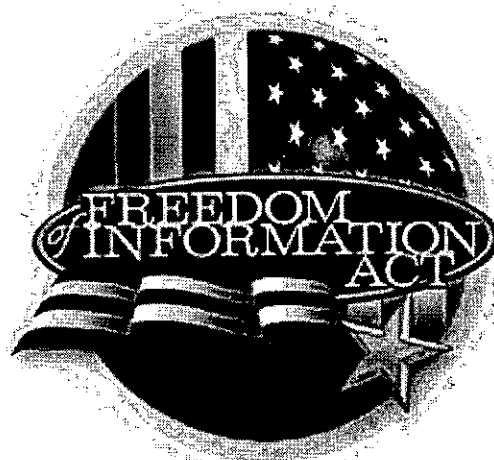


**FREEDOM OF INFORMATION
AND
PRIVACY ACTS**

**SUBJECT: MANUAL OF ADMINISTRATIVE
OPERATIONS AND PROCEDURES**

(PART 2 OF 8)



FEDERAL BUREAU OF INVESTIGATION

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SECTION 4. EQUAL EMPLOYMENT OPPORTUNITY/UPWARD MOBILITY

4-1 U.S. DEPARTMENT OF JUSTICE POLICY (See MAOP, Part I,
1-1.)

(1) It is the policy of the U.S. Department of Justice to prohibit discrimination in employment because of race, color, religion, sex, sexual orientation, national origin, marital status, political affiliation, age, or physical or mental disability, or reprisal for previous involvement in an EEO-protected activity and to provide equal employment opportunity in each organizational element of the Department. Management at all levels will take positive action to eliminate any internal policy, practice or procedure which denies equality of opportunity to any group or individual on the basis of race, color, religion, sex, including sexual harassment, sexual orientation, national origin, marital status, political affiliation, age, or physical or mental disability, and will assure that questions and complaints of discrimination are promptly and thoroughly investigated, and resolved without reprisal or threat of reprisal to the employee or applicant.

(2) Discrimination based on marital status and/or political affiliation is prohibited only by DOJ policy. Inasmuch as marital status and political affiliation are not protected classes under federal statute, allegations of discrimination based on marital status and/or political affiliation will not be addressed as EEO violations.

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4-2 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)

The EEOC has Presidential authority to supervise and provide leadership and guidance in the conduct of Equal Employment Opportunity (EEO) programs for the civilian employees, and applicants for, employment within the executive departments and agencies, and to review agency EEO program accomplishments periodically. The Commission has broad authority for inspecting agency programs and application thereof. Equal employment opportunity has been long-standing Bureau policy.

EFFECTIVE: 12/12/91

4-3 REGULATIONS

(1) Departmental Order 1713.4 dated November 16, 1972 which incorporates Change 1, dated February 21, 1973 contains the Department's equal employment opportunity regulations for implementing the EEO program in the Department of Justice (DOJ). Departmental Order 1713.5 dated October 30, 1973 contains information on the Volunteer Representatives program for EEO complainants. Copies of both orders must be maintained permanently on appropriate bulletin board(s) to ensure employees and applicants observe and review these orders. The Department's regulations (pages 15 through 18) outline procedures for processing and resolving complaints.

(2) The DOJ Policy Statement on Sexual Harassment dated June 29, 1993, and the FBI Policy Statement on Sexual Harassment dated November 2, 1993, as well as the DOJ Policy Statement on Sexual Orientation dated June 26, 1996, and the FBI Policy Statement on Sexual Orientation dated November 6, 1996, are to be displayed on key bulletin boards along with above-described Departmental Orders and the following information: the posters captioned "The FBI's Policy is Equal Opportunity" with names of EEO Counselors; "Discrimination on Basis of Handicap in the Federally Conducted Programs and Activities of the Federal Bureau of Investigation is Prohibited"; the Upward Mobility Plan; blue cover pages captioned "Multiyear Affirmative Employment Program Plan, FY 1988 - 1992"; "Annual Affirmative Employment Accomplishment Report"; and tan cover pages captioned "Disabled Veteran Affirmative Action Program, Fiscal Year 1991" and "Affirmative Action Program for Individuals with Handicaps." The cover pages indicate where the reports are accessible to all interested employees. (See MAOP, Part I, 1-2.1 (9) and 4-6.1.)

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4-3.1 Race and National Origin Identification - FD-758

(1) The FBI is required to collect race and national origin data in accordance with Federal regulations and directives. Form FD-758, Race and National Origin Identification, supersedes Office of Personnel Management Standard Form 181. Regulations, Privacy Act Statement, instructions and five racial/ethnic/national origin categories are defined on the FD-758. The form must be completed by each employee at the time of entry on duty or as necessary to clarify records. It is utilized to enter information into Headquarters' automated Bureau Personnel Management System (BPMS) for reporting statistical data and is subsequently destroyed. The FD-758's and other data entered into the system are afforded proper control to preclude unauthorized access.

(2) Management is to supervise the collection of data to ensure compliance with Federal requirements. Guidelines provide that agencies must accept the race and national origin data which is voluntarily submitted. In unusual cases, if it is apparent the employee furnished inaccurate information, the employee should be counseled as to purpose, confidentiality afforded the information, and need for accuracy. If, after counseling, the employee still declines to change the categorization originally selected, the agency must accept the designation provided by the employee, except in certain instances. If an employee refuses to identify himself/herself, the agency is authorized and required to identify the employee's race or national origin as that which is visually perceived to be the correct classification for the employee.

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4-3.2 Self-Identification of Handicap - Standard Form 256

Standard Form 256, Self-Identification of Handicap, must be completed by each employee at the time of entry on duty, whenever a change occurs in an employee's handicap status and/or to clarify records. All employees, including Special Agent personnel, are to execute the form even to indicate no handicapping condition, which is denoted by Code 05. The information obtained through this form is entered into FBIHQ's BPMS for compiling statistical data. Collection of the requested information is authorized by the Rehabilitation Act of 1973 (Public Law 93-112). Data is used for the purpose of producing statistical reports to show progress in hiring, placement and advancement of persons with disabilities. The form is subsequently destroyed and data entered into the BPMS is afforded proper control to preclude unauthorized access.

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4-3.3 Applicant Background Survey - FD-804

(1) The Applicant Background Survey Form (FD-804) captures gender, race/ethnicity, sex, and a disability code for Agents and Support applicants. The purpose of the form is to track and study the efforts made in the FBI's recruitment/hiring programs. The FD-804 contains regulations, a Privacy Act statement, instructions, gender, defines five (5) racial/ethnic/national origin categories, and eleven (11) disability codes. The FD-804 will be presented to ALL APPLICANTS. The FD-804 should be completed, returned, along with an application for employment from each prospective Bureau applicant to initiate the applicant process. The information obtained through this form is entered into the FBI's Bureau Personnel Management System (BPMS) that compiles statistical data. Following the entry of this information into the BPMS, the form is subsequently destroyed. Such data entered into the BPMS will be afforded proper control to preclude unauthorized access.

(2) Guidelines provide that agencies must accept gender, race, national origin, sex, and a disability code which is voluntarily submitted by the applicant. Should the applicant desire not to return the FD-804, the entry into the FBI's BPMS should be N for the respective codes.

(3) The applicant background survey form will not REPLACE

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Forms FD-758 and SF-256 which MUST be executed by all employees upon entering on duty.

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4-4 EEO COMPLAINTS (See MAOP, Part I, 1-2.1 (5).)

An employee or applicant for employment in the FBI who feels discriminated against because of race, color, religion, sex, including sexual harassment, sexual orientation, national origin, age, physical or mental disability, or reprisal for previous involvement in an EEO-protected activity must bring the matter to the attention of an EEO Counselor for the office or division in which the question arose prior to filing a discrimination complaint. The concept here is that most questions or grievances will be such that they can be resolved informally without the employee or applicant resorting to a formal complaint. The EEO Counselor must be contacted within 45 calendar days after the action in question has taken place, although continuing problems may be discussed at any time. Failure to contact an EEO Counselor within 45 calendar days of an alleged discriminatory action will likely result in forfeiture of a complainant's right to pursue a claim of discrimination.

EFFECTIVE: 03/07/97

4-4.1 EEO Complaints on the Basis of Handicap in FBI Federally Conducted Programs and Activities

(1) Complaints of discrimination can be filed on the basis of handicap against any of the federally conducted programs or activities of the FBI (i.e., FBI training programs, as well as FBI office space, tour facilities and the Training Academy facilities) which are available to individuals receiving such services. These complaints of discrimination will be processed in accordance with the procedures set forth in Title 28, Code of Federal Regulations, Part 39.170. As indicated in this regulation, there are major distinctions in the processing of these complaints compared with employment complaints filed by handicapped employees or applicants. The Office of EEO Affairs at FBIHQ, extension [REDACTED] should be contacted promptly if such a complaint is received.

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(2) In addition, this regulation under Part 39.111 requires agencies to provide notice to apprise employees, applicants, participants, beneficiaries, and other persons of the rights and protections afforded them under this regulation. The poster captioned, "Discrimination on the Basis of Handicap in the Federally Conducted Programs and Activities of the Federal Bureau of Investigation is Prohibited," must be retained permanently on prominent bulletin boards available to the public and employees.

EFFECTIVE: 12/12/91

4-5 EEO OFFICIALS AND SPECIAL EMPHASIS PROGRAM MANAGERS

The Director of Equal Employment Opportunity for the Department of Justice is Assistant Attorney General for Administration, Department of Justice, Washington, D.C. The Chief of the FBI's Office of Equal Employment Opportunity Affairs (OEEOA) is assisted by two Assistant EEO Officers, one in charge of the Complaints Processing Unit and the other in charge of the Special Programs Unit. Identities of these individuals as well as identities of program managers within these entities are listed on the poster entitled, "The FBI's Policy is Equal Opportunity." The OEEOA is under the direction of the FBI's Deputy Director. Implementation of a positive equal employment opportunity program and application of the regulations are the responsibility of division heads, SACs, and their managerial staffs.

EFFECTIVE: 12/12/91

4-5.1 EEO Counselors (See MAOP, Part I, 3-3.1(1).)

(1) It is the responsibility of each SAC and each Assistant Director to ensure that an adequate number of EEO Counselors are available to provide timely counseling and ready access to procedural information which may be needed by complainants. A minimum of two employees who are not members of the supervisory staff in the field or in a division at FBIHQ are to be selected in accordance with instructions set forth in 4-5.1(4). In some situations supervisory personnel may serve as EEO Counselors; however, ensure persons other than supervisory staff are available as Counselors. To provide diversity in Counselors, promote the opportunity for peer counseling

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and maximize opportunities for informal resolutions, both Special Agent and support personnel should be selected. Special Agents serving as Chief Division Counsels (CDCs) should not be designated to serve as EEO Counselors. As an EEO Counselor, in the event of a complaint against management personnel, the CDC would be placed in the position of counseling the complainant. At the same time, he/she may be the person called upon to provide legal advice to the agency and assist in representing the Bureau if the complaint is not resolved, and/or an adversary proceeding results. Therefore, the use of CDCs as EEO Counselors is disallowed to alleviate any perceived conflict of interest in precomplaint counseling.

(2) Employees assigned to the Legat Offices and the El Paso Intelligence Center (EPIC) who may need EEO information and/or a Counselor should contact the OEEOA at FBI Headquarters. If an EEO Counselor is not available within an employee's work entity, referral to a Counselor will be made by the OEEOA.

(3) Names of EEO Counselors for each division and each field office, along with their telephone extensions and names of FBIHQ EEO Officials and Special Emphasis Program Managers, must be publicized on the poster captioned "The FBI's Policy is Equal Opportunity." The poster should be prominently displayed at all times on key bulletin boards in clear view of all employees and all applicants. In complaints involving class action considerations, the FBI's EEO Officer should be contacted regarding the assignment of a Class Action Counselor.

(4) The selection of Agent and support personnel to perform as EEO Counselors is to be a participatory process with selections emanating from the entity's career board(s). Guidance on composition of Special Agent career boards is set forth in MAOP, Part I, Section 3-3.1 and for support personnel career boards in MAOP, Part I, Section 7-6.4.2. The views of SAC/Assistant Director and the OEEOA on the candidate(s) may be considered by the selecting career board. The OEEOA should be promptly advised of the Counselor(s) name. The OEEOA has the authority to remove an ineffective EEO Counselor for cause. (See 4-5.1(1).)

(5) Employees serving as EEO Counselors may receive a Basic EEO Counseling course as soon as possible following their selection. The course is offered at regional area training centers by the Office of Personnel Management and is optional. Training should be coordinated through the OEEOA, utilizing Standard Form 182, "Request Authorization Agreement and Certification of Training." In addition, employees selected as EEO Counselors must also attend

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intensified EEO Counselor training provided by the OEEOA.

(6) EEO Counselors receive guidance from the FBI EEO Officer. They are responsible for this collateral duty under the direction of the EEO Officer. Special Agents, and, where applicable, those support employees who record their time using the TURK system, acting in the capacity of EEO Counselors, should attribute the time so spent by indicating the 280B classification on their TURK Form (FD-420a).

(7) Each SAC and Assistant Director should likewise remain vigilant in those circumstances involving the replacement of an EEO Counselor to ensure that the outgoing Counselor's notes are appropriately packaged and forwarded to the OEEOA, FBIHQ (see MAOP, Part I, |4-5.1.5). |

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4-5.1.1 Role of EEO Counselor

| (1) | The Counselor's role is to establish convincingly an open and direct channel through which employees may raise questions, discuss grievances, get answers, and on an informal basis, get resolutions of problems connected with equal employment opportunity. The Counselor is responsible for trying to clear up problems which are brought up by employees by discussing the employee's problems with the employee and with the employee's supervisors or associates, if necessary, and provided the employee gives permission to do so; by advising employee of the merits of the matter and by finding solutions to problems where it is possible to do so. The EEO Counselor must exercise good judgment, be objective and fair, be able to secure the confidence of employees who are to be counseled, and be able to work and communicate effectively. EEO Counselors must carefully comply with their role as outlined in the Department's regulations.

| (2) | It is preferred that EEO Counselors not be utilized on career boards/selection panels. This places Counselors in the position of potentially being involved in a grievance/complaint regarding a selection issue. This then results in a conflict and ultimately their disqualification thereby reducing the number of counselors available. Counselors may be members of selection panels if they are serving based on their subject-matter expertise pertaining to the position being filled, i.e., Accounting Technician, Training

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Technician, Computer Specialist, etc., rather than their role as EEO Counselors.

