of this exercise, please think of an example in which you believe some form of training—not necessarily in the classroom—may help. This exercise is for your use only and you will not be required to turn in your work, so you can be specific as you complete the form. This format will help you discipline the problem-solving process and do a complete job of planning. It will aid your efforts in the following ways:

- It lays out a logical sequence of thinking about the problem.
- It suggests a way of analyzing performance which helps you decide when training is needed.
- It organizes planning for accomplishment of the training.
- It requires follow-through.
- It helps you determine when training needs have been met.
- It provides a detailed informal record of training and development.

Note. (To Instructor. At this point, go over the Handout as follows, providing examples if necessary.)

(b) *Block 1, Basis for Plan.* In this block you should simply detail the condition that makes you decide to execute the plan. Although deceptively simple, this first step does much to determine the validity of the total analysis. This task is to state as succinctly as possible what has gone wrong or will go wrong unless action is taken.

(c) *Block 2, Performance Deficiency.* In this block, the problem or deficiency is individualized. What, precisely, is the performance problem or lack? Why is it a problem? What is the individual doing incorrectly or failing to do? Are you able to isolate the problem to specific actions or processes? If not, further work analysis is needed.

(d) *Block 3, Probable Cause.* In this step, you must consider the possible reasons behind the poor performance. It can be the employee doesn't know what constitutes a good job or has an attitudinal problem or is being caused to err through someone else's defective performance in interconnecting work processes. Or it may be a bona fide lack of job knowledge or skill. Finding the cause is naturally essential to finding a solution.

(e) *Block 4, Improvement Needed.* If the deficiency has been clearly stated and the causes correctly identified, this block is easily completed. It merely serves to state the behavior desired or the performance capabilities to be obtained. When these are precisely stated the indicated corrective action follows naturally. If training should be indicated, the training need will have already been defined. The supervisor who is able to describe with precision the target performance processes will have done all that is needed to describe the training needs.

(f) *Block 5, Plan of Action.* In completing this block, you arrive at a critical juncture. Even though you are able to analyze the problem and describe the solution in behavioral terms, you may not possess knowledge of training sources and strategies to meet the need. It is the responsibility of management to provide support at this point. The employee development specialist in the civilian personnel office is the primary resource person. To complete this block, you will have to have gathered information and made decisions required to settle the questions of what, when, where, and by what means action will be taken. Once recorded, these constitute an action plan and an informal training schedule.

(g) *Block 6, Accomplishment.* We will not complete this block during the exercise since that cannot be done until after the plan has been carried out. Furthermore, it invites evaluation of the training, based upon actual post-training job performance in terms of responsiveness to the need defined. Such an evaluation will result in either recognition of a need for further planning or confirmation of a correct diagnosis and satisfied requirement. This closes the planning/execution loop.

(h) Now take about five minutes to complete the Handout. Remember: This is for your eyes only, so use an actual case in your organization.

Note. (To Instructor. After class members have filled out forms, ask what difficulties they encountered and, as appropriate, ask other members of the class to suggest ways of overcoming them. End exercise by asking if approach and format are useful, invite suggestions for improvement, and encourage the class members to use it on other jobs and to follow through on the last item.)

d. Providing Training.

(1) *Lecture.*

(a) The supervisor and the T&D staff must jointly follow through to assure that the training agreed upon is actually accomplished.

(b) Training on-the-job in the employee's own office or shop is ordinarily accomplished as a matter of course but, as we have mentioned, it should be planned and the plan adhered to. The plan should include a decision as to who should actually do the training. (At this point ask class who that should be, and what the considerations are in selecting and preparing the trainer.) The content, sequence, and time table of the training should likewise be planned. In those instances where the on-the-job training involves a detail, job exchange or other more formal action, be sure to consult with the appropriate CPO staff member. (Here the leader may insert specific information about local CPO procedures, points of contact, etc.)

(c) The T&D staff's involvement is essential in arranging for classroom and other kinds of Army-sponsored training. To assure quotas, funds, and other arrangements we should be consulted as soon as possible after the training decision is made. (At this point the instructor should distribute copies and give precise instructions regarding the completion, approval, and processing of DD Form 1556.)

(d) We cannot emphasize strongly enough the special need to consult in advance regarding training from non-government sources! Frequently this is the best type of training, but there are a number of legal and regulatory requirements which must be adhered to, and it is the T&D branch's responsibility to assure that is done. As supervisors you want to avoid approving training that is in violation of any of these provisions! We want to help you.

(e) It should go without saying that supervisors who approve individual development plans and/or training requests have an obligation to release their employees to attend the training and in some cases to provide mission funds to support tuition and travel costs. Of course there are instances where release of the individual would result in material damage to mission accomplishment. Those should be few and far between and should be fully explained to the employee concerned. Should such a circumstance arise, the T&D branch should be informed as soon as it is known so that cancellation, substitution, or other arrangements can be made to avoid loss of advance payments and quota spaces.

(f) If training is worth providing to an employee, it is worth encouraging him/her—both before the employee attends and after he/she returns. Do not send the employee off grudgingly. Of course he/she will be missed, but don't make him/her feel guilty about absence from the job. It's to your advantage as the supervisor to capitalize on new ideas and improved ways of doing things.

Note. (To Instructor. If appropriate to the class, discuss supervisor's responsibilities for intern training.)

(2) *Title not used.* Paragraph not used.

e. Evaluating Training.

(1) *Lecture.*

(a) The supervisor's training responsibility is not over when the training is completed! The training had a purpose and we must evaluate it to learn if that purpose was achieved. How we do that evaluation depends on the purpose. If it was to help the employee to improve his/her performance or to learn to do some part of his/her present job, then the evaluation is accomplished by observing and, if possible, measuring the performance. How long after the training such evaluation should occur depends on the nature of the training and the work involved. In some cases the learning and job application may be less tangible; for example, attendance at a seminar to update the employee on new developments in his/her occupation. In these cases, we must rely heavily on the employee's evaluation, but the evaluation should still be in terms of whether it will help to produce better decisions and job-related behavior. We must realize and communicate to employees that negative evaluations of training are not critical of the employee. If a course turns out to be inappropriate, it is not the trainee's fault. The supervisor and the training office need to know the training was not helpful and to learn more about why it was not so that we do not make the same mistake again! If we have not had experience with a course, we are limited to what we are told in the course description, which is never able to tell us all we would like to know about the nature and level of content, quality of instruction, job applicability, etc. (Here give specific instructions about use of DD Form 1556 as an evaluation tool and other local evaluation methods.)

(b) Some training is not as readily evaluated (for example, training for future assignments) as in some career fields. On the other hand, some of you may be able to contribute to just such evaluation. If you get a new employee who has participated in training which should have helped prepare him/her for the job, you will be able to make some judgments if it did not do so, i.e., if in spite of the training the employee cannot perform as expected. You should communicate that information to the T&D office.

(2) *Title not used.* Paragraph not used.

f. The Supervisor's Own Training Needs.

(1) *Lecture/discussion.*

(a) At this point we come to the part of the session you probably care the most about—if honest with yourself and a little bit selfish—"What are my own training needs and how can I best meet them?" (Ask members of the group to answer this question, and record on blackboard. They should illustrate the following categories:

— Knowledge of personnel administration procedures and practices

- Understanding of human behavior
- Knowledge of management principles
- Specialized abilities (e.g., public speaking, briefings, etc.)
- Occupational knowledge and update
- Career growth

(b) Call these categories to their attention. Point out that they should be identifying needs, not courses.)

(c) (Conduct a discussion with class, using the following types of questions:

- How did you identify these personal needs?
- In addition to your personal feelings, are there other sources of information about your own needs?
- Are these needs directed at your present or anticipated future assignments?
- Would meeting these needs contribute to Army effectiveness, efficiency, productivity?)

(d) You should go about meeting these needs the same way you do for your subordinates. Discuss them with your supervisor; consult with the training office; decide whether they can best be met on the job, in the classroom, or in some other way (for example, by independent study or participation in “outside” activities); record them on your individual development plans; submit DD Form 1556 and/or other appropriate request; follow-through!

(2) *Title not used.* Paragraph not used.

g. *Summary.* Let’s review what we’ve discussed about your responsibilities in the area of training and development: (As you make these points, note them on blackboard to reinforce them.)

- You should identify the training needs of each of your employees, with their participation, and should record them.
- Consult with the training staff, analyze the best way to meet the needs, and make specific plans to do so.
- Prepare and submit 1556 and other required documentation sufficiently in advance.
- Make necessary plans for the employee’s absence, if training is off-the-job.
- Provide funding if required. If you participate in budget planning for your organization, be sure to include training costs, including travel.
- Encourage the employee to learn.
- Upon employee’s return support him/her in applying the training.
- Evaluate the training and inform the T&D branch.
- Do not neglect your own training need.

Note. (End the session by inviting questions and comments.)

PERFORMANCE IMPROVEMENT PLAN

Employee: _____ Date: _____

Supervisor: _____

Organization: _____

Guidance	Plan
<p>1. <u>Basis for Plan</u>: Such as performance appraisal, new work method, quality defects, production lag, development of journeyman skills. (Specify, for example, what kind of defects, etc.)</p>	
<p>2. <u>Performance Deficiency</u>: Identify specific aspects of unsatisfactory/inadequate performance; i.e., just what process needs improvement? (Examples: Unsafe operation of equipment, unskilled machine operation, erroneous entry on forms, poor coordination with other work processes, etc.)</p>	
<p>3. <u>Probable Cause</u>: Isolate basis of the problem, e.g., lack or opportunity, feedback, practice, personal motivation, or insufficient knowledge/skills to meet performance standards (describe).</p>	

Figure HO 7-1/1. Performance Improvement Plan

Guidance	Plan
<p>4. <u>Improvement Needed.</u> Specify improvements that would remedy the deficiency (Block 2) taking into account identified causes (Block 3) (examples: revised work layout, performance feedback, recognition or discipline, basic schooling, or acquisition of designated knowledge/skill).</p>	
<p>5. <u>Plan of Action.</u> Describe action/coordination to meet specified performance need. If training, list specific arrangements. (Examples: hours required, type of on-the-job training or training course planned, date, place, and time, resource; e.g., instructor or school quota, tech manuals, lesson materials, etc., coordination required, persons responsible.)</p>	
<p>6. <u>Accomplishment.</u> Record results of training in terms of hours of training and whether needs were met.</p>	

Figure HO 7-1/2. Performance Improvement Plan—Continued

Chapter 8 COMMUNICATIONS

8-1. Learning Objectives.

Upon completion of this unit of instruction, the participant will be able to—

- a. Use the basic elements of effective communications in the role of the supervisor.
- b. Overcome the major barriers to effective communication.
- c. Improve ways of giving direction to employees.
- d. Improve effective listening skills.
- e. Plan for conducting better meetings.

8-2. Selection and Preparation of Instructor.

a. This unit is most effective when taught by a line supervisor or manager who has had practical (and successful) first-hand experience with the process and problems of communicating with a group of subordinates (not just one employee). The supervisor or manager should also have effective instructional skills. He or she should be asked to familiarize him/herself with the following training materials and to put the content into his/her own words in such a way that is suited to the composition of the class.

b. If it is not feasible to have a supervisor or manager conduct the session, the employee development specialist may wish to invite an effective supervisor or manager to a question and answer session on overcoming barriers to effective communication.

c. In several cases there will be more than one suggested learning activity for a particular segment of the unit. The appropriate activity should be selected based on the instructor's skill and the composition of course participants.

d. Handouts are to be reproduced locally. Permission to reproduce "Active Listening" (HO-8-6) is on file with the US Army Civilian Personnel Center, therefore, it is unnecessary to request additional permission. Copies of the Handout should bear the reprint permission appearing thereon.

8-3. Materials Used.

- a. Subject Matter Content (para 8-5).
- b. Handouts
 - (1) Handout 8-1, a Model of the Communication Process.
 - (2) Handout 8-2, Ineffective Communication
 - (3) Handout 8-3, Interpretation of Messages
 - (4) Handout 8-4, Distinguishing Between Facts and Inferences
 - (5) Handout 8-5, Answers to Distinguishing Between Facts and Inferences
 - (6) Handout 8-6, "Active Listening"
 - (7) Handout 8-7, Listening Triad Topics for Discussion
 - (8) Handout 8-8, "Spare Time" Answer Sheet
 - (9) Handout 8-9 "Answers to Spare Time"
 - (10) Handout 8-10 "Battle of Waterloo" Answer Sheet I
 - (11) Handout 8-11 "Battle of Waterloo" Answer Sheet II
 - (12) Handout 8-12, Keys to Effective Listening
 - (13) Handout 8-13, Staff Meeting Questionnaire
 - (14) Handout 8-14, Answers to Staff Meeting Questionnaire
 - (15) Handout 8-15, Checklist for Planning Group Meetings
- c. Film. Styles of Leadership (MF 61-9907)
- d. Equipment. Chalkboard or chart with paper and marking pens; 16mm projector.

8-4. References.

- a. AR 690-200, chapter 251, subchapter 1 and appendix A.
- b. CPP 74, EEO Counseling, chapter 8, Interpersonal Communications
- c. Books from local libraries on the subject of communications.

8-5. Training Content.

- a. *Introduction (Lecture/Discussion).*

Note. (To Instructor. Emphasize that this is one of the most important sessions since failure to communicate effectively is regarded

as one of management's key problems. Engage the group in a discussion regarding the significance of effective communications in making their jobs as supervisors easier.)

In today's session, we will be dealing with one of the most basic elements of our daily lives—person-to-person communication. As a supervisor you know that you use communication constantly in your job. In fact, you probably spend as much as 85 percent of your time as a communicator. Every day you are engaged in a variety of communication activities in which you write memos, letters, and reports; talk on the telephone; conduct meetings; direct employees; and train employees. All of this is done to communicate goals, objectives, and plans in such a way that employees will know where they are headed and will know how their function relates to what others are doing. You should be giving people the necessary information for them to properly do their jobs and to encourage and promote interest in their jobs. Effective communication also relates to your personnel management responsibilities as a supervisor. For example:

(1) *Performance Evaluation.* Performance standards must be understood by employees so employees know what is expected of them. During the annual appraisal and counseling session, both the employee and supervisor must be able to communicate their goals and expectations.

(2) *Selection Interview.* Questions to the interviewee must be stated clearly so that the supervisor can listen and respond to the answers given. Supervisor must be sure the interviewee understands what kind of information is needed and why.

(3) *Training and Development.* On-the-job training requires good instruction from the supervisor. Supervisor listens for employee's self development goals and must be able to counsel employee.

(4) *Grievances.* Grievances and complaints require skills in listening actively to determine whether there are any hidden messages being communicated by the employee. The supervisor's attitude plays an important part here and communicates interest or lack of interest.

(5) *Recognition.*

(a) Recognition of employee accomplishments and a sincere interest in employee welfare communicate an awareness of employee efforts.

(b) (Ask for more examples. Suggest management-employee relations, equal employment opportunity, position and pay management, etc.)

(c) Studies have shown that improving communications can contribute to higher morale, lower absenteeism, lower turnover, and higher productivity.

(d) Without effective person-to-person communication, it's almost impossible to get people to work toward the purposes of the organization. Therefore, in this session we want to discuss how you can improve your communication skills. It will make your job as a supervisor much easier.

b. *Communication Process (Lecture/Discussion).*

(1) *What is Communication.*

(a) What is communication? Communication can be defined as a behavior that transmits meaning from one person (the sender) to another (the receiver). Words, facial expressions and gestures are forms of communication for they transmit feelings, facts, ideas to someone else. Communication is any transmission that results in an exchange of meaning or information. This definition does not specify what is good or bad communication.

(b) Now, we must answer what is effective person-to-person communication. Simply stated effective interpersonal communication occurs when the sender is reasonably certain the receiver accurately understands the message. Real communication moves freely in both directions—from the sender to the receiver and from the receiver to the sender.

(2) *Model of Communication Process.* Even though we have been communicating since birth, we usually do not stop to consider how the communication process works. In order to increase our understanding of this process, let's look at Handout 8-1, a Model of the Communication Process.

Note. (To Instructor. You should emphasize the following principles:

1. The sender communicates from his/her own purpose, feelings, needs, values and frame of reference.
 2. The sender has certain objectives which will help achieve the basic purpose.
 3. The sender must establish what he/she will say and how much detail to give.
 4. The sender transmits the message both verbally and non-verbally (word, gestures, facial or body expressions, emotions).
 5. The receiver translates or decodes the message by interpreting it in terms of past experience.
 6. The receiver sends a message back in terms of his/her behavior, both verbally and non-verbally.
 7. The receiver sends feedback information that helps the sender know whether the message is received properly. The sender often must request feedback to check understanding.
 8. People interpret messages differently as a result of individual differences in perception. Our perceptions, based on our experience, our personality, and present motivation, determine how we interpret messages of others and how we send messages.
 9. Effective communication occurs when the message has the same meaning to both the sender and receiver.
- As you review the model, ask the group to discuss where messages can become garbled, ask for examples from their past experiences. (No names!) Show Handout 8-2, Ineffective Communication, and discuss what is happening to the communication process in that example.

c. *Barriers to Communication (Lecture/Discussion/Exercises).* Now that we have some understanding of the communication process, we need to look at the major barriers to effective communication, so that we can work to eliminate those barriers, both in ourselves and in employees. A barrier to communication is anything which causes the message

which the receiver has in mind not to be the same as the message transmitted from the mind of the sender. Let's look at some of the major barriers.

Note. (To Instructor. Ask participants to help list the barriers. List them on a chalkboard or flipchart.)

(1) *Failure to Listen.* Listening is hard work. Countless thoughts shoot through our minds distracting us and blocking our understanding of one another. Later we will discuss listening in more detail.

(2) *Barrier of Semantics.*

(a) Most people choose words that have a certain meaning to them, based upon their past experiences. Yet, those same words may have a different meaning to someone else. The semantics barrier exists whenever the receiver of a message attaches a different meaning to the words of a message than was attached by the sender. (Give examples)

(b) The semantics barrier also happens when individuals use the jargon of their trade or profession. (Allow the group to give examples.) In the government, we have many such terms which would be confusing and not easily understood by others.

(c) Therefore we need to gear our communication to the vocabulary of the receiver. Replace jargon with more common language which will be understood or stop to explain the meanings of specialized terms. Be aware that people attach different meanings to words.

(3) *Barrier of Emotional Distortion.*

(a) One of the biggest problems in person-to-person communication is dealing with our own and others' emotions. People often filter out through their emotions things which they do not want to hear. Thus, emotion can cause them to miss the full meaning of what is being said. Words which we consider neutral may have some unfavorable meaning to another person and will provoke an emotional response which we never expected.

Note. (To Instructor. Have participants complete Handout 8-3. Discuss either in the larger group or smaller groups how participants marked the chart. The reason why an individual marked the chart in a certain way is not important, but rather that participants view the same list of words differently. Discuss the effects this has on communication.)

(b) You will notice that your own past experiences determined how you completed the chart. If your employees were to fill in the exercise, you could expect their reactions to vary according to their past experiences and emotional responses.

(c) In dealing with this barrier, try to anticipate what is likely to cause employees to be emotional. Such causes might include promotions, changes in the work unit, fringe benefits or concern over work assignments. Try to put yourself in the other person's place, on the receiving end. Ask yourself how you would feel to hear what you are saying. The supervisor who does this will phrase things in a precise way to avoid confusion.

(d) Also good communication depends on your expressing your feelings about someone's behavior, not about his/her personality. (Give examples, such as, "I am disappointed with you for missing that appointment," *not*, "I think you are stupid.")

(4) *Barrier of Defensive Behavior.*

(a) Perhaps you, as a supervisor, have encountered a negative, apathetic or even hostile reaction from an employee when you are discussing performance or ways to improve. Why does this happen?

(b) People often become defensive when they perceive that they are being threatened, attacked or criticized. At these times, individuals generally stop listening and begin to consciously or subconsciously consider how they may be seen more favorably, how they can win or dominate, or how they can escape the consequences. Many people cope with or reduce their anxiety in such cases in order to maintain their self-esteem. They do this by defense mechanisms which can take different behaviors.

Note. (To Instructor. Discuss with the group various types of defense mechanisms people use. You may wish to cover the following:

1. *Identification.* The receiver reacts to the message as his/her boss or the organization would even though his/her opinion might be different.

2. *Repression.* The receiver "forgets" the message he/she does not want to hear.

3. *Rationalization.* The receiver often invents excuses or explains away frustration.

4. *Compensation.* The receiver may compensate by attacking the sender rather than the message or may begin discussing irrelevant topics or facts.

5. *Projection.* The receiver transfers or projects his/her feelings of anxiety, hostility to other people.

6. *Avoidance.* The receiver may avoid expressing an idea or an opinion. He/she may avoid a response by not doing a task.

(5) *Overcoming Defensive Behavior.* The first thing to remember in overcoming defensive behavior is to avoid encouraging a defensive reaction by getting to the point without criticizing or attacking. Do not make any assumptions about the person's motives, values or judgments. When you are communicating, you should state and discuss the facts withholding your own evaluations or judgments. Encourage the other person to communicate with you in order to clarify and elaborate. Avoid telling them what is good for them. Solicit their ideas on what will help to solve the difficulty. Do not become defensive yourself, and proceed more slowly if you determine the employee is becoming defensive.

(6) *Failure to Distinguish Fact and Inference.*

(a) A *statement of fact* is one that can be verified easily by checking its source. An *inference* is a statement about the unknown that is based on what is known. Usually, an inference can be verified only with the help of more information.

(b) Problems in communication often arise when an inference is mistaken for a fact and the receiver may assume things which have been neither stated nor intended. Inferences usually go beyond what an individual observes and may be charged with emotion. Facts are impersonal, agreed-upon information; whereas inferences are often an evaluation of a situation.

(c) Mistaking inferences for fact can obviously lead to erroneous conclusions and to messages which are interpreted much differently from what the sender intended.

Note. (To Instructor. Refer to the exercise Distinguishing between Facts and Inferences, Handout 8–4. Have participants complete the exercise and discuss the results. Answers are in Handout 8–5.)

(7) *Failure to Feedback.*

(a) There is not much point in communicating if you do not determine that your messages are understood. When a message is received and responded to by the receiver, reactions take place. The person who sends the message must then decode these reactions and this is called *feedback*. Feedback provides some knowledge of the receiver's reaction to content and to the way the message was sent. By getting feedback, the original sender can ascertain whether or not the receiver clearly understood the message.

(b) As a supervisor, you don't want to wait until a person acts before you can confidently know that a person has understood your message or that an employee miscarries an assignment before finding out that your instructions were not clear. The solution: get feedback on the messages you send out.

(c) The value of feedback is that it produces more accurate communication and it lessens a receiver's frustration level by clarifying the message.

(d) There are ways to elicit feedback.

Note. (To Instructor. Ask the group to name some ways.)

1. Asking questions.
2. Getting the other person to repeat the message in his/her own words.
3. Watching for clues to attention or inattention, etc.
4. Encouraging the employee to ask questions.

Note. (To the instructor. If appropriate, use the Feedback Exercise, listed in the back of this unit.)

d. *Non-Verbal Communication (Lecture/Discussion).*

Note. (To Instructor. So much has been written on nonverbal communication, you can elicit most of the information by discussion.)

(1) *What is Nonverbal Communication?* Being aware of nonverbal communication, sometimes called "body language," can aid us in our day to day interaction with others. Some experts estimate that when we are communicating that 7% of the message is conveyed in words and 93% in some form of nonverbal signal. If nonverbal communication is so important, just what is it?

Note. (To Instructor. Have group name nonverbal signals. List on chalkboard or flipchart such examples as: gestures; facial expressions; tone of voice and inflection; posture; body gestures; eye contact; smile; wink, etc. What about status symbols, such as position title, uniform, badge, office space, etc? Have the group discuss the effects of nonverbal communication on the communication process.)

(2) *Purpose of Nonverbal Communication.*

(a) When we communicate with words, we are also communicating in a larger context of nonverbal signals. We all send and interpret nonverbal messages, either consciously or unconsciously. This is an important part of communication because nonverbal symbols serve to clarify verbal messages, to express emotions and feelings, and to indicate the relationship between communicators.

(b) Nonverbal messages assist us in interpreting verbal messages by providing a context for the verbal messages. They enhance and reinforce the meaning of verbal messages. For example, if someone gives you directions to a store around the corner, pointing the way as well as telling you the way makes the instructions more meaningful and useful.

(c) Words tell people how we feel, but nonverbal symbols add emphasis to those feelings or emotions. A smile and a lilt to the voice certainly add to the words, "I'm on top of the world!" And finally, nonverbal symbols can tell us something about relationships. For instance, power and status are conveyed through nonverbal cues such as a bigger office, a reserved parking space, etc.

(3) *Interpreting Nonverbal Cues.*

(a) The main point here is that you have to be aware of nonverbal cues and what these cues add to the meaning of verbal messages.

(b) However, it is important to remember that not every body movement, gesture or position has a special meaning. Nonverbal communication is an intricate part of the communication process and should be interpreted in conjunction

with the total message being sent. Nonverbal symbols must be interpreted on a basis of the situations in which they occur.

(c) Be careful about nonverbal symbols. They are indicators of how well the communication process is going but they should be verified by other observations of both verbal and nonverbal symbols before you accept them as fact. For example, some gestures are repeated out of habit or as a response to physical stimulus. A person may rub his/her nose as a result of habit, because it itches or because of nervousness. Thus, the nonverbal symbol may itself have little or no meaning, but based on the situation and circumstances, body language can say a great deal. Be sensitive to these symbols because they may give you the valuable feedback we have discussed before.

e. Effective Listening (Lecture/Discussion/Exercise).

Note. (To Instructor. This segment will have several exercises. You probably will not have time to use all of them. Select the exercises(s) which is most appropriate for the group, and choose the best place to use the exercise in this lesson. These exercises are explained at the back of this communications unit. They are—

Active Listening Exercise which requires Handout 8-8 and 8-9

Listening Breakdown

“Spare Time” which requires Handout 8-8 and 8-9

“Battle of Waterloo” which requires Handout 8-10 and 8-11)

(1) *Introduction.* Missing the meaning or not getting the message happens frequently in our daily lives because listening is one of our most neglected communication skills. Research shows that we spend 45 to 55% of our time listening to others but we are only about 25% effective as listeners. This indicates that we spend half of our time listening yet actively retain, remember or are aware of only one-fourth of all we listen to or hear. We all hear a variety of sounds from day to day, but we are frequently preoccupied with our own thoughts, feelings and problems. We do not listen for the full meaning and message.

(2) *Techniques for Improving Listening.* Even though there are many reasons we do not listen as well as we should, we can use a number of techniques to improve our listening skills. Let’s look at some of these.

(a) *Concentration.* Good listening is concentrated listening. Concentrating seems to be a problem for most people. In fact, they have more trouble trying to concentrate on what they listen to, than on what they read, write, or speak. Listening concentration *is* more difficult. And there’s a very simple reason for this increased difficulty. The average rate of speech for most people is about 125 words per minute. If our thoughts could be measured in words per minute, we would average 500 words per minute. This differential between any speaker’s 125 word per minute rate and our mental 500 word per minute rate gets us into trouble because there simply isn’t enough coming in to keep the mind alive or focused. As a result, this tremendous reserve of ours is wasted in thinking about everything and anything but what the speaker is saying. Generally the pattern runs: tune the person in for ten seconds, take a fifty second mental holiday; tune him/her in for another ten, take another fifty second holiday. This would not really be so bad, except sooner or later one of our distractions becomes so absorbing that we tune the speaker out completely. As listeners, we really have a lot of mental spare time. There is nothing wrong with that—except we waste it. Here are some ways to avoid this problem.

1. *Anticipating.* When a person is talking to you, even informally, he/she usually tries to make a point. Sometimes there will be several points that will add up to support one major idea. The good listener tries to anticipate what these points are *before* they are actually made, constantly, asking him/herself, “What’s the speaker getting at,” or “What is it he/she wants me to understand?”

2. *Evaluating.* The points a person makes are usually based on evidence. Identifying and evaluating the different kinds of evidence a speaker has to offer enable you to focus on what is being said. Evaluating what you hear also protects you from accepting unfounded information, faulty logic, and erroneous arguments.

3. *Summarizing.* As a speaker moves from point to point, he/she will usually allow you a little time to move along with him/her. The speaker may hesitate, for example, or use a transitional sentence to show you he/she is finished with one point and about to move on to the next. The effective listener makes use of these opportunities to review what has just been said. Our tremendous thought speed actually enables us to recap about five minutes of discourse in five seconds.

4. *Listening between the lines.* Many times, what a person doesn’t say is even more important than what he/she does say. Making full use of this mental spare time, a listener has ample time not only to receive, comprehend, and evaluate what is being said, but also to look for additional meanings in what is not said—to listen between the lines.

(b) *Listen for ideas—not facts.* If you listen only for the facts, you will catch a few; but you will also garble several, and completely miss the bulk of them. Even if you could retain all the facts, you still would not know what the person was talking about. Facts are valuable and meaningful only if they support an idea. By concentrating on the ideas, the effective listener also retains all the facts that go to support those ideas.

(c) *Questioning when confused.* This effective listening technique is so simple and basic that it is often completely overlooked.

(d) *Minimize distractions.* Minimize or ignore distractions, such as noise, uncomfortable temperatures, speaker’s accent, etc.

(e) *Search for interesting information.* Instead of waiting to be stimulated by the speaker, the good listener will seek information which is interesting and will challenge the mind. The good listener is not passive, but is actively involved.

(f) *Avoid jumping to conclusions.* Most people have a habit of forming first impressions about what they are listening to. Force yourself to reserve judgment until you have heard what the person is saying. Keep an open mind.

(g) *Avoid judging the speaker's appearance, dress or idiosyncrasies.*

(h) *Take notes.* Keep notes brief, by striving to capture all the main points only.

1. *Keep notes clear.* Many people use key words or phrases to jog their memory. These phrases or key words do not always carry a complete thought so their usefulness may pass quickly after they are taken. Therefore, you should make each note a complete sentence.

2. *Keep notes brief.* Strive to capture all the major ideas in a presentation, so make notes as short as possible, yet keep them meaningful.

3. *Review notes later.* If you take notes (and only take them if you know you will need them), schedule a definite time for their review. Rereading your notes provides the kind of repetition which helps you remember the information. You may also find errors or omissions in your notes when rereading. When reviewed shortly after the presentation, notes can be corrected and expanded for future use.

4. *Gear the notes to the type of material.* Your notes should be appropriate to the type of presentation you are hearing. For example, if the presentation is on chemistry or mathematics, your notes may be mathematical formulas. If the presentation is on military tactics, you may wish to draw diagrams. Record the data in the manner which will be the most meaningful to you.

Note. (To Instructor. Give Handout 8–12, Keys to Effective Listening, as a recap to the session.)

f. Giving Directions (Lecture/Discussion).

Note. (To Instructor: Have the group discuss briefly how they give direction to employees.)

Try to give directions as directly as you can. Be objective and be specific. First of all, describe what you want the employee to do. Then ask for clarification or feedback to check whether the employee understands or has ideas about how to carry out an assignment. Finally, give directions in simple declarative statements, clearly identifying time frames and other guidelines for the assignment.

(1) *Tips on Giving Directions:*

(a) *Be specific.* Say exactly what you want done. Give reasonable deadlines. Explain in detail if necessary.

(b) *Be concise.* Don't make the directives too long. Don't issue too many directives at one time, or you will confuse the employees.

(c) *Be forceful.* If you are too apologetic or diffident when giving orders, your employees may not respect your orders. Say "Please type this report," not "Won't you type this report?"

(d) *Get feedback.* Once again you should get feedback to check whether the employee understood the directive. You can even ask what suggestions the employee has for getting the task accomplished.

(e) *Avoid tag questions.* Do not make requests, such as "This report has to be rewritten, doesn't it?", because it gives a tone of uncertainty.

(f) *Avoid disqualifying prefaces.* Don't say things like, "This may seem like a silly idea..."

(g) *Follow up on the directive.* After a reasonable period of time, ascertain whether your instructions were carried out. This is an extremely important duty which many supervisors fail to perform.

(2) *Title not used.* Paragraph not used.

g. Planning for and Conducting Meetings (Lecture/Discussion).

(1) *Before the Lecture.*

Note. (To Instructor. Much of the information for this topic can be drawn from the group. Most supervisors have experienced both effective and ineffective meetings, and the characteristics of each can be developed through discussion. Below are some suggested activities for this segment. Choose the most appropriate exercises.)

(a) For the experienced trainer, an interesting and novel approach of this unit would be to conduct the session as if you were actually having a staff meeting. As you discuss ways for effective meetings to come about, certain techniques can be demonstrated by actual practice. The student supervisors will actively participate as you move along through successive portions of the instructor's guidance material. Capitalize on the experience of those supervisors who have had public speaking and conference leadership training and ask them to do some role-playing to make the simulated staff meeting seem realistic. This will require some planning early enough in the course so that the "actors" can do a good job of assisting you with the "meeting."

(b) A staff meeting questionnaire is included as Handout 8–12 and 8–13. This could be used as a precourse survey to be completed by the supervisors before they attend the session. It is recommended that they write out some ideas and thoughts about their answers to the questionnaire items.

(c) You can also introduce this segment of the communications unit by showing the film, "Styles in Leadership" (MF 61–9907). The film shows four meetings on the same topic, but conducted by four different people to demonstrate in a somewhat simplified manner various styles of leadership. Point out how meetings can reflect an individual's or an organization's management style, and the resulting behavior and concerns of the people attending the meeting.

Consider the following questions:

- What is your reaction to each of the styles demonstrated?
- What style do you prefer in your staff meetings? Are you using the style you prefer? (If not—why not?)
- What style does your boss use in his/her meetings with you and your colleagues? Are you satisfied with the way your boss conducts staff meetings?
- Do your employees like your style and the type meeting you conduct?

(2) *Introduction.*

(a) So far we have discussed several forms of communication skills, and we can agree that it is possible for all of us to improve our communication abilities. The subject of communication has been singled out in this course for special mention because of its critical importance and relationship to personnel management responsibilities.

(b) Experts in the field of management studies continually point out two basic personnel aspects of communication that the supervisor should pay attention to:

- First, employees should be encouraged to participate in making decisions that affect them and their work. This can happen by keeping opportunities open for employees to make suggestions, by systematically seeking employees' advice, and by generally creating an atmosphere in which employees can feel comfortable to speak up regarding management actions.
- Second, supervisors should strive to keep employees informed on all matters that will make it easier for them to do their work with understanding and efficiency.

(c) Although we cannot always consult with our employees before taking action or making decisions that affect them, we can do the next best thing: we can give adequate forewarning and explanation of changes as often as possible. One simple procedure for doing this, and for keeping communication lines active, can be through staff meetings.

(d) Without a doubt, you have had some experience conducting and attending staff meetings. It is worth discussing a few guidelines for improving our effectiveness as supervisors and at the same time emphasizing the importance of staff meetings as a management tool in effective personnel relations. Your task is to prevent your meetings from becoming a waste of time for all participants. Too often we have all seen an individual prepare for a meeting by hurriedly jotting a few notes on the back of an envelope on the way to the meeting.

Note. (To Instructor. Use a series of questions to stimulate ideas from the supervisors. List their responses on a chalkboard or flipchart.)

(3) *Purpose of Meetings.*

(a) What are some of the purposes of meetings?

- To give out information
- To discuss and solve problems
- To train people
- To give recognition
- To assign work
- To explain plans and program

(b) When would you not hold a meeting?

- When memos or phone calls will do.
- When key people are not available.
- When there is not time to prepare.

(4) *Preparation for Meetings.*

(a) How do you prepare differently for meetings with different purposes?

1. Different people to conduct the meeting
2. Different people to attend
3. Different time and place
4. Different materials needed
5. Different type of meeting format required

- Directed or controlled meetings
- Participative and problem-solving

(b) How do you plan for a meeting?

- Establish a purpose for the meeting

- Allocate enough time
- Prepare an orderly agenda
- Decide on a time and place. (The place should be comfortable and meet the requirements of the meeting)
- Notify all participants. (Let participants know what the meeting is about and how long it will last)
- Have all necessary materials and equipment

(After the discussion of meeting preparation, briefly lecture the basics of conducting a meeting.)

(5) *Conducting the Meeting.*

(a) Here are some suggestions for conducting a meeting:

- *Start promptly.* People who come on time are entitled to the courtesy of not wasting their time. If you begin promptly, people will make the effort to be on time.
- *State the purpose of the meeting* in a stimulating, thought-provoking way. Be sure everyone will be on the same track.
- *Stick to the agenda.* If you thought it through, the agenda will be a reliable guide for the meeting.
- *Control discussion.* Depending on the purpose of the meeting you will want a greater or lesser amount of group participation. Ask questions to keep the discussion moving, and do not permit any participant to dominate the meeting. Don't let people stray from the subject.
- *Summarize frequently.* Emphasize and restate important points, ideas and decisions to make sure there is a common understanding of what is going on. If actions are to result from the meeting, make the appropriate follow-up assignments.

(b) (As a recap to this session, refer the participants to Handout 8–15, “Checklist for Planning Group Meetings.” Indicate that they could use this checklist each time they plan for a meeting back at their offices.)