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4-5.1.2 Files and Records Available to EEO Counselors (See MIOG, Part I, 280-2.2.)

(1) EEO Counselors are authorized to review all relevant files in order to effectively attempt an informal resolution. This includes relevant personnel files in the field offices, FBIHQ Divisions, as well as the Official Personnel File (OPF) at FBIHQ. Relevant OPFs include only the files of those persons logically connected to, or having some bearing on the allegations of discrimination. In addition, the Counselor is authorized to review pertinent administrative records in field offices and FBIHQ which have a bearing on the matter under counseling. Such records include, but are not limited to, control files, medical records, administrative/criminal inquiry files of the Office of Professional Responsibility (OPR) and the Administrative Summary Unit, as well as written documentation and/or taped recordings of Career Board deliberations, to the extent such records have a bearing on the allegations being raised by the aggrieved employee.

(2) With regard to field office and FBIHQ Career Board records, and/or field office or FBIHQ OPR records, EEO Counselors must contact the OEEOA for guidance and approval PRIOR TO requesting access to these records. Access to OPR documents is currently limited to the predication only for pending matters, or the investigative file on closed matters. Access to any of these records through the informal EEO precomplaint counseling process is limited to those situations where an aggrieved employee has clearly articulated a specific basis which falls within EEO jurisdiction. This is necessary in order to provide an aggrieved employee with a viable opportunity to informally resolve the matter, and yet protect the integrity of the Career Board and OPR processes. EEO Counselors must note the name of the OEEOA employee they spoke with and the date of the OEEOA authorization in their notes, and in any subsequent Report of Counseling should the matter proceed to the formal stage. OEEOA approval to review taped recordings of Career Board deliberations will be closely coordinated with the affected field office, FBIHQ division, and/or the Special Agent Mid-Level Management Selection (SAMMS) Board pursuant to

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specific instructions/limitations.

(3) It should be noted, however, that a Counselor seeking access to relevant Employee Assistance Program files must obtain the prior written authorization, or a statement evidencing such a waiver of confidentiality, from the subject of such files.

EFFECTIVE: 12/11/95

4-5.1.3 Counselor Matters Data Base

(1) The Equal Employment Opportunity Commission mandates each agency to report EEO counseling contacts at the end of each fiscal year. To properly capture this information, as well as manage the Counselor Program, a Counselor Matters Data Base has been developed and can be accessed through the Bureau Personnel Management System (BPMS) on the FBINET. Each active EEO Counselor is required to report his/her counseling activity on a quarterly basis.

(2) All active EEO Counselors are granted access to the Counselor Matters Data Base via their User ID. Newly trained Counselors are granted access immediately following training. To access the data base, Counselors must enter their User ID and password, and then select the call key for the Counselor Matters application. Appropriate selections are available depending on the nature of the entry, i.e., initial entry, modify entry, delete. Specific information necessary to close out the record is prompted to ensure it is entered. A detailed instruction guide on this application is available through the OEEOA.

(3) On a quarterly basis, the OEEOA will run reports from this data base and reconcile any discrepancies. Counselors that have not entered their counseling activity (which includes a selection that they had no counseling activity for the quarter) by the 21st day following the end of the quarter, will be contacted by the OEEOA and requested to enter the data immediately.

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4-5.1.4 Report of Counseling (JMD-379)

The EEO Report of Counseling, JMD-379, should be executed by the counselor only when a formal complaint has been filed by an employee or applicant wherein he/she made an allegation or raised a question or grievance based on race, color, religion, sex, including sexual harassment, sexual orientation, national origin, age, physical or mental disability, or reprisal for involvement in protected activity incident to the EEO process. This reference to formal complaint is noted inasmuch as it is probable applicants or employees will raise questions that can be readily responded to or clarified with no need for a formal complaint through the EEO process and no requirement for execution of the Report of Counseling. The Report of Counseling is the initial document in the precomplaint phase. It, together with the Counselor Matters Data Base, is used by OEEOA in reporting instances of precomplaint counseling throughout the Bureau. In situations where the Report of Counseling is to be executed, the counselor should develop the facts as would be done in any other type grievance or personnel matter requiring consideration and approval. If the employee or applicant does not give permission to use his/her name, anonymity must be safeguarded and identity may not be divulged by the counselor to anyone. Where anonymity is desired, point out to the individual that it may be difficult to develop full facts although as much information as possible should be ascertained by the counselor while safeguarding anonymity of the complainant. A written Release from Anonymity form should be executed in every instance where anonymity has not been requested. Reports of Counseling must be submitted by the EEO Counselor to the OEEOA within 7 days of being advised by the OEEOA to furnish same. Notes created during the counseling activity are not to be included in these reports. Instead, the Counselor should retain and properly store his/her notes for a period of two (2) years. (See MAOP, Part I, 4-5.1.5 & Part II, 2-4.5.15.)

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|4-5.1.5| Storage of EEO Counselor's Notes (See MAOP, Part I,
4-5.1(7), |4-5.1.4.)|

(1) Each EEO Counselor will be responsible for the proper storage of notes created during the course of EEO counseling activities. Such notes should be stored in a secure or locked device such as a desk or safe to which access is restricted to the EEO Counselor. These notes should be retained for a period of two (2) years from the date of their creation, at which time they should be destroyed. Each EEO Counselor will be responsible for creation of his/her tickler system for the destruction of these notes (see MAOP, Part II, 2-4.5.15).

(2) It should be noted that there may be instances where, prior to the passage of the two years, the EEO Counselor may be suspended or terminated, may retire or resign from the FBI's employment, may be transferred from one office of assignment to another, or may decide to relinquish his/her duties as an EEO Counselor. As a result of such change of circumstances, and to ensure the integrity of the confidentiality required in the EEO process, it will be incumbent upon the Counselor to have the notes forwarded to the OEEOA, FBIHQ for appropriate storage.

(3) Each SAC and Assistant Director should likewise remain vigilant in those circumstances involving the replacement of an EEO Counselor to ensure that the outgoing Counselor's notes are appropriately forwarded to the OEEOA, FBIHQ. In those instances where, due to unusual circumstances, the office management is tasked with forwarding the notes of an outgoing EEO Counselor, extra care should be given to the handling of such material to ensure that adequate confidentiality is maintained for these materials.

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4-5.2 EEO Investigators (See MIOG, Part I, |280-2:|)

(1) EEO investigations are conducted by Special Agents of the FBI (Series GS 1811) as voluntary, collateral duties to their normal investigative responsibilities. Each FBI field office is required to maintain a specific number of trained EEO Investigators as set forth by the OEEOA, and the SAC is responsible for ensuring that those Investigators are impartial and professional representatives of that division.

(2) The Investigator position can be filled through circulating a memo outlining the duties and qualifications of the position. Interested qualified employees may directly volunteer by making their interest known to management, or management may encourage such qualified employees to volunteer. No formal posting is required, but individuals selected for this position must be experienced relief supervisors committed to the Career Development Program (CDP), and who have exhibited an ability to conduct THOROUGH and OBJECTIVE investigations in a timely manner. Divisions may choose to select EEO Investigators through established Career Board procedures.

(3) Following selection, Investigators will be scheduled to attend the next available training course at the FBI Academy. Case assignments will not be made until completion of the training program. Investigations will be assigned by the Unit Chief of the OEEOA's Complaints Processing Unit (CPU) following concurrence with the respective Assistant Special Agent in Charge of the office where the Investigator is assigned. Investigations are assigned based on geographic region, but are NEVER assigned to an Investigator within his/her own division. During the investigation, Investigators are directly supervised by various personnel within the OEEOA, including the Supervisory Special Agents assigned to the CPU, the CPU Unit Chief, and the EEO Officer.

(4) Relief supervisors who are promoted to supervisory positions, or who resign from the CDP will be removed from the list of active Investigators. Exceptions can be made by the OEEOA on a case-by-case basis. An Investigator who receives a nonpromotional transfer from one field division to another becomes a part of their new division's complement of EEO Investigators if they are still interested and available. It is the responsibility of each field office to immediately advise the OEEOA, by communication, of any personnel changes (retirements, transfers, promotions, etc.) involving EEO Investigators. Offices experiencing a reduction below the recommended complement of EEO Investigators will be notified by the

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OEEOA and given preferential consideration for spaces at the next available EEO Investigator's in-service.

(5) At the conclusion of each investigation, the OEEOA will provide an evaluation of the Investigator's work to the SAC, the Investigator's Rating Official, and the Investigator. The evaluation is to be used as a measuring tool of the Investigator's ancillary duty as an EEO Investigator and DOES NOT constitute an official performance rating. The significance given to this evaluation in the Investigator's annual Performance Appraisal Report will be left to the discretion of the Rating Official. The OEEOA has the discretion and authority to remove an ineffective EEO Investigator for cause in the event the quality of that Investigator's performance or work product does not meet the OEEOA's standards. Examples of such grounds would be blatantly biased behavior and/or reporting, or failure to follow OEEOA instructions regarding an investigation.

(6) Special Agents conducting EEO investigations should attribute time spent on TURK Form (FD-420a) as subclassification 280A.

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4-5.2.1 Authority and Role of EEO Investigator (See MIOG, Part I,
| 280-2.1.) |

EFFECTIVE: 12/11/95

4-5.2.2 Files Available to Investigator (See MIOG, Part I,
| 280-2.2.) |

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4-5.2.3 EEO Investigation and Documentation (See MIOG, Part I,
| 280-2.3.) |

EFFECTIVE: 12/11/95

4-5.2.4 Investigative Report/Review by Office of the
| General Counsel (See MIOG, Part I, |280-2.4.) |

EFFECTIVE: 12/11/95

4-5.2.5 Theories of Discrimination (See MIOG, Part I, |280-2.5.) |

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| 4-5.2.6 |Moved to 4-5.3|

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| 4-5.2.7 |Deleted|

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4-5.3 Subclassifications (See MIOG, Part I, 280-1; MAOP, Part II, 3-1.1, 3-1.2, 3-3.2(3) & 3-4.5(5).)

(1) 280A (EEO Investigations) - Should ONLY be utilized for EEO investigative files and to record time spent on EEO investigations. FILE USE RESTRICTED TO OEEOA ONLY.

(2) 280B (EEO Counseling) - Should ONLY be utilized for recording time spent counseling.

(3) 280C (EEO Conferences) - Should ONLY be utilized to record time spent at conferences and training seminars.

(4) 280D (EEO Administrative) - Utilized for EEO administrative files that are unrelated to specific complaints of discrimination or that make reference to a complainant by name.

EFFECTIVE: 12/11/95

4-6 |AFFIRMATIVE EMPLOYMENT|PROGRAM

The Bureau's |Affirmative Employment Program| is |a continuing program for the recruitment of minorities and women to eliminate underrepresentation in various categories of employment and to ensure equality of opportunity by tracking and monitoring such activities as recruitment, hiring, disciplinary actions, promotions, and training. |

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4-6.1 Plan of Action

Field office responsibility in minority group recruitment is set forth in the FBI's Multiyear Affirmative Employment Program Plan FY 1988 - 1992 under Recruitment and Hiring. Copies of this Plan should be maintained accessible to employees with the location of such reports posted on blue cover pages displayed on key bulletin boards.

EFFECTIVE: 12/12/91

4-6.1.1 Recruitment of Persons with Disabilities, Minorities and Women

(1) Suggested means of attracting individuals with disabilities are: contact various rehabilitation agencies, state employment services and Veterans' Assistance Centers, participate in job fairs, conferences and other events that focus on employment of persons with handicap conditions.

(2) Suggested means of attracting members of minority groups and women are: contacts with high schools, business and specialty schools, colleges and law schools, women's colleges and organizations; contacts with civic, professional, business, and religious leaders; contacts with minority groups such as Urban League; contacts with military separation centers and other logical military bases including the transition officers at such centers and bases; contacts with graduating seniors who are also receiving commissions in the military as a result of ROTC programs at colleges having a predominance of minority students, suggesting career potential as SA in FBI following separation and that while in military they may be in contact with minority officers being separated from military or who would be inclined to separate if they were assured of a good job; contact with law enforcement agencies; contact with local offices of pertinent Federal and state employment opportunity programs for the underprivileged; contact with state employment services; mention in the press, particularly appropriate women's, minority, and foreign language newspapers, i.e., Spanish, including publicity on achievements or career information on our individual women and minority employees; treatment during radio and television broadcasts, particularly over minority-oriented stations, including participation by women and minority employees; explanation of the program and opportunities by Special Agents incidental to their many and varied contacts while on investigative assignments; treatment during speeches before groups which include a representative number of women and

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minority group members; utilization of informal contacts, such as with friends, neighbors, etc., and treatment during tours of field offices. These suggestions are by no means all-inclusive but are to be supplemented consistent with individual field office effort. SACs and FBIHQ division heads must ensure that handling of all applicants is proper, and that coverage of sources of applicants is complete. The positive EEO program implemented by each field office must be under the personal direction of the SAC who must ensure that the office applies a positive and forward-looking approach toward recruitment in this area.

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4-7

EMPLOYEES' AWARENESS OF EEO PROGRAM

(1) SACs and FBIHQ division heads must ensure that all employees are familiar with the EEO policy and the responsibility of employees under the Department's regulations, and that all supervisors are fully knowledgeable on this subject and particularly as to their responsibilities. This should be brought to the attention of supervisors at the time they are designated as such. Supervisors must make certain all employees thoroughly understand pertinent parts of the program and are aware of where details on the program can be located. It is imperative that all employees fully understand that allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days will result in forfeiture of the complainant's right to pursue a claim of discrimination.

(2) To supplement training offered through management and supervisory courses on EEO at the FBI Academy and other FBI training sessions, supervisors and managerial staff, in particular the ASAC, Supervisory SAs, Administrative Officers (AOs) and Assistant AOs should attend EEO training provided through the Office of Personnel Management, the Equal Employment Opportunity Commission and/or selected training which has been approved by the OEEOA.

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4-7.1 Conferences

The policy pertaining to EEO must be made a subject of discussion at annual conferences of Agent and support personnel in the field and at FBIHQ and should be appropriately documented. Such discussions should describe in general terms the discrimination complaint process and in particular the fact that all allegations of discrimination must be brought to the attention of an EEO Counselor within 45 calendar days of the action in question, and that failure to contact an EEO Counselor within the required 45 calendar days will result in forfeiture of the complainant's right to pursue a claim of discrimination. It must be emphasized during such lectures that all personnel actions in the Bureau are based on merit and fitness and that there must be no discrimination as to race, color, religion, sex, including sexual harassment, sexual orientation, national origin, age, or physical or mental disability, or reprisal for previous involvement in an EEO-protected activity. Employees should be urged to consult their EEO Counselor at any time should they have any question(s) on this matter. Names of these EEO Counselors should be brought to the attention of the conference attendees. (See MAOP, Part I, 1-2.1 (8) (a); Part II, 8-1.3.2(4) and 8-2.2(1), (2); Legal Attache Manual, Sections 2-12.1 and 2-12.3.)

EFFECTIVE: 03/07/97

4-7.2 Special Emphasis Program Coordinators

(1) To enhance opportunities for results-oriented programs and increase employee awareness of the Special Emphasis Programs, 15 major offices (Atlanta, Baltimore, Boston, Chicago, Cleveland, Dallas, Detroit, Houston, Los Angeles, Miami, Newark, New York, Philadelphia, San Francisco and Washington Metropolitan Field Office) are required to designate coordinators as follows: American Indian/Alaskan Native, Asian American/Pacific Islander, Black Affairs, Federal Women's, Hispanic Employment, and Persons with Disabilities (hiring and placement of persons with disabilities). The Applicant Coordinator is to coordinate the active recruitment of persons with disabilities and, where feasible, handle all matters pertaining to persons with disabilities and serve as the Persons with Disabilities Coordinator. In certain instances, such as the New York Office, there is a need to fill the responsibility of handling matters pertaining to the Persons with Disabilities Program by an individual in addition to the Applicant Coordinator.

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(2) In the above-named offices the coordinators are to formulate an EEO Advisory Committee. Each coordinator and/or the committee, collectively, should serve as a resource body or person to management officials on concerns of the targeted group he/she represents. These coordinators are to maintain contact with the FBIHQ Special Emphasis Program Managers for necessary guidance and direction.

(3) Training for each coordinator, apropos to the program for which he/she is responsible, is offered through the Office of Personnel Management (OPM). The coordinators should arrange to attend the regional training provided through OPM or comparable courses approved by the OEEOA. Standard Form 182, "Request Authorization Agreement and Certification of Training," must be utilized.

EFFECTIVE: 12/13/96

4-8 EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP)

FBI Policy Statement dated July 26, 1994, reiterates long-standing policy under the Affirmative Employment Program Plan for Minorities and Women as follows:

"As the Director of the FBI, I strongly encourage women and minorities to participate in the voluntary Executive Development and Selection Program (EDSP), and I, personally, support initiatives to affirmatively recruit women and minorities into the EDSP. Increasing the number of women and minorities participating in the EDSP at the entry level position of relief supervisor will broaden the pool of women and minority candidates eligible for selection as supervisors, mid-level managers and, ultimately, for selection as senior executives. It is my objective to encourage participation in the EDSP by sufficient numbers of highly talented and motivated women and minority SAs to ensure that women and minority SAs achieve leadership positions in the FBI, including the Senior Executive Service."

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EFFECTIVE: 11/18/94

[4-8.1 | Moved to 4-9.1 |

EFFECTIVE: 11/18/94

[| 4-9 | UPWARD MOBILITY PLAN

Consistent with Departmental Order 1411.2 and instructions previously issued by the Civil Service Commission (Federal Personnel Manual Letter 713-27 dated June 28, 1974), the FBI developed an upward mobility plan. This plan lists certain target positions to which lower level employees (grade GS-8 and below or any equivalent Wage Board employee) can aspire to enable them to realize their full work potential. The plan is designed to serve as a basic reference to ensure a continuing results-oriented program of upward mobility within the FBI. Copies of the plan should be maintained on key bulletin boards in each division and field office so that every employee will have ample opportunity to observe and review same. In addition, information concerning upward mobility should be discussed at annual conference of support personnel. It must be emphasized during such lectures that upward mobility must conform with merit principles and equal opportunity requirements, and employees should be urged to consult their upward mobility counselor should they have any questions on this matter.

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||4-9.1| Role of Upward Mobility Counselor

Instructions regarding the selection of upward mobility counselors are listed under Career and Educational Counseling in the FBI's Upward Mobility Plan. The counselor's role is an essential element in our upward mobility plan because the counselor attempts to match the employee's interests, skills and potential to our organizational needs by bringing together people and job opportunities. Such career counseling is designed to provide information and advice on ways employees can use their skills, acquire more job satisfaction, and choose the education and/or training necessary to advance. Counselors should be able to deal effectively with all persons found in our diversified work force, including persons with disabilities. The Counselor should have an understanding of merit principles, performance evaluation procedures, Bureau promotional policy and other information necessary to assist employees so these employees will not have their hopes raised unrealistically with promises which cannot be realized. To ensure counselors are well versed in personnel procedures, they should review FBI's promotion policy, and they also should thoroughly familiarize themselves with the target positions listed in the FBI's Upward Mobility Plan. Counselors should furnish pertinent information to FBIHQ on a quarterly basis regarding the employees who seek them out for individualized counseling on upward mobility. This information should include the employee's name, entry-on-duty date, current position, series number and grade, and what upward mobility target positions, if any, the employee was advised he or she could aspire to in the future. Such information should be forwarded to the Bureau's overall Upward Mobility Coordinator, Ms. Barbara Dean Finch, who is assigned to the Office of Equal Employment Opportunity Affairs, Room 7901, under office of the Deputy Director.

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4-10 PERSONS WITH DISABILITIES (FORMERLY SELECTIVE
PLACEMENT) PROGRAM

The FBI's Persons with Disabilities (formerly Selective Placement) Program (PDP), located within the Office of Equal Employment Opportunity Affairs (OEEOA), monitors and reports on the recruitment, hiring, testing, placement, and advancement of persons with disabilities within the Bureau. The PDP also provides training to Bureau personnel regarding the employment of individuals with disabilities, general awareness, reasonable accommodation and other related issues. In addition, the PDP receives, reviews, researches, coordinates and makes recommendations upon requests for reasonable accommodations received from employees and applicants. Recommendations for reasonably accommodating persons with disabilities are generally made with the assistance of the FBI's Reasonable Accommodation Committee (see MAOP, Part I, 4-10.2).

EFFECTIVE: 12/13/96

4-10.1 Regulations Pertaining to Employment of Persons with
Disabilities

(1) The Rehabilitation Act of 1973 (Public Law 93-112), as amended by Public Law 93-516, the Vietnam Era Veterans' Readjustment Act of 1974 (Public Law 93-508), and the Americans with Disabilities Act of 1990 require that agencies within the Executive Branch of the federal government develop and implement affirmative action program plans that will expedite the hiring, appointment and promotion of persons with disabilities and develop policies that do not unnecessarily exclude or limit persons with disabilities because of architectural, procedural, communication, transportation or attitudinal barriers.

(2) Federal law and EEOC guidance provide the following definitions:

(a) "Person with a disability" is an individual who has a physical or mental impairment which substantially limits one or more of the person's major life activities; has a record of such an impairment; or, is regarded as having such an impairment.

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(b) "Physical or mental impairment" includes: any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and, endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. In addition, Congress included the following examples of conditions, diseases and infections as physical or mental impairments under the Americans with Disabilities Act of 1990: alcoholism; cancer; cerebral palsy; diabetes; drug addiction; emotional illness; epilepsy; and, infection with the Human Immunodeficiency Virus (HIV).

(c) "Record of an impairment" means that the individual has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

(d) "Is regarded as having an impairment" includes:

1. individuals with physical or mental impairments that do not substantially limit a major life activity, but are treated by a covered entity as constituting such a limitation;

2. individuals with a physical or mental impairment that substantially limits a major life activity only as a result of the attitudes of others toward the impairment; or,

3. individuals with no physical or mental impairment who are treated by a covered entity as having such an impairment.

(e) "Major life activities" include those basic activities that the average person in the general population can perform with little or no difficulty. Examples of these activities include but are not limited to: caring for one's self; performing manual tasks; walking; seeing; hearing; speaking; breathing; learning; and, working.

(f) "Substantially limits" means that the individual is unable to perform or is significantly restricted as to the condition, manner or duration under which he or she can perform a major life activity as compared to the general population.

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Temporary, nonchronic impairments of short duration, with little or no long-term or permanent impact, are not usually considered a disability.

(g) "Qualified individual with a disability" for the purpose of employment, includes those persons who, with or without a reasonable accommodation, can perform the essential functions of the employment position that the individual holds or desires.

(h) "Reasonable accommodation" is a modification or adjustment to a job, the work environment or the way things are usually done, that will enable a qualified individual with a disability to attain the same level of performance or enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability. Reasonable accommodation may occur in three phases of employment: in the application/recruitment process; in the performance of essential functions of a job; and/or in the receipt of all benefits of employment. Within the FBI, all requests for reasonable accommodations received from employees or applicants will be coordinated through the OEEOA.

EFFECTIVE: 12/13/96

4-10.2 Reasonable Accommodation Committee (See MAOP, Part I, 4-10.)

On 3/10/94, the Director approved the establishment of the Reasonable Accommodation Committee (RAC) within the OEEOA to assist the PDP in addressing individuals' requests for reasonable accommodation. The RAC is made up of representatives from the OEEOA, the Personnel Division and the Office of the General Counsel (OGC) to include: the Persons with Disabilities Program Manager; the Medical Officer (MO); the Safety Officer; and personnel from the Facilities Management, Staffing, Position Classification, and Health Care Programs Units. In addition, as necessary, personnel from the Employee Assistance and/or Employee Benefits Units are requested to assist. Each request is addressed separately with information and input solicited from the individual with the disability and his or her supervisor or management.

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4-10.3 Reasonable Accommodation Process

(1) The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 require that employers make reasonable accommodations to the KNOWN physical or mental limitation of otherwise qualified individuals with disabilities. If the employer is unaware of the person's disability, there is no obligation to make a reasonable accommodation.

(2) In general, it is the responsibility of the employee or applicant to inform Bureau management of his or her need for reasonable accommodation. However, in situations in which an employee with a known disability is having difficulties in performing the essential functions of his or her position or is unable to enjoy the full benefits of employment, it is permissible for the employer to discuss the possibility of reasonable accommodation with the employee.

(3) Once an individual's need for reasonable accommodation is known, the employing division or field office will be responsible for trying to reasonably accommodate the employee in his or her current position or in another available position for which he or she is also qualified within the division or field office. Supervisors and managers are strongly encouraged to work with the employee or applicant to develop an accommodation that is effective and reasonable for both the Bureau and the individual with the disability. FBI Forms FD-856 (Request for Reasonable Accommodation) and FD-839 (Authorization for Disclosure of Medical Information), as well as an Office of Personnel Management (OPM) Form SF-256 (Self-Identification of Handicap), should be completed and forwarded to the OEEOA. It will be the responsibility of the employing division or office to implement the accommodation.

(4) If the division or field office is not able to reasonably accommodate the employee or if adaptive equipment must be purchased as part of the reasonable accommodation, the above-referenced forms should be completed and forwarded to the OEEOA. Supporting medical documentation submitted by the employee detailing the condition will be reviewed and summarized by the FBI's MO. If additional medical documentation is required, the FBI's MO will request, review and summarize same from the individual's personal

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physician and/or therapist.

(5) In those cases where the employing division or office is unable to accommodate the individual and following a review of all supporting documentation and related case law, a determination regarding whether or not the individual has a disability as defined within the pertinent laws will be made by the OGC. The request will be referred back to the employing division or field office if it is determined that the employee does not have a disability. If the OGC determines that the employee is a "qualified individual with a disability," as that term is defined within applicable laws, the request will be referred to the OEEOA and, if necessary, the RAC. In those situations where the reasonable accommodation is not known or obvious, the employee making the request and his or her management will meet with members of the RAC to discuss possible reasonable accommodation solutions. The OEEOA will then be responsible for making recommendations to the employee's management regarding reasonable accommodations. As necessary, adaptive equipment will be purchased using OEEOA Reasonable Accommodation funds. The employee's management will be responsible for implementing the recommended reasonable accommodations.

(6) An employee may appeal decisions made by the OGC or recommendations made by the OEEOA directly to the Inspector-in-Charge of the OEEOA. Appeals must be made in writing and include copies of all relevant documentation, including forms. Following an appeal to the Inspector-in-Charge of the OEEOA, a subsequent appeal may be made in writing to the FBI's Deputy Director.

EFFECTIVE: 12/13/96

4-10.4 Request for Reasonable Accommodation Form - FD-856

(1) A standardized form, Request for Reasonable Accommodation (FD-856), has been developed for use in reasonable accommodation requests made by FBI employees. This form will serve as documentation of the request for reasonable accommodation for an individual's disability or medical condition and the process utilized to attempt a reasonable accommodation for the employee. The FD-856 should also be utilized for those employees whose medical condition or disability worsens or the previously provided reasonable accommodation no longer enables the employee to perform the essential

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functions of the position to which he or she is assigned.

(2) This form and its attachments must be safeguarded from unauthorized disclosure, and may be filed in the employee's Sub M file; the Health Care Programs Unit, Personnel Division medical files; and the Office of Equal Employment Opportunity Affairs (OEEOA) files only. The FD-856 may not be filed within an employee's personnel record and should be stored separately from such records in the employee's Sub M file. Medical information in this form and its attachments may be provided to nonmedical personnel only to the extent that such information is required in the performance of their official duties. Specifically, supervisors and managers may be informed about restrictions on an employee's work or duties and necessary accommodations. First aid and safety personnel may be informed, when appropriate, if the disability or condition might require emergency treatment. Personnel in the OEEOA, Office of the General Counsel, some units of the Personnel Division, and members of the Reasonable Accommodation Committee may be provided such information as may be necessary to process the request or make related determinations.