Note. (To Instructor. There are other skills such as writing and public speaking which will not be covered in this session. if needed, you may wish to have follow-up sessions in these areas.)

(6) *Summary.* In this unit, we have discussed what effective communication is and how to eliminate some of the major barriers we find to effective communication. As the supervisor, you are the focal point for the flow of communications within your work group. It is your responsibility to ensure that employees are properly informed in order to perform their jobs well. Better communications will enhance productivity and will often lead to a more highly motivated workforce.

(7) *Feedback Exercise.*

FEEDBACK EXERCISE

(a) Select one supervisor to assist you. Explain to the class that the supervisor will attempt to communicate, in words only, what is on a sheet of paper.

(b) Give the supervisor a sheet of paper containing the drawing below or one similar to it.

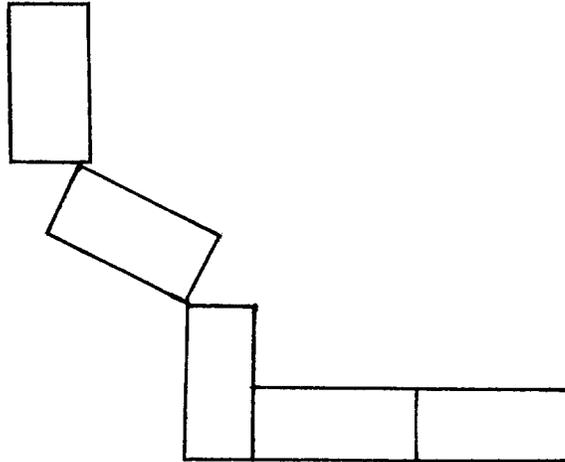


Figure 8-0/1. Feedback Exercise

(c) Be careful not to reveal the drawing to the class.

(d) Have the supervisor, with his/her back to the class, describe the drawing. Ask the rest of the class to try to reproduce it on a sheet of paper. The supervisor, or communicator, is not allowed to see the audience nor is the audience allowed to interrupt or ask questions.

(e) Allow the communicator several minutes. Usually, no one present will be able to reproduce the drawing.

(f) Next, have the same communicator, facing the audience, again describe the same drawing. The audience still is not allowed to speak to the communicator but he/she can watch the expressions (feedback) of the audience.

(g) Allow the communicator several minutes. Usually, one or several supervisors will be able to reproduce the drawing.

(h) Finally, allow the audience to ask questions and the communicator to respond until all or most of the supervisors are able to reproduce the drawing.

(i) This last phase highlights the need for effective feedback.

(8) “Active Listening” Exercise.

“Active Listening” Exercise

(a) (Depending on how you decide to conduct the session, either distribute “Active Listening” by Rogers and Farson as a pre-course reading assignment or give participants an opportunity to read the article in class. This exercise is designed to help build communication skills, specifically feedback. Refer to the article and discuss briefly prior to beginning the exercise. Stress that “Active Listening” will be practiced in an extreme form for purposes of the exercise.)

(b) Feedback is the process of observing responses to our communication until we get some knowledge of results; some knowledge of how well we are expressing ourselves.

(c) When we communicate with one another, we find it difficult to avoid judging or evaluating what the other person or group is trying to say. Even though this evaluation tendency is common in almost all interchanges, it is exacerbated in situations where feelings and emotions are deeply involved. The stronger our feelings, the more likely that there will be little mutual understanding in the communication.

(d) One way of minimizing the negative effects of evaluation and judgmental thinking in communication processes is through the skillful use of feedback. Skillful use of feedback often means that all parties in a communication situation are actively involved in really listening to one another with understanding. A technique for accomplishing this is called “Active Listening.”

(e) Active Listening was originally devised and practiced by psychologist Dr. Carl Rogers for use as a psychotherapy technique. Over the years, Active Listening has been found useful in a wide variety of situations and organizational settings.

(f) The method of “Active Listening” requires that each person in discussion can express an opinion or make a point only after he/she has restated aloud the ideas of the previous speaker. This restatement must be in the listener’s own words and must be accurate enough to satisfy the speaker. Here, we will be practicing it in the extreme in order to become familiar with the method. In our daily communication, however, we would actively listen only when we wanted to make sure we understood very significant ideas being communicated to us. It would never be a constantly used tool since it slows conversation speed in half and is unnecessary a good deal of the time.

(g) However, when Active Listening is practiced.

1. Emotion goes out of the discussion.
2. Differences are reduced.
3. Remaining differences are of a rational and understandable sort.

(h) Active Listening does not necessarily mean agreement; it is simply a tool for clarifying and understanding another person’s ideas and point-of-view.

(i) (Ask the group if anyone is somewhat familiar with this technique. If there is one, choose or ask for a volunteer to spontaneously role-play the technique. It makes the whole process more comprehensible—and is therefore a very important part of the explanation.)

(j) Let’s practice the method to give you an opportunity to see how it “feels.” Form triads, (little groups of three). The roles for each member of the triad are:

1. *The “sender”*

- will choose a discussion topic from Handout 8–7 and will start the conversation.

2. *The “receiver”*

- will discuss the topic with the sender.

3. *The “referee”*

- will make sure that the “sender” and the “receiver” consistently include the extra ingredient of Active Listening Feedback prior to making their own comments; he/she will also stop the exchange if the participants do not actively listen.

(k) The purpose of the exercise is not to resolve issues implicit in the discussion topics but to practice the Active Listening Technique.

(l) Because this is a practice session, both the “sender” and the “receiver” must apply this method throughout the conversation, although in our day-to-day activities, you would paraphrase only at certain key times.

(m) If you conclude discussion on one topic, choose another and continue. Play “devil’s advocate” if the discussion needs to be more lively.

(n) You will have two practice sessions. You will switch roles before proceeding into the second session, so that everyone has a chance to practice.

(o) (In recapping the exercise, have the group discuss how the “Active Listening” technique worked. Ask questions, such as the following:

1. Did you have difficulty in listening to your partner? Why?
2. Did you have difficulty in formulating your thoughts and listening at the same time?
 - a. forgetting what you were going to say?
 - b. not listening?
 - c. rehearsing your response?
3. When others paraphrased your remarks, was it done more concisely?
4. Did you find that you were not getting across what you wanted to say?
5. Did this technique work for you? How?
6. If you wanted to use it, when would you use this technique? Why?
7. How would you encourage such feedback from employees or your boss?)

(9) *Listening Breakdown Exercise.*

Listening Breakdown Exercise

Note. (To Instructor. In this exercise, participants will experience the breakdown of the communication process through loss of listening and retention. Follow the steps below:

1. Ask for four volunteers. Have three of the volunteers leave the room. Ask them to stand away from the door in order that they will not hear what is happening in the room.
2. Read the following story to the class and the one remaining volunteer.
3. Ask one of the volunteers outside the room to come in. Ask the first volunteer who heard the story to repeat it to the second volunteer (one who just entered the room).
4. After the first volunteer tells the story to the second person, bring the next volunteer into the room. Have the second volunteer re-tell the story to the third person. Repeat the step for the fourth person.
5. Have the fourth person repeat the story to the entire group. Then re-read the story so everyone can hear the original version of the incident.

Communications breakdown will occur. Discuss what happened in the process. If you wish, you may substitute the story below with one of your own.)

(10) *Police Robbery Report.*

Police Robbery Report

(a) On August 24, 19__, at 10:55 PM a white male, approximately 22 years old, entered a Taylor Dairy Store. It was five minutes before the store was to close. The man went to the back of the store to the cooler and took out a six-pack of beer. He went to the snack counter and picked up one bag of pretzels and two bags of potato chips. He came to the front counter and put the items down, asking the clerk where the popcorn was.

(b) At the clerk's direction, the man went to the back of the store to look for the popcorn. The man took his time by picking up and looking at other items.

(c) In the meantime, the night manager came into the store for the purpose of locking up. The clerk began to mop the floor while the manager locked the front door.

(d) The man returned to the counter with a can of popcorn. As the night manager completed ringing up the order, he asked the man, "Is there anything else you want?" The man said, "Yes! This," pointing to the money in the cash register. He pushed the manager down and reached into the cash register, grabbing most of the money. He ran to the door. Finding the door locked, the man wheeled around, showing a gun. "Stop! Or I'll shoot you!", he screamed at the clerk and the manager. When he discovered that the key was still in the lock, he quickly unlocked the door and disappeared into the night.

(e) The man took approximately \$360.00. The witnesses said he was wearing blue jeans, a red tee shirt and blue jogging shoes. He had dark brown hair, brown eyes, weighed about 175 pounds, was approximately 5'10", with a scar on his neck on the left side. The witnesses did not see a car. They believed he escaped on foot.

(11) *“Spare Time” Exercise.*

“Spare Time” Exercise

(a) (Use this exercise after you have discussed listening techniques. Distribute the “Spare Time” Answer Sheet and discuss the following information with the participants before beginning the exercise.)

(b) The exercise, “Spare Time,” is designed to improve your listening ability.

(c) One important job in listening is to identify structure. Just as so much wood might be recognized as a barn, a home, or furniture; a listener must not only recognize the materials a speaker offers, but the way that material is organized. A part of this task of identifying structure consists of determining the speaker’s purpose, the main point, and how the main ideas are supported. For a moment, let’s listen to an imaginary speaker. His/her main point is: the need to start a tree-planting program in this corner of the county. Our speaker may use three arguments to support the main point, proving that this program would help beautify the area, provide a valuable resource, and supply future recreation facilities. Or, the speaker might use three examples to make his/her point; drawing our attention to Johnny Appleseed, similar conservation programs in Appalachia, and the beautiful utility of the many tree-lined highways in Europe. As a listener, you should see that his/her arguments or examples are used only to support the main idea; the need to start a tree-planting program. Don’t get lost in the supporting material—listen for the main idea. You should also be able to recognize the purpose, hidden though it may be in examples, apologies, or humor. Our imaginary speaker, for example, may be an ornithologist or president of a logging firm and speaking only in his/her own interests.

(d) Read Aloud:

At this time, I am going to read to you a short speech by Bruce Barton entitled, “Spare Time.” DO NOT TAKE NOTES! Just listen carefully. At the end of the selection, I will ask you ten questions about the passage I have read. Your job will be to identify the structure of this speech. Are you ready?

“Last month a man in Chicago refused a million dollars for an invention he evolved in his spare time.

“You are interested in this because it confronts you with the possibilities of your spare time. Did you ever stop to think that most of the world’s great people have achieved their true life, not in the course of their needful occupations, but in their spare time?”

“A tired-out rail-splitter crouched over his tattered books by candlelight or fire-glow, at the day’s end, preparing for his future, instead of snoring or skylarking like his co-workers, Lincoln cut out his path to later immortality ... in his spare time.

“An underpaid and over-worked telegraph clerk stole hours from sleep or from play, at night, trying to crystallize into realities certain fantastic dreams in which he had faith. Today the whole world benefits by what Edison did ... in his spare time.

“A down-at-the-heel instructor in an obscure college varied the drudgery he hated by spending his evenings and holidays by tinkering with a queer device of his, at which his fellow teachers laughed. But Bell invented the telephone ... in his spare time.

“You, too, have spare time. The man or woman who says, ‘I would do such and such a great thing, if only I had the time,’ would do nothing if he or she had all the time on the calendar. There is always time ... spare time—at the disposal of every human being who has the energy to use it.”

(e) This is the end of the speech by Bruce Barton. I will now read ten questions to you. After each question I will pause. During the pause, answer the questions with a one or two word statement. Do not answer aloud, but mark your answers on the answer sheet. DO NOT CHANGE ANY ANSWERS! I cannot repeat any questions, so listen carefully.

Some answers may be yes or no.

Note. (To Instructor. Pause after each question to give the students time to write an answer. Speak at a moderate pace, and make sure that all the students can hear. Do not repeat any questions. Read the correct answers only after all the questions have been answered.)

(f) **Read Aloud:**

1. The speaker's main point was that most people have achieved their true lives in their spare time.
2. To support his main point, the speaker used four examples.
3. Who was mentioned in the first example?
4. Who was mentioned in the second example?
5. Who was mentioned in the third example?
6. Does the speaker use restatement?
7. What one invention is named?
8. The speaker's purpose was to inform.
9. The speaker's purpose was to get us to act.
10. The speaker feels that many of us do not have any spare time.

(g) Distribute the answers to the exercise and discuss how well the group did on the exercise. Review the effective listening techniques.

(12) “Battle of Waterloo” Exercise.

“Battle of Waterloo” Exercise

- (a) (Use this exercise after you have discussed listening techniques.)
- (b) Distribute the “Battle of Waterloo” Answer Sheet I and discuss the following information with the participants before beginning the exercise.)
- (c) This is an exercise in effective note taking.
- (d) You will recall from our discussion on listening that good notes are clear and brief. Just as with idea listening—where you strive to retain the main point—so too with note taking; take down the principles, not just the facts that support the principles. Occasionally, you may find that you cannot take notes in normal sentence form. If you were listening to a short speech on calculus, for example, your notes would consist primarily of mathematical formulas. But if you were listening to a dissertation on architecture, you would want to include sketches in your notes to illustrate what the person has been talking about. Notes should be suited to the material. Sometimes words are the best way to record the data. Other times, you will need a formula, a sketch, or a diagram to retain the information.
- (e) **Read Aloud:**

I will now read a selection that describes the setting of the Battle of Waterloo. DO NOT TAKE NOTES! Listen carefully, however, because at the end of the selection I will ask you ten questions about the passage.

“In order to get a clear idea of the Battle of Waterloo, we should imagine in our mind’s eye a large capital letter ‘A,’ coming to a point at the top. The left leg of the ‘A’ is the road from the town called ‘X.’ The right leg of the ‘A’ is the road from a town called ‘G.’ The cross-bar of the ‘A’ is known as the ‘Sunken Road.’ At the top of the ‘A’ is Mount Saint Jean. Wellington is there. General Jerome Bonaparte is located at the lower left leg of the ‘A.’ The right hand lower leg is where Napoleon Bonaparte is located. A little below the point where the cross-bar of the ‘A’ cuts the right leg is a town called ‘Q.’ At this point the final battle word was spoken. Here the lion is placed, the symbol of the supreme heroism of the Imperial Guard.

“The triangle contained at the top of the ‘A’ within the two legs and the cross-bar of the ‘A’ is the plateau of Mount Saint Jean. The struggle for this plateau was the whole of the battle. The wings of the two armies extended to the right and left of the two towns called ‘X’ and ‘G.’ Behind the point of the ‘A,’ behind the plateau of Mount Saint Jean, is a large forest. As to the plain itself, we must imagine a vast, rolling country; each rolling hill commands the next; and these hills, rising toward Mount Saint Jean, are bounded by a forest.”

- (f) This is the end of the passage. I will now read ten questions. After each question I will pause. During the pause, you will examine the several possible answers to each question and mark an X in the blank space after the letter that corresponds to the correct answer. I will read the questions only once so listen carefully.

Note. (To Instructor. Pause after each question to give the students time to check and mark their answers. Speak at a moderate pace and make sure all the students can hear. Do not repeat any questions. DO NOT READ THE CORRECT ANSWERS AFTER THE STUDENTS HAVE COMPLETED THE QUIZ, BUT GO ON TO THE NEXT PHASE OF THE EXERCISE.)

Read Aloud:

1. What was the Battle of Waterloo a struggle for?
2. Which of the words listed will not help your understanding of the battle?
3. What is the most direct route between Mount Saint Jean and the town called ‘Q’?
4. What natural advantage did Wellington hold over Napoleon at the Battle of Waterloo?
5. Whom did the author of the passage sympathize with?
6. Which of the phrases listed contributes nothing to your understanding of the Battlefield of Waterloo?
7. Where was Jerome Bonaparte?
8. Where is the town called ‘Q’?

Note. (To Instructor. Distribute “Battle of Waterloo” Answer Sheet II and have the participants read the directions.)

(g) **Read Aloud:**

Now that you have finished the quiz, I will reread the passage instead of providing you with the correct answers. This time, listen carefully and use the space provided to take notes; draw a diagram of the battlefield, identify the strategic points, locate the positions of the various armies. When I have finished rereading the selection, I will ask you the same ten questions. Answer the questions by marking an X in the appropriate space, but **DO NOT REFER TO YOUR NOTES.**

Note. (To Instructor. Reread passage. Have participants turn their answer sheets over before answering the ten questions. Read the correct answers after after all the students have completed the quiz. Be sure to discuss with the students that their improvement is not due to notetaking alone. After all, they are listening to the material a second time and know what to listen for.)

(h) A diagram which describes the passage is shown below:

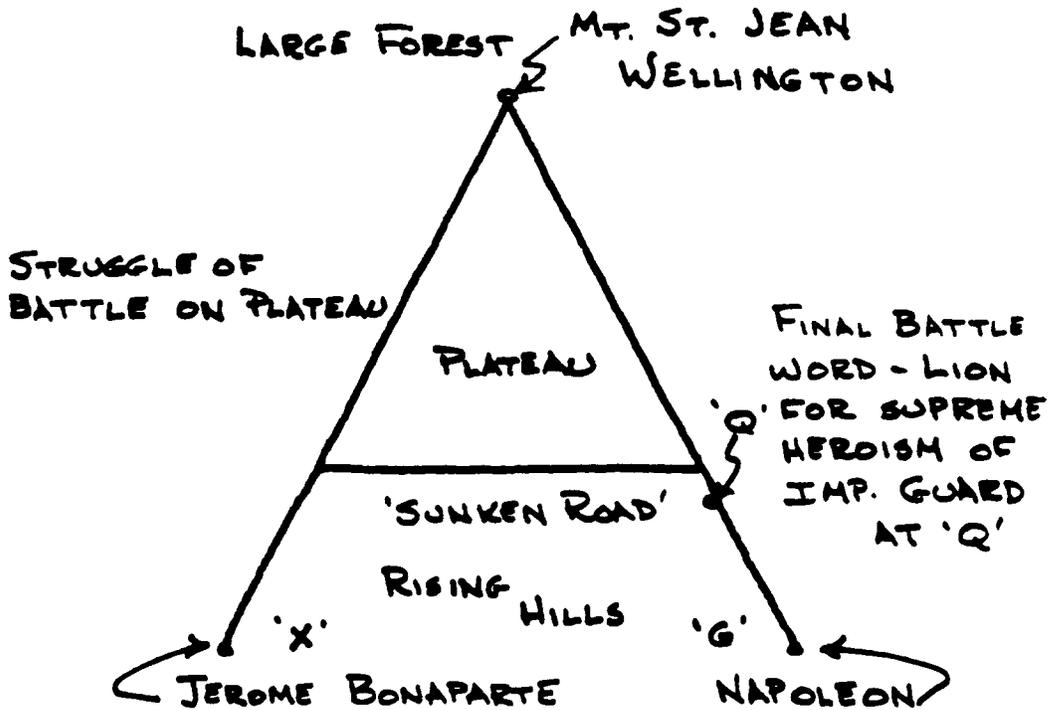


Figure 8-0/2. Battle of Waterloo

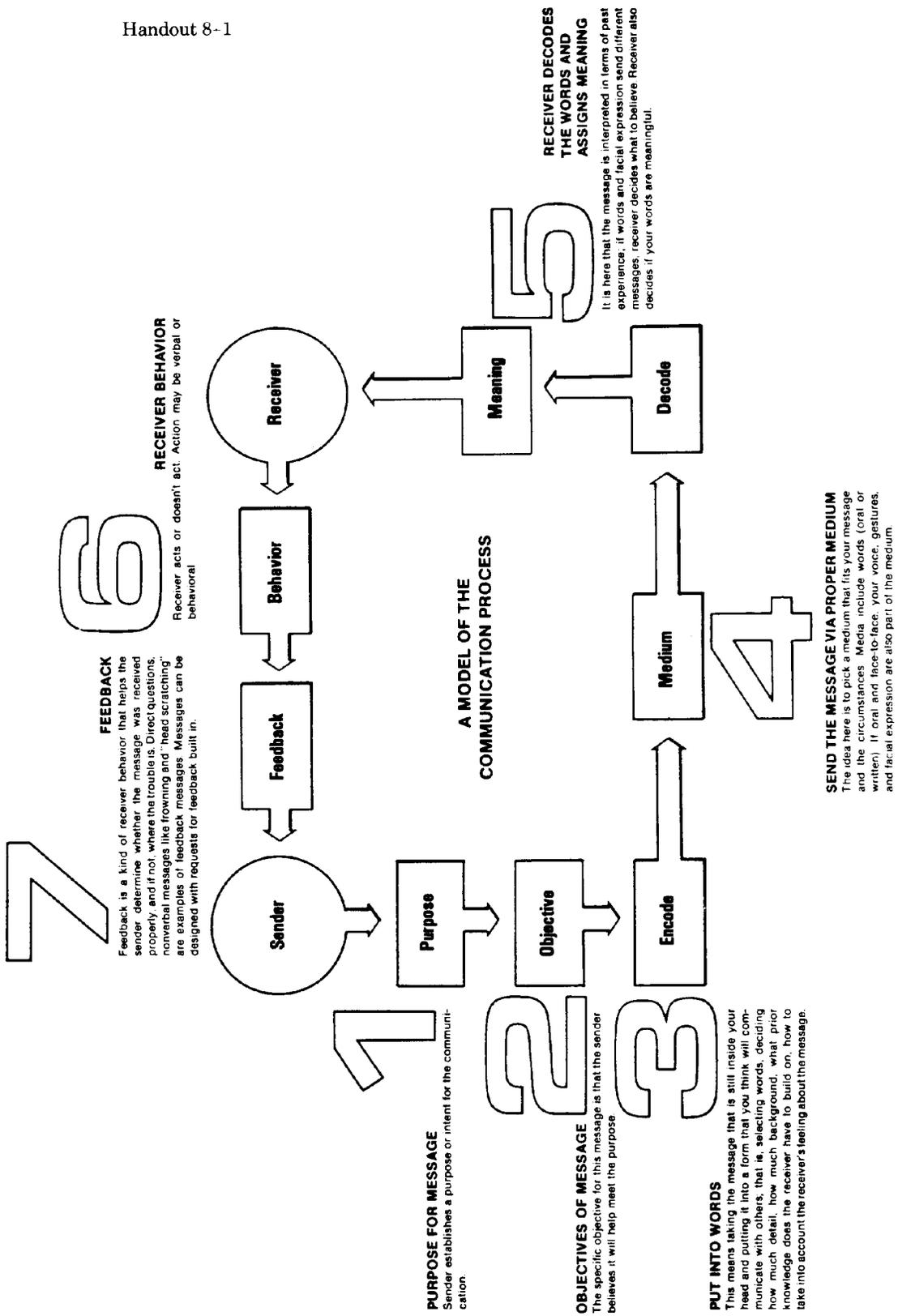


Figure HO 8-1. A Model of the Communication Process

INEFFECTIVE COMMUNICATION IN ACTION

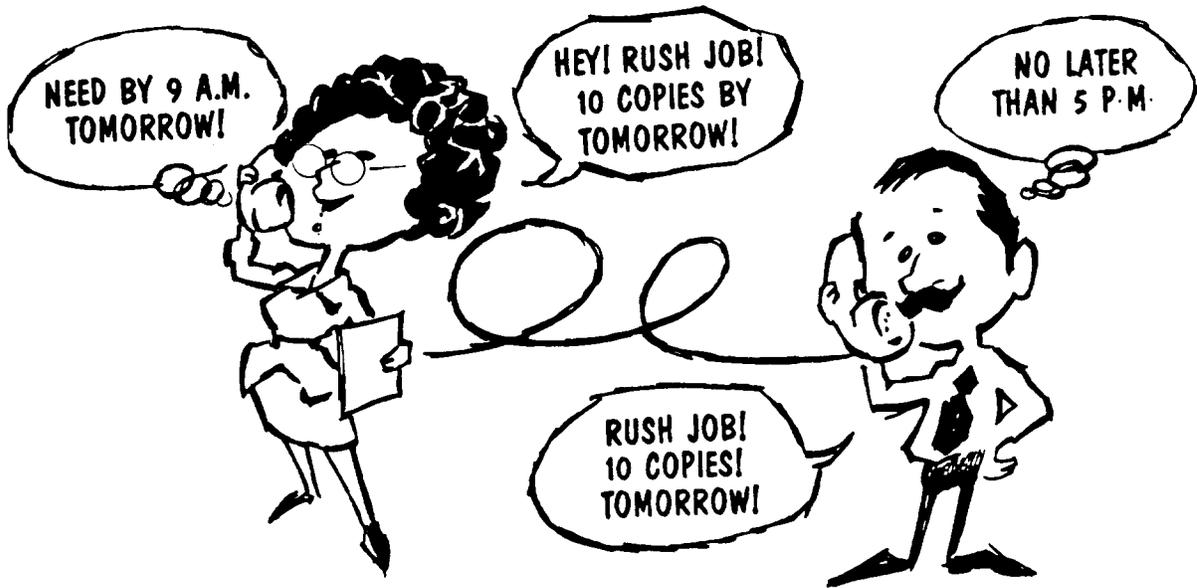


Figure HO 8-2. Ineffective Communication in Action

(13) *Interpretation of Messages.*

Handout 8-3

INTERPRETATION OF MESSAGES

Table HO 8-3
Interpretation of Messages

Symbols	Favorable	Unfavorable	Neutral
Promotion			
Public Library			
Performance Appraisal			
Capital Punishment			
Training			
Overtime			
Ecology			
Personnel Office			
Politics			
Profit Motive			
Movies			
Travel			
Police			
Strikes			
Reading			

(14) *Distinguishing Between Facts and Inferences.*

(a) Handout 8-4

DISTINGUISHING BETWEEN FACTS AND INFERENCES

Table HO 8-4
Distinguishing Between Facts and Inferences

A statement of fact is one that can be verified easily by checking its source. An inference is a statement about the unknown that is based on what is known. Usually an inference can be verified only with the help of more information.

Problems in communication often arise when an inference is mistaken for a fact—communications shortcuts can thus result, and the receiver may assume things which have been neither stated nor intended.

Read the story which follows carefully. When you are finished, decide how you would classify the statements which follow.

Brown, a section supervisor, called to an employee who was coming through the door twelve minutes after starting time. Brown asked the employee to come into his office, and said: "I am glad to see that you were able to make it in today despite the transportation problems. I have been thinking about talking to you concerning your many latenesses and absences. As you know, we have specific rules here which say that an employee must call in if he or she expects to be more than ten minutes late. I have to begin to take some corrective steps when an employee is late more than three times in any one month. I know that getting your two children to school sometimes makes it difficult for you to come in on time, but still I must ask you to do something to avoid this situation in the future. The rules provide for a written warning and then suspension before dismissal. If you continue to be absent or late I will have to follow these rules, much as I regret to do it. Please help me avoid such unpleasantness."

	<i>Fact</i>	<i>Inference</i>
a. The employee referred to in the story was late that day.	_____	_____
b. The employee is a woman.	_____	_____
c. There were transportation problems affecting the employee on that day.	_____	_____
d. The rules of the company call for a warning after three or more latenesses in one month.	_____	_____
e. Brown should give a written warning this time or at the employee's next lateness if company rules are to be complied with.	_____	_____
f. The employee in the story has two children.	_____	_____
g. The employee sometimes takes the two children to school in the morning.	_____	_____
h. When you have checked your choices above, write one <i>additional fact</i> from the story on the blank line below:		

(b) Handout 8-5

Answers to Distinguishing Between Facts and Inferences

- a. I—not necessarily. The door the employee came through 12 minutes after starting time may have been another office door.
- b. I—The story does not say the employee is a woman.
- c. I—Transportation problems existed but they did not necessarily affect this employee.
- d. I—The story only states that the rules call for some corrective steps.
- e. I—Nothing in the story states that the employee has reached the point where written warning is due.
- f. F—The employee could have more but the supervisor knows that the employee has two.
- g. I—The employee may only get them out of the house, or to the bus, etc.

(15) *Active Listening*—by Carl R. Rogers and Richard E. Farson.

Handout 8-6: (Not included in the electronic version due to copyright restrictions.)

HANDOUT 8-6



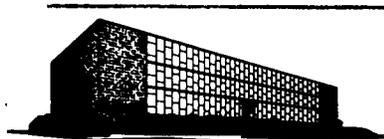
This is the cover of the book that was included in its entirety in the original printed version of this publication. (Handout 8-6, 29 pages.) Due to copyright restrictions, it could not be included in this electronic edition.

Active Listening

Carl R. Rogers

Richard E. Farson

DEVELOPED BY



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Figure HO 8-6. *Active Listening*—by Carl R. Rogers and Richard E. Farson (Cover)

(16) *Listening Triad Topics for Discussion Sheet.*

Handout 8-7

Listening Triad Topics for Discussion Sheet

Each speaker should choose one topic:

1. Should Government employees have the right to strike?
2. Should Government employees have the right to engage in partisan politics?
3. Capital punishment
4. Ecology
5. Involvement in the Middle East
6. Crime in neighborhoods
7. All-volunteer Army vs. draft
8. Political reform
9. Inflation
10. American productivity vs. other countries

(17) *“Spare Time” Answer Sheet.*

Handout 8-8

“Spare Time” Answer Sheet

DIRECTIONS: Listen carefully as the instructor reads the selection entitled “Spare Time.” DO NOT TAKE NOTES! Instead apply the principles of listening concentration and strive to retain the main ideas—not just facts. After the instructor has read the passage, he/she will ask you ten questions. The instructor will read the questions only once. Mark your answers in the appropriate spaces. DO NOT CHANGE ANY ANSWERS! After everyone has completed the quiz, the instructor will read the correct answers.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

(18) *Answers to "Spare Time" Exercise.*

Handout 8-9

Answers to "Spare Time" Exercise

1. Yes
2. No
3. Lincoln
4. Edison
5. Bell
6. Yes
7. Telephone
8. No
9. Yes
10. No

Handout 8–10

"BATTLE OF WATERLOO"
Answer Sheet I

Directions: Listen carefully as the instructor reads the selection describing the Battle of Waterloo. **DO NOT TAKE NOTES!** After the instructor has read the selection, he/she will ask you ten questions. The instructor will read the questions only once. Select your answer from the possibilities below and mark an X in the appropriate space.

Table HO 8–10
"BATTLE OF WATERLOO"—Answer Sheet I

Possible Answers	Select One
1. a. Mount Saint Jean itself b. Forest of Mount Saint Jean c. Plateau of Mount Saint Jean d. Town called 'Q' e. Sunken road	a. _____ b. _____ c. _____ d. _____ e. _____
2. a. Plateau b. Plain c. Involuntary d. Triangle	a. _____ b. _____ c. _____ d. _____
3. a. Along the sunken road b. Across the plateau c. Along the right leg of the 'A' d. Along the left leg of the 'A' e. None of the above	a. _____ b. _____ c. _____ d. _____ e. _____
4. a. Superior heroism b. Superior concealment c. Superior know-how d. Superior attitude e. Superior initiative	a. _____ b. _____ c. _____ d. _____ e. _____
5. a. Wellington b. Napoleon Bonaparte c. Jerome Bonaparte d. The Imperial Guard e. None of the above	a. _____ b. _____ c. _____ d. _____ e. _____
6. a. Town called 'X' b. 'Sunken Road' c. Plateau of Mount Saint Jean d. Supreme heroism e. Town called 'Q'	a. _____ b. _____ c. _____ d. _____ e. _____
7. a. At the point of the "A" b. Within the closed triangle of the "A" c. Near the cross-bar of the "A" d. The left hand lower leg e. The right hand lower leg	a. _____ b. _____ c. _____ d. _____ e. _____
8. a. At the point of the "A" b. Within the closed triangle of the "A" c. Near the cross-bar of the "A" d. The left hand lower leg	a. _____ b. _____ c. _____ d. _____

Possible Answers	Select One
9. a. At the point of the "A" b. Within the closed triangle of the "A" c. On the cross-bar of the "A" d. The left hand lower leg e. The right hand lower leg	a. _____ b. _____ c. _____ d. _____ e. _____
10. a. At the point of the "A" b. Within the closed triangle of the "A" c. Near the cross-bar of the "A" d. The left hand lower leg e. The right hand lower leg	a. _____ b. _____ c. _____ d. _____ e. _____

(20) *“BATTLE OF WATERLOO”—Answer Sheet II.*

Handout 8-11

**“BATTLE OF WATERLOO”
Answer Sheet II**

DIRECTIONS: Now that you have answered the ten questions, the instructor will reread the same selection. You are urged to take notes in the space provided, actually diagramming the Battle of Waterloo, inserting the names of the significant places, etc. After the instructor has reread the selection, turn your answer sheet over, and he/she will ask you the same ten questions. The instructor will read the questions only once. **DO NOT REFER TO YOUR NOTES**, but mark an X opposite the correct choice for each question.

USE THIS SPACE FOR NOTES

(21) *Keys to Effective Listening.*

Handout 8-12

Keys to Effective Listening

Table HO 8-12
Keys to Effective Listening

The Effective Listener	Bad Listener
Utilizes thought/speech differential by: anticipating, evaluating, summarizing	Does not utilize thought/speed differential. Tends to daydream
Expend considerable energy and works hard at listening	Expend little energy and does not work at listening
Listens for ideas and concepts	Listens for facts
Minimizes and ignores distractions	Creates and/or is influenced by distractions
Searches for information and finds areas of interest	Tunes out dry subjects
Exercises mind by listening to enriching material	Resists difficult material; seeks light material
Keeps an open mind	Reacts to emotional words
Keeps "cool"	Tends to enter into arguments
Judges content, not delivery or speaker	Tunes out if delivery is poor or does not like the speaker
Is flexible	Is rigid; takes copious notes

(22) Staff Meeting Questionnaire.

Handout 8-13

Staff Meeting Questionnaire

NAME _____ DATE _____ SCORE _____

The purpose of the following true and false statements is not to test your knowledge of conducting meetings, but rather to point up the characteristics of a good meeting as well as the qualifications of a successful leader. Your score on this questionnaire is unimportant; the important thing is to realize that understanding the techniques will add to your effectiveness as a leader.

**Table HO 8-13
Staff Meeting Questionnaire**

	(Circle One)	
1. The leader should always give a concise statement of the meeting's purpose.	T	F
2. A leader of a meeting should try to put his/her own ideas across, even if it requires being rather forceful, since he/she has often given more thought to the problem than anyone else.	T	F
3. A productive discussion depends upon skillful leadership and the experience which members of the group have relative to the problem being discussed.	T	F
4. Lecturing is an important part of any meeting and should be used to get group agreement.	T	F
5. An effective group member will listen carefully to what others are saying and will relate his/her comments to those made by other group members.	T	F
6. Where there is plenty of conversation, there is also effective communication.	T	F
7. A staff meeting is always the best way to communicate with employees.	T	F
8. Where there are real differences of opinion among group members on vital issues, it is helpful to integrate thinking if each member tries to understand why others hold the viewpoints they do.	T	F
9. Expressions of opinion by participants of a meeting are out of order unless called for by the leader.	T	F
10. The purposes for calling a staff meeting may decide the type of meeting that will be conducted.	T	F
11. Actual case examples and specific situations provided by group members have great value in clarifying a point under discussion.	T	F
12. In a well-conducted staff meeting, a participant can change his/her expressed opinion without embarrassment.	T	F
13. Leaders are born, not made. Either a person has the natural ability to lead a meeting or he/she does not. If he/she does not, very little can be done about it.	T	F
14. A staff meeting may be directed, information exchange, or a participative meeting.	T	F
15. Successful leaders often use cases, illustrations, and anecdotes to clarify a point.	T	F
16. The leader should not permit a few individuals to monopolize the discussion, even though they are good talkers and clear thinkers.	T	F
17. A good leader helps the group reach its goal without dominating their thinking.	T	F
18. Building questions on a previous response can be used in leading the group toward its goal.	T	F
19. The purpose of any staff meeting is to give information rather than to get information from the group.	T	F

(Circle One)

-
- | | | |
|----------------------------------------------------------------------------------------------------------------------|---|---|
| 20. A directed or controlled staff meeting cannot also be an information exchange meeting. | T | F |
| 21. Chart headings should never be changed once the meeting is started. | T | F |
| 22. The leader him/herself should always answer the direct questions asked by members of group. | T | F |
| 23. The topics for discussion should be selected by the leader regardless of the group's experience on that problem. | T | F |
| 24. The leader should avoid arguments with participants. | T | F |
| 25. Significant contributions of group members should always be charted. | T | F |
| 26. In most staff meetings, the leader should make decisions on difficult problems. | T | F |
-

(23) *Staff Meeting Questionnaire Answers.*

Handout 8-14

Staff Meeting Questionnaire Answers

1. True
2. False
3. True
4. False
5. True
6. False
7. False
8. True
9. False
10. True
11. True
12. True
13. False
14. True
15. True
16. True
17. True
18. True
19. False
20. False
21. False
22. False
23. False
24. True
25. False
26. False

Checksheet for Planning Group Meetings

1. What is the purpose of this meeting?
2. What are the specific objectives for this meeting?
3. Who should participate?
4. What date is desirable both for the purpose of the meeting and for the participants?
5. Where will the meeting be held? Is the space adequate?
6. When should the notices for the meeting be sent out to ensure that participants can make arrangements to attend?
7. What equipment is needed?
8. Where is the equipment available?
9. Are handouts necessary?
10. Have handouts been prepared?
11. Are visuals required?
12. Have arrangements been made to have visuals on hand?
13. Are committees functioning in carrying out responsibilities for the meeting?
14. Have individuals who volunteered to help been asked to do specific jobs for the meeting?
15. Are reports from previous meetings ready to be presented to the group?
16. Has an agenda been prepared for the meeting?
17. Have the rules of procedure for meetings been reviewed?
18. Has the meeting room been checked for arrangements of chairs, equipment outlets, speaker stand, etc.?
19. Has the program been carefully planned to accomplish the objectives of the meeting?
20. Is everyone ready for the meeting?