(3) The employee will be responsible for completing and signing the EMPLOYEE INFORMATION section of the FD-856, as well as the SF-256 and FD-839. Supporting documentation may be attached. Employees should note that all requested information must be submitted in order to process requests and that processing time can be substantially shortened if all pertinent information is included with the request.

(4) The employee's supervisor will be responsible for completing the SUPERVISOR INFORMATION section. Management must also complete and sign the ACCOMMODATION WITHOUT REFERRAL section if the request can be accommodated by the division or field office. Completed forms should be forwarded to the OEEOA for review.

(5) Management must complete the REFERRAL TO FBIHQ section ONLY if the request cannot be accommodated by the division or field office or if adaptive equipment must be purchased. Supporting documentation, to include information regarding the essential functions of the employee's position AND information regarding the accommodation attempted, must be included. Completed forms should be forwarded to the OEEOA for further action. It should be noted that incomplete forms, including those without the appropriate signatures, will be returned, thus delaying processing of the request.

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4-10.5 Reasonable Accommodations for Bureau Applicants

Applicants for employment with the FBI requesting reasonable accommodation for their physical or mental disability during the application process should be requested to provide medical documentation detailing the applicant's diagnosis, prognosis, limitations and recommendations for accommodation. Documentation from the applicant's physician or therapist should be forwarded to the OEEOA along with an explanatory communication from the division or office requesting assistance. Generally, applicants will be provided with accommodations such as sign language interpreters, large print versions of written materials, or up to double time to complete written portions of application tests. Each request will be addressed by the OEEOA in coordination with the Personnel Division.

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SECTION 5. PERFORMANCE APPRAISALS, RECOGNITION AND AWARDS

5-1 PERFORMANCE MANAGEMENT SYSTEM (PMS) (See MAOP, Part I, 21-2(4); & Legal Attache Manual, 4-2.)

The PMS was designed to integrate the performance-related facets of personnel management. It encompasses not only performance appraisal, but also such performance-based personnel decisions as promotions, Personnel Resource List transfers, within-grade and quality step increases, and superior accomplishment awards. The PMS covers all non-Senior Executive Service employees.

EFFECTIVE: 10/09/96

5-1.1 Purpose

The purpose of the PMS is to provide a tool for executing basic management and supervisory responsibilities by:

(1) Communicating and clarifying agency goals and objectives;

(2) Identifying individual accountability for the accomplishment of organizational goals and objectives;

(3) Evaluating and improving individual and organizational accomplishments; and

(4) Using the results of performance appraisal as a basis for adjusting basic salary, determining performance awards, training, rewarding, reassigning, promoting, reducing in grade, retaining, and removing employees.

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5-1.2 Responsibilities

The Personnel Officer is responsible for the overall administration of the FBI's PMS as it applies to Special Agent and support personnel. In this regard, the Personnel Officer shall ensure that the performance appraisal and recognition processes are properly administered and applied. At any time deemed appropriate, the Personnel Officer or his/her designee will conduct a substantive review and validation of any Performance Plan/Performance Appraisal Report (PAR) and institute any actions necessary to ensure compliance with applicable law, regulation, or policy as set forth herein. The specific responsibilities of other executives, management officials and supervisors follow:

(1) Heads of offices (e.g., Special Agents in Charge or Assistant Directors) shall personally ensure that:

(a) Employees under their jurisdiction are adequately informed of their rights and responsibilities under the PMS in a timely manner;

(b) Managers and supervisors under their jurisdiction who serve as rating and/or reviewing officials are given training and periodic reminders of their duties and responsibilities under the PMS, in addition to receiving supplementary directives as necessary;

(c) Instructions governing the identification and establishment of critical elements (CEs) and performance standards (PSs), within prescribed parameters, are developed for use within, and tailored to, their respective organizations;

(d) Periodic evaluations of the performance appraisal processes within their offices are conducted and that only employees whose performance exceeds normal expectations are rated at or above Fully Successful;

(e) Ratings of record issued to employees in their offices are approved; and

(f) Performance-based personnel action recommendations are reviewed and approved.

(2) Reviewing officials are at a higher organizational level than rating officials and as such will ensure that:

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(a) The CEs identified and PSs established at the beginning of the appraisal period are in furtherance of the goals of the entity served;

(b) PARs completed by rating officials are reviewed and accepted or adjusted as warranted; and

(c) Rating officials provide advice or instruction as appropriate to subordinates.

(3) Rating officials are normally the employees' immediate supervisors who train, assign, and review the employees' work. In appraising subordinates, rating officials are to:

(a) Prepare, with employees' input where feasible, Performance Plans for all subordinates ensuring that plans provide a basis for appraising the performance of each subordinate's critical, as well as collateral, functions;

(b) Collect and maintain specific examples of employees' accomplishments and deficiencies throughout the appraisal period;

(c) Afford guidance to all subordinates;

(d) Issue PARs to employees as prescribed; and

(e) If applicable, review the performance appraisal practices of subordinate supervisors and provide advice as appropriate.

(4) Employees subject to the PMS are responsible for:

(a) Participating, as requested, in the development of their Performance Plans;

(b) Actively engaging in performance discussions during Progress Review Sessions and at other appropriate times; and

(c) Maintaining current knowledge of their rights and responsibilities under the PMS.

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5-1.3 Authority

The FBI's PMS was designed in accordance with applicable portions of Title 5, United States Code, Chapter 43, and Title 5, Code of Federal Regulations, Parts 430 and 432. Through the appraisal process, employees are placed on notice of the critical functions/duties of their positions and of acceptable performance levels established by management. Performance appraisal information controls and/or influences various personnel actions.

EFFECTIVE: 10/09/96

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5-2 PERFORMANCE PLANS

(1) DEFINITION: A Performance Plan is the complete collection of all of an employee's written critical elements (CEs) and performance standards (PSs).

(2) ISSUANCE OF A PERFORMANCE PLAN: An original Plan, comprised of a Notice Page (FD-727) and Critical Element and Performance Standards Page(s) (FD-727a), is to be issued within 30 days of an employee's entry on duty, change in position due to a change in grade or reassignment, or detail (temporary duty) assignment expected to last longer than 90 days. Upon completion of a Plan, a copy should be furnished to the employee and the original immediately forwarded to the Performance, Recognition and Awards Unit (PRAU), FBIHQ.

(3) RENEWAL OF PERFORMANCE PLANS: When the same Plan is being continued from one annual appraisal period to the next, the

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rating official, reviewing official, and employee must review the Plan, including each CE and PSs page within 30 days after the beginning of the new period. The annual renewal of notice of the Plan must be documented by the rating and reviewing officials and the employee by initialing and dating the Notice Page inside the Plan renewal block. The employee is also to initial and date each CE and PSs page. Failure to renew Plans will result in invalidation of Performance Appraisal Reports.

(4) DEVELOPING PERFORMANCE PLANS: Employees and rating officials are, whenever feasible, to jointly participate in developing Plans, i.e., identifying CEs and establishing PSs; however, rating officials are responsible for the contents and propriety of the Plans. Rating officials are to encourage employees' input in the development of Plans through any of the following, or other appropriate means:

(a) Employees and rating officials may discuss and develop Performance Plans together;

(b) Employees may provide rating officials with draft Performance Plans;

(c) Employees may comment on draft Performance Plans prepared by rating officials; or

(d) Performance Plans may be prepared by a group of employees occupying similar positions.

(5) MODIFYING PERFORMANCE PLANS: When an office wishes to add, delete, or adjust information in a Performance Plan, a copy of the proposed modification must be submitted to the PRAU via written communication. The proposed modification will be reviewed by the PRAU as soon as practicable after receipt. In response, the office will be provided a copy of the revised CE(s) and advised of the action required to finalize the modification or reasons for the denial of the request.

(6) MODEL PERFORMANCE PLANS: When a model Performance Plan has been written for a particular position by the PRAU, it is mandatory that the model Plan be utilized. The contents of model Plans as well as all identifying information, such as position number and coding information, should not be changed, retyped, or modified.

However, if an office prefers to develop their own Plan or must modify a model Plan, the office is required to submit justification for doing so to the PRAU. The office must advise the PRAU of the

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reasons necessitating the use of the independent or modified Plan along with the alternate Plan. Thereafter, the PRAU will review and approve the Plan. The Plan will be reviewed to ensure conformance with the information contained in the pertinent position description currently on record, all applicable portions of the United States Code and the Code of Federal Regulations, and the policies and requirements of the PMS. During the time of PRAU's review, the office is required to place their employee(s) on the model Plan for that position until the alternative Plan can be reviewed and approved. Failure to obtain approval prior to placing an employee on an independent or modified Plan may result in the disallowance of the Plan and/or any CE, as well as the disallowance of any appraisal based on such a Plan.

(7) CEs are to be determined through consideration of the organizational goals of the entity served and the requirements set forth in employees' official position descriptions. Each CE must be of such importance that the rating official would, in the face of unacceptable performance, recommend the reduction in grade, reassignment, or removal of the employee. Rating officials must ensure that any previously approved coordinator, specialty, or collateral duty(s) that an employee is responsible for performing is included in at least one CE of the employee's Plan, as long as consistency with the requirements set forth in the employee's official position description is maintained.

(8) PSs are expressed in terms of quality, quantity, timeliness or other appropriate measurement criteria, which must be consistent with the information in the employees' official position descriptions, as well as with the appropriate definition of the performance level as set forth below. For each CE, PSs are to be written for the Minimally Acceptable, Fully Successful, and Superior levels. The absence of a written standard for the Exceptional and Unacceptable performance levels shall not preclude the assignment of ratings at those levels. Rating levels are defined as follows:

(a) Unacceptable: Repeated failure to substantially meet the Minimally Acceptable level described on the employee's Performance Plan in that the employee continually required closer supervision than specified in his/her official position description, and/or did not produce a sufficient amount of work at acceptable accuracy and/or quality levels, and/or exceeded time limits identified by supervisor.

(b) Minimally Acceptable: Throughout the appraisal period, the employee achieved the minimum level set forth on his/her

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Performance Plan in that, under the level of supervision set forth in the employee's official position description, he/she completed a satisfactory amount of assigned projects at acceptable accuracy and/or quality levels, within time limits identified by the supervisor.

(c) Fully Successful: Throughout the appraisal period, the employee achieved the journeyman level of performance for his/her position in that, under less than the normal degree of supervision received as set forth in the employee's official position description, the employee exceeded the production, accuracy and/or quality requirements which were set for the Minimally Acceptable level, and completed assignments in advance of established deadlines. The employee's performance served as a model for other employees engaged in the same or similar operations.

(d) Superior: Throughout the appraisal period, the employee's performance exceeded the journeyman level for his/her position in that, under substantially less than the normal degree of supervision received as set forth in his/her official position description, the employee's performance reflected a high degree of achievement with respect to the quality, quantity, and timeliness measurements applied in evaluating work performed. In addition, the employee's performance showed significant contributions to the overall effectiveness of the organizational entity to which assigned, as evidenced by increased cost effectiveness, more efficiency, reduction in paperwork, reduced staffing levels, or the like.

(e) Exceptional: Throughout the appraisal period, the employee's performance exceeded the Superior level described on his/her Performance Plan, going beyond the scope of assigned duties and responsibilities in terms of valuable innovations and improvements introduced. The employee continually demonstrated extraordinary proficiency typical of expert status within the scope of assigned duties and responsibilities.

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5-3 PROGRESS REVIEWS

(1) A progress review is an evaluation of an employee's progress toward achieving a performance level. Rating officials are responsible for imposing and maintaining appropriate controls to permit the assessment of employees' performance throughout the appraisal period. At the midpoint of the appraisal period, rating officials must conduct Progress Review Sessions with their subordinates. If an employee's appraisal period is altered by a change in grade, the rating official must initiate a review session approximately midway through the newly established rating period. Although employees are, at a minimum, to be advised of their level of performance on each element in relation to the measurement criteria in the performance standards, such advice is not to be construed as an official rating. An employee cannot request reconsideration of his/her progress review ratings.

(2) Progress reviews are mandatory and may be conducted orally. At the conclusion of the Progress Review Session, the date of the review is to be recorded by the rating official inside the Progress Review block on the Notice Page of his/her copy of each subordinate's Performance Plan.

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5-4 PERFORMANCE-RELATED DOCUMENTATION

(1) PERFORMANCE APPRAISAL REPORTS (PARs): A PAR is comprised of a Cover Page (FD-728), Evaluation Page(s) (FD-728a), and Narrative Page(s) (FD-728b). All PARs are "official" and must be afforded the same consideration in their execution. An employee must have served at least 90 calendar days on notice of his/her critical element(s) and performance standards before a PAR may be issued.

(2) REVIEWING PARs WITH EMPLOYEES: Most performance appraisal procedures are to be accomplished through direct contact with the employee. Inasmuch as certain assignments may preclude face-to-face contact because of geographic location or the sensitive nature of the assignment, telephonic contact may be considered an appropriate substitute. When personal contacts are not possible for a reason other than undercover assignment, performance appraisal documents are to be forwarded to the employee in an envelope marked "Personal and

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Confidential" for his/her review and subsequent signing and dating.
(NOTE: Rating officials are to ensure classified material is appropriately marked.) Upon issuance of a PAR, a copy should be furnished to the employee.

(3) MAINTENANCE AND DESTRUCTION OF PERFORMANCE-RELATED INFORMATION/DOCUMENTATION: Unless otherwise instructed by FBIHQ, all performance-related information and documentation, including, but not limited to, information maintained in any performance file or folder, other than the employee's official FBIHQ or field office Personnel File, must be maintained for a period of one calendar year from the date of the end-of-annual PAR. Further, any and all performance-related information and documentation, whether maintained in the employee's performance folder or otherwise, which is not part of the employee's official FBIHQ or field office Personnel File, must be destroyed within 30 days after the expiration of the one-year period as specified above.

(a) Information or documentation which is relevant to a pending complaint, charge, or internal investigation should be maintained until final resolution of the matter. Whenever performance-related information and documentation is maintained for a period longer than one year after the date of the end-of-annual PAR, written notification must be made to the Personnel Officer (Attention: Performance, Recognition and Awards Unit, FBIHQ) within 10 business days of the conclusion of the one-year period. Performance-related information and documentation which is maintained pending a complaint, charge, or internal investigation will be destroyed one year from the date on which the matter becomes final.