Chapter 9 ADMINISTRATION OF DISCIPLINE

9-1. Learning Objectives.

Upon completion of this unit of training, the successful applicant will—

- a. Have increased awareness of the legal, regulatory, and procedural requirements for administering formal disciplinary actions.
- b. Understand some causes for behavior which require corrective measures and ways of dealing with such problems in an effective and constructive manner.
- c. Gain greater skill in communicating with employees and maintaining discipline.
- d. Be able to apply principles of constructive discipline to selective case problems.

Note. (The material in this unit is intended for first line supervisors but may be used for supervisors at all levels for whom training in human relations factors affecting administration of positive discipline may be appropriate.)

9-2. Selection and Preparation of Instructor.

A specialist from the Management Employee Relation (MER) Branch should conduct this session. The session leader should be thoroughly familiar with AR 690-700, chapter 751, Discipline, and chapter 752, Adverse Actions.

9-3. Materials Used.

- a. Subject matter content (para 9-5).
- b. Handouts.
 - (1) AR 690-700, chapter 751, appendix A, Tables Pertaining to Penalties for Various Offenses (obtain locally).
 - (2) Handout 9-1, Administration of Discipline Case Studies.
- c. Film, Discipline—A Matter of Judgment.
- d. Equipment. Film projector and if desired, an overhead projector for locally produced material, chart stand and paper and/or chalkboard.

9-4. References.

- a. FPM chapter 751 and AR 690-700, chapter 751, Discipline.
- b. FPM chapter 752 and AR 690-700, chapter 752, Adverse Actions.
- c. AR 600-85, Alcohol and Drug Abuse Prevention and Control Program.

9-5. Training Content.

- a. *Introduction.*

Note. (To Instructor. The following are suggested remarks for the development of a five-minute introduction to this session.)

- (1) *Introduction.*

(a) Within some segments of the workforce, a popularly held concept of discipline adheres to the outmoded principle that the supervisor is mainly a disciplinarian or enforcer of proper punishment to deter employee misconduct. The supervisor in this context acts on the basis of established rules of conduct to which the employee must conform or suffer punishment for deviation. This simple approach has the obvious advantage of providing a simple clear-cut solution to employee misconduct in the work setting. In this model, the supervisor needs only to establish violation of the rules, administer punishment and the problem is thereby solved and disposed of. We know, however, that the realities of modern employer/employee relationships make such an approach unworkable and counter-productive. Rigid, authoritarian supervisors do not generally engender working relationships conducive to high productivity.

(b) The realities of modern society require enlightened management styles and procedures. The requirements of the supervisory function emphasize leadership which creates and supports a good working environment and good relationships. Discipline in this context encourages employees to exercise self-control and cooperate in accomplishing the mission.

(c) The supervisor must therefore realize that undesirable behavior on the part of employees is not simply to be met with punishment but is to be treated in the same manner as other personnel or production problems. Supervisors must carefully and thoughtfully analyze the problems, find the causes, and seek solutions designed to prevent undesirable behavior in the future.

(d) During this session, we will examine some typical employee problems, focus on some of the causes of these problems, and discuss the supervisor's responsibilities and methods for dealing with these problems.

- (2) *Title not used.* Paragraph not used.

- b. *Lecture/Discussion.*

Note. (To Instructor. If appropriate introduce the specialist who will lead the lecture/discussion portion of the unit. The following remarks may be used to develop a 35-minute lecture/discussion on the administration of discipline within the Department of Army.) The broad objective of discipline in the Department of the Army is to motivate employees to maintain reasonable standards of conduct. Discipline is therefore an integral part of the supervisor's daily responsibilities—not merely the

action taken when an employee may deviate from acceptable forms of conduct. The most effective means of maintaining discipline is by promoting an atmosphere of cooperation, sustaining good working relationships, and encouraging self-discipline and responsible performance. It logically follows that the supervisor should try to prevent incidents which require discipline.

(1) *Recognizing Disciplinary Situations.*

(a) A clear distinction is usually made between problems requiring disciplinary action and those which can best be corrected by improved supervision, reassignment, training, or talking things over with the employee.

(b) It is not appropriate to reprimand or suspend an employee for inadequate or inefficient performance when the performance deficiencies stem from lack of skill, training, or ability rather than lack of effort. Rather, counseling and letters of warning are appropriate actions in such instances. In the event the employee's performance continues to be below that required or the employee fails to meet performance standards, appropriate action should then be taken to remove the employee from the position.

(c) While behavior problems may result from inability to perform assigned duties, merely imposing a penalty is treating the symptom and not getting at the cause.

(d) There are times, of course, when infractions appear to stem from undesirable habits or improper attitudes on the part of the employee. Such habits or attitudes can sometimes be corrected only by appropriate disciplinary measures. Insubordination, flagrant violation of safety rules, unsatisfactory attendance, repeated tardiness, drinking intoxicants on the job, careless workmanship, and theft are some of the infractions which frequently require disciplinary action.

(e) Even in certain of these cases, such as unsatisfactory attendance, there may be extenuating circumstances.

(2) *Forms of Disciplinary Actions.* There are two types of disciplinary actions: informal and formal.

(3) *Informal Actions.*

(a) The first steps in effecting *informal* disciplinary actions are oral warnings. However, even before the first step is taken, the supervisor should be sure that the employee fully understands the policies and procedures to which he/she must adhere.

(b) As a general rule, informal actions are taken by the supervisor on his/her own initiative in situations of a minor nature involving violation of a rule or regulation, standards of conduct, safety practices, or authoritative instruction. The major factor in informal disciplinary actions should be that of good communication between the supervisor and the employee. The employee should understand that the action being taken is solely to correct unacceptable behavior and to prevent the need for more drastic corrective actions.

(4) *Formal Actions.*

(a) *Formal* disciplinary actions consist of written reprimands, demotions, suspensions, and removals. Since these actions are adverse to the employee, he/she must be afforded certain job protection rights. The specific rights vary according to the employee's status and the nature of the action proposed. These rights generally entitle employees to:

- A notice of the proposed action.
- The opportunity to reply.
- The right to grieve within the Department of the Army or to appeal to the Merit Systems Protection Board.

Note. (To Instructor: Emphasize that the supervisor may initiate formal disciplinary actions, but such actions may not be accomplished without the servicing civilian personnel office.)

(b) Formal disciplinary actions, if grieved or appealed, are subject to review of the procedural correctness as well as the determination on the merit of the action. Prior to initiation of such actions, supervisors must therefore contact the servicing civilian personnel office to be sure the proposed penalty is appropriate and that the proper procedures are followed.

(c) This cannot be over-emphasized since many actions are reversed for procedural error without giving consideration to the merits of the penalty imposed. When procedural reversals occur, however, the action may be started again and processed properly.

(5) *Selection and Implementation of Disciplinary Action.*

(a) When a supervisor determines that it is necessary to take formal disciplinary action, the next step is to select the appropriate form of action. The disciplinary action taken should be the least severe to effect the desired corrective action. Where corrective action can be accomplished through closer supervision, on-the-job training, or oral admonitions or warnings, formal disciplinary action should not be taken. In selecting the appropriate action, the supervisor must use good judgment and follow some basic guidelines:

1. Any disciplinary action requires the exercise of responsible judgment so that an employee will not be penalized out of proportion to the character of the offense. This is particularly true of an employee who has a record of completely satisfactory service. An adverse action, such as suspension, should be ordered only after a determination has been made that a less severe penalty, such as admonition or reprimand, is inadequate.

2. In taking disciplinary action, like penalties should be imposed for like offenses. Supervisors should be as consistent as possible when deciding on disciplinary actions. Adherence to this principle will help to ensure equitable and uniform treatment of employees. When considering a situation where the decision on the penalty seems relatively

simple, the supervisor should not make the decision without listening to the employee's point of view and considering mitigating circumstances, the frequency of the offense, and whether the action is just in the particular situation. The grade and nature of the employee's position may have a bearing in some situations; for example, misconduct which may warrant a reprimand for an employee in a lower grade may be intolerable if it involves an employee in a supervisory or higher management position.

3. In no instance may a supervisor discriminate against an employee on any of the following factors in deciding whether to take disciplinary action or in determining what action to take:

- Partisan political beliefs, affiliations, or activities. (This does not, however, apply in taking actions required by laws.)
- Marital status. (This does not apply in taking necessary action against an illegally appointed spouse.)
- Physical or mental handicap. (This does not, however, prohibit action against an employee whose handicap prevents safe and efficient performance of duties.)
- Race, color, religion, sex, age, or national origin.

4. In order to be effective, constructive discipline must be timely. The results to be achieved through disciplinary means diminish in proportion to the time allowed to elapse between the offense and the corrective action taken. Many supervisors are reluctant or fail to act when the first instance of behavior which reflects the need for corrective action is noted. They often wait until the acts have occurred many times or have been compounded, and then the action taken is normally more severe than would have been necessary had corrective action been taken earlier.

(b) Formal disciplinary actions which supervisors may take in response to employee misconduct include:

(6) *Written Reprimand.* A formal written reprimand is appropriate when more stringent disciplinary action is warranted than an oral reproof and the circumstances justify recording the reprimand in the employee's official personal folder. A written reprimand remains in the employee's official personnel folder for a minimum of one year and a maximum of three years.

(7) *Suspensions.* Suspension places the employee in an involuntary non-duty and non-pay status. A suspension deprives the employee of regular income and the agency of normal services. It should therefore be ordered only after a responsible determination that a less severe action is not appropriate or that the employee's continuance on duty would not be in the best interest of the Department of the Army.

(8) *Removal.*

(a) Removal is the most severe disciplinary action available to the supervisor and should be considered only for acts or circumstances of a flagrant nature, such as criminal activities or repeated instances of employee misconduct for which less severe disciplinary action has previously been taken.

(b) The necessity for seeking counsel from the civilian personnel office before you initiate formal disciplinary action cannot be overemphasized. Supervisors should be aware of the general guidelines to follow in taking disciplinary actions but should not take any steps before consulting the civilian personnel office. To proceed otherwise may result in violation of the employee's rights and serve to unnecessarily complicate or perhaps frustrate the supervisor's efforts. In short, disciplinary actions must never be taken lightly or acted upon carelessly. Regardless of the supervisor's motivation or the Army's policy, a disciplinary action is an adverse action which may have an adverse effect on the employee's career. It is therefore well to remember, when you find disciplinary action is necessary, that you must proceed cautiously and make certain that you are on firm footing at each step of the way.

(9) *Requirements for Initiation and Processing Actions.*

(a) The first step in any adverse action involves a fact-finding process to determine whether the proposed action is justified. It has been found that most actions which are reversed for procedural deficiencies or efforts are deficient in the notice of proposed action. As a "rule of thumb" this letter should specifically address the 5 W's; i.e., WHAT, WHEN, WHERE, WHO and WHY.

Note. (The following may be made into transparency.)

(b) The notice of proposed action should explain—

- *What* action is proposed and what the employee did to warrant the adverse action.
- *When* the employee did this, being as specific as possible (date, day, hour).
- *Where* the incident occurred (building, room, address, etc.).
- *Who* the offended person or persons were or to whom the action was directed and who witnessed the incident.
- *Why* the proposed penalty is considered appropriate as a constructive means of improving the behavior or performance of the employee, or for improving efficiency of the service.

(c) Much emphasis is placed on the procedural aspects of adverse actions because, if the installation proposes an action, it takes on the responsibility for proving the allegations and justifying the proposed action.

(d) Some of the more common deficiencies that violate job protection rights of employees, thus causing procedural reversals are:

1. *Lack of specificity and detail.* The courts have held in a number of cases that the advance notice must afford the

employee a fair opportunity to defend himself against the proposed adverse action. When the reasons stated for the action are vague, unclear, or incomplete, the employee is denied the right to adequately and fully defend himself.

2. *Right of employee to review all material relied upon to support the action.* It is a regulatory requirement that the installation assemble and make available to the employee all the material relied on to support the reasons stated in the advance notice. If any of this information or material is withheld from the employee by omission or commission, the action is subject to procedural reversal.

3. *Reasons for action not clearly shown.* Cases frequently occur in which the advance notice fails to state clearly just what the employee did that was wrong and the employee is at a loss to know how to defend himself. (For example, a notice may state what an employee was observed doing wrong, but it does not clearly state why the act was wrong.)

4. *The letter is a proposal not a decision.* A notice must make it clear that it concerns only a proposed action and not a matter already decided. The requirement may be satisfied by a statement in the notice that it is a proposed action and the employee's answer will be fully considered before a decision is reached.

5. *Right of employee to reply.* The advance notice must tell the employee that he/she has the right to answer, both personally and in writing, and to submit affidavits in support of his/her answer.

6. *Minimum notice period.* The regulations require that in a removal action, suspension of 15 days or more, demotion, or furlough for 30 days or less, the effective date of any adverse action not be made earlier than 30 full calendar days from the date of receipt of the notice of proposed action. It should be noted that the day of receipt is not counted in computing the notice period. Also when the 30th day of a 30-day notice period falls on a Saturday, Sunday or a legal holiday, the action may not be effected earlier than the next business day. For letters of reprimand or short suspensions, a lesser notice period is required.

(e) The employee is entitled to whatever duty time is reasonably required to prepare his/her case and should be advised of this in the notice of proposed action.

(f) Bona fide consideration must be given to any timely answer received from the employee. If the employee's answer raises doubts about the reasons for proposing adverse action or the propriety of the proposed action, an attempt should be made to resolve these questions before reaching a decision on the proposed action. After consideration, the notice of decision carrying out the proposed action can be issued or, when appropriate, a less severe penalty substituted without issuing a new notice of proposed adverse action. However, under no circumstances may a more severe penalty be imposed.

(g) After the decision has been made, the notice sent to the employee must indicate specifically which of the reasons stated in the advance notice have been found sustained and which have not.

(h) The notice of decision must also inform the employee of his/her right to grieve or appeal the adverse action if sustained and of the time limit for submission of his/her grievance or appeal.

(i) Most employees subjected to an adverse action have the right to some type of review of the case if they request it. Whether the case will be reviewed by the US Army Civilian Appellate Review Agency or by the Merit Systems Protection Board, whether it will be reviewed for procedural compliance or is not entitled to a hearing, etc., depends on one or more of a number of factors. These factors relate generally to:

- The severity of the action, e.g., reprimand vs. removal.
- The type of appointment, e.g., competitive or excepted.
- Tenure of appointment, e.g., temporary or indefinite (no review).
- Type of funding, e.g., appropriated or nonappropriated.

(j) Determination of the specific grievance or appeal rights in any given case is the responsibility of the civilian personnel office.

Note. (To Instructor. Discuss the table pertaining to Penalties for Various Offenses (app A, AR 690–700, chap 751). It is suggested that participants be furnished copies of the table. If a local publication is available, discuss the material in the local publication.)

(k) The supervisor should remember, in decisions to effect disciplinary actions, that responsible judgment must be exercised in selecting from among the various disciplinary penalties which may be imposed. The seriousness of the offense, the influence of the penalty on the morale of other employees, the past record of the employee, the circumstances contributing to the offense, the probable effectiveness of the penalty in stimulating improvement, and penalties applied to other employees in like circumstances must all be considered in reaching a decision on the action to be taken.

(l) Lastly, while the personnel action is the responsibility of the supervisor, it should be remembered that the technical aspects of effecting disciplinary actions are not always fully understood. Therefore, it is mandatory that these actions be coordinated with the servicing civilian personnel office to obtain technical guidance prior to initiating the action or advising the employee of the proposed action.

c. *Film/Discussion.* “*Discipline—A Matter of Judgment*”.

Note. (To Instructor. This short film emphasizes the need for objectivity and impartial judgment, whether issuing a first reprimand or terminating an employee. Preparing written rules, conducting discipline in private, and maintaining accurate files on employee infractions are stressed. It also shows the use of discipline to educate not humiliate, the employee, and observes that discipline must

be prompt and consistent. You may wish to use the questions in the study guide which accompanies the film to start the discussion. Prepare appropriate questions to use if time permits, to relate the theme of the film to the local work situation of the participants.)

d. Work Group Activity.

Note. (To Instructor. Distribute Handout 9-1, Administration of Discipline Case Studies. Divide the participants into work groups of 5-7 participants. Separate groups, either in different corners of the room or in separate rooms so that the groups do not disturb one another. Allow 25 minutes for the small group discussions and 20 minutes for discussion of overall group's findings by all of the participants. Following are suggested points to be brought out during discussion of the overall group's findings.)

(1) *Case 1.*

(a) The case may be discussed from the standpoint of merit of the suspension. The conclusion of the group will probably be that there was sufficient cause to warrant the action and there was nothing presented to the examiner to warrant reversal on the merit of the issues.

(b) The point of this case is the final statement by the management representative, Mr. Cain, "the other thing that prompted me to take action was that her work performance has also been substandard for a period of time."

(c) It is a regulatory requirement that the employee be advised of any and all reasons which were relied on in deciding to take the adverse action. When this is not done, the employee is denied the right to adequately and fully defend himself/herself. This requirement was violated by the statement of the management representative introduced at the hearing indicating that the employee's performance was a consideration in effecting the action. The employee had not been advised earlier of this charge and was never given the opportunity to defend against the charge. In this case where the facts of the AWOL charge are undisputed, the suspension would probably be sustained. If the facts in the AWOL charge were disputed no reliance could be placed on the employee's performance deficiencies since they had not been included in the letter of proposed action. If the examiner could not confirm the validity of the AWOL charge, management's case would fall.

Note. It should be pointed out that procedural reversal does not preclude reinitiation of an action.

(2) *Case 2.*

(a) It is the responsibility and obligation of the supervisor to determine the type of action that will most constructively correct the employee's deficiency. The disciplinary action imposed should be the least severe to effect the desired corrective action. Where corrective action can be accomplished through closer supervision or oral admonition or warnings, formal disciplinary action should not be taken. Oral admonition is the first step in constructive discipline. There was no evidence that the supervisor had counseled, warned or admonished the employee to correct the deficiency prior to initiating the formal disciplinary action.

(b) The second level supervisor should consult with the CPO to determine if the stated offenses warrant the severity of the penalty.

(c) If agreed the penalty is too severe, supervisor should:

- Confer with first-line supervisor, pointing out deficiencies in the action and suggesting reversal or reduction of the penalty based on consideration of employee's reply.
- Confer with the employee to have her understand that the pattern of tardiness will no longer be condoned and, if continued, could result in more severe disciplinary action.
- Both parties should be admonished about use of profanity and should be told it will no longer be tolerated.
- The first-line supervisor should advise the employee that, although now recognized as too drastic, the sole purpose of the proposed action is to correct the deviant behavior, and through mutual communication it is hoped that there will be no need for future disciplinary action.
- The supervisor should be scheduled to attend training on the administration of disciplinary actions.

(d) The conclusion of the group should be that the appropriate penalty in this case should be oral admonition or an official letter of reprimand.

(3) *Case 3.* The group should discuss the dual responsibility the supervisor has for identification of job related signs and symptoms of problem drinking/alcoholism and the procedure for referral of employees to appropriate sources of rehabilitation. Fair and equitable enforcement of discipline should be discussed. Emphasize that alcoholism is recognized by the American Medical Association as an illness. Discuss briefly DA policies and procedures on alcohol and drug abuse contained in AR 600-85 and AR 690-700, chapter 752.

(4) *Case 4.*

(a) Point out the need for the supervisor to verify the facts in this case including the number of offenders. Supervisors should observe the situation with a witness (or witnesses) only long enough to determine who is involved.

(b) Gambling is not only a disciplinary offense as cited in AR 690-700, chapter 751, it is also illegal. The group should recognize that supervisors are responsible for reporting an illegal incident to the local Provost Marshall who will conduct the necessary investigation which may also involve the US Army Criminal Investigation Command (USACIDC).

(c) After the investigation is completed, the supervisor should consider the principal of "like penalties for like offenses." Harry as bookie is the most serious offender. Other participants in the gambling case are also offenders.

Prior employment records, nature of the employee's position in the organization, etc., must be considered in determining penalties.

(d) Activity-wide publicity of the gambling incident and disciplinary actions taken, as well as dissemination of information regarding DA and local policies on gambling, should assist in preventing occurrences of such behavior.

(e) Keener observation by supervisors of potential problem situations would help prevent such problems.

(5) *Summary.* The course leader or other facilitator should conclude the course by briefly summarizing the principal points and relating the session to the over-all role of the supervisor to assure an efficient and productive work environment.

Administration of Discipline Case Studies

Case 1

Mrs. Betty Anderson, wife of SFC Jerry Anderson, has been employed as a Budget Analyst, GS-7, in the office of the Comptroller, for 2 years. During the 2 years she had accumulated 110 hours of annual leave and 78 hours of sick leave.

On June 3, she submitted a form requesting that she be granted annual leave for the period 24 September to 5 October. The reason given was that her mother and father were celebrating their 50th wedding anniversary and she felt that she and her husband should attend. Mr. Cain, Mrs. Anderson's immediate supervisor, denied her request for leave. He explained that the requested period covered the end of the fiscal year and the office workload would be extremely heavy. Mr. Cain further explained that it was both his decision and that of the next higher level supervisor that her request must be denied.

Mrs. Anderson did not report for work on 24 September and did not return until 8 October. During this period she was carried in AWOL status. Upon her return she advised her supervisor that, in spite of his denial of her leave request, she had attended her parents' wedding anniversary.

After consultation with the CPO, a Notice of Proposed Suspension for three days for AWOL was issued on 12 October, and she was given 15 days to reply.

She replied on 18 October, admitting that she was AWOL, but stated that, in view of the importance of the occasion, her defiance of the supervisory decision should be considered justifiable.

A Notice of Decision was issued on 1 November advising her that the proposed suspension was sustained and that she would be suspended for 3 workdays effective 14 November. Mrs. Anderson was advised of her right to file a grievance within 15 days of the effective date of the suspension and that this would bring an inquiry by USACARA.

She filed the grievance. Evidence presented to the USACARA examiner by Mrs. Anderson (the appellant) was basically the same as in her reply, namely, that she felt the circumstances justified her defiance of the supervisory denial of earned leave.

Mr. Cain was the management representative interviewed by the USACARA examiner. As evidence he presented the form disapproving her leave and the time cards for the period in question reflecting her as AWOL. At the end of his statement he added that another thing that prompted him to effect the suspension was that her work performance had been substandard for a period of time.

Discussion Question:

If you were the USACARA examiner in this case, what would be your recommendation? You have three options: recommend sustaining the suspension, reversing the decision, or reducing the penalty.

Case 2

Mrs. Joan Smith, wife of Captain Al Smith, was hired as a GS-3, clerk-typist. Mrs. Smith and her husband live approximately five miles from her place of employment. She and her husband ride to work together. There is no place to eat in the immediate area, so she takes her husband to work and keeps the car during the day.

Mrs. Smith began working in August two years ago. Her work was considered satisfactory as attested to by performance evaluations and several letters of appreciation and commendation.

This August, two years later, a new supervisor, SGT Brown, took over the Branch. He was extremely conscious of punctuality by all employees and closely observed them for compliance with established working hours.

For a period of time, he observed that Mrs. Smith was consistently 2 to 10 minutes late arriving at work. He began to document her arrival times.

On 14 December, SGT Brown and Joan had a disagreement on an issue involving the correctness of a report. There were some heated words between them. On 18 December, SGT Brown issued Joan a notice proposing to remove her not less than 30 days from receipt of the notice. The basis for the proposed removal was insubordination and excessive tardiness. To support the action he provided records showing that she had been from 2 to 10 minutes late 26 times during the last three months and an affidavit that she used a profane word to him during the altercation on 14 December.

In her reply of 22 December, Mrs. Smith contended that—

1. She had been late several times, however, when tardy, she made up the time during the lunch period or by staying later in the evening.
2. Her supervisor had never expressed any dissatisfaction with her punctuality.
3. Regarding the altercation on 14 December, she said SGT Brown approached her by asking, “Why in hell isn’t this report correct?”
4. The only reason he wanted her removed was because his assistant’s daughter had just passed the clerk-typist test and the office “skuttlebutt” was that her supervisor has promised her job to this girl.

The case is brought to your attention as second line supervisor after receipt of her reply, approximately 15 days before expiration of the notice period. You therefore have the responsibility to review the action prior to issuance of the Letter of Decision.

Discussion Questions

1. What initial action would you take?
2. Would you support the supervisor?
3. If not, what advice would you give him?
4. What errors do you believe were made in events leading to the proposed removal?
5. How would you restore a harmonious working relationship following the final decision?

Case 3

Ted Bock is one of the finest mechanics in the Army. Recently, you have noted that Ted has frequently been out of the shop for a few minutes at a time. Yesterday, you caught the smell of alcohol on his breath. There were no signs of intoxication.

This morning, you watched Ted leave his work bench, go into the stockroom, and take a drink from a whiskey flask. Stepping up to him, you said, “Ted, you’re too good a man to wreck things for yourself by this kind of foolishness.”

You ask Ted to come into your office, to talk things over, pointing out that drinking on the job is in violation of installation rules.

Discussion Questions

1. What action should the supervisor take, bearing in mind the responsibilities for both the enforcement of discipline in a fair and equitable manner and adherence to policies in the Department of the Army Alcohol and Drug Abuse Program?
2. Why is it important to take action in the situation presented to you?
3. What officials should be contacted to discuss this matter?
4. Should disciplinary action be taken, assuming the facts as presented have been verified by your investigation?
5. What can be done to prevent a recurrence of the kind of behavior reported in this case?

Case 4

Harry Betts, a messenger assigned to the central file section, has been with the agency several years. His performance and conduct have been satisfactory. Though not exceptionally bright, he is good-natured, willing, and well liked.

You, as supervisor of central files section, have recently been transferred to the unit from another activity. Among other things, you noticed that Harry was often in the back of the stock room with one or more other messengers and

with various other people who came and went with some frequency. When asked why, Harry replied that the others had come to him to find things in the files for them. Puzzled by the observation that looked-for items always seemed to be in the same general file area and that everyone sought out Harry, you decided to investigate. Secreting yourself on the other side of the files, you overheard Harry say: "OK, you've got five coming from Tipperary Queen in the fifth. She paid five for two." "I got it. You're putting two dollars on Buddy Boy in the sixth at Belmont. Give me the money." "No, I can't take a bet on the cuff. I gotta turn in the cash right after work."

Discussion Questions

1. What is your obligation as a supervisor in this matter?
2. How should the supervisor initially proceed in this matter?
3. How soon, and against whom, should disciplinary action be proposed?
4. What should be done to prevent a recurrence of the kind of behavior reported in this case?

Chapter 10 GRIEVANCES

10-1. Learning Objectives.

This unit is designed to help supervisors.

- a. Understand and apply Department of the Army procedures for dealing with employee grievances.
- b. Know how to prevent grievances.

10-2. Selection and Preparation of Instructor.

A specialist from the Management Employee Relations (MER) Branch should conduct this unit. The materials in this chapter can be used as a flexible framework for the unit. Wherever possible local examples, case studies, statistics, etc. should be added to or substituted for the material in this unit in order to make the training session more meaningful. The subject of grievances should be related to other subjects in the Supervisor Training Course such as communication, leave, safety and labor relations.

10-3. Materials Used.

- a. Subject matter (para 10-5).
- b. Handouts
 - (1) Locally produced Handouts of appropriate examples, case studies, statistics, etc.
 - (2) Handout 10-1, Case Study 1, Parking Situation.
 - (3) Handout 10-2, Case Study 2, Poor Working Conditions.
 - (4) Handout 10-3, Case Study 3, Lancaster Army Depot—Exclusive Recognition with negotiated agreement.
- c. Film, *The Hidden Grievance*.
- d. Equipment. Film projector and, if appropriate for locally produced materials, an overhead projector, chart stand and paper, and/or chalkboard.

10-4. References.

- a. FPM chapter 771, Agency Grievance System.
- b. AR 690-700 chapter 771, Department of the Army Grievance System.

10-5. Training Content.

- a. Introduction.

Note. (To Instructor. The following are suggested remarks for development of a five-minute introduction to this session.)

(1) By its very nature, the supervisor's job entails the responsibility for making a wide range of decisions that impact upon the lives and careers of employees. These include operational decisions such as work assignments, timing and type of training, selection for promotions, scheduling vacation time, approval or disapproval of special leave, and assignment of overtime.

(2) When making any of these decisions, the supervisor must always be alert to avoid creating dissatisfaction which leads to grievances. It is inevitable, however, that employees will react unfavorably to situations in the job environment and to actions taken (or not taken) by their supervisors. Consequently, a grievance procedure has been established within the Department of the Army to permit employees to air and seek resolution of their dissatisfactions in a prompt and businesslike manner. This session will cover the essential elements of the Department of the Army Grievance System and will orient you to the practical workings of the system. The aim of the session is to provide you, the supervisor, with a basic understanding of the rationale, underlying policies, and the procedural steps for implementing the grievance system. Therefore, at the end of the session you should be able to handle your part in the grievance competently and effectively.

- b. Department of the Army Grievance System.

(1) *Lecture/Discussion.* The Department of the Army, just as other Federal agencies subject to the regulations of the Office of Personnel Management have done, established quite specific policies and procedures for handling employee grievances, known officially as the Department of the Army Grievance System. The system is a standard component of civilian personnel management which specifies the manner by which employees channel their complaints or dissatisfactions about the work environment to management and how management must treat employee grievances.

- (2) *What is a Grievance?*

(a) The Federal Personnel Manual defines a grievance as a request by an employee or by a group of employees acting as individuals for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management. Note the key elements of the definition:

1. Request or complaint by employees.
2. On a matter subject to the control of agency management and
3. For which personal relief can be granted.

(b) While there are many matters concerning the work environment which easily qualify as grievable issues, the official grievance system is limited to matters properly within the control of agency management to grant relief.

(c) Each agency within the Federal Service is required to publish the provisions of its grievance system and take affirmative steps to acquaint its employees and representatives of the employees with necessary information about the system. The provisions of the Army grievance system are published in AR 690–700, chapter 771. This civilian personnel regulation embodies the policy, declaring that all DA employees will be treated fairly and equitably in all respects and that those who feel they have not been so treated have a right to present their grievances to appropriate management officials for prompt consideration and equitable decision. To implement this policy, the Army has set forth clearly defined procedures to permit the orderly processing of grievances. The rights, responsibilities, and obligations of employees, supervisors, and managers at higher levels in the agency are specified in considerable detail in the regulation. As immediate supervisors, you are the management official with whom the employee has the most frequent and direct day-to-day contact and discussions regarding working conditions and related employment matters. Consequently, the manner in which you respond to employee concerns about these matters plays a big part in shaping the quality of the work relationship and the effectiveness and productivity of the work unit. Your role in the grievance process is therefore a pivotal one. Yours is the first level to which grievances are brought. And most frequently, yours is likely to be the level at which the matter is resolved. On those occasions when grievances cannot be resolved by the supervisor to the employee's satisfaction, employees have a right to present their grievances to appropriate higher level management officials. This right may be exercised by an employee in his/her own behalf or through a personal representative without restraint, coercion, discrimination, or reprisal.

(3) *What is covered.* The rights guaranteed under the Department of the Army Grievance System are available to all US citizen civilian employees of the Department who are paid from appropriated funds, and to non-US citizen civilian employees of the Department employed within the United States *and* the Republic of Panama. Matters subject to coverage by negotiated grievance procedures may not be grieved under the agency system by members of the bargaining unit.

(4) *Processing a grievance.*

(a) Whatever the nature or scope of the grievance might be, an employee who feels strongly enough to express his/her dissatisfaction formally is likely to be concerned to the extent that job performance, morale, and relationships with supervisors, subordinates, and peers may be adversely affected. The Army therefore requires that consideration of grievances be expeditious, fair, thorough, and impartial. Avoiding delays in resolving grievances is as important to the outcome as the substantive action which may be taken to resolve the matter. Lengthy delays in resolving or processing a grievance may overshadow the original matter and may compound employee dissatisfaction unnecessarily.

(b) To assure timely processing of grievances, the grievance system includes a schedule which stipulates how much processing time is allowed for each stage of the grievance procedure. Adherence to the appropriate timetable by the employee and responsible levels of management is a crucial consideration in order to avoid further employee dissatisfaction and undue escalation of the grievance.

(5) *Informal Grievance Procedure.*

(a) The first step in the grievance procedure is the presentation of the grievance to the immediate or first-line supervisor by the employee or his/her representative. The supervisor must make every reasonable effort to reach a mutually satisfactory solution. If the matter cannot be resolved, the next (second) step must be initiated. At this stage the supervisor must arrange a discussion of the matter between the employee, his/her representative, if any, the supervisor, and a higher level manager who has the authority to make a decision on the matter. These initial steps are in fact DA's informal grievance procedure. In most instances employees are required to use the informal process before proceeding to the formal procedure.

(b) Of course, there are issues appropriate for proceeding directly to the formal procedure omitting the informal procedures. These are:

- Request for withdrawal of a letter of reprimand.
- Suspension for 14 calendar days or less.
- Removal and suspension of certain employees in excepted service.
- Reduction in force.
- Management directed reassignment.
- Allegations of improper rating, ranking, and referral under the Army Career Management Program.

(6) *Formal Procedure.*

(a) The third step of the grievance procedure is the initiation of the "formal procedure." Step 3 is initiated by submission of a written grievance to the official designated to receive grievances for the commander at the activity where authority resides to resolve the grievance. That official should at tempt to resolve the grievance to the satisfaction of the employee. If the official is unsuccessful or determines that the grievance is inappropriate, it is referred to the US Army Civilian Appellate Review Agency (USACARA) for investigation and a recommendation. Every reasonable effort must be made at the activity level to resolve the grievance to the satisfaction of the employee before referring it to USACARA. If these efforts cannot be completed before the deadline for submission of the

grievance to USACARA, efforts should continue until resolved or the grievance examiner begins his/her investigation. After the grievance is accepted for adjudication an examiner conducts an investigation to develop the facts of the case. If the investigation establishes the existence of regulatory or procedural defects requiring reversal of the action grieved, USACARA examiners will direct that the action be reversed. A USACARA decision based on regulatory or procedural defects is final and binding on the commander concerned. All other conclusions of USACARA's inquiry are submitted in the form of recommendations to the commander. If an activity commander accepts the USACARA examiner's recommendation, the employee is notified by the commander of the decision. When in accord with the USACARA recommendation, the activity commander's decision is final. The activity commander may also grant the relief sought by the employee without regard for the examiner's recommendations or he/she may reject the examiner's recommendations altogether. If the USACARA recommendation is rejected to the detriment of the grievant, the commander must refer the matter to the major commander for final decision.

(b) In each of these alternatives, the decision is final and the employee may not request a further review of the same grievance within the Department of the Army.

(7) *Negotiated Grievance Procedure.*

(a) Employees covered by a grievance procedure in a negotiated agreement between an activity and an exclusively recognized labor organization must present their grievance as prescribed by the agreement. Employees in bargaining units may present grievances under the DA grievance procedure only when the issue in the grievance is specifically excluded from coverage in the negotiated agreement.

(b) Regardless of the procedure used, the first step is *always* for the employee to talk to his/her supervisor about the problem. In many cases the supervisor has the authority to correct or modify the conditions giving rise to the employee's complaint. If the employee is not satisfied with the decision, he/she may pursue the grievance under the established procedure. In cases where you do not have the authority to act, your discussion with the employee will serve as a basis for clarifying the problem and the grievance can then be taken to the next step in the process.

(8) *Avoiding Grievances.* There is no magic formula for eliminating grievances, but experience has proven the following to be effective ways of avoiding complaints in the first place.

- Be alert to the potential causes of grievances.
- Correct minor irritations promptly.
- Keep promises to employees.
- Give reasons for your orders unless they are obvious.
- Let employees know how they are getting along on the job.
- Be consistent unless there is an obvious reason for change.
- Act as soon as possible on requests by employees. Whether the action is to grant or deny the request or refer to higher authority, inform the requester without delay.
- Avoid showing favoritism, whether in the assignment of work or in any other way, and regardless of union membership or activity.
- If corrective action must be taken, do not make a public display of the disciplinary talk or action.
- Consult your civilian personnel office for guidance and assistance as soon as a problem arises or if you have any doubt about how to handle an employee complaint.

Note. (To Instructor. Briefly summarize the principal points of the session and introduce the next segment.)

c. *Film/Discussion.* The Hidden Grievance.

Note. (To Instructor. After showing the film, you may start the discussion by using the questions stated at the end of the film. If time permits, prepare appropriate questions to relate the theme of the film to the local work situation of the participants.)

This short film shows a supervisor handling a situation and points up the need for the supervisor's sensitivity in recognizing and understanding underlying causes of an employee grievance in order to handle it satisfactorily. Perhaps you will have some notions about how this situation should have been handled.

d. *Work Group Activity.*

Note. (To Instructor. Break the group into three work groups for the purpose of discussing the three cases at Handouts 10-1, 10-2, and 10-3. Give all three Handouts to each work group and explain the objectives and tasks of each case. Each work group should select a recorder to summarize the group's thinking on the cases and organize their responses to the situations.

When the work groups reassemble after their deliberations, the instructor may ask the recorders to report on all three cases or have each recorder discuss a different one. Either technique should stimulate lively discussion by the other group members. However, extended discussion of the merits of a particular grievance will probably not be very productive. Depending on the time available, the instructor should challenge the group and lead the discussion in a way which will illustrate the application of the grievance procedures. There are no school solutions to the case studies. The following are offered as possible solutions to the problems posed.)

(1) **Case Study 1**

Mr. Jones should get details from Mr. Brown and discuss situation with the provost marshal and the post engineer to determine the basis for the current traffic patterns and restrictions and the possibilities for improvement. If provost marshal and post engineer are unable to accommodate Mr. Brown's request, Mr. Brown should be informed of his right for second step meeting and make appropriate arrangements. In addition to the above, Jones may want to challenge

Brown to come up with a better method of moving traffic off post in the evening rush hour and remind him that if he submits his idea under the suggestion program it could pay off for him.

(2) Case Study 2

It appears that Arrowsmith has a legitimate grievance. Mr. Crocker should discuss the problem in detail with Arrowsmith and seek assistance from whatever sources are available to help address the problem. Sources which might prove helpful would be the post engineer for improvement in the work area, and CPO for reassignment assistance if nothing can be done to upgrade the physical surroundings. Enlisting Mrs. Jackson's support and assistance would be appropriate.

(3) Case Study 3

(a) The grievance is covered by the negotiated grievance procedure since it has not been specifically excluded by the parties in the negotiated agreement.

(b) The grievance is still in the informal stage unless the negotiated agreement specifically says otherwise.

(c) Tony Columbo deals with Miss Forebush on an equal basis when serving in the union representative capacity. There is much case law which speaks to this.

(d) "Seniority," when it is not defined in the agreement, is what an arbitrator thinks it is. Generally, when the contract is silent, an arbitrator will look to "past practice." If there is no past practice, they more often than not look to total service (i.e., service computation date).

e. *Summary.* The CPO or other key executive should conclude the unit by briefly summarizing the principal points and relating the training to the critical role supervisors play as the management official at the level of direct contact with employees and union representatives.

f. Handouts 10-1 through 10-3.

(1) Case Study 1—Parking Situation

Handout 10-1

Case Study 1 Parking Situation

George Brown works in the Accounting Branch at Fort McNabb. His attendance has been regular and he has been highly regarded as an employee for many years.

One morning he comes to his immediate supervisor, Harry Jones, complaining that he is having a terrible time getting home at night. George explains that he goes to school two evenings a week and plays on a softball team two evenings. He has to be able to get out of work and get home in 45 minutes in order to meet his schedule.

George says the main problem is getting out of the Fort at night. There is a huge bottleneck getting out at either of the two available ways, “V” or “Q” Street. He brings out the attached Fort McNabb parking instruction map and shows it to Mr. Jones. Harry Jones doesn’t know anything about parking; he uses the bus regularly and never even sees the parking lot after working hours.

As George tells it, most people get in through the military vehicle parking area, from “P” Street. The gates are open and access permitted in the morning but exit is not permitted because the gates are closed at 1600 hours. Street repairs on Second Street, SW make it nearly impossible to get out the “Q” Street gate, so just about everybody leaves by the “V” Street gate and it is a real bottleneck.

George wants Harry Jones to do something about this. He has never before complained or asked for anything special but he feels this problem needs attention.

The work group takes the position of Mr. Harry Jones, Supervisory Accounts Maintenance Clerk, GS-520-5.

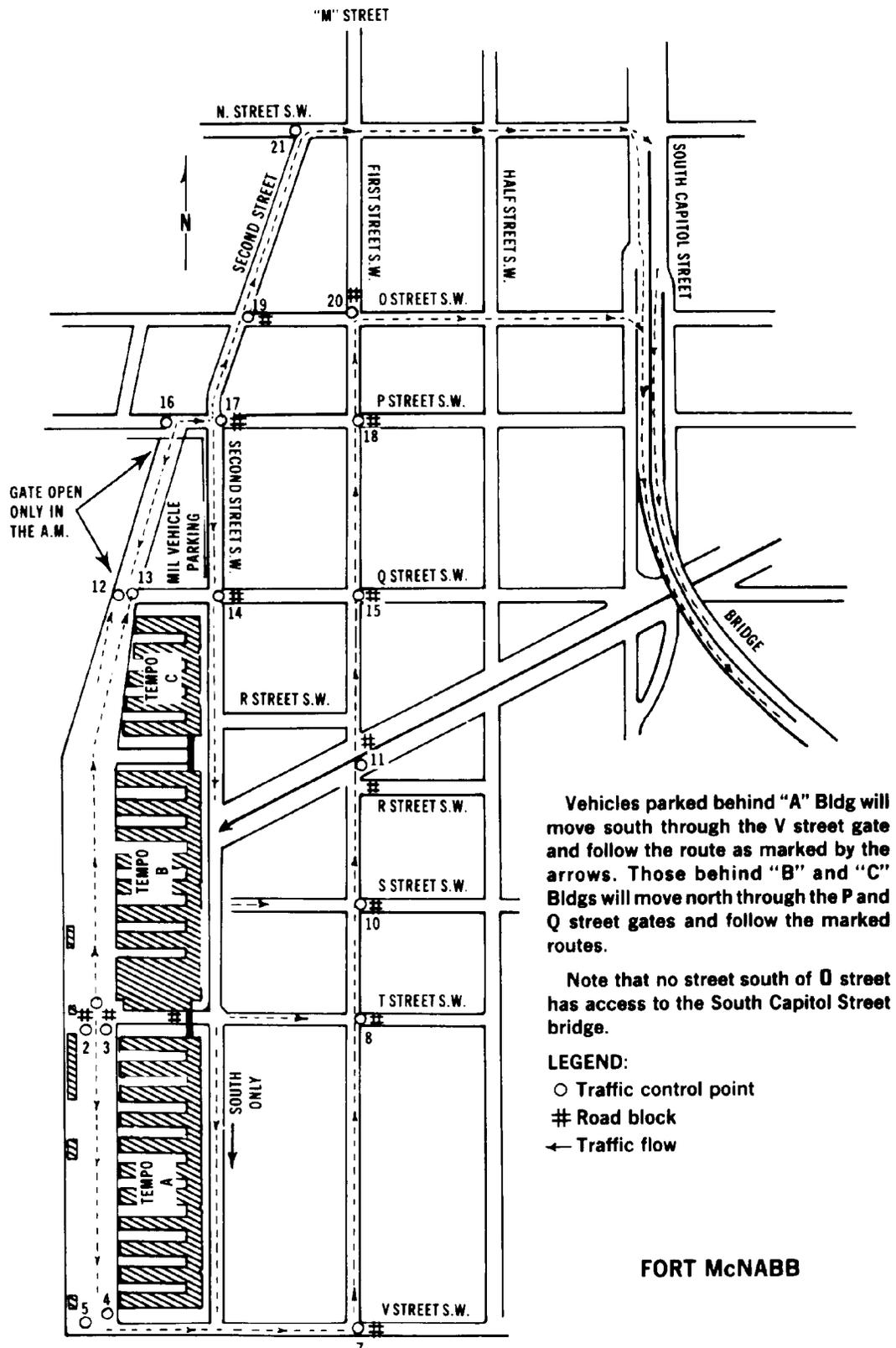
Questions:

Is this a grievance?

If it isn’t, what is it?

Should Mr. Jones, take any action?

What should he do or not do?



Vehicles parked behind "A" Bldg will move south through the V street gate and follow the route as marked by the arrows. Those behind "B" and "C" Bldgs will move north through the P and Q street gates and follow the marked routes.

Note that no street south of O street has access to the South Capitol Street bridge.

Figure HO 10-1/2. Map of Fort McNabb

(2) *Case Study 2—Poor Working Conditions*

Handout 10-2

Case Study 2
Poor Working Conditions

Fort Mudge has been a troop training center since WW II. It is located in the southeastern United States. Most of the facilities are permanent but a few barracks areas are still “temporary.” Except for small trade and craft unions, there are no unions recognized at the post.

Mrs. Jean Arrowsmith is a file clerk, GS-305-3, in a large mail distribution file center. It is located in a basement of a large brick building. She grieves that no attention is being given to poor working conditions in her area. Her specific complaint is that rats infest her basement work area and that water seepage makes the area unpleasant every time there is a heavy rain. She feels the rats should be expelled, the basement should be waterproofed or, as an alternative, that she be promoted out of the basement to work elsewhere.

She believes her supervisor, Mr. James Crocker, Supervisory File Clerk, GS-6, recognizes this problem but hasn’t been able to do anything about it, so he has given up trying. Mr. Crocker lets the file clerks avoid work areas where the water seepage covers the floor but he says the rats aren’t anything to be concerned about. It appears that Mr. Crocker is overworked, does not have sufficient staff, and is thoroughly submissive to his supervisor, Mrs. Evelyn Jackson.

Mrs. Jackson is in charge of what is referred to as Communications and Records Management Branch. She has risen through the ranks to her present eminence as a Supervisory Administrative Services Officer, GS-342-9. She has several sections with about ninety employees under her control. They are located in different places, one of which is the basement file room. She formerly worked in that same room.

One morning Mrs. Arrowsmith approaches her supervisor and says, “Mr. Crocker, I want to present a grievance about the poor working conditions here.”

Questions:

1. Is this a grievance?
2. What should Mr. Crocker do?
 - Call Mrs. Jackson?
 - Talk to the employee?
 - Call the Civilian Personnel Office?
 - Take the employee to Mrs. Jackson?

Case Study 3
Lancaster Army Depot—Exclusive Recognition With Negotiated Agreement

After an intense and sometimes bitter campaign with a rival union, the United Public Employees (UPE) won exclusive recognition to represent all nonsupervisory employees at Lancaster Army Depot about six months ago. The collective bargaining agreement which was negotiated soon thereafter is valid for three years.

The Civilian Payroll Section of the Finance and Accounting Office is one of the organizations covered by the agreement. The Section Chief is Miss Rose Forebush who has been employed at the Depot for 10 years. She has been Chief of the Civilian Payroll Section for 5 years.

The union steward for the Finance and Accounting Office is Tony Colombo, one of the payroll clerks. His steward activities take him to other parts of the Finance and Accounting Office several times a week but he clears his absence in advance with Miss Forebush and he makes a particular effort to keep up production on his job.

On this Monday in the first week in November, Mr. Colombo is coming to Miss Forebush's office with Mrs. Ethel Klein, who has a grievance over the scheduling of her annual leave for a time other than she had requested. Mrs. Klein had applied to take annual leave during the last week in November which includes Thanksgiving. She had submitted her leave application by the end of September in accordance with Section 2 of Article XI, Leave, of the agreement which reads as follows:

“Section 2. The Employer will entertain requests by employees during the month of March of each year for summer vacations (April through September) and during the month of September of each year for winter vacations (October through March). Whenever more employees request the same period of time than can be spared from the job, seniority will be the determining factor for resolving priority of requests, except that vacations requested during Christmas season shall be scheduled on a rotating basis, irrespective of seniority. In the event the Employer finds it necessary to cancel scheduled or previously approved annual leave, the reason for such action shall be explained to the affected employee by his supervisor.”

Note. Under the negotiated grievance procedure, the final decision is made by the Depot Commander. If the union is dissatisfied with the decision, the case can be taken to arbitration.

When the approved winter leave schedule was posted in late October, however, Mrs. Klein noticed that her leave had been scheduled for the first week in December. When she asked Miss Forebush about this, Miss Forebush said, “I was all set to approve your leave request as requested, Mrs. Klein, but I saw on the list that Miss Vera Phillips had also requested that week in November and she has seniority. Because of workload, I could not let both you and Miss Phillips off that same week.”

Miss Phillips, who had just come to work in the Payroll Section in July, had a total of six years of Federal employment since she had worked at another Federal activity before coming to work at the Depot. This meant that she had seniority over Mrs. Klein who had four years of Federal employment, all at the Depot. Miss Forebush therefore told Mrs. Klein, “My approval of Miss Phillips' leave for that period was in accordance with the agreement. As you know, it provides that in cases where more employees request the same time period than can be spared from the job, seniority is the determining factor in resolving the priority of requests.”

After thinking more about it, Mrs. Klein had gone to Tony Colombo and asked the union's help. She told him, “I have four years of service at Lancaster Army Depot. That makes me senior in longevity in the Payroll Office when compared to Miss Phillips; she's a newcomer. Also, I had wanted the leave over Thanksgiving so I could visit with my son and his family who are now at a military installation in another state.”

Mr. Colombo is now representing Mrs. Klein on her complaint. The union agrees with her position as to how seniority should be applied. This is now a complaint as to interpretation and application of the agreement.

Before the meeting, Miss Forebush had talked to the labor relations specialist at the CPO about the meaning of "seniority" in the agreement. She was told that there was no definition in the agreement or the negotiation record, so it is not just service at the Depot. The CPO therefore considers seniority as all creditable Federal service.

It is based on a service computation date. Miss Forebush told the CPO representative, "I realize that the implications of the outcome of this complaint may go beyond my Payroll Section. If Mr. Colombo and Mrs. Klein do not change their positions, it will become a formal grievance to higher management."

The Civilian Personnel Office representative said, "Yes, Miss Forebush, and if Mrs. Klein is dissatisfied with the decision by the Depot Commander, the grievance could be submitted to an arbitrator for final resolution."

Miss Forebush hangs up the phone, gets out a copy of the agreement, and asks that Mrs. Klein and Mr. Colombo be shown into her office.

Questions

1. Is this grievance covered by the grievance procedure of the Department of the Army or by the negotiated procedure in the agreement?
2. Is this grievance still in the informal stage?
3. Tony Colombo is an employee under the supervision of Miss Forebush. When representing the employee in this grievance, does he deal with her on an equal basis or still as an employee to supervisor?
4. The agreement provides that in such a case of overlapping leave requests, "seniority" will be used to determine priority of requests. What does seniority mean here? Does it mean length of service at the Depot as contended by the employee and the union, or is it the total creditable Federal service as stated by the Civilian Personnel Office?

Chapter 11

RECOGNITION OF EMPLOYEES

11-1. Learning Objectives.

Upon completion of this unit of training the successful participant should—

- a. Have a greater understanding of the Army Incentive Awards Program.
- b. Be more aware of his/her responsibility for recognizing employee work performance and special contributions.
- c. Be aware of the requirements and procedures for encouraging employee suggestions.
- d. Know the requirements and procedures for evaluating employee suggestions.

11-2. Selection and Preparation of Instructor.

The incentive awards specialist or an experienced supervisor should conduct this unit. The materials should be adopted to local situations and supplemented with local policies, procedures, examples, statistics, and other local information to make the session more meaningful for supervisors.

11-3. Materials Used.

- a. *Subject matter content (para 11-5).*
- b. *Handouts.*
 - (1) Locally obtained Handouts of—
 - (a) Local information.
 - (b) Example of a letter of appreciation.
 - (c) Sample nomination for a Sustained Superior Performance Award.
 - (d) DA Pamphlet 672-4, *Your Ideas are Worth Cash*, 20 August 1977.
 - (e) DA Pamphlet 672-5, *a Supervisor's Guide to the Incentive Awards Program*, June 1980.
 - (f) OPM flyer: *Suggest—Your Ideas May be Worth Money (XIS-5)*, available through normal publications supply channels.
 - (g) Sample Suggestion, DA Form 1045.
 - (h) Example of a Suggestion Evaluation, DA Form 2440.
 - (2) Handout 11-2, *Case Study, The Unrecognized Foreman*.
- c. *Film.*
 - (1) *The Supervisor—Motivating Through Insight (MF 61-13052) (previously MF 61-479)*.
 - (2) *The Power of Suggestions (MF 61-5659)*.
- d. *Equipment.* Film projector and, if appropriate for locally produced materials, an overhead projector, chart stand and paper and/or chalkboard.

11-4. References.

- a. Current Annual Civilian Personnel Management Program document published each year as a DA circular in the 690 series.
- b. AR 672-20, *Decorations and Awards—Incentive Awards*.

11-5. Training Content.

- a. *Introduction.*

Note. (To Instructor. The following are suggested remarks for the development of a five-minute introduction to this session.)

- (1) *Historical Use of Awards.*
 - (a) The concept that special effort or special achievement, significantly beyond the normal, should receive special recognition or reward is imbedded in our culture. This concept extends far back in history to the laurel leaf used by the Greeks for athletic prowess, the medals granted to soldiers, the French Legion of Honor, the British system of decorations, the Pulitzer and Nobel Prizes, etc. The basic purpose of these, and current recognition programs, is to reinforce those qualities or achievements recognized as valuable in the society, organization, or peer group.
 - (b) The US Congress endorsed this concept by passing the Government Employees Incentive Awards Act which was signed into law 1 September 1954. This law replaced legislation of a more limited type and established a Government-wide incentive awards program.
 - (c) The concept was reinforced with the passage of the Civil Service Reform Act of 1978.
 - (d) This program is used to recognize employees for above-standard performance, special acts or services, and other achievements. It also provides a means for reviewing and processing the suggestions, inventions and scientific achievements of both military and civilian personnel. This act and subsequent legislation are implemented within the Department of the Army by AR 672-20, *Incentive Awards*.
- (2) *Motivation.* There is no general agreement on all aspects of the theory of motivation, but there is growing agreement that the work itself—its inherent interest, challenge, the responsibility assigned, the opportunity for pride in

achievement, and the excitement it provides—is a motivational factor. Employee recognition by supervisors and peers is another motivational factor which can result in increased productivity and high morale. Recognition can prove stimulating to employees who achieve something special. It can also help to increase the desire to achieve when the recognition is given to reinforce daily performance which is only slightly above average.

(3) *Negative Feedback.* Negative feedback—verbal or other evidence that something is wrong or bad—comes to the employee from many sources (management by objectives has not been achieved, what he/she had done wrong, etc.) Negative feedback has a proper place in supervision. It can be used to help employees see their errors and to identify and correct small problems before they become more significant. When too much negative feedback is presented, however, it tends to decrease job satisfaction and to have a discouraging effect on employee morale and eventually on performance.

(4) *Positive Feedback.*

(a) Positive feedback—verbal or other evidence that something is right or good—balances the negative feedback and helps increase job satisfaction, performance, and productivity. Positive feedback can come from several sources:

- The leadership style of the supervisor. For example, supportive actions, helping the employee develop, and providing opportunities to become involved in decisions or for taking responsibilities on projects.
- Specific recognition activities. For example, these range from informal statements indicating that something was done well to formal letters of commendation, outstanding ratings, and monetary or honorary awards.
- The structure and content of the job. For example, work that is interesting or is rewarding in some other way, possibly because it seems to lead toward greater responsibility or gives the feeling of success and achievements.

(b) Employees at all levels need to know that others, especially their supervisors, are aware of the time, effort, and talent which they contribute.

(c) Giving recognition is a major step in developing an environment which produces an effective working unit by raising the level of satisfaction for the employee and developing a sound foundation for “open” communications.

b. *The Army Incentive Awards Program.*

(1) *Lecture/Discussion.* The Army Incentive Awards Program identifies two categories of recognition—Informal and Formal.

Note. To Instructor. It is important that the supervisors understand the difference between informal and formal recognition. At this point, get some responses from the supervisors by asking them for some examples of informal recognition.

(a) *Informal Recognition*

1. Some expected responses:

- Praise of accomplishments during staff meetings
- Oral commendation at time of work completion
- Oral citation for meeting quality or quantity work standards
- The “pat on the back”
- Opportunities to serve on committees or panels

2. (There might be some confusion that training opportunities, cross-training, self-development support, are informal recognition. Point out that these are usually career training and development needs and that they are important motivational factors but not informal recognition under this program.)

(b) *Commending Average Employee*

1. Most managers find it easy to commend exceptional employees; however, these employees are already highly motivated. It is more critical to give average employees positive feedback to increase their job satisfaction and their desire to achieve and excel.

2. Every individual possesses certain characteristics and performs tasks which are worthy of recognition and, in every position, there are activities for which positive feedback can be given. No matter how the recognition is given—formally or informally, verbally on-the-spot or at a meeting, by a letter of appreciation, etc.—the important thing is honesty. Without honesty, any program for providing recognition appears mechanistic, false, and superficial.

(c) *Formal Recognition.*

1. *Reviewing Incentive Awards Program.*

Note. (To Instructor. Review Incentive Awards program goals and objectives contained in the current Annual Civilian Personnel Management Program document (DA Circular in the 690 series). Discuss the use of the awards in light of the current annual program document to include the following:

- The relationship between the various cash performance awards, particularly the use of the Quality Step Increase, Sustained Superior Performance Award, and Special Act or Service Award.
- The relationship of cash performance awards to Performance Appraisal.
- How the total recognition program is designed to recognize and reinforce high level performance and achievements of all kinds among all levels of employees.
- How the recognition program is designed to assist Army to meet mission requirements by encouraging and

recognizing efficiency, economy, energy conservation, safety, individual employee achievements, etc.

— The relationship of the Special Act or Service Award to the Quality Step Increase, Sustained Superior Performance Award and, in particular, to the suggestion program.)

2. The Army's formal awards and recognition of employees program consists of honorary awards, cash performance awards, and other awards and recognition devices.

(d) *Decoration for Exceptional Civilian Service.* The Decoration for Exceptional Civilian Service is the Army's highest honorary award granted to civilian employees. It may only be given by the Secretary of the Army. The award consists of a gold medal, a rosette, and a citation certificate signed by the Secretary of the Army. Since this is Army's highest award, an employee will not normally be nominated for this award unless he/she previously received lower level recognition including the Meritorious Civilian Service Award. When this award is granted for a heroic act, a cash award accompanies the decoration and the words "FOR BRAVERY" are inscribed on the reverse side of the medal.

(e) *Meritorious Civilian Service Award.* The Meritorious Civilian Service Award is the second highest Army honorary award that US citizen employees can receive. The award may be granted by a major commander or by the Secretary of the Army. It consists of a bronze medal, lapel rosette, and citation certificate.

(f) *Commander's Award for Civilian Service.* The Commander's Award for Civilian Service is an honorary award and ranks directly below the Meritorious Civilian Service Award. It consists of a medal, lapel pin, and certificate (DA Form 4689). The award may be approved by any commander, agency head, or civilian equivalent. All employees, appropriated and nonappropriated fund, US citizen and foreign national, are eligible for consideration. A nomination will normally cover a minimum period of one year of service.

(g) *Certificate of Achievement.* The Certificate of Achievement is granted by commanders of major commands and activities as honorary recognition for special achievements. Committee action is not required. The criteria for this award and the preceding awards are outlined in chapter 8 of AR 672-20.

(h) *Performance Awards (Monetary).* The next group is made up of the performance awards.

(i) *Quality Step Increases (QSI).* A Quality Step Increase (QSI) results in an employee receiving an additional within-grade pay increase in recognition of high quality performance. To be eligible for the QSI the criteria requires that the performance of the employee exceed the performance standards of all major job elements. An "Exceptional" rating will serve as sufficient documentation of the performance of the nominee. In addition the nominating official must certify that, based on past experience, he/she expects that the employee's high quality performance is likely to continue. Since the quality increase continues to benefit an employee for a long period of time, it is inconsistent that an employee receive a second or additional Quality Step Increase while in the same job at the same grade.

(j) *Sustained Superior Performance Award (SSPA).* The Sustained Superior Performance Award is a special achievement award and consists of a lump sum cash award and a commendation certificate. It is presented to the individual employee in recognition of superior performance on the job. The criteria requires at a minimum that the employee's performance meets the criteria for a Fully Successful Performance Appraisal. An "Exceptional" or "Highly Successful" or Fully Successful Performance Appraisal will serve as sufficient documentation for the Sustained Superior Performance Award. Supervisors should not consider this award as a "bonus" to be issued to the key employee in lieu of promotion nor should the financial need of the employee be considered. In every case, the employee's performance during the specified period must clearly justify the nomination.

(k) *Special Act or Service Award.* The Special Act or Service Award is also a special achievement award. It is a monetary award granted to an individual employee or to a group of employees in recognition of a meritorious personal effort, act, service, or scientific achievement of special benefit to the Army. These achievements may or may not be part of the employee's assigned duties. The amount of a cash award is determined by the monetary savings or intangible benefits or a combination of both, up to a maximum of \$25,000. The cash award for Special Act or Service is normally based upon the same criteria as that used to determine cash suggestion awards. Military personnel are eligible for Special Act or Service Awards only when the awards are based on scientific achievements.

(l) *Other Awards and Recognition Devices.* Among the other awards and recognition devices

- Certificate of Appreciation for Patriotic Service
- Public Service Awards
- Awards by Non-Federal Organizations
- Length of Service Recognition

(m) *Balanced Use of Awards.* Awards with or without cash should be granted when merited regardless of the employee's grade, level of responsibility, or type of responsibilities. It is also important to examine usage patterns to assure that no group is being systematically and inappropriately overlooked or omitted. Overall, awards should be relatively evenly distributed among occupations, between white and blue collar workers, between male and female employees, and between minorities and non-minorities. When supervisors grant awards, common sense is most important. For example, if everyone in the organization receives a monetary award, the employees may come to regard the awards almost as cost-of-living adjustments rather than recognition for outstanding performance.

(n) *Incentive Awards Committee.*

1. Each installation and command has an appointed Incentive Awards Committee. These committees are composed of key operating and/or staff officials including a representative from the office of the comptroller, from the civilian personnel office, from any technical units at the installation, and other employees in responsible positions. A representative of the military personnel office may be a member if there is substantial activity by military personnel in the areas of suggestions, inventions, or scientific achievements.

2. The Committee:

a. Assists the CPO in planning and evaluating the total incentive awards program.

b. Considers and presents recommendations to the commander concerning:

- Actions needed to improve or maintain a viable activity incentive awards program.
- Nominations for certain cash and honorary awards.
- Nominations which are competitive.
- Difficult, complex, or controversial cases.

c. Assures coordination of the incentive awards program with other related programs such as cost reduction, energy conservation, value engineering, management improvement, work simplification, and industrial health and safety.

(o) *Summary.*

Note. (To Instructor. Summarize this segment with appropriate remarks. Perhaps it would be effective to have selected participants summarize the unit from their viewpoints.)

(2) *Film. The Supervisor—Motivating Through Insight.*

Note. (To Instructor. Comments may precede the showing of the film as follows.)

The film we are about to see explains how employees are motivated through the dynamics of their own personalities. People are motivated to produce more effectively by their own needs. Herzberg calls them motivator factors. We will see three men take first the role of supervisor and then the role of an unmotivated employee. After we have seen the film, we will review the important principles and discuss how we may apply them in our own work.

Note. (To Instructor. After the film, lead a discussion emphasizing that employees are motivated in different ways depending upon their individual needs. You should distinguish between maintenance and motivator factors, and you should review the benefits of applying the general principles of motivation. Have the group use examples from their own experiences in analyzing the basic principles shown in the film.)

(3) *Work Group Activity. The Unrecognized Foreman.*

Note. (To Instructor. Distribute Handout 11-2, Case Study, The Unrecognized Foreman. Break the total group into work groups of 5-7 participants. Separate groups, either in different corners of the room or in individual rooms so that the discussions in one group do not disturb the others. Each group will discuss the questions. A spokesperson will be selected by each work group to report its findings to the entire group at the end of the discussion period. Allow 30 minutes for discussion. Then reassemble everyone in one room and allow 5 minutes for each group report.)

c. *Army Suggestion Program.*

(1) *Lecture/Discussion.*

Note. (To Instructor. There are a number of locally obtained Handouts which should be furnished during presentation of this segment. These include DA Pamphlet 672-4, Your Ideas are Worth Cash, and an OPM flyer, Suggest—Your Ideas May be Worth Money (XIS-5). These two Handouts deal exclusively with the Suggestion Program and are intended for distribution to all civilian and military personnel to promote the program. Samples of completed forms, publicity campaigns, and local policies and procedures should also be furnished to give some realism to the segment.)

(a) *Background.*

1. Soliciting suggestions and ideas for improvement from organization members has been used in one form or another since the beginning of recorded history.

2. In the Army, a comprehensive employee suggestions and awards program was launched on 2 June 1943. This program established cash awards for employees for adopted ideas that resulted in saving time, money, materials, or manpower.

3. On 22 September 1965, the President signed a bill which put the military suggester on a par with his/her civilian counterpart. Military as well as civilian personnel can receive up to \$25,000 for an adopted suggestion, invention, or scientific achievement.

4. Most modern business organizations and governments around the world have some type of suggestion system. While their programs may fill certain human needs and contribute to improved employee morale, the overriding reason for the existence of suggestion systems is to make and/or save money. Progressive organizations have long realized that management does not have a monopoly on ideas. Frequently, the individual assigned to do the work can come up with a better way to accomplish the job. For a relatively modest investment, organizations can tap the ideas of all of their employees. While most suggestions are not adopted, Army statistics have shown that one out of four to five suggestions submitted is adopted. Some of these suggestions save large amounts of money for the Army. The Army has been experiencing first-year tangible savings from suggestions exceeding \$60 million annually for the past several years. In addition, Army receives significant intangible benefits from suggestions.

(b) *What is a Suggestion?*

1. A suggestion is a specific proposal submitted in writing by one or more eligible civilian or military personnel, intended to benefit Army through improved economy, and/or efficiency of operations. The proposed suggestion might:

- Accomplish a job better, faster, and/or cheaper.
- Simplify or improve operations, tools, methods, procedures, layouts, or organization.
- Conserve energy, materials, or property.
- Promote health or improve working conditions.
- Reduce the likelihood of accidents.
- Improve morale in terms of desirable and feasible personnel services, on-post welfare facilities, and personnel policies and practices.

2. Ideas can come in a variety of ways—from individuals, teams, or groups such as Quality Circles. Suggestions may involve ideas within or outside the scope of assigned job responsibilities as outlined in the job description.

(c) *What a Suggestion Is Not.* When is an idea NOT a suggestion? When an idea calls attention to a problem without offering a constructive solution, it is not a suggestion. For example:

- If an idea points out clerical omissions or typographical errors without offering a method of preventing such errors.
- If an idea appears to be only a complaint without a solution.

(d) *Importance to DA.*

1. The suggestion program is important to the Department of the Army. It solicits ideas that save money and at the same time helps Army meet mission requirements. It also offers employees an opportunity to freely express their personal ideas for improvements. When ideas are adopted, the suggester can experience a feeling of participating on the management team.

2. Supervisors should be careful to maintain an atmosphere conducive to the free submission of suggestions. On occasion, supervisors have asked whether suggestions by their subordinates may be a negative reflection of the supervisor's ability. This is obviously not the case. Supervisors do not have a monopoly on good ideas. The intelligent supervisor utilizes all of the abilities of his/her subordinates, including their ideas for improvements.

(e) *Support of Suggestion Program.*

1. Supervisors have to show a sincere interest in the constructive ideas of their subordinates and the use of the suggestion program in order that meaningful and worthwhile suggestions are obtained.

Note. (To Instructor. Ask the students for comments on ways to create employee interest in the suggestion program. What can be done to increase submission of suggestions?)

2. Tested techniques for increasing program improvement include:

- Getting employees and military members together for brainstorming sessions.
- Promoting suggestion competitions among shops and/or offices.
- Planning special award ceremonies immediately following a competition or campaign in which employees and military members are recognized for their significant contribution.

3. A good suggestion program requires brief discussions with organization members on how they can go about looking for ways to improve economy and efficiency. The supervisor could stress that subordinates should search for bottlenecks, duplication of effort, excessive paper work, unnecessary or duplicated records, costly practices, ineffective procedures, disorganization, low utilization of technical skills, and waste of manpower. When an employee or military member has a suggestion, supervisors should assist by discussing the suggestion and encouraging the suggester to complete the appropriate form and send it to the civilian personnel office.

Note. (To Instructor. Handout copies of, DA Form 1045 and DA Form 2240 which may be obtained from the civilian personnel office. Discuss the forms briefly and resume the lecture. A sample adopted suggestion and the progression to adoption would be helpful.)

(f) *Eligibility Requirements.* Supervisors should know and be able to explain to their subordinates what is required for a suggestion award and what conditions must be met before an award may be approved. A suggestion is eligible for award consideration under the following conditions:

- The suggestion is submitted in writing before or within 90 calendar days following the date the idea is adopted.
- The idea involves a proposal which is original to the installation as a whole (the fact that it is not a totally new idea, or an original idea, does not necessarily make it ineligible for award consideration).
- The idea does not duplicate, in subject content, an idea already under consideration.
- The suggestion does not fall within the suggester's normal job responsibility. If it falls within the suggester's job responsibility, it must significantly exceed the kind of innovations or improvements normally expected of incumbents of the position.

(g) *Authority to Grant Awards.* Major commanders may grant cash awards based on tangible and intangible benefits

up to \$10,000, and they may redelegate all or a portion of this approval authority to subordinate commanders or activities. Nominations for cash awards over \$10,000 are forwarded through channels to the Executive secretary, Army Incentive Awards Board.

(h) Evaluation of Suggestions.

1. Supervisors and program officials at all levels are responsible for prompt evaluation of all suggestions within their areas of program responsibility.

2. Suggestions should be thoroughly and objectively evaluated. A positive approach to the idea should prevail. When a suggestion is desirable but a final decision cannot be made at a particular level, the suggestion must be evaluated and a recommendation made to the next higher level "office of primary interest."

3. When adoption of a suggestion results in tangible benefits, the evaluation must include the amount of savings resulting from the first full year of its use.

4. When a suggestion results in intangible benefits, the supervisor writes an explanation of the potential value and extent of application, using the guidelines outlined in chapter 2, AR 672-20.

(i) Invention Awards. An Invention Award is a monetary award to one or more employees or military members for a patentable invention conceived on the job or off the job. An initial award may be granted at the time of disclosure of the invention, in addition to a supplemental award when the patent is issued. If the invention results in high tangible savings, a cash award may be paid based upon the scale used for suggestion awards.

(2) Film/Discussion: The Power of Suggestions.

Note. To Instructor. Show the film, "The Power of Suggestions" (MF 61-5659). The film runs about 25 minutes. The objective of the film is an attempt to motivate employees to offer more and better suggestions for improving methods, policies, and products. Have a general discussion of the film following presentation. Emphasize the need for supervisor acceptance of the Army Incentive Awards program as a tool for improving their own performance, as well as an important factor in improving overall operating effectiveness.

(a) Summary. The instructor should summarize the important aspects of the unit and the supervisor's role and responsibility for the suggestion program. He/she should emphasize that the Army Incentive Awards Program is a comprehensive system designed to recognize, reward, and/or reinforce desirable employee performance, achievement, and suggestions. There is a hierarchy of various recognition devices within Army which are appropriate to recognize and reinforce any worthwhile employee endeavor.

(b) Student Discussion Points. Good supervisors and managers will be familiar with the total Incentive Awards Program so that they are able to select the proper recognition available. Improper use of incentive awards, either through oversight or intentionally, could result in feelings of inequity among employees and result in lowered morale and decreased production/efficiency. If time permits, ask selected participants to summarize the unit from their point of view.

Case Study—The Unrecognized Foreman

Shortly after LTC Westgate's assignment as Chief of Utilities, Engineer District, he called a meeting of all his supervisors.

"Men, I want to ask your full cooperation in the matter of proper recognition for our deserving employees," said the Colonel. "The civilian personnel officer has advised me that Utilities Division has not, for a number of years, met its assigned recognition goals. Provisions of 672-20 make the Incentive Awards Program an integral part of Army personnel management. You know supervisors have direct responsibility to recognize their employees. I am initiating an immediate effort to officially recognize the noteworthy achievements of our people. We are going to start meeting our goals. In order to do so, we should recognize one out of every three employees under your supervision during this quarter."

After the meeting, Mr. Thomas returned to the Plumbing Shop in a disturbed state of mind. Mr. Thomas had been Plumbing Foreman for the past 12 years. His natural impulse was to resist any "extracurricular activity" that interfered with his day-to-day work routine. He rationalized that he was being paid as a supervisor to get the work out. His predominant concern was the seemingly endless backlog of work. Mr. Thomas felt that he just did not have time for the additional paper work required to recognize his better employees.

In addition, it seemed to Mr. Thomas that his supervisors took his many years of faithful service for granted. He seldom received any praise from the front office, but there was criticism when he missed a deadline or something went wrong in the shop. Consequently, Mr. Thomas carried over this treatment to his subordinates. No recognition for him, no recognition for his employees.