(b) Any copies of file review sheets which are maintained in an employee's performance folder/used in determining an employee's performance rating must be destroyed as instructed above. However, the above provision does not apply to original file review sheets which are maintained for inspection and other purposes not related to the performance appraisal process.

(4) EMPLOYEE ACCESS TO PERFORMANCE INFORMATION AND DOCUMENTATION: Rating and reviewing officials are to make available to each employee, upon request, any and all performance-related documentation, whether maintained in the employee's performance file or folder, or otherwise, which has been or will be used as a basis for, or the development of, a progress review session or PAR. (See MAOP, Part I, 5-5 (4).)

(a) Copies of classified documents (e.g., PARs,

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progress review information, and the like) may be released to an employee; however, the employee should be cautioned concerning the release of such material to any other individual.

(b) There may be particular circumstances which preclude the release of certain performance-related information or documentation to the employee. These circumstances may include, but are not limited to, information or documentation which is relevant to a pending complaint, charge, or internal investigation. For guidance on withholding performance-related information or documentation, rating officials should consult with the PRAU.

(c) If a rating official makes a decision to withhold performance-related information or documentation from any employee who has made a request pursuant to this policy, the employee will have the right to appeal the rating official's decision to the Special Agent in Charge (SAC) or head of office. This appeal must be in writing, and must be submitted to the SAC or head of office within 15 business days of the denial of access to this material. The submission must then be reviewed and a written response provided to the employee within 10 business days of the receipt of the employee's appeal.

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5-4.1 Appraisal Periods

Employees' performance is to be appraised on an annual basis, according to the following schedule:

(1) Special Agents (SAs): April 1 through March 31.
For probationary SAs, see MAOP, Part I, 5-4.3.

(2) Support:

(a) Field: July 1 through June 30.

(b) FBIHQ: December 1 through November 30.

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5-4.2 Types of PARs

(1) End-of-Annual Period

(a) Special Agents (SAs): |Immediately after March 31 for any employee who has not received a PAR since January 1 and who has been in grade and on notice of critical elements (CEs) and performance standards (PSs) for at least 90 days. For probationary SAs, see MAOP, Part I, 5-4.3. |

(b) Support: |Immediately after June 30 (field)/November 30 (FBIHQ) for any employee who has not received a PAR since April 1/September 1, respectively, and who has been in grade and on notice of CEs and PSs for at least 90 days. |

When an employee has not received any PAR and is not eligible for a rating by |June 30 (field)/November 30 (FBIHQ) for support personnel and March 31 for SA personnel, |the annual period must be extended until the employee completes 90 calendar days on notice of his/her |CEs|and|PSs. | The next annual period begins the first working day after the PAR is issued.

When an employee is issued a PAR within 90 days of his/her end-of-annual appraisal period, the PAR may be marked as an end-of-annual PAR, and another PAR does not need to be issued to satisfy the end-of-annual period requirement.

(2) Position Change/Transfer: Whenever an employee is scheduled to leave his/her official position, due to reassignment, promotion and/or demotion (change |to a lower|grade), after meeting the 90-day appraisal requirements since his/her last rating.

(3) | Headquarters' Request: |For example, when a recommendation is due for the denial of a within-grade increase (WIGI) and the last PAR issued is over six months old or the WIGI denial decision does not support the rating of record, the Policy, Pay, and Leave Unit, FBIHQ, will request a new PAR with the recommendation.

(4) | Current Appraisal: Whenever an employee's last rating is more than 90 days old and the office desires to update performance appraisal information or to capture performance to date

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when a significant change in duties occurs (e.g., change from reactive squad to Chief Division Counsel). A current PAR, covering at least a 90-day period, is necessary when a WIGI decision is not supported by the rating of record. Also, a PAR is required in some instances after the issuance of a Warning Resolution.

(5) Conclusion of Detail: At the expiration of a detail when an employee has been on notice of CEs and PSs for at least 90 days.

(6) Unacceptable - Warning: Whenever an employee's performance deteriorates below the Minimally Acceptable level in any CE.

(7) Warning Resolution: At the conclusion of an opportunity period to resolve an employee's warning status.

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5-4.3 Probationary Agents (See MAOP, Part I, 5-4.1 and 5-4.2.)

(1) In accordance with the provisions of the Probationary Agent Program (PAP), as set forth in the MAOP, Part II, Section 8, the first annual period for new Special Agents (SAs) ends upon completion of the first year on duty; if the new SAs were appointed on or after December, 1994, the second annual period ends upon completion of the second year on duty (see MAOP, Part I, 21-1). Subsequent annual periods are in accordance with established Performance Management System policy.

(2) The PAP requires complete NARRATIVE SUMMARIES, including specific examples of the SAs' accomplishments and deficiencies, for each CE rated in the PAR issued at the end of the SAs' first annual period and second annual period, if serving a two-year probationary period, regardless of the level achieved. (See MAOP, Part II, 8-1.2.3 (4).)

(3) With the PAP's emphasis on supervisory continuity, it should rarely be necessary to issue a PAR to a new SA before the completion of his/her first year on duty. Any PAR issued to a new SA prior to the end of the first year (for example, due to recognition of sustained superior performance), must include narrative summaries

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as described above.

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5-4.4 Issuance of PARs

(1) When an appraisal is due, the rating official must review his/her documentation of the employee's performance, to include the documentation pertaining to any previously approved coordinator, specialty or collateral duty(s) that the employee performs, to determine the level achieved on each critical element (CE) in which the employee has had the opportunity to perform by comparison with the performance standards of the employee's Performance Plan. In preparing PARs at the end of the annual period, the rating official must also consider any prior PAR issued during the annual period. The appraisal of a disabled veteran may not be lowered because the veteran has been absent from work to seek medical treatment.

(2) A NARRATIVE SUMMARY of the employee's performance, including specific accomplishments and deficiencies, must be provided for EACH CRITICAL ELEMENT, regardless of the rating level received. Any narratives provided for a CE that includes an approved coordinator, specialty, or collateral duty(s) must make specific reference to the employee's performance of this duty. A narrative for any CE rated below Fully Successful must include the assistance to be afforded the employee in improving. Such assistance must include, furnishing the employee with a copy of his/her Performance Plan for review to reconvey the performance requirements for his/her position. Additional assistance may include, but is not limited to, formal or informal training, counseling, change in work assignments, reassignment, and closer supervision. (See MAOP, Part I, 5-4.7 and 5-4.7.1.)

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5-4.5 Prior Review of PARs by the Reviewing Official

The PAR must be submitted to the reviewing official, who must be at a higher level in the organization than the rating official, for approval BEFORE it is presented to the employee. The reviewing official has the authority to accept or modify any PAR in keeping with the proper application of these provisions. Modifications to a PAR must be justified in writing and such comments, to include specific examples of performance that support the rating level, are to be attached to the PAR.

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5-4.6 Entry of PARs into the Bureau Personnel Management System (BPMS)

PARs are to be entered into the BPMS, and the originals submitted to the Performance, Recognition and Awards Unit, FBIHQ, no later than 42 days after the appraisal period has ended. After each PAR is entered, a notation at the bottom left-hand side of the PAR should state the date of the Performance Plan which was used to rate the employee.

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5-4.6.1 Moved to 5-4.7.1

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5-4.7 Personnel Actions Based on Less Than Fully Successful
Performance (See MAOP, Part I, 14-4.2.)

(1) Assistance must be provided to employees in improving performance rated at a level below Fully Successful. In this regard, at any time an employee's performance in one or more critical elements (CEs) is rated below Fully Successful, the rating official is to provide assistance by furnishing the employee with a copy of his/her Performance Plan for review, to reconvey the performance requirements for his/her position, and through formal or informal training, counseling, closer supervision, or other appropriate means, such as a reassignment. The rating official must append a separate statement on plain white bond paper, as part of the PAR, regarding the assistance to be offered the employee to improve. (Also see MAOP, Part I, 5-4.4 and 5-4.7.1 (1).)

(2) In some instances, performance may be found to be of such significance (e.g., demonstrating a reasonable potential for jeopardizing physical safety) that treatment through the performance appraisal process would not be appropriate. Other situations may combine poor performance and actions subject to policy governing disciplinary matters, as set forth in the MAOP, Part I, Section 13. Except in cases meeting requirements for action under BOTH the performance appraisal system AND disciplinary policy, it is generally unnecessary and inappropriate to recommend a disciplinary action such as probation when issuing an Unacceptable-Warning PAR.

(3) Unacceptable performance is a basis to reassign, reduce in grade or remove an employee. Such remedial action may be taken only after an employee has been provided with notice of the unacceptable performance, in the form of an Unacceptable-Warning PAR, and given a reasonable opportunity to demonstrate acceptable performance. A rating of Unacceptable on any CE results in a Summary Rating of Unacceptable REGARDLESS of the performance levels achieved on other CEs.

(4) A copy of an employee's Plan must be submitted to the Performance, Recognition and Awards Unit, FBIHQ, along with any PARs containing CEs rated at the MA and/or Unacceptable levels.

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5-4.7.1 Warnings, Resolutions, and Personnel Recommendations
(See MAOP, Part I, 5-4.4 and 14-4.2.)

(1) Unacceptable-Warning PAR - NARRATIVE SUMMARIES of performance for the Unacceptable-Warning PAR MUST be provided for EACH critical element (CE). Narratives for each CE rated Unacceptable must include specific instances of performance below the Minimally Acceptable (MA) level. The rating official must append a separate statement on plain white bond paper, as part of the PAR, regarding the assistance to be offered the employee to improve. Such assistance must, without exception, include affording the employee the opportunity to review his/her Performance Plan, thereby reconveying the requirements of the MA level, for each CE, which must be achieved/maintained throughout the opportunity period. A copy of the employee's Plan must be furnished to the Performance, Recognition and Awards Unit (PRAU), FBIHQ, along with any Unacceptable PAR. (See MAOP, Part I, 5-4.7.)

(a) Length of Opportunity Period - The opportunity period is uniformly set at 90 calendar days for all employees. An office may extend the opportunity period for an additional 30 calendar days if the rating and reviewing officials determine that the employee (1) has improved, (2) may yet achieve the MA level if given some additional time, and/or (3) requires additional time due to an unusual circumstance, such as absence due to sick/maternity/military leave. Given concurrence by the head of the office, a written communication regarding such extension must be forwarded to the PRAU as soon as possible.

(b) Interruption of Period - Once an employee is given a Warning PAR, he/she should NOT be reassigned/transferred prior to the completion of the opportunity period. Circumstances may necessitate the reassignment/transfer of an employee to protect an investigative operation or the employee; however, generally, reassignments/transfers are supervisory options which should be exercised before issuing a Warning PAR.

(c) Termination of Period - To terminate an employee's opportunity period for any reason (e.g., reassignment, transfer, or at the employee's request) will nullify that employee's chance to demonstrate positive performance with respect to the CEs in question. As a result, the Unacceptable - Warning PAR must be considered unresolved, and no recommendation for reduction in grade or removal may be made. The office should notify the PRAU of such termination by written communication.

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(2) Warning Resolution PAR - At the completion of the opportunity period, a Warning Resolution PAR must be prepared. The Resolution PAR is to reference the Warning PAR and document the employee's performance during the opportunity period. Narrative summaries of performance must be provided for EACH CE and must include specific examples of performance demonstrated and the level achieved during the opportunity period. The narrative for any element rated at the MA level must include a description of the assistance to be afforded. When the Resolution PAR satisfies the end-of-the-annual-period requirements, the rating official must consider all performance and/or ratings issued at the same grade level during the annual period.

(a) Positive Resolution - If the employee consistently demonstrates performance at least at the MA level during the opportunity period, no less than the MA level may be assigned. If all elements are rated MA, the Warning is considered to be resolved at a positive level and no recommendation for remedial action may be made. (NOTE: A positive resolution serving as an end-of-annual PAR may contain a Summary rating of Unacceptable and also successfully fulfill the opportunity period requirement.)

Jeopardy Period - When a warning is resolved at a positive level, a separate statement on plain white bond paper, initialed by the employee, must be appended to the PAR indicating that the employee has been advised of his/her responsibility to maintain an acceptable level of performance. The statement must include advice that failure to maintain at least the Minimally Acceptable level in the CE(s) for which the opportunity period was provided, for one year from the date of issuance of the Warning PAR, will be cause for the immediate issuance of a PAR at the Unacceptable level and the submission of an appropriate recommendation for personnel action.

(b) Unacceptable Resolution - If the employee continues to perform below the MA level during the opportunity period, a recommendation, by the SAC or head of the office, in accordance with Title 5, United States Code, Section 4303, to reassign, reduce in grade, or remove is to be set forth in a cover communication forwarding the PAR to the PRAU, FBIHQ. The recommendation must be based on the unacceptable performance addressed by the Resolution PAR and should reflect consideration of the employee's record - a factor not addressed by the PAR, but appropriate for inclusion in a recommendation for personnel action.

(NOTE: Failure to issue Unacceptable-Warning and Warning Resolution

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PARs in a timely manner may well preclude the consideration of some of the employee's unacceptable performance in supporting reduction-in-grade or removal decisions.)

1. Approval of Recommendation - When FBIHQ approves a recommendation to reassign, reduce in grade or remove the employee based on a PAR at the Unacceptable level, the employee is entitled to: 30 days' advance written notice of the proposed action. This notice will be provided to the employee by FBIHQ. The written notice will identify instances of less than MA performance, as well as actions taken to assist the employee to improve, advise the employee of his/her right to representation by an attorney or other counsel, and provide the employee with 10 days to respond to the proposed action orally and in writing.

2. Expiration of the 30-day Notice Period - Upon expiration of the 30-day Notice Period, action will be taken by FBIHQ to reassign, reduce in grade, or remove the employee, unless otherwise notified by the head of office.

3. Written Decision - A written decision will be provided by FBIHQ. This decision will describe instances of less than Minimally Acceptable performance by the employee on which the reassignment, reduction in grade, or removal is based. A written decision to reassign, reduce in grade, or remove the employee will be made as soon as practicable after the date of expiration of the notice period. Furthermore, in the case of a reassignment, reduction in grade, or removal, the decision must be based on those instances of Unacceptable performance by the employee which occurred during the one-year period ending on the date of the advance written notice of the proposed action. The employee will also be advised in this decision of any appeal rights available to him/her.

(3) If, because of an improvement in performance by the employee during the notice period, the employee is not reassigned, reduced in grade, or removed, and the employee's performance continues to be acceptable for one year from the date of the advance written notice, the Warning Resolution PAR and ANY entry or other notation with reference to same MUST be removed from ANY OFFICE or FBIHQ RECORD relating to the employee.

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||5-5| RECONSIDERATION REQUESTS | (Formerly 5-6) | (See MAOP, Part I, 14-2.)

(1) An employee who is dissatisfied with his/her Performance Appraisal Report (PAR) must respond in writing to his/her rating/reviewing officials within 10 business days (a request for an extension of this time will be considered by the Performance Recognition and Awards Unit (PRAU), FBIHQ, on a case-by-case basis) setting forth the specific basis for his/her dissatisfaction. A copy of this response must also be immediately forwarded to the Personnel Officer (Attention: PRAU). The Personnel Officer must be notified of the date on which the rating/reviewing officials were provided the reconsideration request. (NOTE: An employee must direct a reconsideration request of a PAR issued or reviewed by the Personnel Officer to the Assistant Director, Personnel Division.)

(2) An employee's written request must clearly set forth the specific aspect(s) of the appraisal of which the employee seeks reconsideration (i.e., the Summary rating and/or the rating for an individual critical element(s) (CEs)). In addition, the request must set forth all relevant facts and performance-related information, which, in the opinion of the employee, supports an adjustment to the PAR. In effect, this document must provide the factual basis upon which the employee chooses to request reconsideration of his/her performance appraisal. In the event that an employee seeks to receive a higher Summary rating or a higher rating for an individual CE(s), the employee must provide sufficient documentation to support that action in his/her reconsideration request. The employee should not only refute the information in the PAR but provide specific examples of work performance.

(3) When a reconsideration request is filed by an employee, it will be the responsibility of his/her reviewing official to ensure that the rater and employee attempt to identify not only the issues which are the basis for the employee's discontent, but, if possible, to reach an agreement on the factual basis for those issues as well. These discussions should serve to crystallize the specific, factual issues and/or points of disagreement between the rater and the employee in their respective assessment of the adjective rating(s) assigned to the performance level(s) for CE(s).

(4) An employee must be allowed a reasonable amount of time at the discretion of management, to prepare his/her reconsideration request. An employee must also be allowed access to the personnel folder/performance related documentation maintained by

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the rating/reviewing officials, in order to prepare his/her reconsideration request. (See MAOP, Part I, 5-4(4) for further information.)

(5) | The reviewing official must review the submission by the employee and provide a written response to the employee, within 10 business days (a request for an extension of this time will be considered on a case-by-case basis by the PRAU) commenting on the issues raised by the employee. This finding will set forth the action being taken by the reviewing official to resolve the reconsideration request and the rationale for his/her decision. This response should address the validity of the facts, if any, presented by the employee in his/her reconsideration request. Information considered by the reviewing official must be drawn from the narrative statements set forth by the rating official in the contested appraisal, additional facts presented by the employee in his/her reconsideration request, and any response prepared by the rating official to that information.

Issues/deficiencies which were not addressed in the contested appraisal by the rating official may not be introduced by the reviewing official in the reconsideration request process, unless in specific response to new facts/issues presented by the employee. A reviewing official may sustain and/or adjust rating levels for CEs in the appraisal, to include the Summary rating. (Note: If the reviewing official decides to adjust ratings assigned in the PAR, and the PAR has been previously sent to FBIHQ, the reviewing official should make the adjustments to the office copy of the PAR, present the PAR to the employee for signature and date, and submit the adjusted copy with the employee's signature to PRAU. A copy of the adjusted PAR should be retained in your office.)

(6) | Upon presentation to the employee, the employee must sign and date the document indicating formal notice that a decision has been received. In the event that the employee disagrees with the facts related in the document, he/she must note the points of disagreement on that document.

(7) | The original copy of the reviewing official's written decision must be provided to the employee and a copy must be immediately furnished to the Personnel Officer (Attention: PRAU).

(8) | If the reviewing official decides to adjust the appraisal, he/she will change the appraisal document to reflect the rating levels which he/she believes the employee has attained and will attach a copy of his/her written findings regarding the

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reconsideration request. The reviewing official will then present this document to the employee for review and signature. If the reviewing official decides to sustain the rating, he/she must provide his/her written findings to the employee, who, in turn, must sign and date that document to indicate formal notice that the decision has been received and to indicate he/she has no disagreement with the facts utilized in the appraisal.

(9) | If the employee is satisfied with the reviewing official's findings and does not wish to pursue the matter further, the employee must notify the PRAU, in writing, that the reconsideration request matter has been satisfactorily resolved in-house.

(10) | If an employee wishes to continue his/her reconsideration request of the appraisal following receipt of the reviewing official's written decision, he/she must inform the reviewing official and the Personnel Officer of that fact within two business days (a request for an extension of this time will be considered on a case-by-case basis by the PRAU). | The notice to the Personnel Officer (Attention: PRAU) must be in writing.

Upon notification by an employee that he/she wishes to continue the reconsideration process, the reviewing official must notify the Personnel Officer (Attention: PRAU) of that fact by telephone call on that date and confirm that notice by written communication. The written communication will also be used to forward the originals of the reviewing official's written decision, the PAR, and the employee's written responses to the rating/reviewing officials, to the Personnel Officer (Attention: PRAU) for use in adjudicating the reconsideration request. A photocopy of any material maintained by the rating official in connection with the employee's PAR, as well as the employee's Plan, must be included as an enclosure to the communication. All enclosures must be initialed and dated by the employee.

(11) | A reconsideration by the Personnel Officer will include a review of the facts/issues discussed in the employee's appraisal, those presented by the employee in his/her reconsideration request, and the information supplied by the reviewing official. The Personnel Officer may sustain, modify by increasing or decreasing the level assigned to any CE, to include the Summary rating level, or invalidate the PAR to ensure its compliance with PMS policy.

(12) | An employee will be informed in writing of the decision of the Personnel Officer in adjudicating his/her

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reconsideration request. Since the Director has delegated the authority for adjudication of PAR reconsideration requests to the Personnel Officer, the decision made by the Personnel Officer is final.

(13) In the event a PAR is adjusted by the Personnel Officer, a copy of the adjusted PAR will be provided to the issuing division/office for the employee's review and for retention in lieu of the original appraisal issued to the employee.

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5-5.1 | Moved to 5-6.1 |

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5-5.2 | Moved to 5-6.2 |

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5-6 | DETERMINING SUMMARY RATINGS | (Formerly 5-5) |

The summary rating is determined through the arithmetic process of adding the numeric values for the performance levels achieved on all critical elements (CEs) and dividing that total by the number of critical elements rated.

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||5-6.1| Combinations Table for Determining Summary Ratings
|(Formerly 5-5.1)|

Performance Level	Element Numeric Value	Summary Range
Unacceptable	0	N/A
Minimally Acceptable	1.4	1.4 - 1.99
Fully Successful	2.4	2.0 - 2.99
Superior	3.4	3.0 - 3.99
Exceptional	4.4	4.0 - 4.4

|(NOTE: A rating of Unacceptable on any CE results in a Summary rating of Unacceptable regardless of the performance levels achieved on other CEs.)|

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|||5-6.2| Rating Tables |(Formerly 5-5.2)|

(1) Two Critical Elements

Individual Element Rating Combinations	Summary Rating
MA - MA	MA
MA - FS	MA
MA - S	FS
MA - E	FS
FS - FS	FS
FS - S	FS
FS - E	S
S - S	S
S - E	S
E - E	E

(2) Three Critical Elements

Individual Element Rating Combinations	Summary Rating
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MA - MA - MA
MA - MA - FS
MA - MA - S
MA - MA - E
MA - FS - FS
MA - FS - S
MA - FS - E
MA - S - S
MA - S - E
MA - E - E
FS - FS - FS
FS - FS - S
FS - FS - E
FS - S - S
FS - S - E
FS - E - E
S - S - S
S - S - E
S - E - E
E - E - E

MA
MA
FS
FS
FS
FS
FS
FS
S
S
FS
FS
S
S
S
S
S
S
E
E

(3) Four Critical Elements

Individual Element
Rating Combinations

Summary
Rating

MA - MA - MA - MA
MA - MA - MA - FS
MA - MA - MA - S
MA - MA - MA - E
MA - MA - FS - FS
MA - MA - FS - S
MA - MA - FS - E
MA - MA - S - S
MA - MA - S - E
MA - MA - E - E
MA - FS - FS - FS
MA - FS - FS - S
MA - FS - FS - E
MA - FS - S - S
MA - FS - S - E
MA - FS - E - E
MA - S - S - S
MA - S - S - E
MA - S - E - E
MA - E - E - E

MA
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FS - FS - FS - FS	FS
FS - FS - FS - S	FS
FS - FS - FS - E	FS
FS - FS - S - S	FS
FS - FS - S - E	S
FS - FS - E - E	S
FS - S - S - S	S
FS - S - S - E	S
FS - S - E - E	S
FS - E - E - E	S
S - S - S - S	S
S - S - S - E	S
S - S - E - E	S
S - E - E - E	E
E - E - E - E	E

(4) Five Critical Elements

Individual Element
Rating Combinations

Summary
Rating

MA - MA - MA - MA - MA	MA
MA - MA - MA - MA - FS	MA
MA - MA - MA - MA - S	MA
MA - MA - MA - MA - E	FS
MA - MA - MA - FS - FS	MA
MA - MA - MA - FS - S	FS
MA - MA - MA - FS - E	FS
MA - MA - MA - S - S	FS
MA - MA - MA - S - E	FS
MA - MA - MA - E - E	FS
MA - MA - FS - FS - FS	FS
MA - MA - FS - FS - S	FS
MA - MA - FS - FS - E	FS
MA - MA - FS - S - S	FS
MA - MA - FS - S - E	FS
MA - MA - FS - E - E	FS
MA - MA - S - S - S	FS
MA - MA - S - S - E	FS
MA - MA - S - E - E	S
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(5) Six Critical Elements

Individual Element
Rating Combinations

Summary
Rating

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(6) Seven Critical Elements

Individual Element Rating Combinations	Summary Rating
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EFFECTIVE: 08/25/89

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EFFECTIVE: 08/25/89

5-13 RECOGNITION AND AWARDS

EFFECTIVE: 08/25/89

5-13.1 Legal and Administrative Bases

(1) | Title 5, U.S. Code Annotated, Chapters 45, 53, and
54|

| (2) Title 28, Code of Federal Regulations (CFR), 0.137|

| (3) Title 5, CFR, 430.501-506; 451.101-107; and
531.501-508|

| (4) | Departmental Order DOJ 1451.1A

| (5) | The Director is authorized by the Attorney General
to grant Quality Step Increases (QSI) to qualified employees at
intervals of not less than 52 weeks, within the limits of available
funds. The Director is also authorized to approve for Bureau
employees, other than attorneys and supergrades, special achievement
(incentive) awards up to \$5,000. Special achievement awards in excess
of \$5,000 are referred to the Department of Justice for approval, as
are all recommendations for cash awards for attorneys and supergrades.

EFFECTIVE: 08/25/89

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5-13.2 Purpose of Recognition and Awards

(1) The primary objective of the awards program is to improve the economy and efficiency of Government operations. Its purpose is to motivate employees to increase productivity and creativity by rewarding those whose job performance and adopted ideas benefit the Government and are substantially above normal job requirements and performance standards.

(2) The FBI has established several means by which its employees may be recognized which are described in this portion of the manual. These include QSIs, incentive awards based on sustained performance or special achievement, and letters of commendation. Bureau supervisors and managers should be knowledgeable of these means of recognition and should ensure that only the most deserving employees are recommended for recognition through these awards. They should also bear in mind that the performance level and contributions of employees being recommended for the same matter differ and should indicate same in their recommendations. Careful consideration should be given to the appropriateness of the award recommended in comparison to the performance or achievements of the employee.

(3) For all performance-related awards, the employee must be shown to have significantly exceeded the requirements of his/her position. The position description and performance appraisal of the employee will be reviewed, as applicable, to determine the propriety of granting incentive awards. Those recommendations deemed not meeting the criteria for the award including those without appropriate and sufficient justification, will be denied and the submitting division head or SAC so advised through a formal communication.

(4) Promotions are ordinarily considered sufficient recognition of sustained employee performance and must be taken into consideration prior to the recommendation for an incentive award.

(5) Division heads and SACs should ensure, on at least an annual basis, that supervisory personnel are knowledgeable of the intent of the recognition program, and their effective use of the program should be taken into consideration with regard to their own performance.

(6) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's division head or SAC should be contacted, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head or SAC.

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EFFECTIVE: 03/17/94

5-14 QUALITY STEP INCREASES (See MAOP, Part I, 8-8.1(2).)

(1) QSIs are intended to recognize those exemplary employees whose sustained, high-quality performance is at a level that substantially exceeds an acceptable level of competence by authorizing faster than normal step increases. FBI policy provides that QSIs may be granted, within limits of available appropriations, on an annual basis. Therefore, FBIHQ will request recommendations for QSIs to be submitted April 1 of each year for Special Agent personnel; July 1 for field support personnel; and December 1 for FBIHQ support personnel.

(a) The Performance, Recognition and Awards Unit will advise each division head and SAC, prior to the date recommendations are required, of the number of QSIs allotted for their respective offices. QSIs will be distributed at the discretion of management, not to exceed the authorized number of allotted QSIs.

(2) Criteria Necessary for QSI Nominations

(a) An employee may be recommended for a QSI only when his/her annual performance appraisal reflects a summary rating of EXCEPTIONAL with no critical element rated below Fully Successful.

(b) The employee must have occupied the same position or a similar position at the same grade level for at least six months prior to the time a QSI is recommended. Furthermore, the employee should be expected to remain in the same or similar position for at least 60 days following the awarding of the QSI. If an employee is scheduled for promotion within 60 days, he/she should NOT be recommended for a QSI.