The day after the Colonel's meeting, Mr. Voss from the Civilian Personnel Office stopped in the shop to see Mr. Thomas.

Mr. Voss directed the conversation to the Colonel's remarks on the previous day. After considerable discussion, he prevailed upon Mr. Thomas to identify three employees in his shop that he would personally like to have receive some form of recognition.

First was Walter Smith, a dedicated employee with over 25 years of service on the job. Walter was a very conscientious employee who frequently came to work an hour early and often stayed an hour past quitting time. Walter moved a heavy volume of work daily in his job as Plumber. Mr. Thomas considered Walter to be a key employee, worthy of promotion. Three years in a row, Mr. Thomas had tried unsuccessfully to have the job classification analyst from the Position and Pay Management Branch upgrade Walter's position during the annual classification survey. Mr. Thomas tended to blame the PPM people for preventing him from rewarding Walter's exceptional performance.

The second employee suggested by Mr. Thomas was Mary Becker, his clerical assistant for the past 4 years. Mr. Thomas considered Mary to be an attractive and pleasant person who could be counted on to provide loyal and dependable support. Although Mary was a very willing worker, the quality of her work ranged from occasionally superior to generally average. Mr. Thomas had wanted to do something for her for a long time but was undecided as to what to do. Therefore, he took no action. Another office worker recently told Mr. Thomas that Mary had been considering a transfer to another shop because she was "dissatisfied being in a rut."

The third choice for recognition was Henry Kaufman. Henry was a good journeyman worker, although he was inclined at times to become belligerent when the pressure of the workload became heavy. Last month, Henry had been suspended for one day from duty for fighting with another employee. Ten days ago, Henry received publicity in the local newspaper for heroic action. He risked possible injury or death by extinguishing a small fire in an explosive area of the shop, thus preventing a possible serious injury to two workers trapped in the corner of the building. The choice of recognition for Henry proved difficult for Mr. Thomas because the foreman had vigorously pressed for a formal reprimand of Henry last month.

Questions for Group Discussion

1. What do you think of Colonel Westgate's approach?
2. Should established goals be rigidly met or should they be used as a manager's tool? Why?
3. Should Mr. Thomas be recognized by Colonel Westgate before being asked to recognize his employees? Why?
4. What type of recognition is appropriate for Walter Smith?
5. Should Mary Becker receive an award? If so, what kind? If not, why not?
6. Should Henry Kaufman receive an award? If so, what kind? If not, why not?

Chapter 12

EQUAL EMPLOYMENT OPPORTUNITY

12-1. Learning Objectives.

This unit is designed to help supervisors:

- a. Understand the major aspects of Federal and Department of the Army Equal Employment Opportunity policy.
- b. Define and clarify their obligations for assuring equal employment opportunity under the overall merit system.
- c. Correct supervisory practices which could lead to complaints of discrimination.
- d. Develop supervisory practices and personnel relations which support equal employment opportunity objectives.

12-2. Selection and Preparation of Instructor.

- a. Instruction in this unit should be provided jointly by the civilian personnel office and the equal employment opportunity office.
- b. The local EEO Plan of Action should be sent to course participants for review at least three days prior to the start of this unit. Current articles on EEO may also be furnished participants as precourse reading materials at that time.
- c. The provision in the Civil Rights Act of 1964 and the Equal Employment Opportunity Commission Affirmative Action Guidelines, Part XI, dated 19 January 1979 regarding preferential treatment for any group or individual because of race, color, religion, sex, age, handicap or national origin should be researched in order that the provision can be explained to participants and to stimulate discussion. (See the Discussion portion of para 12-5b(2).) These references are available from the EEO Officer.

12-3. Materials Used.

- a. Subject matter content (para 12-5).
- b. Handouts.
 - (1) Locally obtained Handouts.
 - (a) DA EEO Plan of Action.
 - (b) Local EEO Plan of Action.
 - (c) Local EEO Complaint Procedures.
 - (d) Current articles on EEO.
 - (e) Properly "sanitized" cases from local files (optional).
- (2) Handout 12-1, Defining Key Terms in Upward Mobility.
- (3) Handout 12-2, Types of Upward Mobility Programs and Strategies for Implementing Them.
- (4) Handout 12-3, Summary of Employee Litigation Rights During the Discrimination Complaint Process.
- (5) Handout 12-4, EEO Case Study.
- (6) Handout 12-5, EEO Case Study Analysis and Findings.
- c. Film. The Bill of Rights—Equal Opportunity, AFIP 275.
- d. Equipment. Film projector and, if appropriate an overhead projector, chart stand and/or chalkboard.

12-4. References.

- a. FPM chapter 713 and AR 690-700, chapter 713.
- b. Civil Rights Act of 1964.
- c. Equal Employment Opportunity Commission Affirmative Action Guidelines, Part XI, 19 January 1979. (Available from EEO Officer.)

12-5. Training Content.

- a. *Introduction.*

Note. (To Instructor. Invite the commander or deputy commander of your activity to introduce this session and stress the importance of EEO. The following are suggested remarks for development of a five-minute introduction to this session.)

(1) Equal employment opportunity (EEO) legislation prohibits discrimination on the basis of race, color, sex, religion, national origin, age, or physical or mental handicap in all aspects of personnel administration and management. Discriminatory job practices are not only socially and morally wrong, they are illegal. Accordingly, EEO directives are issued to assure that all Federal employees and applicants for employment have equal opportunity to compete and receive equal consideration.

(2) EEO programs are essential to the accomplishment of Army's mission because they provide for the development and utilization of the knowledges, skills and abilities of the broadest spectrum of available talent, including women and minorities. Unfortunately the goals, objectives and procedures of EEO programs are not always fully understood and frequently such misunderstanding leads to misdirected actions which create difficulty for supervisors, managers, employees and the Department of the Army. For example, when improper or misunderstood supervisory practices ripen into a formal complaint or a class action suit, the cost in money, time, energy, and personal anguish can be

considerable. Thus, from the standpoint of expense alone it is essential that managers and supervisors understand and carry out their EEO responsibilities.

(3) This session will focus on EEO as an integral component of sound personnel management and a tool which provides all Army employees equal opportunity to advance to the extent of their potential and capability in line with mission requirements. We will look at the basic framework of Federal EEO programs and the application of these programs within the Department of the Army. We will examine your supervisory EEO responsibilities and discuss ways by which you might accomplish these responsibilities.

(4) In preparing this session, special attention has been given to providing a format which encourages your active participation and involvement. As the subject of EEO is expected to elicit many forceful views which you might wish to express, we might all get more from the session if we proceed in an orderly and logical fashion. Therefore, please confine your class discussion to the subject matter being discussed. The course moderator will be present to guide the discussion and assist in bringing the subject matter into perspective.

(5) Various methods will be used to present subject matter—readings, a film, discussion groups, and a case study. It is expected that this approach will help to heighten your interest, understanding, and active support of the Federal and DA equal employment opportunity policies, programs and procedures.

b. EEO Policy, Responsibilities, and Plan of Action.

(1) Lecture/Discussion.

(a) Civil Rights Act of 1964. The Civil Rights Act of 1964 (Public Law 92–261), Title VII, as amended by the Equal Employment Opportunity Act of 1972 (Public Law 92–261), specifies that all personnel actions affecting employees or applicants for employment shall be made free from any discrimination based on race, color, religion, sex, or national origin. The Age Discrimination in Employment Act (Public Law 93–259) added age to this list of factors prohibited in consideration of Federal employment. EEOC has issued Management Directives 703, 706, 708, 709 concerning discrimination based on physical or mental handicap.

(b) Executive Orders.

1. Various Executive Orders require the Federal Government to provide equal opportunity in Federal employment and, in effect, make affirmative action programs mandatory for all Federal agencies. The policy of equal opportunity thus applies to, and must be an integral part of, every aspect of personnel management and administration related to DA employees and applicants for employment.

2. Based on these and other laws and court decisions, the Federal Government and the Department of the Army have issued regulations implementing EEO policy.

(c) Department of the Army Affirmative Action Plan.

1. The EEO program within the Department of the Army is designed to reflect employment practices which demonstrate full adherence to the letter and spirit of the Federal Government policy guaranteeing equal employment opportunity to all employees or applicants for employment in the Federal service, without regard to race, color, religion, sex, national origin, age, or physical or mental handicap. To correct severe imbalances in the representation of minorities and women in various sectors of the work force, DA has implemented aggressive affirmative action programs designed to promote equal employment opportunities for minorities and women.

2. Equal opportunity means that standards used for selection must be related to performance requirements of the job rather than nonessential considerations which frequently place minorities and women at a disadvantage. It should be pointed out that affirmative action programs required by the statute do not mean, and do not imply that employment standards will be lowered to accommodate the selection of minorities and women. Rather, affirmative action speaks to the initiation of positive deliberate activities, policies and practices which ensure equal access and opportunity for minorities and women employees and applicants for employment. It is a solemn declaration which acknowledges that such opportunity has not been available in the past and asserts a pledge to eliminate all employment practices and policies which directly or indirectly serve to deny women and minorities equal consideration for selection for employment, for career development, and for promotion. Thus, the DA EEO Affirmative Action Plan is a vehicle which enables management to take positive steps to increase opportunities for minorities and women as a part of programs designed to accomplish the agency's mission.

(d) Features of the Plan.

1. The principal features of an affirmative action plan are:

- The commander's statement of commitment and support.
- Dedication of resources (personnel and financial) required to administer and implement a meaningful EEO program.
- Identification of areas of deficiencies and barriers to employment and advancement of minorities and women.
- Specification of action items tied to existing or anticipated activity needs.
- Specification of action items relative to identified deficiencies or potential problem areas.
- Specific goals and timetables for accomplishment.
- Designated responsible officials.
- Procedures for evaluating goal accomplishment.

2. Using the Army-wide plan as an overall framework, each major command and subordinate command develops and publishes its own plan of action in accordance with local needs and deficiencies. Plans are usually written for one calendar year, but in every case will be reviewed and updated semi-annually as appropriate.

Note. (To Instructor. To illustrate the contents of a typical plan, you may wish to show a transparency of the current local EEO Plan of Action and/or hand out copies of the plan to participants. In addition, an excerpt from the current DA Affirmative Action Plan showing needs and remedies should be discussed.)

(e) *Responsibilities and Roles.* There are various responsibilities and roles in the EEO area.

(f) *Commanders.* Commanders and directors set policy direction for implementing local EEO plans. They are responsible for determining overall organization goals and for helping to accomplish them through allocation of adequate resources and commitment of appropriate personnel.

(g) *EEO Officer.* The EEO officer is the primary action officer for the development, execution, and evaluation of the installation's EEO program. Specific duties include:

- Providing technical advice and supervision to EEO counselors.
- Providing effective leadership in the affirmative aspects of the EEO program.
- Resolution of an EEO complaint before processing it to the US Army Civilian Appellate Review Agency (USACARA).
- Participation in formal complaint procedures when EEO counselors cannot informally resolve complaints.
- Maintaining the implementation of complaint decisions.
- Evaluation of EEO program and providing recommendations for improvement.

(h) *EEO Counselor.*

1. The EEO counselor serves as a bridge between employees and management. He/she is responsible for resolving employee problems informally and at the lowest possible organizational level within DA.

2. Specific duties include:

- Being readily available to employees for consultation on EEO-related complaints, problems and questions; counseling employees on the complaint process; determining the relief sought by the employee and advising on its propriety.
- Referral of employees to the appropriate office when a complaint is other than one of discrimination based on race, color, religion, sex, national origin, age or handicap.
- Making inquiries into the complaints.
- Seeking realistic resolutions acceptable to the complainant and to management.
- Attempting to resolve a complaint informally through all available means.
- Maintaining a complete complaint file, including times and dates of all contacts (specifying whether in person, by phone, or in writing).
- Conducting follow-up to see if proper action has been taken.

3. Other staff related to the Army's EEO program include the Federal Women's Program Manager, and the Hispanic Employment Program Manager.

(i) *Federal Women's Program Manager.* The Federal Women's Program Manager provides advice and service to the commander and serves as a principal point of contact in assuring a comprehensive and continuing Federal Women's Program. The primary goal of the Federal Women's Program is to assure that the Department of the Army's stated objectives of improving the representation of civilian women in the work force and providing equity of career opportunities in all types of jobs, positions and career fields are met. This is a comprehensive management program, embracing all areas of personnel operations. Its purpose is to achieve fullest utilization of available talent by ensuring that women as well as men have the chance to compete equally to the level of their drive and ability. For this reason, it is not just a special interest program or a helping hand. It is sound management policy.

(j) *Hispanic Employment Program Manager.*

1. The Hispanic Employment Program Manager advises the Director of EEO or the EEO officer on the special concerns of the Spanish speaking. Specific responsibilities are similar to those of the Federal Women's Program Manager but apply to the Spanish speaking.

2. Overall the Hispanic Employment Program Manager is responsible for ensuring that specific actions are taken to provide equal opportunity for the Spanish speaking in connection with programs of

- Recruitment
- Training
- Upward Mobility
- Promotion

(k) *Civilian Personnel Officer.*

1. The Civilian Personnel Officer works with the EEO officer to develop, coordinate, and implement the EEO Affirmative Action Plan. The CPO is responsible for designing and implementing affirmative action in the areas of recruitment, placement, training, upward mobility, performance evaluation, and recognition.

2. The CPO has the responsibility for providing

- Continuous review of the selection and promotion patterns in the organization to ensure full and fair consideration of minority and women employees.
- Career development opportunities on an equal basis.
- Skills development and advancement of employees including minority and women in dead-end positions.
- Appropriate monitoring of recognition and awards patterns to assure equitable distribution to minority groups and women.
- Appropriate monitoring of disciplinary actions to ascertain whether there have been similar disciplinary actions for similar offenses.
- Cooperation with EEO counselors, EEO officers, Hispanic Employment Program Manager, Federal Women's Program Manager, EEO action officers, or other staff officials for resolution of EEO complaints and for initiating prompt corrective action when necessary.

(l) Role of the Supervisor.

1. The supervisor plays the vital role in EEO since he/she is management's first line of contact with employees. The supervisor is relied upon to implement the letter and spirit of EEO in day-to-day affairs.

2. The supervisor, in most instances, is responsible for carrying out affirmative actions in all areas of personnel management. The critical personnel management areas in which the supervisor impacts EEO include:

- Position and pay management
- Selection of employees
- Training and career development
- Management/employee relations
- Counseling

(m) Position and Pay Management. Implementing EEO in position and pay management requires that job descriptions reflect major duties, that employee's major duties agree with their job descriptions, and that duties which are qualifying for other lines of work are assigned without regard to race, color, sex, religion, national origin, age or handicap. It is the supervisor who is looked to as the primary identifier of jobs suitable for restructuring or re-engineering and to work with the position classifier in establishing career ladders.

(n) Selection of Employees.

1. The process of selecting personnel to fill vacancies gives rise to more EEO complaints than any other single area of employment. Selections are usually based on such qualifications as test scores, education, and previous job experience.

2. In other cases, personal prejudices may influence the selection process. For example, a supervisor may give less consideration to older applicants seeking a new or different job than to younger applicants.

3. Objective job descriptions and selection methods which carefully evaluate candidates only on the basis of their ability to perform on a job are needed so that supervisors can select employees from those who are best qualified and who have earned the right to be considered, regardless of race, color, religion, sex, nationality, age or handicap.

4. Selection criteria should be based on job analyses which identify tasks performed and the knowledge and skills necessary. This means that selection criteria:

- Must be significantly related to job performance.
- Should not create an artificial, arbitrary, and unnecessary barrier to employment for certain groups.

5. When considering an employee for promotion, the supervisor's role is to apply the DA Career Management and Merit Promotion programs to all employees on an equal basis.

(o) Training and Career Development.

1. Training and Career Development is an especially important area with respect to EEO because minorities and women are disproportionately in dead-end and/or lower level jobs. Increased participation of minorities and women in training and career development programs offered by DA can help provide career advancement which benefits the Department as well as the employee.

2. There are benefits to the supervisor in having employees reach their maximum potential through training and career development. These include:

- A more effective and motivated work force so the mission of the unit is efficiently carried out.
- Having available adequately trained and competent employees to fill vacant positions.

(p) *Management/Employee Relations.* More so than elsewhere, good EEO practices in management/employee relations can lead to a better organizational climate. For example, let us consider the following:

- Evaluating and managing performance—objectively measuring achievements against established guidelines to assure fair evaluation.
- Handling of EEO complaints and maintenance of constructive discipline—strict application of rules and regulations pertaining to complaints.
- Employee recognition—selection of deserving employees for awards and other forms of recognition from all segments of work force.
- Administration of employee benefits—guidelines on annual and sick leave, insurance benefits, etc.

(q) *Counseling.* Supervisors have a responsibility for assuring that members of minority groups and women are made aware of the ways and means for qualifying for higher level positions. Counseling provided these employees should be realistic in that it is based on actual advancement experiences and patterns of other employees and the goals are within the projected or anticipated resources of the organization.

(r) *Upward Mobility.*

Note. (To Instructor. Distribute Handout 12-1, Defining Key Terms in Upward Mobility, and Handout 12-2, Types of Upward Mobility Programs and Strategies for Implementing Them. You may also want to prepare transparencies of selected definitions of upward mobility terms to help guide the discussion of the subject.)

1. The Department of the Army stresses consideration of upward mobility opportunities under the following combination of circumstances:

- Positions exist for which there is a continually *high demand*. (Instructor: Give examples or references.)
- The *work force can provide* a supply of eligible candidates.
- *Full performance level* can be reached in 2-3 years, upon successful completion of appropriate formal and/or on-the-job training.

2. Specific guidelines exist on what is not upward mobility training. (See local policy guidance.)

3. Upward mobility training is the planned training or education which will equip an employee with the knowledges, skills, and abilities needed to perform a *higher level job* or a job with known potential for advancement. The employee may receive training after having been selected competitively for a target job or he/she may receive training to prepare to compete for a target job.

4. Upward mobility training is not designed to help employees do their present job better. For instance, a GS-5 secretary who takes a course in Secretarial Techniques is not receiving upward mobility training.

5. Upward mobility training at Government expense should be tied to existing or anticipated staffing needs. This means establishing target jobs and authorizing manpower spaces so that successful trainees can be placed in positions where their newly acquired knowledges, skills, and abilities can be utilized.

Note. To Instructor. If time permits, this is an appropriate place to discuss possible strategies for implementing upward mobility (Handout 12-2).

6. In developing training plans in support of upward mobility programs, activities must ensure that any training is related to the performance of current or future official duties in a position commensurate with the employee's potential.

7. When employees are trained at Government expense, the training must meet demonstrated agency needs for trained manpower and be utilized by the agency.

8. All training must be related to current or future duties within the employing agency. Training for possible vacancies in other agencies is not authorized.

9. An agency must use competitive procedures in selecting employees for upward mobility training given primarily to prepare trainees for advancement.

Note. (To Instructor. Summarize this segment of the session with the help of the participants. Briefly review the major points covered during the discussion.)

(2) *Film: The Bill of Rights in Action—Equal Opportunity, AFIP 275.*

(a) *Introduction.* The film you are about to see probes the difficult problems associated with our efforts to make equal opportunity a reality of every day life. As we attempt to make the promise a reality we are often faced with the difficult problem of choosing between equally qualified minority and majority candidates competing for the same position. How do we choose? Is it possible to correct the injustice of past discrimination against minority groups without discriminating against others? How necessary and just are such preferences? Must we sometimes make sacrifices to ensure that equality of opportunity becomes a reality in our society? These are questions that must be faced by all citizens of the United States. In this film, a black factory worker has been promoted over a white, even though the white has seniority with the company. The personnel director states that when two or more people of equal qualifications present themselves for advancement into supervisory positions, it will be the policy of his company to advance the person of minority background in order to take a positive step to undo, if possible, two hundred years of

discrimination. The white worker protests, saying that, in fact, he is the one who is being discriminated against. The case is argued in depth before an arbitrator, and the film is left open-ended—the viewers are asked to decide the issue.

(b) *Discussion.*

Note. (To Instructor. Research the provision in the Civil Rights Act of 1964 and the Equal Employment Opportunity Commission Affirmative Action Guidelines, Part XI, dated 19 Jan 1979, regarding preferential treatment for any group or individual because of race, color, religion, sex, age, handicap or national origin.)

Explain provision to participants and stimulate discussion by asking:

- What influence do you think this provision would have on the decision of the arbitrator?
- What role do you think the Bill of Rights and EEOC guidelines play in the decision the arbitrator will have to make? How would you decide the case?
- What is an “Equal Opportunity Employer”?
- Compare the education, training, experience, and initiative of Solomon Jones and Phil Richards. In the film, the arbitrator states that the qualifications of these two men are relatively equal. Why then did Phil register a grievance with a union representative after Sol was promoted? If the contract between the union and company provides that a senior employee be promoted when there are two or more applicants of relatively equal ability, why did the company promote Sol?
- At issue is the contract provision between the company and the union that says “there shall be no discrimination in employment by reason of color, creed, sex, or national origin.” The company believes that this contract was designed to protect minority workers and should not be used as a weapon to prevent the company from helping minorities.
The union contends the reading of the contract is entirely neutral. (Discuss the complex problems that arise because of the attempt to achieve equality.)
- Establish through discussion common understanding of the following terms: discrimination, prejudice, civil rights, collective bargaining, labor arbitration, grievance, union, management, seniority and reparations. All apply to Civil Service.

c. *Processing EEO Complaints (Lecture/Discussion).*

Note. (To Instructor. An EEO counselor or EEO officer should conduct this portion of the session. The following suggested remarks may be used to develop a brief introduction to the topic.)

(1) *Introduction.* Adherence to EEO procedures and compliance with the “spirit” as well as the “letter” of EEO regulations should result in relatively few complaints from employees. For the supervisor the burden of avoiding EEO complaints by respecting the intent and spirit of EEO regulations and the Affirmative Action Plan is especially acute. In addition to being knowledgeable about the regulations and procedures, the supervisor must also be sensitive to potential complaint situations and take appropriate action to prevent their becoming full grown complaints.

(2) *EEO Complaints.* Although processed differently, EEO complaints and employee grievances share many of the same characteristics. In fact, EEO complaints generally stem from the same causes as grievances, such as merit promotion, work assignments and working conditions. However, an EEO complaint is distinguished from other grievances only by the allegation that the complaint being brought is a result of discrimination against the employee on the basis of race, color, sex, religion, national origin, age, or physical or mental handicap. When discrimination is alleged, you should immediately call the EEO office to find out how you and the employee should proceed.

(3) *Informal Complaint Settlement.*

(a) When an employee alleges discrimination because of race, color, religion, sex, age, national origin or a handicap condition, he or she must contact the EEO counselor within 30 calendar days from the date of the act of alleged discrimination. The EEO counseling process represents the first step in the complaint processing procedure. The counselor’s job is to establish an open sympathetic channel through which employees may raise questions, discuss grievances, get answers and, on an informal basis, get resolution of EEO problems.

(b) The counselor has 21 calendar days from the time the employee reports the problem to attempt an informal settlement. If at the end of that period the problem is not resolved, the counselor advises the employee of his/her right to file a formal complaint with the EEO officer. The formal complaint must be filed within 15 calendar days of the final interview with the counselor.

(4) *EEO Counseling.* The EEO counseling process represents the first step in the complaint processing procedures. The counselor has 21 days to try to resolve a complaint of discrimination based on race, color, sex, religion, national origin, age or handicap.

(5) *EEO Officer.* The EEO Officer upon receipt of a formal complaint will, within three work days, transmit a copy of the complaint directly to the appropriate Civilian Appellate Review Office requesting the assignment of an investigator and citing applicable funds for payment of travel and per diem.

(6) *USACARO Investigator.* The US Army Civilian Appellate Review Office (USACARO) will conduct an investigation into the allegations of discrimination. After preparation of the report, the investigator will forward it, together with the investigative file, to the commander of the activity against which the complaint was directed. Within five days after receipt of the investigative file, the complainant will be furnished a copy.

(7) *Formal Complaints Procedures.*

Note. (To Instructor. The formal EEO complaint process for bargaining unit employees can be different among installations because of the extended scope of labor-management bargaining brought about by the CSRA. Additional future change to Army's system may be also be made by EEOC.)

(8) *EEO Informal Adjustment.* Within 15 days after receipt of the investigative file, the complainant and appropriate activity officials after reviewing the investigative file, must attempt to adjust the complaint informally. This attempt must be included in the Notice of Proposed Disposition of the complaint.

(9) *Commander's Proposed Disposition.* The commander must issue the complainant a Notice of Proposed Disposition of the complaint within 20 days after receipt of the investigative file. If an adjustment of the complaint is not arrived at, the complainant will be informed in the Notice of Proposed Disposition of further appeal rights.

(10) *EEOC Complaints Examiner.* One of the options included in the Notice of Proposed Disposition includes the right to request a hearing to be conducted by a Complaints Examiner from the Equal Employment Opportunity Commission (EEOC).

(11) *Director EEO, HQDA.* Another option included in the Notice of Proposed Disposition includes the right to request a review and decision by the Director, EEO, HQDA, on the basis of the record as it stands.

(12) *EEOC.* If the complainant is not satisfied with the decision rendered by the Director, EEO, HQDA, within the time limits applicable, the complainant may appeal to the Equal Employment Opportunity Commission, Washington, DC 20415.

(13) *Federal Courts System.*

Note. (To Instructor. To aid the discussion you may wish to distribute Handout 12-3, Summary of Employee Litigation Rights During the Discrimination Complaint Process, or use this Handout as a transparency.)

An employee can file suit in Federal district court at any of the following times:

- 120 days after filing a complaint with the employing agency even if the agency has not issued a final decision by that time.
- 30 days after the employing agency's initial decision concerning the results of the complaint investigation.
- 120 days after filing a petition with the Merit Systems Protection Board (MSPB) if the MSPB has not yet made a decision.
- 30 days after an MSPB decision. If the employee petitions the Equal Employment Opportunity Commission (EEOC) to review the matter and EEOC denies the petition, the 30-day period runs from the denial of such a petition by EEOC.
- 30 days after the EEOC decision, if EEOC agrees with the MSPB.
- 30 days after MSPB reconsideration, if MSPB agrees with the EEOC.
- 30 days after the special panel makes a decision.
- 180 days after filing a petition with the EEOC for reconsideration of an MSPB decision if a final decision by EEOC, MSPB or the special panel has not been reached by that time.

(14) *Resolution.* During the processing of an EEO complaint, there are various stages at which an attempt at an adjustment is appropriate.

(15) *Rejection.* The EEO officer has the right to reject a complaint of discrimination that does not fall within the purview of the EEO program.

(16) *Employees Covered by Negotiated Agreements.* Employees covered by a negotiated labor agreement are allowed to use either the statutory procedures or the negotiated grievance procedure to process complaints involving discrimination, but not both. However, final decisions in the negotiated procedure of complaints involving discrimination can be appealed to the Merit Systems Protection Board, where applicable, or to the Equal Employment Opportunity Commission.

(17) *Remedial Actions: Applicant.* Upon finding that an applicant for employment has been discriminated against and, but for that discrimination, would have been hired, the activity will offer the applicant employment of the type and grade denied him/her. Employment will not be offered, however, when the record contains clear and convincing evidence that even in the absence of discrimination the applicant would not have been hired. If the offer is accepted, the appointment is retroactive to the date the applicant would have been hired subject to a maximum 2 year limitation. If the offer is declined, the activity shall award the individual a sum equal to the back pay receivable from the date the individual would have been hired to the date the offer was made. The activity must include the right to this award in the event the offer is declined.

(18) *Remedial Actions: Employee.* When it is found that an Army employee was denied an employment benefit or an administrative decision adverse to him/her was made as a result of discrimination, one or more of the following remedial actions shall be taken:

- Retroactive promotion with back pay. Back pay may not accrue from a date earlier than two years.
- Consideration for promotion to a position for which he/she is qualified before consideration is given to other candidates.
- Cancellation of unwarranted adverse personnel action and restoration of the employee.
- Expunction from all Army records of any reference to or any record of an unwarranted disciplinary action that is

not a personnel action.

- Full opportunity to participate in the employee benefit denied, e.g., training, preferential work assignments, overtime scheduling.

(19) *Reprisal or Interference.* The Department of the Army requires that complainants, their representatives and witnesses shall not be subjected to reprisals or interference at any stage in presentation or processing an EEO complaint. Supervisors or others found to have engaged in reprisals or interference with complainants will be subject to disciplinary action determined by the commander. Reprisals or interference with complainant is a prohibited practice and employees may directly file complaint to the Special Counsel for the Merit Systems Protection Board.

d. Work Group—EEO Case Study.

Note. (To Instructor. The objective of this segment is to provide participants an opportunity to apply some of the concepts dealt with in this unit and to gain insight into the dynamics of EEO in an actual case situation. Divide the participants into groups of 5 to 7 persons each and distribute and distribute Handout 12-4, EEO Case Study, or other properly “sanitized” cases from local files: assign each group to separate locations for small group discussion; and instruct that each group select a recorder to report the group findings during the general session. Allow 25 minutes for the groups to discuss the case and reach a consensus as to how they would decide the case. The groups should also be requested to recommend appropriate remedy if they decide in favor of the complainant. At the end of 25 minutes of discussion, reconvene into one group for general discussion. At this point you may proceed with the general discussion by either having brief presentations by each group in turn, followed by a general discussion, by having limited discussion following each presentation, or another format of your choice. In any case, it is important that you guide the discussion to bring out the issues and facts applied by the groups to reach their decision. Emphasizes the policy considerations and personnel regulations applied in resolving the case. Handout 12-5, EEO Case Study Analysis and Findings, may be used in guiding the discussion and copies furnished the students afterwards.)

e. Summary.

Note. (To Instructor. Summarize the session with the help of participants.)

Defining Key Terms in Upward Mobility

Upward Mobility— a systematic management effort that focuses Federal personnel policy and practice on the development and implementation of specific career opportunities for lower level employees (below GS-9 or equivalent) who are in positions or occupational series which do not enable them to realize their full work potential.

Within this definition, upward mobility provides developmental opportunities to lower level employees which go beyond normal staff improvement practices. For example, the design of bridge and trainee positions which enable lower level employees to qualify for pre- or paraprofessional jobs is one means of providing upward mobility. Affording typing and related training to a GS-2 mail clerk who lacks the qualifications for an identified GS-2 or GS-3 clerk typist position or providing required training for a typist to qualify for a targeted stenographic position are other examples of upward mobility. However, training and developmental efforts primarily designed to improve current occupational performance should not be regarded as upward mobility. Likewise, career intern programs which utilize external recruitment sources, cooperative education, student employment and other programs using outside recruitment are not examples of upward mobility for lower level employees.

Potential— an abstract term which refers to an individual's ability or aptitude to do something or learn to do something. Potential cannot be measured in the abstract but must be viewed in relationship to specific criteria for the position in question.

Selection— must be competitive. Covers an entire range of procedures and activities encompassing identifying individuals with potential who will be considered, developing criteria against which they will be competitively measured, developing the selection methodology and instruments to be used, and final placement the target position.

Target Position— a current or projected staffing need having known promotion potential which an agency will fill through its Upward Mobility Program. Also, the specific position for which the upward mobility trainee is being trained following competitive selection. The target position or job may be further defined as having a trainee level, a target level, and a journeyman level. The trainee level is the entry level for the individual employee. The target level is usually one or two levels beyond the entry level in terms of grade and responsibilities, depending upon whether the target job is in a one or two grade interval series. The journeyman level of the position is the ultimate level any employee in the occupational series could reach, sometimes without further competition. The upward mobility trainee, once having reached the target level, receives subsequent promotions in the same manner as employees who entered the occupational series from other sources and is no longer a program participant.

Underdeveloped Employee— an employee who is not presently qualified (i.e., does not fully meet the X-118 qualification standards) for positions with greater promotional opportunities but who shows potential to gain the necessary experience and/or education to function in the new position. This too is an abstract term and should be used in conjunction with the qualification standards for whatever position the employee is being measured against. Upward mobility programs are primarily designed to develop employees in this category to enable them to fully meet the X-118 standards for the target position.

Underutilized Employee— an employee who is basically "qualified" (i.e., fully meets X-118 qualification standards) for a higher level position but who, because of various circumstances, is presently holding a position which does not fully utilize past experience and/or knowledge. Again, this is an abstract term which must be used

in relation to the X-118 standards. The employee may be qualified for some higher level positions but not for others. Meeting the qualification standards implies the existence of potential to do the tasks of the position for which the individual qualifies.

Training Plan— a schedule of both formal and work-site training and developmental experiences adapted to the needs of the trainee which is designed to provide or enhance the skills, knowledges and abilities needed to assure that the trainee can successfully perform in the target job. The plan is prepared primarily by the supervisor and the trainee with necessary input from the training officer and the upward mobility program coordinator.

Training Agreement— a negotiated instrument between an agency and the Office of Personnel Management which allows for movement of employees into trainee positions in order to qualify them through work experience and training for specified target jobs within a prescribed time frame.

Career Counseling— advisory services provided to the trainee regarding the Upward Mobility Program as it relates to and assists the trainee in attaining the target position. The services should help the trainee in understanding the relationship of planned training to actual work performance, identify personal career goals as they relate to the target job, and provide access to other counseling services which will help in resolving any personal or family problems which may develop and affect on-the-job performance.

Types of Upward Mobility Programs and Strategies for Implementing them

(1) Types of Programs.

(a) —*Crossover*. Utilizes vacancies in two grade interval series as target positions. The target job may be scaled down from the full performance level at which it is usually filled to the trainee level to facilitate entry. Upward mobility trainees can be placed in such positions directly by use of an Office of Personnel Management training agreement or by use of a temporary bridge position with ultimate reassignment or promotion into the target job when the qualification standards are met. Target jobs are usually at the GS-5 or 7 level. Employees who presently hold GS-5, 6, or 7 and 8 positions can be considered and some GS-4 employees who are eligible for promotion to GS-5 and meet the qualification standards can also be considered.

(b) —*Skills Upgrade*. Uses vacancies in the one-grade interval occupational series as target jobs in order to fill in behind those employees who are moving into two-grade interval jobs or to replace employees who leave through regular attrition. The program must be planned in order to take advantage of turnover as identified through careful analysis of how jobs become available within the agency. This type of program is most useful for supplementing the existing skills of employees so that they may fully qualify for a target position which is related to their current job (i.e. training clerk-typists for secretary steno positions).

(c) —*Bridging Program*. Examines the workload within the agency or a sub unit of the agency through means of a task analysis which results in the restructuring of the distribution and organization of the work to create a permanent bridge position which is usually technical in nature. This is a long-range activity which converts identified professional positions to technician level jobs by combining lower level tasks from the professional occupation. The new position or bridge position becomes an interim or pre-professional job which has the related two-grade interval job as the target position. Trainees enter the bridge position competitively and are reassigned to the target position without further competition upon successful completion of training in the bridge position. Bridge and target positions are secured through attrition in the professional occupation. If assessment of the workforce revealed that employees cannot meet the qualifications of the bridge position a training agreement may be needed to implement this program. Usually a sufficient number of employees are already present within the workforce, however, who have experience which qualifies them for the bridge position.

(2) Strategies for Implementing the Programs.

(a) —*Place Now, Train Later*. This strategy uses attrition as the intake mechanism. The position description of the vacancy must be rewritten to show intake at the entry level. A training agreement may be required as this strategy is most frequently used to implement crossover and bridge types of upward mobility programs. Competition occurs to enter the position, training related to the target positions is provided following placement, and ultimate assignment to the target position occurs without further competition following successful completion of the training plan. This strategy requires identification of the types of positions to be used before an actual vacancy occurs and the rewriting of the position description and development of a general training plan. The selection criteria are based on the entry level position. Tasks included in the target job provide the basis for development of the general training plan which can later be adapted to the selected trainee.

(b) —*Place Now, Train Later (Pool)*. Through this strategy, a number of positions are obtained “off the top” from management. These ceiling slots may be used for a variety of positions in one or several occupations. The slots are assigned to the upward mobility coordinator and counted against the ceiling of the coordination office. The individual trainees selected into the program actually work in offices which agree to accept a trainee on detail for subsequent absorption into an anticipated vacancy in that office. A training agreement may be required depending upon the type and level of positions used. This strategy is adaptable to any of the types of upward mobility programs. Competition occurs to enter the position identified by the office to which the trainee will be assigned or to enter a trainee position in an occupation widely used throughout the agency. Trainees are assigned to the coordination office and then placed on detail to the office where training will occur. A training plan is developed based on the tasks of the anticipated vacancy which is the target job. Reassignment to the target job may be with or without further competition upon successful completion of the training plan depending upon how the agency implements this strategy.

(c) —*Train Now, Place Later*. To successfully implement this strategy, a great deal of forward planning must be done based on past and anticipated attrition in specific occupations so that trainees and target jobs become available within approximately the same period of time. This strategy may also be used to meet a projected agency need for certain skills and abilities in an identified occupation based on a change in mission or an anticipated increase in work in a unit or throughout the agency. Competition occurs for entry into the training program as well as for the entry level to the target job when it becomes available. A training agreement is not needed to implement this strategy as the trainees will meet the qualification standards of the entry level to the target job upon successful completion of the training plan. This strategy is widely known as the upward mobility college. To increase the probability of successful use of this strategy, the training provided must be

1. Directly related to an occupation utilized within the agency and
 2. Sufficient in content and length of time to qualify the trainee for the entry level to the target job.
- This strategy is most adaptable to a skills upgrade type of program but may also be used with very careful planning for the crossover type of upward mobility program.

Summary of Employee Litigation Rights During The Discrimination Complaint Process

An employee can file suit in Federal district court at any of the following times:

- (1) 120 days after filing a complaint with the employing agency even if the agency has not issued a final decision by that time.
- (2) 30 days after the employing agency's initial decision concerning the results of the complaint investigation.
- (3) 120 days after filing a petition with the Merit Systems Protection Board (MSPB) if the MSPB has not yet made a decision.
- (4) 30 days after an MSPB decision. If the employee petitions the Equal Employment Opportunity Commission (EEOC) to review the matter and EEOC denies the petition, the 30-day period runs from the denial of such a petition by EEOC.
- (5) 30 days after the EEOC decision, if EEOC agrees with the MSPB.
- (6) 30 days after MSPB reconsideration, if MSPB agrees with the EEOC.
- (7) 30 days after the special panel makes a decision.
- (8) 180 days after filing a petition with the EEOC for reconsideration of an MSPB decision if a final decision by EEOC, MSPB or the special panel has not been reached by that time.

EEO Case Study

Introduction

The complainant has appealed to the Appeals Review Board from the November 4, 1976 final decision of the Director of Equal Employment Opportunity, Department of the Army, whereby a finding was issued that the complainant was not discriminated against because of his race in his non-selection for promotion to the position of Equipment Specialist, GS-1670-07.

Statement Of The Case

At the time of the initiation of his complaint, the complainant was employed as an Equipment Specialist, GS-1670-5, Production Engineering Division. Following an unsuccessful attempt to resolve his dissatisfaction through the counseling process, the complainant filed a formal complaint of discrimination because of race on October 31, 1975. He alleged therein that a conspiracy between the Personnel Staffing Specialist responsible for filling a GS-1670-7 position, and the selecting official for that position, prevented him from being selected for the higher-grade position because of his race.

An investigation into the complaint was conducted during January 1976, and the investigative report was submitted on February 3, 1976. After an unsuccessful attempt at informal adjustment of the complaint, the Commanding Officer, advised the complainant, by letter of February 25, 1976, that his proposed disposition of complainant's case was to concur in the recommendation of the investigator that the evidence developed by the investigation did not support a finding of discrimination. The complainant, dissatisfied with this proposal, requested a final agency decision without a hearing.

Agency Decision

The agency Director of Equal Employment Opportunity, in his decision of November 4, 1976, found that the employee placed in the GS-1670-7 position was improperly given certain rights to the position when that employee was found to be physically unable to perform the duties of his own position, but there is no evidence that discrimination because of his race was a factor in complainant's failure to be selected for that GS-7 position. However, inasmuch as complainant was denied proper consideration by the improper placement action, he was granted priority consideration for promotion to the next appropriate vacancy. The record shows that he was subsequently promoted to Equipment Specialist, GS-9.

Representations To The Board

The complainant appealed to the final agency decision to the Board on November 22, 1976. He submitted representations in support of his contention that he was denied promotion to the GS-7 Equipment Specialist position because of his race. Complainant noted that while he had been denied promotion to GS-7 for several years, the White selectee for the GS-7 position at issue has subsequently been promoted to GS-9 in less than a year. On this basis, complainant requested that he not only be promoted to GS-7 retroactively, but that he also be promoted to GS-9 retroactive to the date of the promotion of the White employee.

A copy of the complainant's representations was forwarded to the agency for whatever comment or rebuttal it might care to make, but the agency advised the Board that it elected to stand on the record.

EEO Case Study Analysis and Findings

The Appeals Review Board has carefully reviewed the entire record developed in the complainant's case, including his representations in support of his appeal from the final agency decision in order to determine whether that record supports the complainant's allegation that his nonselection for the position of Equipment Specialist, GS-7, was because of his race.

The record shows that the complainant was the only Black employed in the Technical Support Branch, out of a total of 13 employees in the Branch, and that he was, at GS-5, the lowest-graded of the professional employees in the Branch. The EEO Investigator noted, in his report, that the Depot Affirmative Action Plan candidly acknowledged that minorities and women were disproportionately placed in lower level and dead-end positions.

The record further shows that the announcement for the position of Equipment Specialist, GS-7, closed on June 7, 1975, and that there were no applicants for the position who were entitled to special consideration for promotion to the position (e.g., employees who had previously been downgraded through no fault of their own).

Thereafter, on June 23, 1975, a White male was certified as medically disqualified for the duties of his position and by memorandum of July 8, 1975, the Chief of the Division in which the GS-7 vacancy at issue was located was advised that this White male employee would be assigned to at least one other vacant position, he was permitted to decline that assignment in favor of the GS-7 Equipment Specialist position.

The record shows that Blacks were employed in disproportionately low numbers in GS and higher-level wage grade and wage supervisory positions; that the complainant had for several years failed to be advanced beyond the GS-5 level, although his educational attainments were significant and there is no evidence his performance was unsatisfactory; and that the GS-7 position at issue was established specifically to give him an opportunity for upward mobility because of the above factors. Announcement of the GS-7 position was required and the complainant had to compete for the position, with other qualified applicants under the agency merit promotion program. However, while he was not guaranteed selection, he had every right to expect that the position would be filled by the best qualified candidate, and not to have the intent of the establishment of the position thwarted by a noncompetitive placement action which a subsequent Departmental review found to be improper.

Chapter 13 LABOR RELATIONS

13-1. Learning Objectives.

This unit of training is designed to help supervisors to:

- a. *Understand the Federal Labor Relations Program.*
- b. *Understand their role in day-to-day administration of a negotiated agreement with a labor organization.*
- c. *Recognize and use the resources available to them to discharge their labor-relations responsibilities.*

13-2. Selection and Preparation of Instructor.

a. This unit should be conducted by an individual with responsibility for labor relations. The instructor should be familiar with the history of the Federal Labor Relations Program, landmark decisions of the Federal Labor Relations Authority, and Title VII of the Civil Service Reform Act of 1978 (codified in 5 USC chap 71)* before presentation of the unit.

b. The material in this unit may be tailored to the needs of the group, depending on the extent of union activity and individual responsibilities to supervise bargaining unit employees, deal with shop stewards, and the character of labor relations at the activity. The instructor should work local situations into the discussions to illustrate practical application of the material.

c. The instructor may substitute the material in the pamphlet, Federal Labor Management Relations and the Law: Programmed Instruction for Management, for paragraph 13-5b through e.

d. The instructor may use Handout 13-1 as a Handout or as transparencies. Both are recommended, however, to facilitate review by participants. The material in this Handout may also be used as an outline by the instructor when presenting the unit in lieu of the narrative furnished in para 13-5.

13-3. Materials Used.

- a. Subject matter content (para 13-5).
- b. Handouts.
 - (1) Locally obtained Handouts.
 - (a) 5 USC chapter 71, The Federal Labor-Management Relations Statute (Title VII CSRA—PL 95-454).
 - (b) DA Pamphlet 690-30, Administering the Labor Agreement.
 - (c) Other Handouts as appropriate.
 - (2) Handout 13-1, Review of Labor Relations in the Federal Service.
 - (3) Handout 13-2, Supervisors and the Weingarten Rule.
- c. Equipment. Overhead projector, chalkboard and/or chart stand and paper as appropriate.

13-4. References.

- a. Civil Service Reform Act of 1978 (Public Law 95-454).
- b. FPM chapter 711, Labor-Management Relations.
- c. AR 690-700, chapter 711, Labor-Management Relations.
- d. Federal Labor Relations Authority—Reports of Case Decisions.
- e. Publications of the Office of Labor Management Relations of the Office of Personnel Management.
- f. How Arbitration Works, by Frank Elkouri and Edna Elkouri, 3rd Edition, 1973, published by Bureau of National Affairs, Inc., 1231 25th Street, NW, WASH, DC 20037.
- g. Labor Arbitration—What You Need to Know, by Robert Coulson, President, American Arbitration, 2nd edition, 1978, published by the American Arbitration Association, New York, NY.
- h. Pamphlet, Federal Labor Management Relations and the Law: Programmed Instruction for Management, Labor Relations Press, Highland Office Center, P.O. Box 579, Fort Washington, PA 19034.

13-5. Training Content.

Note. (To Instructor. As indicated in paragraph 13-2d, Handout 13-1 may be used in various ways. In the event you decide to present the following narrative and show transparencies of this Handout at the same time, the narrative is keyed to the appropriate page of the Handout. HO 13-1/1, for instance, is Handout 13-1, page 1.)

- a. HO 13-1/1—*Review of Labor Relations in the Federal Service (Lecture/Discussion).*
- (2) HO 13-1/2. Policies governing relationships between employee organizations and agency management in the executive branch were established by Executive Order 10988 in January 1962, issued by the late President Kennedy. The order recognized that the efficient administration of government and the well-being of employees require orderly

* Printed in FPM Supplement 990-1, Book I.

and constructive relationships between employee organizations and management officials. It noted that employee-management relations in the Federal service should be improved by providing employees an opportunity for greater participation in developing policies and procedures affecting the conditions of their employment, while preserving the public interest as the paramount consideration. To that end it set forth policies governing the respective rights and obligations of Federal employees, employee organizations, and agency management in pursuing the objective of effective employee-management cooperation in the public service. The right of employees to form, join, and assist any labor organization, or refrain from doing so, without fear of penalty or reprisal, was recognized. Strikes were prohibited.

(2) *Dramatic Growth of Unions.*

(a) During the period 1962–69, unions expanded dramatically. From the 29 exclusive units in TVA and the Department of Interior, covering about 19,000 employees, which existed prior to the Order, exclusive union representation grew to 2,305 exclusive units in 35 agencies covering 1,416,073 employees—52 percent of the total Federal work force subject to the order.

Note. (To Instructor. This refers to total employment in the executive branch, as of November 1968, excluding FBI, CIA, NSA, and foreign nationals serving outside the United States. Unit data includes, for the Post Office Department, only the 7 national exclusive units; not included are approximately 24,600 exclusive units in local post offices.)

(b) Exclusive recognition covered 87 percent of all postal employees, 67 percent of wage (blue collar) employees, and 28 percent of salaried (white collar) employees. Also, many thousands more had union representation in 1,807 units of Formal recognition and a similar number of Informal units. Over 800,000 employees had voluntarily authorized payroll deductions for payment of their union dues, in an annual amount in excess for \$23 million.

(3) *HO 13-1/3—Program reviewed after 5 years.* Experience under Executive Order 10988 was evaluated in 1967–68 by the Presidential Review Committee on Employee-Management Relations in the Federal Service. A broad spectrum of views was obtained from labor representatives, management officials, and non-government experts in labor relations.

(4) *EO 11491 issued to effect changes.* The committee recommended a number of changes, most of which President Nixon adopted by issuing Executive Order 11491 on 29 October 1969. The new Executive Order:

(a) *HO 13-1/4—Federal Labor Relations Council established.* Created the Federal Labor Relations Council, to establish and maintain a program of policy guidance to agencies and periodically review those policies. The Council was composed of the Chairman, US Civil Service Commission; the Director, Office of Management and Budget; and the Secretary of Labor.

(b) *“Informal” and “Formal” recognition abolished.* Eliminated “informal recognition,” and “formal recognition,” retaining only “exclusive recognition.”

(c) *Supervisors excluded from units of non-supervisory employees.* Barred supervisors, who could belong to and become active in units under Executive Order 10988, from bargaining units, thus eliminating conflict of interest problems.

(d) *Scope of negotiations.* Enlarged the scope of negotiations between union representatives and agency officials, and provided the administrative machinery to resolve questions of negotiability by referral of disputes to the national level of the agency and, ultimately, to the Federal Labor Relations Council.

(e) *Federal Mediation and Conciliation Service help to resolve deadlocks.* Provided for the Federal Mediation and Conciliation Service (FMCS) to mediate Federal employee labor disputes. FMCS had no directive authority, but, as in the private sector relied on persuasion.

(f) *Established the Federal Service Impasses Panel.* Established the three-member Federal Service Impasses Panel (FSIP) to resolve disputes. If necessary FSIP may impose resolutions on the parties.

(g) *Unions’ Standards of Conduct.* Established standards of conduct for labor organizations to follow concerning disclosure of financial transactions, administrative practices, bonding requirements and election procedures.

(5) *HO 13-1/5—EO 11491 amended again.* The next major review of Executive Order 11491, as amended, occurred in 1974–75 resulting in changes effective in May 1975 with the issuance of Executive Order 11838, by President Ford. That amendment contained several significant changes which set the stage for Title VII of the Civil Service Reform Act:

(a) *Definition of “supervisor.”* The term “supervisor” was defined in the Amendment by enumeration of functions performed. “Supervisor” meant “an employee having authority in the interest of the agency to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action if the exercise of authority is not of a merely routine or clerical nature, but requires the use of independent judgment.”

(b) *Supervisors part of Management.* The Amendment reaffirmed three other matters affecting supervisors:

1. Supervisors were recognized as a part of management and agencies were to assure that supervisors and associations of supervisors were given the opportunity to participate in the management process in a meaningful way and have their problems considered;

2. Members in an association of supervisors could continue to have dues withheld voluntarily from their pay; and
3. Supervisors could not be represented by a labor organization in proceedings under agency grievance or appeal procedures because of the apparent conflict of interest that presented.

(c) *Only regulations of "compelling need" could bar negotiations.* Because meaningful negotiations at the local level on personnel policies and practices and matters affecting working conditions were unnecessarily constricted in a significant number of instances by higher level agency regulations not critical to effective agency management or the public interest, the Amendment provided that only regulations of a higher level for which a "compelling need" exists could serve to bar negotiations, and the Council would resolve disputes on a case-by-case basis. The effect of this was to automatically expand negotiations on matters affecting personnel policies, practices, and working conditions.

(d) *HO 13-1/6—"Meet and Confer" synonymous with "Negotiate."* The Amendment clarified the Order which stated the parties "shall meet at reasonable times and confer in good faith with respect to personnel policies, practices, and working conditions" by construing "to meet and confer" to mean "negotiate." This meant that a union would have to have adequate notice of management's proposed course of action, and bargain about the impact of that action on the bargaining unit. Unreasonable delay in carrying out changes could be avoided by management if, after a period of bargaining in good faith without agreement, it notified the union of its intent to implement the change unilaterally, and the change did not exceed the initial proposed change.

(e) *HO 13-1/7—Expanded scope of grievable matters.*

1. The scope of the negotiated grievance procedure, previously limited only to "interpretation and application of the terms of the agreement," was expanded to most employment related matters, but matters subject to statutory appeal were still excluded. Binding arbitration was introduced, but either party could file an exception to the award with the Council. Arbitration could only be invoked by management or the union, not the employee.

2. The employee could only be represented by the union having exclusive recognition, thereby eliminating a challenge to that union by having one of its members being represented by a rival union.

(6) *HO 13-1/8—Unions still sought enactment of program into law.* The reforms of 1975 blunted the unions' appetite for a greater share in the bargaining process, but did not appease it. During 1975-76 there were approximately 13 proposed bills circulating in both Houses of Congress, as special interest groups within the union movement sought to have their particular version enacted into law. The particular merits of each bill, or their particular provisions, need not concern us. What is important is that labor relations legislation was enacted as a part of the total legislation concerning Civil Service reform.

(7) *HO 13-1/9.* Public Law 95-454, the Civil Service Reform Act of 1978, was signed by President Carter on 13 October 1978, to become effective 11 January 1979. Title VII of the act provides:

(8) *HO 13-1/10—Employee rights reaffirmed.* The right of "each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal," be protected in the exercise of the right, act as a representative of the organization, and engage in collective bargaining (Sec 7102).

(9) *HO 13-1/11.* Employee rights safeguard the public interest, contribute to effective public business, and encourage amicable settlement of disputes. The public interest demands high standards of employee performance and progressive work practices. Title VII meets these needs and is to be interpreted consistent with the requirements of an effective government.

(10) *HO 13-1/12—"Supervisor" redefined.* To be a supervisor requires "consistent exercise of independent judgment," except that in units which include firefighters or nurses, only those individuals who devote a "preponderance of their employment time to exercising such authority" (Sec 7103(a)(10)) are supervisors. Supervisors are excluded from units having nonsupervisory employees (Sec 7112(b)(1)), but associations of supervisors are appropriate (Sec 7135(a)(2)).

(a) *HO 13-1/13—No fee for dues checkoff.* Employees may have dues allotted to the union at no cost to the employee or the union (Sec 7115(a)).

(b) *Employee has right to union representation when employee believes examination may result in disciplinary action.* A union shall be given an opportunity to be represented at—

1. Any formal discussion between representatives of the agency and employees in the unit or their representatives concerning any grievance or any personnel policy or practice or condition of employment; or

2. Any examination of an employee in the unit by a representative of the agency in connection with an investigation if the employee reasonably believes that the examination may result in disciplinary action against the employee and the employee requests representation (See 7114(a)(2)). This last feature is a very significant departure from previous experience. The principle is drawn from the private sector decision of the Supreme Court (National Labor Relations Board vs. J. Weingarten, Inc., 420 US 251, 1975). (We shall examine this right later.)

(11) *HO 13-1/14—Areas for negotiation expanded.* Bargaining extends to any condition of employment except those which are covered by Federal statute, a government-wide rule or regulation, or those agency rules or regulations for which the Federal Labor Relations Authority has determined that a compelling need exists (See 7117(a)(1) and (2)).

(12) *HO 13-1/15—No limit on amount of official time union representatives spend in negotiation.* Union representatives engaged in the negotiation of an agreement are authorized official duty time, including attendance at impasse

proceedings during the time the employee would otherwise be in a duty status, provided that the number of union negotiators may not exceed the number of management negotiators (See 7131a). This is a big gain for unions. You may recall that under Executive Order 11491, only 40 hours, or up to one-half the total time spent in negotiations, was the maximum that could be authorized. If negotiations took longer, employee representatives took personal annual leave or leave without pay. The amount of time authorized for employees to perform other representational functions has always been a negotiable item and Title VII continues this practice (See 7131(d)(1)).

(13) *HO 13-1/16—Management rights clarified.* Management rights are clarified. Specific areas on which management may not bargain are continued; areas where management *may* bargain only if it elects to, are specified (See 7106).

(14) *Binding arbitration mandated.* Grievance procedures must provide for binding arbitration and give the employee the option of pursuing certain types of action (e.g. removals) under either the negotiated grievance procedure or a statutory procedure (but not both). Either management or the unions may file an exception to an arbitrator's award with the Federal Labor Relations Authority.

(15) *HO 13-1/17—Judicial review provided.* Final orders of the Federal Labor Relations Authority may be appealed to the US Circuit Court of Appeals.

(16) *Court may issue enforcement and restraining orders.* The Federal Labor Relations Authority may petition the US Circuit Court of Appeals for the enforcement of any of its orders or to seek a temporary injunction or restraining order in situations of alleged unfair labor practice proceedings (Sec 7123).

(17) *Summary of Title VII (No transparency).* Though Title VII of the Civil Service Reform Act presents new challenges and new directions, agreements and recognitions in effect prior to the effective date of the CSRA continue in force and effect. Policies, regulations, and procedures under Executive Order 11491, as amended, remain in full force and effect until revised or revoked by the President or superseded by new regulations or decisions of the Authority. Title VII also addresses other measures for administration of the program. These are discussed under special topics because their impact on day-to-day operations at your level is significant. It is noteworthy, however, that unions gained significant goals which they had long sought—judicial enforcement and review, expanded scope of negotiable matters, clarified management rights clause which might have positive results for further negotiable areas, expanded grievance procedures, full negotiations “on-the-clock,” no fee for dues withholding and so on. The Federal Labor Relations Program has taken a new turn. We shall all have to await its evolution in the future. However, let's talk now a little bit about the form and content of the *Negotiated Agreement*. Then we will look in depth at *Handling Grievances*, *Unfair Labor Practices*, and the *Employee's Right to a Representative—Disciplinary Cases*.

b. The Negotiated Agreement (Lecture/Discussion).

(1) Agreements Protect Union and Management Alike—(No transparency).

(a) After the Federal Labor Relations Authority issues the certification of election results and exclusive recognition is granted by the activity commander, the next step usually is the negotiation of an agreement covering employees in the bargaining unit. For the union, an agreement affords freedom from challenge to its exclusive recognition by a rival union for the term of the agreement. From the management standpoint, it stabilizes labor relations.

(b) You need to be aware of the negotiation process that produces the written agreement between management and the union. The supervisor, more than anyone else on the management side, is responsible for making the agreement work. Therefore, you should be informed about the agreement and the negotiation process.

(c) Before starting the negotiating sessions, the management committee, appointed by the commander, holds preliminary planning meetings to develop management's position. The committee should anticipate the issues, identify probable areas of negotiation, and clarify management's delegation of authority for conduct of the bargaining.

(2) Supervisor Input to Negotiations.

(a) The supervisor can take an important part in preparations for the negotiations. You should be ready to advise the committee of past or present issues at the worksite which you consider to be indicators of possible negotiation areas. In particular, the supervisor's knowledge of a past practice by the union or a review of a recent grievance in the work area might point out potential subject matters for negotiation.

(b) While negotiations are in process, the sessions should be conducted in an informal, friendly setting. On issues where the parties' original positions are widely separated, each side should seek out possible areas of agreement. Both sides need to be flexible and neither side can afford to adopt a “take it or leave it” position. Each side must be willing to bargain in good faith and attempt to understand the other's position. Depending on the issue and the installation, input from supervisors may be direct, as an “expert” called by management negotiators, to participate in part of the negotiations, or the input may be obtained in writing.

(3) Examples of Topics Covered in Agreements.

(a) Each negotiated agreement contains “boilerplate” language, e.g., the legal and regulatory framework for the agreement; the employer's rights, such as authority to hire, promote, and fire; and the employee's right to join or not join a union.

(b) Each agreement is required to have a negotiated grievance procedure with provisions determined by the parties. As a terminal step the grievance procedure, agreements must provide for binding arbitration.

(c) Each agreement identifies the parties to the agreement and specifically describes the bargaining unit to which the agreement applies.

(d) The rest of the agreement covers any topic the parties want in it, within the framework of the law and governing regulations. Experience in Department of the Army shows that the following subjects are most often covered in negotiated agreements:

- Union stewards and their representation rights.
- Employee rights.
- Representation on management committees.
- Safety measures.
- Policy on assignment of overtime.
- Disciplinary measures.
- Scheduling of annual leave.
- Use of bulletin boards.
- Workweek and hours of work.
- Printing and distribution of the agreement.
- Merit promotion policy within unit.
- Grievance and arbitration procedures.
- Reduction-in-force procedures.

(4) *Worksite Administration of the Agreement.*

(a) Your role is just beginning with the approval of the agreement. At that point, the agreement becomes your day-by-day responsibility at the worksite. You are in a position to observe the agreement in operation on a daily basis. You will come to know the provisions that work well and the provisions that are difficult to administer. You may wish to keep an informal, written record of problems in administering the agreement. Then at the time of renegotiation, 1, 2, or 3 years later, you will be able to point out the areas of the agreement needing change. In addition, you will be able to help negotiators gain an insight into probable union demands and the best means for dealing with them.

(b) When the negotiated agreement between local management and the union becomes effective, it is at the first level of management where it must be made to work. The supervisor is responsible for dealing on a day-to-day basis with the shop steward and with employees.

(c) In the various personnel subjects covered by the agreement, you will generally be the first one contacted by the steward for information, for action, or for change. For example, in the area of work schedules, the supervisor is likely to be involved with the steward on matters such as hours of work, shift schedules, holidays, overtime, lunch periods, rest periods, and call-back for emergency work. Other areas of the agreement in which you are likely to be directly concerned included annual leave, sick leave, promotions, disciplinary action, safety and training.

(d) Your job is an essential one in administering the agreement at the work place. Study the agreement you can be sure the union representative knows it well. Alleged violations of the agreement by either management or the union are "grievances," and either party uses the negotiated grievance procedure to adjudicate those problems. Chronic or blatant violations of the agreement may also be deemed an unfair labor practice under given circumstances. Alleged violations of Title VII would also be unfair labor practices and Title VII identifies several specific matters which are prohibited. We shall examine these in depth.

c. *Handling grievances (Lecture/Discussion).*

(1) *HO 13-1/18—What is a grievance?* Title VII of the Civil Service Reform Act of 1978 defines a grievance as:

- Any complaint by an employee over any matter relating to employment;
 - Any complaint by a union over any matters relating to the employment of an employee;
 - Any complaint by an employee, the union, or the agency over the effect, interpretation or breach of the agreement;
- OR*
- Any violation, misinterpretation, or misapplication of any law, rule or regulations affecting conditions of employment.

(2) *HO 13-1/19.*

(a) Certain matters are excluded by the law. For example, retirement, health insurance, and workmen's compensation benefits, and job classification disputes which *do not* result in a reduction of grade or pay are not covered. All matters which may be covered by the grievance procedure are automatically included unless the parties specifically negotiate their exclusion.

(b) For the first time, adverse actions (i.e., removals, furlough for more than 30 days, etc.) and discrimination complaints based on equal employment opportunity are also included. The employee has the right to elect which review channel he/she wishes to use, the statutory procedure or the negotiated grievance procedure.

(c) As the supervisor, what you do to handle the grievance at your level can affect what the employee does and how

far he/she may pursue the issue. Most agreements process the grievances through 1 to 4 steps, beginning with you, through your superiors to the activity commander, and ending in binding arbitration.

(3) *Importance of Handling Grievances Effectively (No transparency).*

(a) Grievances are bread and butter for the union. By handling them, unions keep in direct and frequent touch with employees. It is how they gain and try to keep employees' loyalty. Cases provide ammunition for tactical advantage in negotiating the next agreement, as well as administering the agreement in force. A steward should not, however, solicit grievances.

(b) If a grievance is not acted on immediately by the supervisor at the first step when it is informal or is not handled effectively, it almost certainly becomes a written grievance to be processed under the negotiated grievance procedure. It might go as far as binding arbitration.

(c) If the problem is something with the supervisor's authority, he/she can either resolve it by taking corrective action or lay a good foundation for management to present and to probably win its case at higher levels of consideration.

(4) *HO 13-1/20—Pointers About Avoiding Grievances.* There is no magic formula for eliminating grievances, but here are some pointers and techniques for avoiding complaints in the first place:

- Be alert to the potential causes for grievances. Do not knowingly violate the contract. For example, if an agreement provides that employees are (unless in an emergency situation) to be informed at least two hours in advance of a need for them to work overtime after the end of the regular tour of duty, this commitment must be kept. Actual emergency situations will usually be understood by all. Short notice is acceptable, but a callous or forgetful "slippage" in delayed notification is an open invitation to grievance.
- Let employees know how they are getting along on the job.
- Correct minor irritations promptly.
- Keep promises—to employees and to the steward.
- Give reasons for your orders unless they are obvious.
- Be consistent unless there is an obvious reason for change. If there is a change in your instructions, consider talking it over with the steward before making the change.
- Avoid showing favoritism, whether in the assignment of work or in any other way, and regardless of union membership or activity. It is best that you not know who is or is not a member.
- If corrective action must be taken, do not make a public display of the disciplinary talk or action.

(5) *HO 13-1/21—The First Step—Employee Discussion With the Supervisor.*

(a) Many "gripes" are not strictly "grievances" because, as you soon realize as you listen, they relate to a dissatisfaction about some situation not covered by the negotiated grievance procedure. It is quite true that in such a case the grievance should be dropped, that is, not processed under the negotiated procedure. The employee or the steward should be heard on the subject, however. If a "legalistic" attitude is assumed at this stage, and the gripe is dismissed as not a "contract grievance," irritations and hard feelings will be encouraged. Many matters which are properly subjects of the grievance machinery and which might not otherwise have been grieved will be used as pressure weapons.

(b) Don't brush off the worker or steward without fully listening to the grievance. This is the first step of a grievance. It is oral and informal. If the employee asks for a steward, arrange for his or her presence. If the employee does not ask for a steward, you must decide whether to continue the discussion without the steward or whether the union steward should be brought into the discussion because of the impact of the complaint on others in the bargaining unit or because it relates to the negotiated agreement. When in doubt, give the union the opportunity to be represented.

(c) If the union steward for your section works elsewhere in the bargaining unit, arrangements should be made with the steward and that supervisor for the steward to be present in the discussion with your employee.

(d) Listen—and get the union's story. Let the employee or steward talk without interruption; then ask questions. If you do not show enough interest to define the problem exactly, you are open to the charge of prejudging the matter. Sometimes, hearing the complaint out is all that is desired. Do not refuse to listen.

(e) Make certain that you fully understand the grievance. Ask questions carefully without becoming argumentative. The argument comes later after the facts have been checked, the contract reviewed, past practices and past grievances analyzed. Now the problem is to hear and understand the complaint. Don't promise anything at this time other than a careful investigation. If you believe the issue is not grievable (e.g., untimely, etc.) say so but go ahead and hear the merits of the case, also say you will look into that issue.

(6) *Investigate the Facts.*

(a) Protect yourself—investigate before you act. If you are absolutely certain of the proper answer and feel that a quick factual response will resolve the matter, an immediate reply is called for. However, if you are not sure of the facts, not sure of the pertinent contract interpretation or management policy, or doubtful that the atmosphere is right for resolution—then a delay is advisable.

(b) A hasty decision under any of these three conditions can be disastrous and the impact may range well beyond the supervisor concerned.

(c) In analyzing the grievance, the key word is investigate. Review the time limits of the grievance procedure. Has the grievance been filed within the required time? (Also keep in mind the time limits for the answer.)

(d) Weigh all the facts and review any relevant records, such as records covering payroll, attendance, overtime, sick leave, and safety. Review personnel folders of the employees involved.

(7) *Consult With the Civilian Personnel Office.* Obtain information regarding previous settlements of similar grievances and previous contract interpretations. The labor relations specialist in the civilian personnel office can assist in this phase of your inquiry. It is in the matter of determining what has gone before that there is a danger of establishing unfavorable “past practices.” A past practice which adds to, subtracts from, or modifies the contract to the disadvantage of management is one of the most disturbing and difficult situations to overcome in the entire field of labor management relations.

(8) *Preparing the Answer—Your Decision.*

(a) Arbitrators invariably ask for evidence of what precedents have been established, what resolution of prior problems was effected, what has been the practice of the supervisor in the past.

— Determine a solution after analyzing all the facts developed in your investigation. Discuss your answer with others—your supervisor, the labor relations representative of the CPO and with other supervisors. Consultation is a sign of caution, not of indecision. A supervisor who has carefully assembled the facts, researched the contract, and reached an independent judgment, will not be criticized for reviewing the matter with others.

— Frame your answer carefully.

— If the grievance is to be granted, do it promptly. If the decision is that the grievance has merit, do not detract from the satisfactory resolution by a begrudging delay. Achieve some benefits by granting the grievance without delay.

— Make a written record. No matter whether the grievance is denied, granted or settled by compromise, prepare a complete statement of all that occurred—the grievance, the facts, the investigation, the interpretation, the decision. If the grievance is granted in whole or in part, it constitutes precedent or “past practice” which is important for future negotiations. Finally, no effective labor relations program can depend upon memory and word of mouth. The passage of time usually blurs or distorts the recollection of events.

(b) Make as many decisions as possible at your level—if the circumstances permit. If there is a doubt, give the benefit of the doubt to management. This statement should not surprise you. Ask any union steward and his answer will be—“The benefit of doubt goes to the grievant (or the union).” The purpose of the negotiated grievance and arbitration procedure is the resolution of doubtful issues. However, in his/her area of responsibility in grievance handling, the supervisor does not sit as arbitrator. He/she resolves those cases in which the grievant is clearly entitled to satisfaction and, since a contract interpretation may affect operations throughout the bargaining unit, the supervisor denies those grievances in which the management is either right or the decision is borderline or doubtful.

(9) *Employee’s Right to Representation (No transparency).*

(a) If an employee with a grievance requests union representation, he/she is entitled to it, provided there is an approved negotiated agreement in effect. The employee may elect to represent himself/herself. In this case, the union has a right to have a representative present during formal discussions between the supervisor and the employee. The union has a valid interest in all grievances in the bargaining unit because it has representation responsibilities for all employees in the unit, regardless of their union membership. The union must also act in terms of union policies at the local, regional and national level.

(b) In any case, refer to your copy of the negotiated agreement for your activity for any special provisions or procedures concerning processing of grievances. It should be noted that a union representative’s presence in the grievance process where the employee (or group of employees) is “going it alone,” does not entitle the union representative to “bargain” or interrupt in the person’s behalf. The union’s presence is solely to observe the proceedings and protect those benefits or rights concerning “personnel policies, practices, and matters affecting working conditions” which they have negotiated for *all employees in the unit*. Therefore, management’s settlement or adjustment of a grievance presented under these conditions cannot be inconsistent with negotiated arrangements applicable to the unit as a whole. Also, presence of a union representative in grievance proceedings should not be confused with the right of an employee to a representative in a potential disciplinary situation. We will address that issue separately because of its uniqueness.

(10) *HO 13-1/22—Arbitration—And How it Works.*

(a) Arbitration is widely used in the private sector as a means of settling disputes over application of collective bargaining agreements. Section 7121(b)(3)(C) of title 5, United States Code, mandates binding arbitration in the Federal Sector. Arbitration is an administrative proceeding in which the parties to a dispute choose an impartial third person who hears both sides and renders a final and binding award. The arbitrator is not a mediator. A mediator’s function is to keep the parties bargaining and help them reach agreement. The arbitrator hears testimony and renders a decision which may be unsatisfactory to one or both of the parties.

(b) Arbitrators are supposed to exhibit strict impartiality and to possess the basic knowledge to enable them to become adequately informed concerning the particular facts of a dispute. An arbitration award must be consistent with the labor agreement, Federal law and governing regulations.

(c) Most arbitration hearings are conducted far more informally than proceedings in the courts. For example, arbitration cases are often presented without witnesses being sworn and without a stenographic record of the testimony. The rules of evidence which are followed in the courts, are not strictly observed in arbitration. The extent to which formality in the hearings is followed is determined by the arbitrator and the parties, usually by mutual consent.

(d) The union, as the grieving party, typically has the burden of proving that management has violated the agreement. Accordingly, the union makes the opening statement and presents its case first. There may be one major exception to this rule—disciplinary cases. In these cases, management first presents the evidence upon which the action was taken against the employee, and the union then comes forward to attempt to either disprove management's allegations or to argue that the penalty imposed was excessive and should be reduced. (This latter argument is much opposed by management, which believes and urges that an arbitrator should not substitute his judgment for that of management and should limit his decision to whether the facts upon which management took action are true. If the facts are as management maintained, the penalty should not be disturbed by the arbitrator.)

(e) A supervisor may be called by either side. Remember, you testify on what you saw happen and what you heard directly—not what you think. “Hearsay” may be admitted, depending on its credibility, relevancy, and generally “what it's worth.” Hearsay will generally not stand up against direct testimony on the same point.

(f) As each side presents its case, it introduces documents and calls witnesses to testify to support its position. The opposing side has the right to question any evidence introduced by the other side either by cross-examination of the witnesses or by the testimony of different witnesses or both.

(g) In many cases, the supervisor's account of an event is the basis for management's action and its entire theory of the case. The supervisor should, therefore, be accurate in recording the precise details on which management will take action.

(11) *HO 13-1/23*. Arbitration awards may be appealed by either management (Headquarters, DA) or the union on certain very narrow grounds. It is extremely difficult to overturn an arbitrator's award. It is, therefore, important to win your case before the arbitrator. The best way to do that is go to arbitration with your best possible presentation—with solid evidence.

(12) *Unfair Labor Practices*. Unfair labor practices (ULPs) are specific violations of Title VII, Section 7116, which prescribe certain conduct by management and labor organizations.

(13) *HO 13-1/24*. Title VII prohibits the following practices:
—By management (Section 7116(a)):

- To interfere with, restrain, or coerce employees in exercise of rights under Title VII.
- To encourage or discourage membership in a labor organization by discrimination in conditions of employment.
- To sponsor or control labor organization.
- To discipline or otherwise discriminate because of employee's filing of complaint under Title VII.
- To refuse to consult or negotiate in good faith.
- To fail or refuse to cooperate in impasse procedures or decisions.

Note. (To Instructor. Section 2302 of title 5, United States Code as enacted by the Civil Service Reform Act of 1978) enumerates prohibited personnel practices.)

- To enforce a rule or regulation (except under Section 2302) which is in conflict with a collective bargaining agreement in effect before the rule or regulation was prescribed.
- To otherwise fail or refuse to comply with any provision of Title VII.

(14) *HO 13-1/25*.