(c) The employee should not have been granted any other cash award for sustained, high-work performance during the preceding 52 weeks. An award for a special act or achievement during the 52-week period is not disqualifying.

(d) The following employees may not be recommended for QSIs: Federal Wage Scale; employees who have reached step 10 of their GS grade; employees who have reached statutory salary

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limitations (the pay cap); employees whose salaries are fixed under the Executive Pay Act.

(e) A cash award may be recommended in lieu of a QSI for an eligible GS employee who has reached step 10 of their grade or when the employee would enjoy the benefits of a QSI for an insufficient length of time. Also, eligible Federal Wage Scale employees may be recommended for cash awards in lieu of QSIs.

(3) Documentation for QSI Recommendations (Form FD-608). FD-608 is to be used to submit nominations for QSIs. This form should be completed and submitted in duplicate. A narrative setting forth the accomplishments of the individual is required as an attachment to this form. This narrative is required even though the employee may have received an appraisal for which narratives were prepared in support of the adjective rating(s).

(4) Relationship to Regular Within-Grade Increases. An employee who receives a QSI does not start a new waiting period to meet the time requirements for a regular within-grade increase; however, if a QSI places the employee in the 4th or 7th step, the waiting period is extended by 52 weeks. For example, a QSI is awarded to an employee in step 3 who has completed 40 weeks of creditable service to the 4th step. After the QSI places the employee in step 4, a 2-year (104-week) waiting period, the employee will only require 64 more weeks of creditable service to complete the 104-week waiting period for advancement to the 5th step. (See MAOP, Part I, 8-8.1(2).)

(5) Presentation of QSIs. To increase employee understanding of the QSI program, FBIHQ division heads, Assistant Directors in Charge, and SACs will make presentations of QSIs at an office ceremony attended by employees in the immediate work area, with statements of specific reasons why the employee's contribution merited the QSI, including its impact on the division.

(6) Certificates for Exceptional Performance. Although not all recipients of Performance Appraisal Reports with a Summary rating of Exceptional may be selected to receive a QSI, they may receive a certificate in recognition of this accomplishment. At the beginning of each year, blank certificates for the signature of the head of office will be provided by the Printing Unit, Personnel Division, to division heads and SACs for appropriate presentation.

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EFFECTIVE: 10/09/96

5-15 INCENTIVE AWARDS

(1) Incentive awards are in addition to the basic pay of an employee and are based on the superior performance of work-related assigned tasks or performance of official duties, so that one or more important job elements are performed in a manner substantially exceeding normal requirements over a period of time or on special achievements or service-type contributions of a one-time, nonrecurring nature, connected with or related to official employment.

(2) Criteria to be Met for Nominations Based on Sustained High Performance.

(a) Sustained above-average performance of major work-related and official duties performed for a minimum of six months in a manner clearly exceeding normal job requirements or performed in a superior or exceptional manner characterized by abnormal workload, temporary shortage of personnel or other unusual circumstances.

(b) The employee must not have received another cash award for sustained performance within six months preceding the date of nomination. A special achievement award for a special act or service during the six-month period is not disqualifying.

(c) The employee must have on record an overall Superior or Exceptional performance appraisal. This appraisal must be in the same grade as the grade for which the sustained performance award recommendation is based and in which the employee has served for at least six months. If the employee has not been appraised in this grade, a special appraisal may be presented to support the award recommendation.

(3) Documentation for Sustained Performance Awards.

(a) A brief description of employee's major job duties, and, if appropriate, a description of the unusual workload or requirements during the period of service on which the recommendation for the award is based.

(b) A narrative showing how the employee's actual performance exceeded the normal standards or expectations during the period of service on which the recommendation for the award is based,

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including to the greatest extent possible, specific examples of the employee's performance.

(c) Deleted

(4) Criteria for Determining Individual(s) Eligibility for Special Achievement Awards.

Due to the variety of circumstances and possible unanticipated factors that may influence an employee's performance, the following criteria should not be considered all-inclusive. Award nominations will be considered on a case-by-case basis; therefore, as much detail as possible concerning the employee's performance should be included to ensure an appropriate evaluation. The recommendation should also clearly state the complexity of the task(s) performed and the significance of the contribution(s). Furthermore, a ranking of minimal, moderate, significant, or substantial should be provided at the end of the recommendation to distinguish the level of recognition requested. PRAU will make a final determination on the actual award amount based on the justification provided in the recommendation and established cash award precedent.

(a) Performance which clearly overcomes unusual difficulties. State specifically what these difficulties were (e.g., staff shortages, lack of proper equipment, working with uncooperative outside sources, etc.) and how the employee overcame them.

(b) Creative efforts which have increased efficiency or improved service. State the amount of initiative displayed by employee (e.g., conducted outside research, established liaison with beneficial source, streamlined a work process, etc.) and provide clear examples of the employee's creativity which resulted in efficiencies or improved service being achieved.

(c) Performance of assigned duties with special effort or innovation which resulted in significant economies or other highly desirable benefits. State the amount of initiative displayed by employee (e.g., produced larger volume of work than expected, etc.) and provide clear examples of the special effort/innovation undertaken.

(d) Performance of assigned tasks so that one or more important job requirements are significantly exceeded. Provide specific details (e.g., Agent has developed many productive informants, secretary has accurately typed unusually large number of documents, etc.).

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(e) Exemplary or courageous handling of an emergency situation in connection with or related to official employment. Provide specific details (e.g., Agent stops to assist law enforcement officer involved in violent confrontation with suspect, etc.).

(5) Documentation Insufficient to Support Awards.

(a) An employee is successful in an investigation and performed in an excellent fashion but not beyond normal job expectations for his/her grade and experience.

(b) An investigation which makes an interesting case write-up but which fails to describe what employee did to exceed normal job expectations.

(c) A case receiving favorable publicity but which does not describe employee's performance exceeding normal job expectations.

(d) Overtime for which an employee has been compensated by overtime pay or compensatory leave.

(e) Performance has not been work-related while on duty or in the performance of official duties.

(6) Group awards are granted to two or more employees who performed the same task and whose contributions are such that they are all considered equal. Each member of the group will be granted an equal amount of the overall group award.

(7) Multiple award recommendations may be made for two or more employees whose contributions to a particular situation are not considered of equal merit. These award amounts will be determined proportionate to each employee's contributions and the overall significance of the project/case; therefore, clear justification must be provided to ensure that all employees are recognized equitably. Recommendations for multiple awards should rank the employees to clarify the level of their contributions, utilizing the terms-- minimal, moderate, significant, and substantial. To determine each employee's ranking, the complexity of their assigned duties and the significance of their contributions to the final results attained should be considered. The recommending official should make every effort to identify all employees contributing to the matter and include a statement at the end of the recommendation certifying that all reasonable steps were taken to ensure that all appropriate

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employees were considered for inclusion. (See MAOP, Part I, 5-15.2.)

(8) Presentation of Awards. FBIHQ division heads, Assistant Directors in Charge, SACs, or individuals acting on their behalf, will make incentive award presentations with appropriate publicity to enhance the purposes of the awards program.

EFFECTIVE: 04/03/97

5-15.1 Form FD-255 (Recommendation for Incentive Award)

(1) Form FD-255 should be used to submit recommendations for sustained above-average performance and for special achievement awards. Instructions on the form should be carefully followed and the documentation should include clear, specific statements of fact, including the following:

(a) The specific time frame employee worked on the project/case.

(b) The initiative displayed by the employee.

(c) The complexity or difficulty of assignment and if it exceeded the level of work expected of employee's grade and job description.

(d) Any unique situations or unusual circumstances and how they were handled.

(e) The specific results achieved.

(f) The significance of employee's efforts to the results attained.

(g) Benefits obtained for office, overall Bureau, local community, intelligence community.

(h) The request of the recommending office (cash award or letter of commendation, ranking employees as appropriate).

(i) Any prior award(s) employee has received for same project/case.

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(2) Special Agent and support supervisors may submit FD-255s to their SACs or division heads recommending awards for employees under their supervision, in which case the SAC or division head may then submit the form to the Performance, Recognition and Awards Unit, Personnel Division. However, the SAC or division head, or in their absence, the acting SAC or division head, must personally approve the recommendation. If the SAC or division head so desires, he/she may submit the FD-255 with a cover communication including any comments he/she may have regarding the recommendation.

(3) Form FD-255 may also be used to recommend awards under the Principal Relief Supervisors Program. (See MAOP, Part I, 5-15.5.)

(4) Sustained above-average performance should not be checked on FD-255 unless the recommendation is for a sustained performance award since this category represents sustained overall performance. Although an employee may have aided in an investigation or project for a sustained period of time, if the performance does not represent his/her overall job responsibilities, sustained would be inappropriate when the recommendation is for a special achievement award.

EFFECTIVE: 03/25/97

5-15.2 Amount of Awards

The amount of an award will be determined by FBIHQ based on the details in the justification provided with consideration given to the ranking provided by the recommending official; therefore, the specific amount of an award should not be recommended by a division head or SAC. Instead, a ranking of minimal, moderate, significant, or substantial should be provided. Furthermore, when two or more employees are recommended for a particular matter, they should be ranked in descending order to indicate those who deserve greater recognition, if such is the case, pursuant to Section 5-15(7).

EFFECTIVE: 03/25/97

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EFFECTIVE: 12/17/93

| 5-15.4 | Senior Executive Service (SES) Cash Awards

SES members are ineligible for cash awards throughout the year and awards will be granted only incident to their annual performance appraisals. Any exceptions would be based on highly unusual events and would require the approval of the SES Board and the Director, with concurrence from the Department of Justice.

EFFECTIVE: 10/25/93

5-15.5 Principal Relief Supervisor Awards (See MAOP, Part I, 3-2.2 & 5-15.1(3).)

(1) Criteria for Nomination of Principal Relief Supervisor for an Incentive Award.

(a) The individual must have been officially designated as the principal relief supervisor or the Assistant Supervisory Senior Resident Agent for at least six months.

(b) The recommending official must state in the submitting communication that the individual is at least fully successful in all of his/her other duties.

(c) The individual must perform or have performed relief supervisory functions an average of eight hours per pay period for at least the past six months; and

(d) The individual's performance in the principal relief supervisor capacity must be considered superior and documented as such on an FD-255 (Recommendation for Incentive Award). The field division head or acting field division head must personally endorse the recommendation.

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(2) A qualified individual may only receive this particular award once in a 12-month period; however, the same individual may be recognized during subsequent 12-month periods if all qualifications continue to be met. The awards, generally, will be in the amount of \$1,000. All nominations must be received at FBIHQ within 60 days following the reassignment of the principal relief supervisor.

(3) Nominations for the principal relief supervisor cash award may be submitted at any time. All nominations must state that the recommended individual meets all of the above criteria.

EFFECTIVE: 12/06/96

5-15.6 On-the-Spot (OTS) Cash Awards Program

OTS awards are designed to recognize, through immediate recognition, FBI employees who perform quality service in an exceptional manner while on duty or in the performance of duties related to FBI employment. These awards do not replace any existing awards, and employees who receive them may be considered for other recognition.

(1) Amount of Awards

\$50 and \$100. The awards will be net and will be ordered in amounts to cover withholding to ensure actual amounts of \$50 and \$100.

(2) Eligibility

All FBI employees at GS-13 and below level and WG employees at the equivalent of the GS-13 or below level are eligible. An employee may receive no more than four (4) OTS awards in one fiscal year.

(3) Qualifying Criteria

Must be for work-related performance while on duty or in the performance of duties related to FBI employment; performance of additional duties while maintaining his/her own workload; accomplishing office goals in meeting short deadlines; solving unusual

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work-related problems; or single short-term incidences of exceptional work-related performance.

(4) Nomination

(a) A supervisor may nominate any deserving employee by completing Form FD-788. This form contains all necessary accounting and authorization data, space to provide a brief narrative of the justification for the award, and the congratulatory certificate for the employee. Managers outside the employee's chain of command may also nominate an employee through the employee's immediate supervisor. Nominations should be made no more than two (2) weeks after the occurrence of the achievement being recognized, whenever possible.

(b) OTS awards should be granted individually. Groups cannot share the OTS awards. Withholdings are reflected in the salary records of the award recipient for tax purposes.

(5) Approval

(a) The supervisor (nominating official) should forward the completed form to the office/division head, or an approving official designated by him/her, for approval. The approving official must be one level higher than the nominating official. The approving official should sign the form, attesting compliance with applicable policy and return the certificate portion, along with a copy of the form, to the recommending supervisor (nominating official). The original should then be forwarded to the Incentive Awards Program in the Performance, Recognition and Awards Unit (PRAU), Personnel Division, where an award will be ordered and forwarded in the same manner as the employee's paycheck.

(b) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's division head or SAC should be contacted, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head or SAC. The funds for the OTS award will be deducted from the allotment of the office making the recommendation.

(c) A facsimile copy may be forwarded to the PRAU in the interest of timeliness. However, the original must be forwarded to the PRAU to ensure compliance with recordkeeping requirements and program controls.

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(6) Presentation

The award certificate may be presented to the recipient; and, at that time, he/she should be advised that the award will be forwarded in the same manner as his/her paycheck.

(7) Award Allotment

Each office/division will be allotted an amount of money based on the budgeted funds for the fiscal year and the number of eligible employees in the division/office. The allotments may be used for \$50 and/or \$100 awards. The PRAU will notify each office/division of the allotment at the beginning of each fiscal year.

(8) Office/Division Head Responsibilities

Office/Division heads are responsible for designating an awards coordinator and establishing the necessary controls to ensure that supervisors and employees comply with the policy for OTS awards. Also, a control log/file should be maintained to track the awards for each office/division to ensure compliance with the OTS awards policy and to account for the allotment.

EFFECTIVE: 10/25/94

5-15.7 Time Off From Duty as an Incentive Award

The Time-Off Awards are an enhancement of the Incentive Awards Program (IAP) to expand recognition afforded FBI employees for their excellent efforts and performance which is substantially above normal job requirements and performance standards. This program allows the presentation of time off, without loss of pay or charge to leave, in lieu of monetary recognition as an incentive award. Time-Off Awards are intended to recognize superior accomplishments or other personal efforts that contribute to the quality, efficiency, or economy of government operations and are not intended to be a substitute for monetary recognition through the IAP.