—By the union (Section 7116(b)):

- To interfere with, restrain, coerce employees with respect to union membership or nonmembership, or exercise of rights of employee under Title VII.
- To force management to interfere with an employee's exercise of rights.
- To take action interfering with employees' work performance or discharge of duties as an employee.
- To discriminate in membership because of race, color, creed, national origin, sex, age, civil service status, political affiliation, marital status, or handicapping condition.
- To refuse to consult or negotiate in good faith.
- To fail or refuse to cooperate in impasse procedures or decisions.
- To engage in or fail to prevent or stop or condone any strike or work stoppage or picketing a labor-management dispute if the picketing interferes with agency operations.

- To otherwise fail or refuse to comply with any provision of Title VII.

(15) *HO 13-1/26.*

(a) It is not a ULP nor a basis for setting aside an election, for management to publicize elections, encourage employees to vote, correct false or misleading statements or inform employees of Government policy on labor relations and representation. These are important changes, because before under EO 11491, as amended, management had to remain neutral and silent.

(b) An issue which is subject to an appeals procedure may not be raised as an unfair labor practice. Issues which can be raised under the grievance procedure may, in the discretion of the aggrieved party, be raised under the grievance procedure or as an unfair labor practice, but not under both procedures.

(16) *HO 13-1/27.*

(a) Unfair labor practice charges may be lodged by an individual, labor organization, or an agency. The General Counsel of the FLRA is responsible for investigating and determining whether a complaint (a formal notice of further action) should be issued.

(b) The agency or labor organization has the right to answer a complaint, appear in person or otherwise, and give testimony on the issue in its own behalf.

(c) Time limits for filing ULP's are 6 months from occurrence; however, the General Counsel has some discretion if it is determined that the filing party was prevented from filing because of the failure of the agency or labor organization against which the complaint is filed, to execute a duty owed to the party filing the charge which prevented discovery of the unfair labor practice during the 6 month period.

(d) The General Counsel of the FLRA has specific authority to issue regulations for informal resolution of alleged ULP's.

(e) After hearing a complaint where a preponderance of evidence reflects the commission of an unfair labor practice, the FLRA has the authority to issue an order to cease and desist from such unfair labor practice, require renegotiation of a collective bargaining agreement with retroactive effect, reinstate the employee with backpay or any combination of these or other actions which will carry out the purpose of Title VII.

(f) Any "person" may seek court review of FLRA unfair labor practice decisions. The Act defines "person" as "an individual, labor organization, or agency."

(g) The FLRA may also institute court action for the purpose of enforcing any of its decisions and orders. The court, however, if it upholds the FLRA decision, may order the offending party to abide by the terms of the FLRA decision and failure to do so could result in contempt of court and attendant fines and/or jail sentences.

(17) *HO 13-1/28.* Title 5 of the US Code currently provides authority to reimburse an employee for any loss in pay or leave benefits when an appropriate authority finds that the employee has suffered an unjustified or unwarranted personnel action. The act expands upon title 5 by specifically including unfair labor practices and grievances which are before an appropriate authority under a collective bargaining agreement, and by adding reasonable attorney fees as a reimbursable item. "Personnel Action" is defined to include the omission or failure to take a proper action as well as actions taken. The act by specific provision does not apply to reclassification actions and does not authorize the setting aside of an otherwise proper promotion.

e. Employees' Right to Representation at Investigative Examinations.

(1) *History (No transparency).*

(a) Under Executive Order 11491, as amended, there were no express provisions for an employee to have a representative at an investigative meeting or "examination."

(b) During 1975, however, the United States Supreme Court issued its decision in the National Labor Relations Board (NLRB) v. Weingarten (420 US 251).

(c) This decision upheld a National Labor Relations Board determination that, under the National Labor Relations Act, an employee, upon request, had the right to union representation at an investigatory interview which the employee reasonably believed might result in disciplinary action. In labor relations circles this holding has become widely known as the "Weingarten Rule."

Note. (To Instructor. Handout 13-2, Supervisors and the Weingarten Rule, pertains to this rule.)

(d) In firmly establishing this rule, it was the Court's view that such representation would be useful to both employees and employers. The Court stated that a single employee confronted by an employer investigating whether certain conduct deserves discipline may be too fearful or inarticulate to relate accurately the incident being investigated or too ignorant to raise extenuating factors. The Court felt that a knowledgeable union representative could assist the employer by eliciting favorable facts and save the employer production time by getting to the bottom of the incident occasioning the interview. The Court stated that union representation should not await the employer's determination of misconduct, the imposition of discipline, and the filing of a grievance. At that stage, observed the Court, it becomes increasingly difficult for the employee to vindicate him/herself, the value of representation is correspondingly diminished, and the employer may then be more concerned with justifying its actions than reexamining them.

(2) *HO 13-1/29.*

(a) Though the Federal Labor Relations Council declined to adopt it under Executive Order 11491, the Congress incorporated the Weingarten principle into the Civil Service Reform Act of 1978, effective January 11, 1979. Specifically, section 7114(a)(2)(b) of title 5, United States Code, provides that:

(b) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if:

- The employee reasonably believes that the examination may result in disciplinary action against the employee; and
- The employee requests representation.

(3) *HO 13-1/30.*

(a) In administering the provision, you should be aware of four points:

1. This right arises only where the employee requests representation. The employee may waive that right simply by not requesting representation. There is no duty to give an employee notice of this right except for the annual reminder as otherwise provided for in the act.

Note. (To Instructor. It is the opinion of Army's General Counsel and the Judge Advocate General that this right accrues to bargaining unit employees being examined by all agency (DOD in this case) investigative elements (e.g., CID, IG) as well as supervisors if the appropriate conditions are met.)

2. The employee's right to request representation as a condition of participation in an examination is limited to situations where the employee *reasonably* believes the investigation may result in disciplinary action (e.g., when an employee is interviewed by a supervisor concerning alleged abuse of leave or is interrogated by the agency's internal investigative group concerning alleged irregularities in a travel voucher). The right does not extend to "run-of-the-mill" shopfloor conversations or to performance counseling by a supervisor when the purpose of the discussion is not to determine the facts. The question to be asked is whether a reasonable person in the employee's position would perceive a threat to his or her job security arising from an investigation.

3. Exercise of the right may not interfere with legitimate employer prerogatives. Management has no duty to proceed with the examination once an employee has requested union representation and may go forward with an investigation through other means.

4. The employer has no duty to bargain with any union representative who may be permitted to attend the investigatory interview. This is distinguished from a disciplinary interview wherein it may be appropriate to bargain equity and merit. The representative is present to assist the employee, however, and may attempt to clarify the facts or suggest other employees who may have knowledge of them. The employer is free to insist that there is only interest, at that time, in hearing the employee's own account of the matter under investigation.

(b) The *Weingarten* principle does not provide any right to either the employee or the exclusive representative outside the boundaries of the interview itself. This area would, therefore, appear to be negotiable, or at least discretionary with the supervisor, for example for a brief exchange in private between the employee and his representative before proceeding with the examination.

(c) Similarly, since the purpose of the *Weingarten* principle is to give the employee due process in his/her defense, it does not apply to a meeting where the employee is not interviewed, but simply informed of a disciplinary action.

(d) Substantive discussion about the merits of the case or supporting evidence should be avoided on such occasions, however.

(e) *Weingarten*, by its terms, has no application to representation by others (e.g., a personal representative of the employee) nor to a union which has not been accorded recognition by the employer as the exclusive representative of employees in the unit to which the employee belongs.

(4) *Implementation (No transparency).* The *Weingarten* right may have the offsetting benefit of providing an opportunity of gaining union support for solving employee deficiencies caused by, for instance, alcohol, drugs, familial, financial or other external employee problems. Employee representation at informal investigatory meetings may also enhance the objective analysis of a situation where employees are assisted in giving "their side of the story" which could help resolve honest differences in the interpretation of factual circumstances. No inherent obstacle exists to management's ability to act on factual circumstances merely because the employee is represented at investigatory interviews as long as the *Weingarten* rule is applied correctly. The facts are not changed and management may benefit in its interpretation of those facts by having the involved employee represented by one who is not usually emotionally involved. Admittedly, these advantages are premised on a number of factors such as a positive relationship between management and the union as well as competent representation. Although these factors are not present in the same measure at all installation, they are certainly among the objectives that managers must continually strive for and maintain in labor relations.

f. HO 13-1/31—Summary. That Title VII dramatically changes the nature of Federal Labor Relations is a fact we must recognize. It presents bold challenges to you, the supervisor, the key person in day-to-day personnel management. Such features as judicial review and subpoena powers, an expanded scope of bargaining, and employees rights to representation make labor relations a factor in the supervisor's job which cannot be ignored. Coping with this factor will require the highest standards of administrative professionalism in your supervisory role. I know you are up to it and wish you every success!

REVIEW
OF
LABOR RELATIONS
IN THE
FEDERAL SERVICE

Figure HO 13-1/1. Review of Labor Relations in the Federal Service

FEDERAL POLICY

1962-69

- ESTABLISHED BY EXECUTIVE ORDER 10988 (JAN 1962)
 - EFFICIENT GOVERNMENT REQUIRED ORDERLY RELATIONSHIPS
 - DEMOCRATIC PARTICIPATION BY EMPLOYEE ORGANIZATIONS AFFECTING CONDITIONS OF EMPLOYMENT
- EMPLOYEE HAS RIGHT TO FORM, JOIN, ASSIST UNION, OR REFRAIN, WITHOUT PENALTY/REPRISAL
- STRIKES PROHIBITED
- DRAMATIC MEMBERSHIP GROWTH IN NEW MANAGERIAL CLIMATE

Figure HO 13-1/2. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM
1962-69

- PROGRAM REVIEWED AFTER 5 YEARS
- PROGRAM BENEFITS
 - IMPROVED COMMUNICATION BETWEEN AGENCIES AND WORK FORCE ON CONDITIONS
- PROGRAM DEFICIENCIES
 - NO CENTRAL AUTHORITY TO RESOLVE DISPUTES
 - MULTIPLICITY OF BARGAINING UNIT FORMS
 - SUPERVISORY STATUS AMBIGUOUS
 - RESTRICTIONS ON SCOPE OF NEGOTIABLE ISSUES

Figure HO 13-1/3. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM
1969-79

- MAJOR REVISIONS EFFECTED BY EXECUTIVE ORDER 11491 (OCT 69)
 - CREATED FEDERAL LABOR RELATIONS COUNCIL FOR CENTRAL POLICY GUIDANCE
 - ABOLISHED FRAGMENTING FORMS OF UNITS (FORMAL AND INFORMAL)
 - BARRED SUPERVISORS FROM UNITS OF NON-SUPERVISORY EMPLOYEES
 - ENLARGED NEGOTIABLE ISSUES

- ADMINISTRATIVE CHANGES
 - MEDIATION (FMCS)
 - UNION STANDARDS OF CONDUCT
 - CLARIFIED GRIEVANCE PROCEDURES

Figure HO 13-1/4. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM

1975

- EO 11491 AMENDED AGAIN (MAY 1975)

- CHANGES OCCURRED AS UNION GROWTH PLATEAUED

Figure HO 13-1/5. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM
1975

- BARGAINING STATUS OF MANAGEMENT AND UNION
AMBIGUOUS AS DEFINED BY EO

- "MEET AND CONFER" AS USED IN EO
SYNONYMOUS WITH "NEGOTIATE"
 - GOOD FAITH BARGAINING REQUIRED
 - UNLATERAL ACTION BY MANAGEMENT COULD
LEAD TO UNFAIR LABOR PRACTICE

Figure HO 13-1/6. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM

1975-78

- NEGOTIATED GRIEVANCE PROCEDURE EXPANDED
 - MATTERS SUBJECT TO STATUTORY APPEAL EXCLUDED
 - OTHER MATTERS COULD BE NEGOTIATED BY PARTIES AS INCLUDED/EXCLUDED

- ONLY MANAGEMENT OR UNION COULD INVOKE ARBITRATION

- ONLY EXCLUSIVE UNION COULD REPRESENT EMPLOYEES

Figure HO 13-1/7. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR RELATIONS PROGRAM

1975-78

- UNIONS STILL DISSATISFIED WITH EXECUTIVE ORDER SYSTEM

- UNIONS SOUGHT LEGISLATIVE FOUNDATION FOR PROGRAM

Figure HO 13-1/8. Review of Labor Relations in the Federal Service—Continued

CIVIL SERVICE REFORM ACT OF 1978
(PL 95-454)

TITLE VII

FEDERAL SERVICE

LABOR-MANAGEMENT RELATIONS

Figure HO 13-1/9. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR-MANAGEMENT
RELATIONS POLICY

- LABOR ORGANIZATIONS AND COLLECTIVE BARGAINING
IN THE CIVIL SERVICE ARE IN THE PUBLIC INTEREST
(SECTION 7101)

- EMPLOYEES HAVE RIGHT TO FORM, JOIN, OR ASSIST
UNION, OR REFRAIN FROM DOING SO

- EMPLOYEES PROTECTED IN EXERCISE OF THIS RIGHT

Figure HO 13-1/10. Review of Labor Relations in the Federal Service—Continued

FEDERAL LABOR-MANAGEMENT
RELATIONS POLICY

- RIGHT OF EMPLOYEES TO ORGANIZE, BARGAIN, AND PARTICIPATE THROUGH UNIONS IN DECISIONS WHICH AFFECT THEM
 - SAFEGUARDS THE PUBLIC INTEREST
 - CONTRIBUTES TO EFFECTIVE CONDUCT OF PUBLIC BUSINESS
 - ENCOURAGES AMICABLE SETTLEMENT OF DISPUTES INVOLVING CONDITIONS OF EMPLOYMENT

- PUBLIC INTEREST DEMANDS HIGH STANDARDS OF EMPLOYEE PERFORMANCE AND PROGRESSIVE WORK PRACTICES

- TITLE VII PRESCRIBES RIGHTS AND OBLIGATIONS AND ESTABLISHES PROCEDURES TO MEET SPECIAL NEEDS OF THE GOVERNMENT

- PROVISIONS TO BE INTERPRETED CONSISTENT WITH THE REQUIREMENTS OF AN EFFECTIVE GOVERNMENT

(SECTION 7101)

DEFINITION OF SUPERVISOR

- "SUPERVISOR" = AN INDIVIDUAL HAVING AUTHORITY TO HIRE, DIRECT, PROMOTE, DISCIPLINE, ETC.
 - REQUIRES CONSISTENT EXERCISE OF INDEPENDENT JUDGMENT
 - FOR FIRE FIGHTERS AND NURSES, MUST DEVOTE A PREPONDERANCE OF THEIR TIME IN SUCH ACTIVITY
 - SUPERVISORS/OTHER MANAGEMENT OFFICIALS MUST NOT PARTICIPATE IN MANAGEMENT OF OR ACT AS REPRESENTATIVE FOR A UNION
- (SECTION 7103,7112)

IMPLICATIONS OF
EXCLUSIVE RECOGNITION
FOR UNIONS

- REPRESENTS ALL EMPLOYEES IN UNIT WITHOUT DISCRIMINATION
(7114(a),7116(b))
- ENTITLED TO NEGOTIATE COLLECTIVE BARGAINING AGREEMENT
(SECTION 7111(a))
- UNION DUES WITHHOLDING ON REQUEST AT NO CHARGE
(SECTION 7115(a))
- ENTITLED TO BE REPRESENTED
 - AT GRIEVANCE PROCEEDINGS BETWEEN MANAGEMENT AND EMPLOYEES
(SECTION 7112(b)(3)(B))
 - AT FORMAL DISCUSSIONS BETWEEN MANAGEMENT AND EMPLOYEES
(SECTION 7114(a)(2)(A))
 - AT INVESTIGATIVE EXAMINATIONS OF EMPLOYEES, IF REQUESTED
BY EMPLOYEES
(SECTION 7114(a)(2)(B))

SCOPE OF BARGAINING

MANAGEMENT MUST NEGOTIATE WITH RESPECT TO PERSONNEL
POLICIES, PRACTICES AND MATTERS AFFECTING WORKING
CONDITIONS SO FAR AS APPROPRIATE UNDER APPLICABLE
LAWS AND REGULATIONS

(SECTIONS 7117(a),
7114(a)(12), (14))

OFFICIAL TIME

- OFFICIAL TIME AUTHORIZED FOR EMPLOYEES NEGOTIATING FOR UNION
 - INCLUDES TIME AT IMPASSE PROCEEDINGS
 - NUMBER OF EMPLOYEES GIVEN OFFICIAL TIME CANNOT EXCEED NUMBER OF MANAGEMENT REPRESENTATIVES

- INTERNAL UNION BUSINESS ON NONDUTY TIME

- FLRA MAY GRANT ADDITIONAL OFFICIAL TIME FOR PARTICIPATION IN ITS PROCEEDINGS

(SECTION 7131)

MANAGEMENT RIGHTS

- RESERVED RIGHTS
 - DETERMINE MISSION, BUDGET, ORGANIZATION, NUMBER OF EMPLOYEES AND INTERNAL SECURITY PRACTICES
 - HIRE, DIRECT, LAYOFF, REMOVE, DISCIPLINE, ETC.
 - ASSIGN WORK, CONTRACT OUT, DETERMINE PERSONNEL
 - MAKE SELECTIONS FOR APPOINTMENT
 - TAKE EMERGENCY ACTION
- PERMISSIVE RIGHTS (MANAGEMENT HAS NO OBLIGATION TO NEGOTIATE, BUT MAY)
 - DETERMINE NUMBERS, TYPES AND GRADES OF POSITIONS OR EMPLOYEES ON ORG SUBDIVISION, WORK PROJECT, TOUR OF DUTY
 - DETERMINE TECHNOLOGY, METHODS AND MEANS OF PERFORMING WORK
- MUST NEGOTIATE PROCEDURES TO FOLLOW IN EXERCISING RIGHTS
- MUST NEGOTIATE APPROPRIATE ARRANGEMENTS FOR EMPLOYEES
- ADVERSELY AFFECTED BY EXERCISE OF RIGHTS (IMPACT BARGAINING)

(SECTION 7106)

JUDICIAL REVIEW AND ENFORCEMENT

- MAY SEEK JUDICIAL REVIEW OF FLRA DECISIONS
 - WITHIN 60 DAYS OF ORDER

- NO REVIEW OF APPROPRIATE UNIT DETERMINATIONS OR ARBITRATION AWARDS, EXCEPT THOSE RE ULP'S

- FLRA MAY SEEK COURT ENFORCEMENT OF ITS ORDERS

- FLRA MAY SEEK TEMPORARY RESTRAINING ORDER IN ULP'S

(SECTION 7123)

HANDLING GRIEVANCES

"GRIEVANCE" = ANY COMPLAINT

- BY AN EMPLOYEE OVER ANY MATTERS RELATING TO EMPLOYMENT
- BY A UNION OVER ANY MATTERS RELATING TO THE EMPLOYMENT OF ANY EMPLOYEE
- BY AN EMPLOYEE, UNION OR AGENCY OVER:
 - THE EFFECT OR INTERPRETATION OR BREACH OF THE AGREEMENT
 - ANY VIOLATION, MISINTERPRETATION OR MISAPPLICATION OF ANY LAW, RULE OR REGULATION AFFECTING CONDITIONS OF EMPLOYMENT

HANDLING GRIEVANCES (CONT'D)

GRIEVANCE PROCEDURES

- AGREEMENT MUST INCLUDE GRIEVANCE PROCEDURE
 - MUST BE EXCLUSIVE PROCEDURE
 - MUST PROVIDE FOR BINDING ARBITRATION
- SCOPE OF PROCEDURE BROADLY DEFINED
 - INCLUDES ANY MATTER WITHIN AUTHORITY OF AGENCY
 - BUT EXCLUDES CERTAIN MATTERS (RETIREMENT, INSURANCE, ETC)
 - EXCLUDES CLASSIFICATION WHICH DOES NOT RESULT IN REDUCTION IN GRADE OR PAY
 - SCOPE OF PROCEDURE IS AUTOMATIC UNLESS PARTIES NEGOTIATE A LESSER SCOPE
- SCOPE MAY INCLUDE ADVERSE ACTION OR EEO CASES
 - EMPLOYEE HAS OPTION OF USING NEGOTIATED PROCEDURE OR STATUTORY APPEALS PROCEDURE
 - EEO CASES MAY STILL GO TO MSPB OR EEOC TO REVIEW FINAL DECISION

(SECTION 7121)

HANDLING GRIEVANCES (CONT'D)

- CORRECT MINOR IRRITATIONS PROMPTLY
- KEEP PROMISES -- DON'T PROMISE WHAT YOU CAN'T DELIVER
- BE CONSISTENT

HANDLING GRIEVANCES (CONT'D)

- LISTEN

- INVESTIGATE

- CONSULT
 - YOUR SUPERVISOR
 - FELLOW SUPERVISORS
 - CIVILIAN PERSONNEL OFFICE

- DECIDE AND DOCUMENT

Figure HO 13-1/21. Review of Labor Relations in the Federal Service—Continued

ARBITRATION

- HEARING IN INFORMAL SETTING
 - RULES OF EVIDENCE DO NOT APPLY
 - BURDEN OF PROOF ON UNION, EXCEPT IN DISCIPLINE CASES

- ARBITRATOR TO INTERPRET PROVISIONS OF AGREEMENT, LAWS, RULES, REGULATIONS

EXCEPTIONS TO ARBITRAL AWARDS

- MUST FILE EXCEPTION WITH FLRA
 - FILED WITHIN 30 DAYS OF DATE OF AWARD
- FLRA MAY FIND AWARD DEFICIENT
 - IF CONTRARY TO LAW, RULE OR REGULATION
 - ON OTHER GROUNDS SIMILAR TO COURTS IN PRIVATE SECTOR
 - ARBITRATOR EXCEEDED AUTHORITY
 - AWARD DOES NOT DRAW ESSENCE FROM AGREEMENT
 - AWARD IS INCOMPLETE, AMBIGUOUS OR CONTRADICTORY SO IMPLEMENTATION IS IMPOSSIBLE
 - AWARD IS BASED ON A NONFACT
 - ARBITRATOR REFUSED TO HEAR PERTINENT EVIDENCE

(SECTION 7122)

MANAGEMENT UNFAIR LABOR PRACTICES

- TO INTERFERE WITH, RESTRAIN, OR COERCE EMPLOYEES IN EXERCISE OF RIGHTS UNDER TITLE VII
- TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN A LABOR ORGANIZATION BY DISCRIMINATION IN CONDITIONS OF EMPLOYMENT
- TO SPONSOR OR CONTROL LABOR ORGANIZATION
- TO DISCIPLINE OR OTHERWISE DISCRIMINATE BECAUSE OF EMPLOYEE'S FILING OF COMPLAINT UNDER TITLE VII
- TO REFUSE TO CONSULT OR NEGOTIATE IN GOOD FAITH
- TO FAIL OR REFUSE TO COOPERATE IN IMPASSE PROCEDURES OR DECISIONS
- TO ENFORCE A RULE OR REGULATION (EXCEPT UNDER SECTION 2302) WHICH IS IN CONFLICT WITH A COLLECTIVE BARGAINING AGREEMENT IN EFFECT BEFORE THE RULE OR REGULATION WAS PRESCRIBED*
- TO OTHERWISE FAIL OR REFUSE TO COMPLY WITH ANY PROVISION OF TITLE VII

(SECTION 7116(a))

NOTE: SECTION 2302 OF THE CIVIL SERVICE REFORM ACT OF 1978 (PUBLIC LAW 95-454) ENUMERATES PROHIBITED PERSONNEL PRACTICES.

UNION UNFAIR LABOR PRACTICES

- TO INTERFERE WITH, RESTRAIN, COERCE EMPLOYEES WITH RESPECT TO UNION MEMBERSHIP OR NONMEMBERSHIP, OR EXERCISE OF RIGHTS OF EMPLOYEE UNDER TITLE VII
- TO FORCE MANAGEMENT TO INTERFERE WITH AN EMPLOYEE'S EXERCISE OF RIGHTS
- TO TAKE ACTION INTERFERING WITH EMPLOYEES' WORK PERFORMANCE OR DISCHARGE OF DUTIES AS AN EMPLOYEE
- TO DISCRIMINATE IN MEMBERSHIP BECAUSE OF RACE, COLOR, CREED, NATIONAL ORIGIN, SEX, AGE, CIVIL SERVICE STATUS, POLITICAL AFFILIATION, MARTIAL STATUS, OR HANDICAPPING CONDITION
- TO REFUSE TO CONSULT OR NEGOTIATE IN GOOD FAITH
- TO FAIL OR REFUSE TO COOPERATE IN IMPASSE PROCEDURES OR DECISIONS
- TO ENGAGE IN, OR FAIL TO PREVENT OR STOP OR CONDONE ANY STRIKE OR WORK STOPPAGE OR PICKET IN A LABOR-MANAGEMENT DISPUTE IF THE PICKETING INTERFERES WITH AGENCY OPERATIONS
- TO OTHERWISE FAIL OR REFUSE TO COMPLY WITH ANY PROVISION OF TITLE VII

(SECTION 7116(b))

Figure HO 13-1/25. Review of Labor Relations in the Federal Service—Continued

UNFAIR LABOR PRACTICES (CONT'D)

- APPEALABLE ISSUES MAY NOT BE FILED AS ULP'S
 - EMPLOYEE HAS OPTION OF USING NEGOTIATED PROCEDURE (IF COVERED) OR STATUTORY PROCEDURE FOR EEO AND ADVERSE ACTION APPEALS
 - OTHER GRIEVABLE ISSUES MAY, IN OPTION OF AGGRIEVED PARTY, BE RAISED UNDER NEGOTIATED PROCEDURE OR AS ULP, BUT NOT BOTH

- NOT A ULP:
 - EXPRESSION OF PERSONAL VIEWS, ARGUMENTS, OPINIONS WHICH
 - PUBLICIZES AN ELECTION AND ENCOURAGES EMPLOYEES TO VOTE
 - CORRECTS MISSTATEMENTS
 - INFORMS EMPLOYEES OF LABOR-MANAGEMENT RELATIONS POLICY
 - EXPRESSIONS MAY NOT THREATEN OR PROMISE BENEFITS

UNFAIR LABOR PRACTICES (CONT'D)

- EMPLOYEE, UNION, OR AGENCY MAY FILE WITHIN 6 MONTHS OF OCCURRENCE

- FLRA MAY ISSUE "CEASE AND DESIST" ORDERS
 - COURT MAY ENFORCE
 - PARTY MAY SEEK JUDICIAL REVIEW OF FLRA OR APPEAL COURT RULING

UNFAIR LABOR PRACTICES (CONT'D)

- MORE SITUATIONS IN WHICH BACKPAY MAY BE WARRANTED
- ATTORNEY FEES REIMBURSABLE
- RECLASSIFICATION CASES EXCLUDED
- "PROPER PROMOTION" MAY NOT BE VACATED IN FAVOR OF GRIEVANT

REPRESENTATION RIGHTS AND DUTIES

- UNION MUST REPRESENT INTERESTS OF ALL UNIT EMPLOYEES
 - WITHOUT DISCRIMINATION OR REGARD TO UNION MEMBERSHIP
- UNION MUST BE REPRESENTED AT:
 - FORMAL DISCUSSIONS BETWEEN MANAGEMENT AND EMPLOYEE(S) RE GRIEVANCE, PERSONNEL POLICY/PRACTICE, AND GENERAL CONDITIONS OF EMPLOYMENT
 - EXAMINATION OF EMPLOYEE BY MANAGEMENT IN AN INVESTIGATION, IF:
 - EMPLOYEE REASONABLY BELIEVES EXAMINATION MAY RESULT IN DISCIPLINARY ACTION
 - EMPLOYEE REQUESTS REPRESENTATION
- MANAGEMENT MUST ANNUALLY INFORM EMPLOYEES OF THESE RIGHTS
- RIGHTS OF UNION DO NOT PRECLUDE AN EMPLOYEE FROM BEING REPRESENTED BY OTHERS IN GRIEVANCE/APPEAL EXCEPT THOSE FILED UNDER NEGOTIATED GRIEVANCE PROCEDURE

(SECTION 7114)

APPLICATION OF WEINGARTEN RULE

- RIGHT TO REPRESENTATIVE ARISES ONLY WHEN EMPLOYEE MAKES REQUEST
 - NO DUTY TO ADVISE EMPLOYEE OF RIGHT, EXCEPT ANNUALLY
 - NO REQUEST, RIGHT IS WAIVED
- RIGHT LIMITED TO INSTANCES WHERE EMPLOYEE REASONABLY BELIEVES DISCIPLINE MAY FOLLOW
 - DOES NOT EXTEND TO INSTRUCTIONS IN WORK TECHNIQUES
- MANAGEMENT HAS NO OBLIGATION TO EXAMINE IF EMPLOYEE ASKS FOR REPRESENTATIVE
 - INVESTIGATE USING OTHER SOURCES
- IF REPRESENTATIVE ATTENDS, NO DUTY TO "BARGAIN"
 - INSIST ON EMPLOYEE ANSWERING FOR SELF
- NO REPRESENTATIVE WHEN DISCIPLINE IMPOSED

SUMMARY

- TITLE VII PRESENTS BOLD CHALLENGES FOR MANAGEMENT
 - JUDICIAL REVIEW SIGNIFICANT NEW ELEMENT

- BROADER SCOPE OF NEGOTIATIONS AND EXPANDED EMPLOYEE RIGHTS WILL CHANGE WAY WE DO BUSINESS

- SUPERVISORS MUST EXHIBIT PROFESSIONALISM IN DEALING WITH UNIONS AND EMPLOYEES

- USE RESOURCES OF LABOR RELATIONS SPECIALISTS

Figure HO 13-1/31. Review of Labor Relations in the Federal Service—Continued

Supervisors And The Weingarten Rule

During 1975, the United States Supreme Court issued its decision in *NLRB v. Weingarten*. This decision upheld a National Labor Relations Board determination that, under the National Labor Relations Act, an employee, upon request, had the right to union representation at an investigatory interview which the employee reasonably believed might result in disciplinary action. In labor relations circles this holding has become widely known as the "Weingarten Rule."

In firmly establishing this rule, it was the Court's view that such representation would be useful to both employees and employers. The Court stated that a single employee confronted by an employer investigating whether certain conduct deserves discipline may be too fearful or inarticulate to relate accurately the incident being investigated or too ignorant to raise extenuating factors. The Court felt that a knowledgeable union representative could assist the employer by eliciting favorable facts and save the employer production time by getting to the bottom of the incident occasioning the interview. The Court stated that union representation should not await the employer's determination of misconduct, the imposition of discipline, and the filing of a grievance. At that stage, observed the Court, it becomes increasingly difficult for the employee to vindicate himself, the value of representation is correspondingly diminished, and the employer may then be more concerned with justifying its actions than reexamining them.

Subsequently, during 1976, the Federal Labor Relations Council held that no similar right existed for Federal employees under Executive Order 11491. However, the Congress incorporated the Weingarten principle in the Civil Service Reform Act of 1978 and Federal employees now enjoy similar rights. Specifically, Section 7114(a)(2)(B) of title 5, United States Code, provides that:

An exclusive representative of an appropriate unit in an agency will be given the opportunity to be represented at any examination of an employee in the unit by a representative of the agency in connection with an investigation if:

- The employee reasonably believes that the examination may result in disciplinary action against the employee; and
- The employee requests representation.

How this provision of the act will be applied in the Federal Service will be determined by the newly established Federal Labor Relations Authority and the Federal Courts. While some decisions on the Weingarten right have been made by the Federal Labor Relations Authority, others remain unanswered. So, how do you administer the provision in the meantime?

Since we know that Congress intended to incorporate the Weingarten principle into the act, we can examine the private sector experience under Weingarten and use that experience in conjunction with the authority decision to date as a basis for prediction. The issues are presented in question and answer format.

Table HO 13-2
Supervisors And The Weingarten Rule

Q: How are these rights triggered in the Federal Service? How will I know that I'm involved in a potential Weingarten situation?

A: The right arises only in situations where the employee requests representation. His request is your first alert. Absent a request for such representation, you may go about your business as usual.

Q: I talk to employees quite often about things that could result in disciplinary action if they revealed or confessed misconduct. Are these automatically situations in which an employee can exercise the Weingarten right?

Table HO 13-2
Supervisors And The Weingarten Rule—Continued

A: No. The Reform Act requires that the question be asked in context of “an examination of an employee” and “in connection with an investigation.” While we believe the FLRA and the Courts are likely to be somewhat liberal in construing these phrases in favor of employee rights, we believe they require more than normal supervisory/employee questions, answers, and conversations.

Q: Suppose I ask employee “Smith” to come to my office to discuss his performance on a recent assignment, and he asks that his steward be present. Is he entitled to have the steward at the discussion?

A: Not necessarily. The employee’s right to request representation is limited to situations where the employee reasonably believes that the examination may result in disciplinary action. The authority has held that this does not include performance counseling. *Internal Revenue Service, Detroit Michigan and National Treasury Employees Union and National Treasury Employees Union Chapter 24, 5 FLRA No. 53 (30 March 1981).*

Q: How do I know what an employee believes? I can’t read his mind.

A: If the issue arises, reasonable grounds will be measured by the FLRA under objective standards within all the circumstances of the situation. It does not require a probing of an employee’s subjective motivations. A number of employees may suffer a guilty conscience. The best yardstick is your own mind. If the employee gives the wrong answers to your question, is this a situation in which you would or could take or recommend disciplinary action? If your answer to this question is yes, if the employee has requested representation, and if you wish to proceed with the interview, then you should probably send for the steward. *Internal Revenue Service, Washington, DC and Internal Revenue Service, Hartford District office and National Treasury Employees Union, 4 FLRA No. 37 (26 September 1980).*

Q: O.K., I want to question the employee about suspected misconduct, and he requests that his steward be present; so I have to talk to both of them, right?

A: No. You can decide to forego the examination of the employee if you wish. You would then be free to act on the basis of information obtained from other sources.

Q: Can I tell the employee that I will not hold the examination if the steward is present?

A: In the private sector, the NLRB and the Courts have held that an employer may advise the employee that it will not proceed with the examination unless the employee is willing to enter the examination unaccompanied by his representative. This leaves to the employee the choice between having an examination unaccompanied by his representative or having no examination and foregoing any benefit he might derive from one. However, you may not, of course, go so far as to state or imply that things may go easier with the employer if he relinquishes his right to representation or that things may go tougher on him if he insists on the steward’s presence.

Q: Let me give you an example. While sitting in my office, I hear a crash outside. I walk out and find an employee standing over a piece of damaged equipment. I ask the employee what happened. The employee replies that he doesn’t wish to discuss the matter unless his steward is present. Do I have to get the steward for him in this situation if I wish to get my question answered?

A: NO! The Weingarten provision does not impinge upon our right to direct the workforce and manage our operations. You have the right to make legitimate inquiries about what is transpiring or has transpired in the work-place. And you have the right to receive answers. Remember, the right arises in an “examination” in connection with an “investigation,” and we most certainly would not consider the situation you pose as being such. However, if during the course of the conversation it appears that some form of negligence or misconduct has taken place, and the purpose of your questions turns toward establishing employee culpability, then you had best honor the employee’s request for the presence of the steward.

Q: All right, I’m going to call the employee in to question him about tardiness. If the answers I receive are not satisfactory, I plan to issue a written reprimand or recommend a three-day suspension. Should I arrange in advance for the steward to be present?

A: No. Remember the right arises only when the employee requests representation. If the employee fails to request representation you may proceed with the examination and, if disciplinary action results, the employee will be deemed to have waived his Weingarten right.

Q: Let’s say I am investigating alleged misconduct on the part of employee Smith, and I call in employee Jones to interview him with respect to Smith’s conduct on the job. Is Jones entitled to have his steward present upon request?

A: No. The right arises only when the employee being examined has a reasonable belief that the examination will result in disciplinary action against himself. In the situation you describe, you could deny the request and insist on going forward with the interview. Witnesses who are not the subjects of the investigation do not enjoy Weingarten rights.

Q: During my questioning of Jones about Smith’s conduct, the answers I receive lead me to believe that Jones himself may be implicated in the situation. What then?

A: When it appears that you are about to change the direction of your questions from the conduct of Smith to the conduct of Jones himself, you had better pause in your examination and send for the steward if you wish to continue the examination concerning Jones’ conduct, and Jones has requested representation.

Q: Does all this add up to making the participation in an examination in connection with an investigation voluntary on the part of a suspected employee?

A: By no means. You can insist on conducting such examinations. It is only when you have determined that you will not proceed with an examination if the steward is present that the employee has a voluntary choice. The employee may then choose to proceed without the presence of his steward or forego the examination.

Q: Suppose that I am willing to examine Smith about his misconduct with the steward present. But instead of the steward who services our area, he asks to be represented by a steward or official from another area. What do I do then?

Table HO 13-2
Supervisors And The Weingarten Rule—Continued

A: In part, this depends on the “reasonableness” of the request. If it would be just as easy in terms of time and convenience to use one or the other, you should honor the request. However, if honoring such a request would involve problems of releasing a requested employee representative from the job, you are not obliged to do so. You are not obliged to await a representative from a distant location or city. In such an instance you should insist on going forward with the available steward. Check your agreement on this one, many agreements provide that representation will be by the area steward. If so, this would apply in Weingarten situations as well as in any other.

Q: O.K., we are going forward with the examination and the steward is present. Does he serve as the employee’s lawyer? Does he object to questions or instruct the employee not to answer questions?

A: To an extent. While the Supreme Court said in Weingarten that the presence of a union representative need not transfer the interview into an adversary contest, the Authority has held that the right to be represented includes the right to speak for the employee. *US Customs Service Region VII, Los Angeles, California and National Treasury Employees Union, 5 FLRA No. 41 (19 March 1971)*. Employees have a duty to cooperate in lawful investigation, however, and they follow advice to remain silent at their own risk.

Q: Well, suppose the steward does behave like Perry Mason and instructs the employee not to answer my questions. What then?

A: You should explain to the employee that if he refuses to answer your questions or cooperate in the investigation you will have new grounds for disciplinary action. Weingarten rights provide no basis for noncooperation or insubordination.

Q: What, then, is the role of the steward in such meetings?

A: He is there to assist the employee. He may remind the employee to come forth with favorable facts. He may attempt to clarify the facts or suggest other employees who may have knowledge of them. After conferring with the employee, he may speak for the employee to clarify factual matters, protest procedures, etc. You are entitled, however, to hear the employee’s story from the employee. The steward is there to assist the employee in the investigation; he is not there to thwart the investigation.

Q: During the course of the examination, let’s say, the steward wants to discuss settlement of the matter. He wants to bargain down a potential suspension to a written reprimand, to “plea bargain,” so to speak. Do I have to discuss such matters?

A: No. You have no duty to bargain with any steward or union representative who may be permitted to attend the investigatory examination. The Weingarten right does not give the union any particular rights with respect to predisciplinary examinations which it otherwise was not able to secure during collective bargaining negotiations.

Q: What if the steward is just not available when I wish to conduct my examination. Am I required to wait for him, or may I go ahead without him?

A: Again, this one depends upon reasonableness within all the circumstances of the case, if the steward will be available in an hour or so, it would undoubtedly be considered reasonable to wait for him. If he will not return from leave or travel for a week to ten days, or if he is on indefinite sick leave, you should proceed with the first available steward. This is another case in which you should check your agreement. Most labor agreements make provision for alternate representation when the regular steward is not available.

Q: Smith was absent on Monday. When I see him on Tuesday morning, I ask him where he was yesterday. He replies with the question, “Is this an examination?” What do I say?

A: You reply that it is merely a question, and then you repeat the question. Remember, you are still the supervisor and the employee is required to answer your questions. The situation you posed was not a Weingarten situation.

Q: Suppose Smith replies that he laid off to play golf just because he didn’t feel like working?

A: Then you ask him into your office to discuss the matter. At this point you probably have a Weingarten situation.

Q: What if an employee contends that a discussion is an examination within the meaning of the law, and I say it is not?

A: You are the supervisor. You are not expected to argue with an employee over such matters. The employee will do as you say or risk charges of insubordination. If you are wrong, the employee can seek remedy under the unfair labor practice provisions of the law or the negotiated grievance procedure of the agreement.

Q: What happens if I am genuinely wrong in denying an employee his Weingarten rights?

A: Well, first the activity will be found guilty of violating several of the unfair labor practice provisions of the act. Second, and perhaps more important, an otherwise valid disciplinary action may have to be rescinded because of your failure. A number of private sector employers have been quite dismayed when they had to rehire a proven miscreant at full back pay, because the supervisor goofed on Weingarten.

Q: When I call employees in, in a Weingarten situation, do I have to inform them of their rights in each instance before proceeding with the interview?

A: No. The act provides that each agency shall annually inform employees of their rights. This will be done by an activity-wide notice. This is the only notification required by the law. However, check your agreement on this one; some labor agreements provide for notification in each instance. If that is the case under your agreement, your agreement is controlling.

Q: Does the employee’s request for representation in a Weingarten situation have to be in writing?

A: No. A simple oral request will suffice. But, this again is an area where you should check your agreement to see if any special arrangements have been negotiated.

Q: Can an employee be represented by his family lawyer or other representative of his own choosing in a Weingarten situation?

Table HO 13-2
Supervisors And The Weingarten Rule—Continued

A: No. The right to be represented under this provision of the act runs only to an exclusive representative, i.e., a properly certified union.

Q: When the steward shows up, he and the employee request 15 minutes to discuss the matter before proceeding with the examination. Should I allow this?

A: The NLRB and the Courts have held that the right to have a representative is the right to have an “informed” or “knowledgeable” representative. How much time you give them is one of those knotty “reasonableness” questions that must be determined in the circumstances of the case.

Q: When a steward represents an employee under the Weingarten provision, is he on official time?

A: He is entitled to no official time under the law. But this is one you should check your agreement on regarding official time for representational functions. Absent any agreement provisions, check with your CPO regarding local past practice on official time for representational functions.

Q: Do the Weingarten rights apply to performance rating discussions?

A: No. These rights are not applicable to performance rating discussions, acceptable level of competence discussions, classification desk audits, what have come to be known as counseling sessions under Executive Order 11491, promotion interviews, or similar discussions. There would be no reasonable grounds to believe that such discussions would result in disciplinary action against the employee.

Q: Do these rights apply to interviews of employees conducted by agents of the Military Police or CID?

A: Yes, the MP's or CID are “representatives of the agency” within the meaning of the provisions, and if they are investigating a matter “which the employee reasonably believes ... may result in disciplinary action against the employee,” the same rules and guidance given to the supervisor applies to them. *Lackland Air Force Base Exchange, Lackland Air Force Base, Texas and American Federal of Government Employees, Local 2911, AFL-CIO, 5 FLRA No. 60 (17 April 1981).*

Q: Do the rights apply in examinations by others who might wish to investigate employees at the workplace, such as Merit Systems Protection Board (MSPB) investigators?

A: No, they do not apply to MSPB investigators, local or state police, FBI investigators, or other similar functionaries as they are not “representatives of the agency.”

Q: O.K., I think I understand. Given a genuine Weingarten situation, and given an employee request for representation, I cannot conduct the examination unless the union representative is present. Is that correct?

A: No. At the point you pose, you are only obligated to give the exclusive representative an “opportunity to be represented” at the examination. If the union fails to take advantage of its right to be represented or declines representation, you may proceed with the examination in their absence. In such cases they will be deemed to have waived their right to be represented.

Q: If I don't hear from them, how long do I wait before deciding the union has waived its rights in the matter and proceeding with the examination?

A: You have posed another “reasonableness” question. Having given the steward or representative “reasonable” notice of the employee's request, and having given the union “reasonable” time to appear to take up its representational duties, and having heard nothing from the steward, you may proceed. What is “reasonable” in any given situation will depend on all the actual circumstances of the case. However, don't be in a rush. The more important consideration will be in maintaining the validity of our disciplinary actions rather than being able to proceed without the steward.

Q: Do I have any “Weingarten” rights?

A: No. This provision of the act applies only to employees within a unit of exclusive recognition. Employees who have been excluded from such units—for whatever reason, pursuant to Section 3(b)(3) or 3(b)(4) of the order, or because they are management officials, supervisors, or confidential employees—do not have such rights under the act.

As stated in our introduction, the foregoing is based on our examination of the private sector experience and the few Authority decisions to date. We believe the law will be interpreted this way. However, this may not always be the case. In agreeing upon this provision the House-Senate Conference Committee reported:

The conferees recognize that the right to representation in examination may evolve differently in the private and Federal sectors, and specifically intend that future court decisions interpreting the right in the private sector will not necessarily be determinative for the Federal sector.

Thus, until the FLRA and the Courts develop different parameters under the CSRA, or until Federal policy is developed in this area, we believe you may rely on the guidance contained here. When and if it changes, we shall inform you promptly.

Similarly, if questions occur to you that we have not covered here, send them to us. We will publish the questions and answers in our regular editions of the newsletter. If you are confronted with a Weingarten issue about which you are unsure, call your Civilian Personnel Office immediately.

Good luck!

Chapter 14

MERIT PAY AND GENERAL PERFORMANCE APPRAISAL SYSTEMS [TO BE PUBLISHED]

14-1. Title not used.

Paragraph not used.

14-2. Title not used.

Paragraph not used.

Chapter 15

SAFETY AND OCCUPATIONAL HEALTH

15-1. Learning Objectives.

Upon completion of this unit the successful participant will—

- a. Understand the Army Safety Program.
- b. Be equipped to accept responsibility for employee safety and occupational health.
- c. Understand and exercise basic accident prevention techniques.
- d. Know where to get additional information and assistance.

15-2. Selection and Preparation of Instructor.

This session should be conducted by a safety professional or by a knowledgeable supervisor or a qualified instructor with the assistance of a safety professional. The material should be adapted to local situations wherever practicable to make it as meaningful as possible. If preferred, appropriate Handouts may be presented as posters or transparencies rather than handed out to participants.

15-3. Materials Used.

- a. Subject matter content (para 15-5).
- b. Handouts.
 - (1) Locally obtained Handouts.
 - (2) Handout 15-1, Anatomy of an Accident.
 - (3) Handout 15-2, Relationship Between Supervisor and Employee Actions.
 - (4) Handout 15-3, Recognizing Occupational Health Hazards.
 - (5) Handout 15-4, Accident Causation Case Study 1, The Maintenance Man.
 - (6) Handout 15-5, Solution to Accident Causation Case Study 1, The Maintenance Man.
 - (7) Handout 15-6, Accident Causation Case Study 2, The Freight Handler.
 - (8) Handout 15-7, Solution to Accident Causation Study 2, The Freight Handler.
 - (9) Handout 15-8, Job Safety and Health Orientation.
 - (10) Handout 15-9, Motivation in Practice.

15-4. References.

- a. AR 40-5, Health and Environment.
- b. AR 385-10, Army Safety Program.
- c. AR 385-32, Protective Clothing and Equipment.
- d. AR 385-40, Accident Reporting and Records.
- e. DA Pamphlet 385-1, Unit Safety Management.
- f. DA Pamphlet 385-3, Protective Clothing and Equipment.
- g. TB MED 251, Noise and Conservation of Hearing.

15-5. Training Content.

Note. (To Instructor. The following suggested remarks are intended as a guide to a minimum presentation of the subject of safety and occupational health.)

- a. *Introduction.*

(1) According to AR 385–10, Army Safety Program, training in the elements of safety and safe work practices is essential to efficient management and to maintenance of maximum Army combat capability. To this end, the regulation also states that supervisors, key personnel, and employees need to be trained in their responsibilities for accident prevention and safe practices.

(2) The need for safety and health training for all personnel is also addressed by the Occupational Safety and Health Act of 1970 (OSHA). The requirements of OSHA have been integrated into the total Army Safety Program effort. Army complies with OSHA standards or with Army standards that are consistent with or are more stringent than OSHA standards. Military unique activities (combat/mission training) are not affected by OSHA requirements. However, it is important to realize that, for example, a maintenance operation involving tactical vehicles is not a military unique operation. OSHA requires that all employees be made knowledgeable of the hazards to which they will be exposed during the course of their employment (e.g., nature of exposure, protective measures, signs/symptoms of exposure, emergency first aid). By exercising your safety supervisory responsibilities as they will be summarized in the next 30 minutes and by complying with the OSHA requirements of the installation safety program, you will satisfy your responsibilities relative to OSHA.

b. The Supervisor's Safety and Health Responsibilities (Lecture/Discussion).

(1) *Why Safety & Health Training?* You may ask, "Why all the pressure for safety and health training?" Anyone knows it pays to play it safe and avoid unhealthy environments. No one wants an injury or impairment to their health. Because of the importance of one's safety and health it appears unnecessary to try and sell it. But we know from experience that the opposite is true. The job of keeping employees conscious about their safety and health is difficult. Employee behavior will be influenced by the example of the supervisor who ensures a healthy environment, develops safe work procedures, teaches these procedures, and insists that they be used. It will be further influenced by the supervisor who teaches employees facts about the causes of accidents and methods of prevention. All these are supervisory responsibilities.

(2) Anatomy of an Accident.

(a) (Instructor may furnish participants copies of Handout 15–1, Anatomy of an Accident, or may use a poster, transparency or other means to display the information in the Handout.)

(b) First, it is important to look at the basic causes of accidents. The actual accident event may consist of the operation of an electric table saw without a proper guard, followed by the operator placing his hand in the point-of-operation, and the resultant amputation of fingers. Investigation of the accident, which deals only with the event itself, may not identify the fundamental causes of the accident. In the example, there was a supervisory error in allowing the machine to remain improperly guarded and in failing to instruct the operators not to use the equipment in that condition or in failing to enforce such rules. Generally speaking, operator errors are caused by supervisory errors. Of course, the supervisor may not bear full responsibility. As the diagram indicates, intermediate and top management also have responsibilities for providing the resources necessary to maintain a safe environment. Preventing accidents involves active cooperation and participation of employees, supervisors, and managers. The supervisor plays a key role in this effort because of his position between the managers and the employees. Management objectives must be transmitted through you, the supervisors, while employees depend on you for guidance and leadership.

(3) Relationship of Supervision to Safety.

(a) (Instructor should present the information in Handout 15–2, Relationship Between Supervisor and Employee Actions, as a poster, transparency, Handout, or other means.)

(b) This chart suggests the safety and health relationship that exists between the supervisor's and the employee's actions. Just as supervisors are responsible for employee job performance, they are responsible that it be safe performance. It is impossible to separate the way employees work from the way supervisors supervise. In short, most violations of rules by operators can be prevented by practical and prudent supervisory action.

(4) Identifying Hazards.

(a) (Instructor should use local examples, including photos, for the following discussion.)

(b) There are several steps toward improving safety and health in your workplace. It is important that you know the hazards, look for them, and correct them. We can focus on three types of hazards to know:

- Hazards people create through their actions (unsafe acts).
- Hazards that originate in unsafe equipment or materials.
- Hazards that can exist in the environment.

(c) Examples of these are unsafe conditions (such as improper storage or unguarded equipment), air contaminants and noise.

(5) Unsafe Acts. (Instructor should provide examples). People-related hazards are unsafe acts, operating errors. When a supervisor observes an unsafe act, he should determine the cause. It may be a lack of training or motivation, a lack of physical, emotional, or mental ability, or something else. People act the way they do for a reason and supervisors have more control over those reasons than is generally conceded.

(6) Equipment Hazards. (Instructor should provide examples). Machine or material hazards relate to improperly

maintained and unsafe equipment. You should be aware that you, as the supervisor, are responsible for prevention of damage to government equipment and facilities.

(7) *Environmental Health Hazards.* (At this point, the instructor should pass out Handout 15-3, Recognizing Health Hazards, to aid discussion of environmental hazards). Employee health is closely related to job safety, accident prevention, and mission accomplishment. In industrial and maintenance areas, laboratories, warehousing, troop and range operations, and other areas, employees can be exposed to numerous environmental hazards such as dust, toxics, and fumes. Detection and measurement of such hazards usually require special equipment and skills. If you suspect such hazards exist in your area of responsibility, you should contact _____. (Instructor should provide appropriate local information.)

(8) *Noise Hazards.* Noise induced hearing loss is also a significant problem among civilian and military personnel. The Army has broad requirements for reducing and controlling noise hazard situations and protecting personnel. AR 40-5, Health and Environment; TB MED 251, Noise and Conservation of Hearing; AR 385-32, Protective Clothing and Equipment; and DA Pam 385-3, Protective Clothing and Equipment, address this subject. You should contact _____ for further information and help. (Instructor should provide appropriate local information).

(9) *Safety Inspections.* The wise supervisor will request an in-depth safety inspection of the work area by safety office personnel to identify potential hazards. Periodic safety inspections are effective for reviewing a program as well as a specific operation or function performed in your area. You may target a specific area or several areas. It is important to focus on high risk situations.

(10) *Daily Observations.* However, the supervisor must also be willing to personally look for and correct hazards that exist in the work area and the daily work processes.

(11) *Use of Checklists.* There are several techniques for seeking out hazards. Daily observation of operations and work areas may surface problems or you may decide to spot check a specific operation. A checklist can be a helpful guide in completing inspections. DA Pam 385-1, Unit Safety Management, provides sample checklists. The safety director and reference material in the installation safety office may also be of help.

(12) *Review of Accident Experience.* Another method of finding hazards is through review of your accident experience. This will frequently indicate trends in accidents and repetition of certain occurrences and will surface important relationships among accidents.

c. Incident Study. Accident Causation (Exercise).

Note. (To Instructor. This is a class exercise intended to provide insight into the chain of causes and effects that result in accidents and at the same time increase awareness that accidents have identifiable causes and can normally be prevented. It will serve not only to reinforce the lecture just completed but to prepare the ground for the lecture to follow.)

(1) Case studies are the basis of this exercise. You may use the ones at Handout 15-4, The Maintenance Man, and Handout 15-6, The Freight Handler, or you may substitute cases with local application and interest. (Care should be taken not to violate the provisions of the Privacy Act if records of actual cases are used.)

(2) Handouts 15-4, and 15-6 are sample accident reports which, if used, are to be analyzed for cause by the students. Accounts of the accidents and partial analyses are given in these Handouts. The students are to complete the analyses of the cases. Complete analyses and school solutions are given in Handouts 15-5 and 15-7.

(3) Depending upon the amount of time allotted to the exercise the instructor may present it in one of a number of ways. Case studies may be distributed and students instructed to work either individually or in groups in analyzing one or both cases. The Handout may be made into slide transparencies and shown with an overhead projector to stimulate discussion from the class as a whole. Solutions may also be either handed out or projected on a screen. A slide may be prepared combining the case study and the solution which might then be revealed on the screen progressively as the discussion proceeds.

(4) The method adopted should facilitate the greatest amount of student involvement possible within the time available for the exercise. Provision of ample time for exchange of ideas before presentation of the solution, as well as opportunity to react to the solution itself, will enhance the usefulness of the exercise and prepare the way for the lecture to follow.

d. Accident Prevention (Lecture/Discussion). (The instructor should modify the following introductory remarks to include local information about persons/offices to contact.)

(1) *Elements of Prevention.* We have all heard the old saying "Accidents just happen." Many things could be said about that statement. One thing is clear, however, accidents will indeed happen unless action is taken to prevent them. Because it is so vital that they be prevented, an active program of observation and inspection that identifies the potential for problems before they occur is a must. After locating the hazards, or potential, you must correct or control them. Depending upon the situation, there are various courses of action. On-the-spot correction may settle the problem or you may need to refer a problem to your safety professional or to a higher echelon staff agency by work order or other means. Or you may need to get outside advice. Where the day-to-day human element in accident potential is concerned however, you, the supervisor, are the key to safe work performance.

(2) *Education and Training and Motivation.* Two important tools a supervisor possesses to control accidents that occur due to worker carelessness are education and training and employee motivation. The one affects the other but for discussion purposes we will consider them separately.

(3) *Elements of a Training Program.* (The instructor should pass out Handout 15–8, Job Safety and Health Orientation, in preparation for the following discussion.) There are at least five aspects to an effective safety and health training and education program.

(a) The supervisor must first prepare himself/herself for these duties. Supervisors must gain the knowledge necessary to assure a safe and healthful work environment in the activities supervised. Included in this is the requirement not only to know the job and its safety and health requirements thoroughly but to know the employees supervised.

(b) The supervisor must provide an initial safety and health orientation for employees. The orientation should be documented and a record maintained with the supervisor's employee record file. Handout 15–8 is both an orientation guide and, when executed, an orientation record. All supervisors should follow a procedure such as the one outlined in the Handout. An orientation must include:

- All safety and health rules with an explanation of the value of each.
- Briefings on specific potential hazards and controls for those hazards.
- Emergency and first aid procedures.
- A safety-oriented walk-through of the job steps.

(c) Remedial safety training must be conducted as needed. Remedial safety training is training designed to remedy some weakness or oversight in previous training. It can be directed to an individual or group as needs dictate. The key to successful remedial training is to make sure that the training is directed at actual training problems. Avoid the mistake of attempting to solve non-training problems, such as poor attitudes or weak motivation in this way.

(d) Updating safety training must be conducted. As an activity changes through the addition of a new process, procedures, or missions, so do safety training needs. Initial training must be updated and employees must be informed of hazards. A good time to review updated refresher training needs is during periodic inspections.

(e) Sustained safety and health consciousness must be maintained. All training has maximum effect immediately after it is presented. After that, it continually loses effectiveness as the employee forgets the material. Accordingly, you should periodically present some safety and health related training covering particularly important problems. In this way, the most important procedures can be stressed and reinforced. To avoid repetition which could lead to boredom on the part of the employee, the supervisor may vary the method of presenting the material by using slides, films, charts, etc.

(4) *Safety Meetings.*

(a) Another method of sustaining training is in safety meetings. These meetings should be held for all personnel on a regularly scheduled basis and special meetings should be called when needed. At very large activities it might be more appropriate to hold several meetings. In this case, employees should be grouped according to the types of jobs they do. This arrangement permits the presentation of only those items which apply to the group and makes the meeting more meaningful for participants.

(b) Ideally, a supervisor should have at least a brief 10 minute "stand-up" or "tailgate" meeting with his people each week. Depending on the subject and circumstances, a brief get-together immediately following a lunch break or including the subject in regular staff meetings can serve to keep the safety message before your people.

(5) *Employee Motivation.*

(a) (Instructor should distribute Handout 15–9, Motivation in Practice, and discuss it using the following outline.)

(b) Another important tool available to the supervisor is MOTIVATION. Why does an employee follow some rules established by management or supervisors and not others? The answer to this critical question is found in motivation. A supervisor can help motivate employees to work safely and to minimize dangerous or unproductive behavior. Handout 15–9 outlines some actions which supervisors can take to help motivate employees.

1. *Task Definition.* Define the duties each subordinate performs which have safety and health implications. Thinking through the job steps usually reveals the key points.

2. *Task Assignment.* See that each employee knows what safe and healthful procedures are. It is best to put these procedures in writing, perhaps using the format of a rule book, an SOP, or a description of the steps involved in performing a job.

3. *Accountability.* Decide what level of performance is required of the employee. Generally speaking, as long as they are not unreasonable, high standards are better than lower standards. The employee is generally willing to do what the supervisor demands if it is fair and reasonable. For many tasks such as following safe procedures, making operational checks, performing periodic maintenance, a performance level of 100 percent is reasonable. Next decide how performance will be measured. Spot-check or periodic inspections are excellent opportunities for measuring performance. For each task, designate standards and specify a means of determining performance.

4. *Rewards and Punishment.* On the foundation of well-defined tasks, performance standards and performance monitoring, it is possible to reasonably and fairly allocate rewards and punishment on an objective basis. The use of adequate rewards will normally result in the desired behavior.

(6) *Accident Reporting.*

Note. (To Instructor. The actions the supervisor must take when an accident occurs have not been addressed. Procedures covering reporting and treatment of injuries, reporting of property damage, accidents, preservation of evidence, incident reporting, etc., have

local as well as Army-wide implications. The instructor should supply the information appropriate for the installation or activity served and refer students to the local publications governing accident reporting. AR 385-40, Accident Reporting and Records, defines Army-wide requirements.)

(7) *Summary.*

Note. (In summarizing, the instructor should include appropriate information on persons and organizations at the local level who are available to help the supervisor accomplish his safety responsibilities.)

(a) In summary, the supervisor is on the front line in the accident prevention battle. As part of the management team, your primary responsibility is to see that the mission of the Department of the Army is carried out effectively, economically, and expeditiously. You cannot get the job done unless your employees are on the job and able and willing to work. Every case of injury, damage to equipment, or occupational illness slows the job. Your responsibility to train and motivate those under your direction as well as your responsibility to maintain a safe and healthful work environment are important supervisory responsibilities. But you aren't expected to do the whole job yourself. You need help and help is, as I said before, available. The safety professional and various staff sections are available to provide direct or indirect support to you in accomplishing your safety and health responsibilities. Take advantage of these resources when you need them.

(b) There is no reason to struggle at unit level with a problem for which there is a responsible agency at installation level. The installation safety office and medical activity have special capabilities and the mission to advise and assist you in solving problems. The payoff is—most accidents and injuries (physical or health associated) can be prevented by the coordinated action of all concerned personnel.

(8) *Handouts 15-1 through 15-9.* Handouts 15-1 through 15-9 follow.

(a) *Anatomy of an Accident.*

Handout 15-1

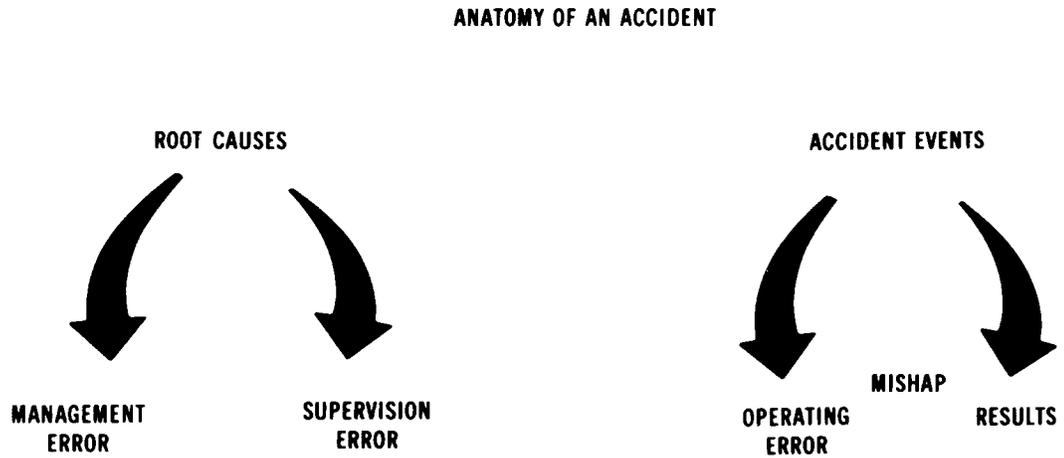


Figure HO 15-1. Anatomy of an Accident

(b) Relationship Between Supervisor and Employee Actions.

Handout 15-2

Relationship Between Supervisor and Employee Actions

Table HO 15-2
Relationship Between Supervisor and Employee Actions

Unsafe Employee Action	Supervisory Failure
Commits unsafe act through ignorance.	Provided no, or at best, poor job safety training.
Knowingly ignores a safety rule.	Lackadaisical enforcement of rules.
Exposes self to falling hazard.	Failure to ensure guard rails or barriers are in place.
Exposed to hazard because of physical handicap.	Failure to properly select and assign personnel.
Exposure to health hazard.	Failure to engineer healthy environment: failure to provide adequate/appropriate protective equipment; failure to enforce use of protective equipment.

Recognizing Occupational Health Hazards

1. Both recognition and evaluation of occupational health hazards must occur before control measures can be started. Proper control can only be assured by means of an industrial hygiene survey of the environment to determine hazards, and their magnitude, and a resurvey to determine the improvement after implementation of controls and the need for further correction.

2. In most processes, many hazards exist together. Hence, one must carefully examine the overall process to avoid missing a potentially hazardous conditions.

3. Following are the types of processes which should immediately arouse suspicion of a health hazard unless there is specific information that the process is properly controlled.

a. Any process involving burning or heating should be looked at to determine what byproducts of the combustion may be released to the environment. Carbon monoxide, metal fumes, and toxic gases are all possibilities. Have any workers complained of unexplained physical symptoms?

b. Any process involving high temperature, with or without combustion, should be reviewed for the possibility of employees being exposed to excessive heat, either as the result of high temperatures or of excessive radiant heat.

c. Any process involving induction heating, including microwave, should be evaluated for effects of heat on the employees and for noise levels, including ultrasonic effects. Over periods of time, microwave and radar radiations can "cook" human flesh and significantly impair eyesight.

d. Any process involving the melting of metal (primarily for welding) should be studied for toxicity of the metal fume or dust produced. These fumes and dust can damage internal organs such as the liver, lungs, and kidneys.

e. Any process involving an electric discharge in air should be examined for the possibility of production of ozone and oxides of nitrogen. If it is an arc or spark discharge, the possibility of eye damage by the radiation from the flame and the products of destruction of the electrodes should be investigated.

f. Any process involving an electric discharge in a vacuum is apt to be a source of ionizing radiation. Such processes include all high powered oscillating circuits, x-ray units, electron beam equipment, and similar devices.

g. Any process involving aerosolization of organic chemicals/compounds should be evaluated as a potential health hazard. These vapors, mists, and gases can cause significant damage to body organs and systems.

h. Grinding or crushing of any material involves the hazard of dust from both the material being ground and the material doing the grinding.

i. Conveying, sifting, sieving, screening, or bolting of any dry material presents a dust hazard. Dust levels are strictly limited by law.

j. Mixing of dry material presents a dust hazard.

k. Mixing of wet materials presents possible hazards of solvent vapors, mists, dust, and noise.

l. Wet grinding of any material will have possible hazards of mist, dust, and noise.

m. Dry grinding operations, including milling and sand blasting, should be examined for dust and noise hazards.

n. Cold blending, forming, or cutting of metals or nonmetals should be examined for hazards of contact with lubricant, inhalation of lubricant mist, and excessive noise.

o. Hot bending, forming, or cutting of metals or nonmetals may have the hazards of lubricant mist, decomposition products, contact with the lubricant, heat (including radiant heat), noise, and dust.

p. Handling of small parts could present hazards of repeated motion and mechanical shock.

q. Coating operations, generally preceded by solvent degreasing.

(1) Toxicity of the various metallic salts, acids, and alkalis used in electroplating operations are hazardous when there is skin contact or inhalation. The following are particularly well known: nickel and cobalt as causes of dermatitis, chromium as a cause of nasal ulcers and cancers, and alkaline cleaning baths as irritants to eyes and the upper respiratory system.

(2) Painting should be examined for the possibility of hazards from inhalation and of skin contact with toxic and irritating solvents and inhalation of toxic pigments.

(3) Ceramic coating may present the same hazards of toxic pigments as painting as well as hazards of heat from the furnaces and from the hot ware.

(4) Mechanical coating with metals presents hazards of dust and fumes of metals and fluxes in addition to heat and radiation.

r. Explosive processing will involve gases from the explosion (largely carbon monoxide and oxides of nitrogen) and dust from the material being processed.

s. Maintenance areas and warehousing should be checked for unacceptable carbon monoxide levels and oxides of nitrogen from the exhaust of mechanical handling equipment.

t. Operations involving asbestos (brake lining/clutch repair, pipe insulation, building demolition, etc.) should be evaluated to ensure that employees are adequately protected from exposure to this toxic material.

Accident Causation—Case Study 1
The Maintenance Man

Table HO 15-4

Accident Causation—Case Study 1: The Maintenance Man

The Maintenance Man Accident Analysis

A maintenance man was working on a metal stair platform and wanted to use a ¼-inch electric drill. The drill had a three-wire power cord. An extension cord running from the source of power also was a three-wire cord but was not long enough. In order to connect the drill to the extension cord, the man obtained another short extension cord from the tool crib. As the man started to drill, he was electrocuted.

Additional Facts:

1. Drill and extension from power source were okay—no shorts. The extension cord from the tool crib was improperly wired. The grounding lead was connected to the “hot” terminal so that the frame of the drill was energized.
2. The maintenance man was not standing on wet or damp ground—area was dry.
3. The bad extension cord was made up by the tool crib attendant.
4. The cord had not been tested.

Accident Analyses: (First three entries are supplied. Student is to analyze the incident to identify factors other than operator error which may have contributed to the accident and show them under “System Defects”).

Result: Death by electrocution.

Mishap: Contacted electric current.

Operating Error: Extension cord improperly wired by tool crib attendant.

Systems Defects:

**Solution to Accident Causation Case Study 1
The Maintenance Man**

Table HO 15-5

Solution to Accident Causation—Case Study 1: The Maintenance Man

Solution to The Maintenance Man Accident Analysis

Result:	Death by electrocution.
Mishap:	Contacted electric current.
Operating Errors:	Extension cord improperly wired by tool crib attendant.
Systems Defects: (Possible.)	—Employee <ul style="list-style-type: none">• Selection. Did the system fail to select a person with the right knowledge?• Motivation. Did the system fail to motivate the employee to perform properly (failed to check for and correct errors, i.e., poor workmanship, didn't insist on commercial cords, etc.)• Did system fail to provide training needed to properly wire cord?• If attendant was trained, was proper wiring of cords covered?• Was training recent and/or was skill used often enough to retain? —Task <ul style="list-style-type: none">• Did the system fail to assign task properly? Should it have been done by someone else—was it unclear?• If assigned properly, did it fail to communicate it to affected employees?• Did the system fail to establish goals or standards and accountability for performance? —Materials <ul style="list-style-type: none">• Did system fail to provide right materials?<ul style="list-style-type: none">—Color coded wire and plugs.—Test equipment.—Fail to buy commercial cord.—Fail to maintain test equipment.

**Accident Causation—Case Study 2
The Freight Handler**

Table HO 15–6

Solution to Accident Causation—Case Study 2: The Maintenance Man Accident Analysis

The Freight Handler Accident Analysis

A freight handler attempted to sharpen the point of a bale hook on a grinding wheel. The foreman of the department saw him but assumed that “anybody can use a little bench grinder.” The freight handler caught the point of the hook between the tool rest and the wheel. The wheel broke and a large piece of it struck him in the face. He was permanently disabled by the injury.

Additional Facts:

1. The tool rest was properly set $\frac{1}{8}$ th inch from the wheel.
2. Goggles were available but not used.
3. The eye shield for the grinder was not in place.
4. There were no regulations or SOP regarding use of equipment.
5. The freight handler was not from this foreman’s department.
6. A grinding wheel of this type is proper for sharpening bale hooks.

Accident Analysis. (First three entries are supplied. Student is to analyze the incident to identify factors other than operator error which may have contributed to the accident and show them under “Systems Defects”).

Result: Permanent disability.

Mishap: Grinding wheel shattered and/or tool caught between wheel and rest.

Operating Errors:

1. Operator did not use goggles or face shield.
2. Operator used machine without eye shield.
3. Operator let hook jam between wheel and work rest.
4. No eye shield provided.

Systems Defects:

**Solution To Accident Causation—Case Study 2
The Freight Handler**

Table HO 15-7

Solution to Accident Causation—Case Study 2: The Freight Handler

The Freight Handler Accident Analysis

Result:	Permanent disability.
Mishap:	Grinding wheel shattered and/or tool caught between wheel and rest.
Operating Errors:	1. Operator did not use goggles or face shield. 2. Operator used machine without eye shield. 3. Operator let hook jam between wheel and work rest. 4. No eye shield provided.
Systems Defects (Possible)	—Employee <ul style="list-style-type: none">• Could employee do it right if his life depended on it? If yes, then system failed to properly motivate operator. See task and training.• If no, then<ul style="list-style-type: none">—System failed to select qualified man.—System failed to train man selected. —Training <ul style="list-style-type: none">• System provided inadequate training.<ul style="list-style-type: none">—Did not teach skill required.—Did not provide proper motivation. —Task <ul style="list-style-type: none">• System failed to establish accountability for proper performance (operator and foreman). System failed to assign task properly—no regs. —Material <ul style="list-style-type: none">• System failed to provide eye shield.<ul style="list-style-type: none">—Machine purchased without one. Check supply error.—Shield broken; check for adequate maintenance.—System failed to provide good hooks, need sharpening frequently.

(h) *Job Safety And Health Orientation.*

Handout 15-8

Job Safety And Health Orientation

Employee's Name

Work Section

Date

Supervisor

Initial

_____ 1. This employee has been oriented on procedures to be followed in the event of a fire, tornado, or electrical storm.

_____ 2. This employee has been oriented on the potential safety and health hazards associated with his/her job. He/she demonstrated the ability to do major job requirements safely.

_____ 3. This employee has been oriented on the correct procedures for accomplishing aspects of the job that may involve potential hazards.

_____ 4. This employee has been provided a copy of safety and health rules applicable to this organization.

_____ Yes _____ No _____ Not Applicable

_____ 5. This employee has been advised of the penalties imposed for either willful or careless violation of safety related written regulations or directives.

_____ 6. This employee has been advised of any effect his failure to adhere to established procedures may have on the safety and health of other employees.

Supervisor's Signature

Motivation In Practice

Safety Objective—Assure employees use protective equipment.

Task Definition—Establish specific areas and/or operations. Specify hard hat areas, eye protection areas, and noise hazardous areas, etc.

Task Assignment—Put protective equipment requirements into job and process SOP's. Make it a part of the job.

Task Assignment—Require use of the protective equipment as a condition of employment. The employee learns use of the equipment just as he/she learns any other aspect of the job.

Task Assignment—Train and educate users. Teach the employee why use is necessary for his/her benefit and to comply with the law. Teach him/her how to wear and properly maintain the equipment. Use sustained training to ensure he/she remembers.

Task Assignment—Ensure that equipment is readily available when needed. The man is not likely to walk 50 yards or wait five minutes to get a pair of goggles for a special job.

Accountability—Set the example. You must use the equipment without fail when exposed to the hazard.

Accountability—Look for violations and for proper use. Someone must monitor performance of the task.

Reward and Punishment—Praise those who use the equipment. Make them feel good for cooperating, notice them.

Reward and Punishment—Establish a schedule of automatic penalties for violations. Let all employees know you are serious.

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