(1) Criteria

The following are the types of contributions an employee must make in order to be eligible for a Time-Off Award. All contributions must be work-related performance while on duty or

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performance of duties related to FBI employment.

(a) Making a high-quality contribution involving a difficult or important project or assignment.

(b) Displaying special initiative and skill in completing an assignment or project before a deadline.

(c) Using initiative and creativity in making improvements in a product, activity, program, or service.

(d) Ensuring the mission of the FBI is accomplished during a difficult period by successfully completing additional work or a project assignment while still maintaining one's own workload.

(e) Sustained high-level, or above-average, performance for a period of at least six months. (Note: The employee must have on record an overall Superior or Exceptional performance appraisal. This appraisal must be in the same grade as the grade for which the sustained Time-Off Award is based and in which the employee has served for at least six months.)

(f) Producing additional benefits to the government as the result of especially effective and timely evaluation of an employee suggestion.

(2) Eligibility

(a) All employees are eligible for Time-Off Awards. An employee may be granted a Time-Off Award regardless of his/her length of service, and the receipt of a prior award is not disqualifying. However, the same contributions should NOT be used as the basis for a Time-Off Award and another award unless the Time-Off award or other award is deemed clearly NOT adequate to recognize the value of the employee's contributions.

(b) Time-Off Awards for Senior Executive Service (SES) members will be granted only incident to their annual performance appraisals, and they will be ineligible for Time-Off Awards throughout the year. Any exceptions will be based on highly unusual events and will require the approval of the SES Board and the Director, with concurrence of the Department of Justice.

(3) Amount of Award and Limitations

(a) The minimum amount of time off that may be given

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is four hours, and Time-Off Awards can only be used in increments of four hours or more unless an employee has less than four hours remaining of their allotment.

(b) A full-time employee may be granted a maximum of 40 hours of time off from duty as an award for any single contribution that meets the criteria.

(c) Time off granted to an employee must be scheduled and used within one year after the award is made, and this one-year period may extend into the next leave year. However, employees should be encouraged to use the award within 120 days. Leave not used within a year of receipt will be forfeited and is not restorable.

(d) The total amount of time off a full-time employee may be granted during any one leave year is 80 hours.

(e) For part-time employees or employees with uncommon tours of duty, the maximum amount of time off that can be granted during any one leave year is the average number of hours of work in the employee's biweekly scheduled tour of duty, and the maximum amount that can be granted for any single contribution is one-half of the total leave year maximum.

(f) A Time-Off Award cannot be converted to cash under any circumstances. Time off can be transferred between offices within the FBI, but cannot be transferred to another federal agency. Also, time off cannot be recredited to an employee's account if the employee has a break in service from the FBI for more than three calendar days.

(g) There will be no limit on the number of employees who can be recognized with Time-Off Awards in a particular office. Each division/office head will have the authority to grant the amount of time off he/she deems appropriate and which is within the bounds of good management to ensure that the functions of the division/office are not adversely affected by the use of Time-Off Awards. When granting or recommending Time-Off Awards, consideration should also be given to the recipients' leave status, i.e., end-of-the-year "use or lose," when time off could be a burden on the division/office and adversely impact on operational needs.

(h) Employees in leave without pay (LWOP) status cannot use Time-Off Awards.

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(i) Use of a Time-Off Award should not affect an employee's Availability Pay.

(j) Time-Off Awards may only be granted for above-average, work-related performance while on duty or in the above average performance of duties related to FBI employment.

(4) Relationship to other Awards and Consideration for Promotion

The receipt of a Time-Off Award is not disqualifying for the subsequent granting of any other cash incentive or honorary award. However, the same contribution should not be used as the basis for a Time-Off Award and another award, unless the time off is deemed clearly not adequate enough to recognize the value of the employee's contribution. In such rare cases, it may be appropriate to couple a Time-Off Award with a cash award.

(5) Approval Levels

(a) Awards may be approved by the division/office head, except for awards for those in the Senior Executive Service, provided he/she is at a level higher than those making the recommendations for the awards. Therefore, a Special Agent in Charge (SAC) may not recommend and approve an award. However, the Assistant Special Agent in Charge may make the recommendation for the SAC's approval. Appropriate justification must be submitted to the Performance, Recognition and Awards Unit (PRAU), Personnel Division, after the award has been granted.

(b) If an employee is assigned to an office other than the one making the recommendation for recognition, the employee's division head or SAC must be contacted, and the recommendation should state that the recommendation is being made with the concurrence of the employee's division head or SAC. The employee's office of assignment will be responsible for entering the time off.

(c) All Time-Off Award recommendations for members of the Senior Executive Service (SES) must be submitted to the PRAU where they will be forwarded to the SES Board and to the Director for their approval and to the Department of Justice for concurrence with the recommendation.

(6) Form FD-812

Form FD-812 should be used to submit recommendations

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to the PRAU. The form should contain the following information: Name of employee; Social Security Number; Number of hours of leave being granted; and a narrative of the employee's performance which warrants the recognition. When awards are for eight hours or less, the narrative may be a short, informative paragraph or two setting forth the reason(s) for the award.

(7) Time-Off Award Certificate

After the FD-812 has been approved by the division/office head, the Time-Off Award certificate should be prepared for presentation to the employee. The certificate should contain the following information: Name of employee; Number of hours of leave being granted; and the Date presented.

(8) Documentation Requirements

A Time-Off Award must be supported by written justification which indicates that the employee's contribution met one of the criteria for the granting of this award and clearly merits the amount of time off approved. Time-Off Awards written justifications must be provided to the PRAU. The PRAU will ensure that the recognition is included in the employee's personnel actions history and personnel file. Also, the documentation may be submitted to the Office of Personnel Management (OPM) upon request from OPM. In addition, the amount of time off granted must be documented on Standard Form 50, Notification of Personnel Action, and a copy will be retained in the employee's personnel file at FBI Headquarters.

(9) Time Capture Record

Upon presentation of a Time-Off Award, the award should be recorded in the Bureau Personnel Management System (BPMS) through the screen specifically designed for these awards. The date presented is to be entered as the effective date. The leave can then be requested and used by the submission of an FD-282 (Leave Request). A notation should be made on the FD-282 that the request is for a Time-Off Award. The used leave should also be recorded in the BPMS and on the FD-420 (Attendance Register) or the FD-420a (Attendance Register/TURK) as a Time-Off Award.

(10) Audits

Periodically, audits will be conducted by the PRAU for compliance with the criteria and limitations for Time-Off Awards. These audits will ensure that leave granted through the program is

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within the established policy and that the amounts of leave granted to any one employee do not exceed the maximum allowed for the leave year.

EFFECTIVE: 10/13/95

5-16 LETTERS OF COMMENDATION

(1) A letter of commendation may be recommended when an employee's contributions do not meet the criteria for a cash award but are of such significance that recognition is warranted.

(2) Types of Letters of Commendation

(a) From the Director. Recommendations for a commendation letter from the Director should be made only when the recommending official is convinced that certain elements of the employee's performance are above normal and reasonable performance expectations sufficient to warrant special recognition but do not meet the standards for a cash award.

(b) General Letter from the Director. Recommendations for general letters of commendation may be submitted when several employees warrant recognition, but their performance is not such to justify cash awards or individual letters of commendation from the Director. However, each employee to be included in a general letter of commendation must be named in the recommendation and brief justification submitted describing his/her efforts which are deserving of a general letter.

(c) Letter from the division head or SAC. Division heads and SACs should commend their employees over their own signatures when it is believed an employee's performance warrants recognition but does not meet the requirements for an individual or general letter of commendation from the Director. A copy should be sent to FBIHQ, Attention: Performance, Recognition and Awards Unit, Personnel Division, if a copy is to be placed in personnel file.

(3) Recommendations for commendation letters from the Director and general letters of commendation may be submitted in regular memorandum form for the attention of the Performance, Recognition and Awards Unit, Personnel Division. However, if recommendations are being made for letters of commendation in addition to recommendations for incentive awards, they may be added to the FD-

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255, with the appropriate justification.

EFFECTIVE: 04/21/94

5-17 LETTERS OF APPRECIATION TO NON-BUREAU PERSONNEL

Letters of appreciation may be recommended to recognize the efforts of individuals other than employees of the FBI who have contributed to the Bureau's mission or who have been cooperative in furthering our mission. Recommendations for such letters should be submitted on Form FD-468 (Correspondence Matters, Recommendation for Letter from Director), not on Form FD-255 (Recommendation for Incentive Award), and forwarded to the Executive, Congressional, and Public Constituent Services Unit (formerly Correspondence Unit), Office of Public and Congressional Affairs, FBIHQ. (See MAOP, Part II, 11-1.2, for details.)

EFFECTIVE: 05/13/96

5-18 PUBLIC SERVICE AWARDS PROGRAM AND CERTIFICATES OF APPRECIATION

Cooperative relationships between the FBI and the public have many benefits. There are three effective means to appropriately recognize the contributions made to the FBI's mission by private citizens or organizations.

EFFECTIVE: 08/30/91

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5-18.1 Public Service Award Plaques

(1) Division heads and SACs have authority for the awarding of public service plaques in appreciation of highly significant contributions for presentation to private citizens or organizations located within the 50 states. All division heads and SACs must therefore establish proper procedures, including indices checks and a control file, to ensure that all candidates meet the following guidelines.

(2) Division heads and SACs should demonstrate that the individual or organization provided one of the following:

(a) Exemplary service in an advisory capacity to the FBI.

(b) Direct assistance to the FBI through actions or useful ideas which are beneficial in eliminating or minimizing problems or actively contribute to the FBI mission accomplishment.

(c) Assistance to the FBI of a highly significant nature through the cooperative use of facilities, equipment or manpower.

(d) Courageous or heroic action in support of FBI activity or mission.

(3) The field office can then use their supply account to purchase the plaques. The use of appropriation funds to purchase plaques for on-board Department of Justice employees is prohibited.

(4) Plaques may be obtained from outside commercial sources, including the FBIHQ Recreation Association Store, or a local establishment of office's choice.

EFFECTIVE: 02/27/95

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5-18.2 Certificates of Appreciation

(1) SACs or division heads may request a Certificate of Appreciation for presentation to an individual that has rendered assistance and/or cooperation to the Bureau, in lieu of letters of appreciation.

(2) The request with supporting justification should be directed to the Executive, Congressional, and Public Constituent Services Unit (formerly Correspondence Unit), OPCA, Room 6236, using Form FD-468. There are six different certificates which should be identified accordingly when requests are made.

(3) The Certificate of Appreciation is signed by the Director and enclosed in a paper folder or a leatherette diploma holder with a gold FBI seal applied on the cover.

EFFECTIVE: 05/02/97

5-18.3 Certificate of Appreciation for Use by the Special Agent in Charge

(1) Each FBI field office has a supply of Certificates of Appreciation enclosed in a blue paper folder designed to be signed and presented by the Special Agent in Charge. The criteria of this certificate are established by the Special Agent in Charge.

(2) The National Press Office, OPCA, should be contacted for additional Certificates of Appreciation for use by the Special Agent in Charge.

EFFECTIVE: 02/29/96

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5-19 SUGGESTION PROGRAM (See MAOP, Part II, 8-1-3-2(9))

(1) The employee suggestion program can be a useful and important employee-management communication device. It allows the employee to suggest improvements in Bureau operations and enables management to reward those employees who make significant contributions.

(2) Suggestion awards are made to employees in recognition of idea-type contributions which directly contribute to productivity, economy, efficiency, or directly increase effectiveness in carrying out the FBI's programs or mission.

(3) Criteria for Consideration of Suggestion

(a) The suggestion must be outside the employee's responsibility. In rare cases, contributions within the employee's job description may be awarded if they are so superior or meritorious as to warrant this special recognition. The official position description and performance requirements will be used to measure the acceptable level of competence and as the basis for determining what is normally expected of an employee occupying that position.

(b) The benefit to the FBI in terms of direct contributions in efficiency or economy must be equivalent to a savings of \$250 in order to qualify for a cash award. Benefits will usually be based on the first full year of operation following adoption of a suggestion. Benefits may be determined by estimating the net savings over a longer period when there are high first-year costs required to implement the suggestion. In instances where the value cannot be determined by estimated net savings, it will be determined by reference to the intangible awards table (see 5-19(6)(c)).

(c) Suggestions that deal with routine employee services, benefits, working conditions, housekeeping, or maintenance of buildings and grounds should be handled through normal administrative channels and not accepted into the suggestion system. Items of supply which can be procured through simple requisition, or proposals which offer no specific means to improve operations, should not be entered into the program unless the contribution to economy, efficiency or increased effectiveness of operation can be clearly demonstrated. Also, proposals which would obviously cost more to process than the tangible benefit achieved will not be evaluated under this program but will be returned for oral acknowledgment.

(d) Inventions and patent disclosures may serve as

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the basis for a suggestion award when the idea meets the criteria set forth above. The patent application and an analysis of the estimated direct dollar benefits will meet the minimum documentation requirements.

(4) Documentation Requirements for Suggestion Awards

(a) Form FD-252 should be utilized to submit suggestions (original and three copies). If the suggestion relates to a form, submit four copies of the current form and four copies of the proposed form.

(b) Form FD-252 must be signed by the suggester and forwarded to the Performance, Recognition and Awards Unit, Personnel Division for appropriate action.

(c) A brief description of the current practice or procedure, if any, should be noted, as well as any manual citation, if appropriate.

(d) A description of the suggested change to existing practice or procedure, or if it is a suggestion to add a new practice or procedure, a description of what is to be added.

(e) An analysis of the direct estimated net dollar benefit which would result over the first 12-month period after adoption should be set forth. The suggester is to document as fully as possible the actual or anticipated savings which will result from adoption of a suggestion.

(5) Adoption of Suggestion and Group Awards

(a) Suggestions not adopted when made remain active for two years. If adopted within the two-year period, the original suggester will be entitled to consideration of an appropriate award. Suggestion becomes invalid if not adopted within two years.

(b) When awards are granted in connection with adopted suggestions, the use of the suggestion by the United States shall not form the basis of a further claim.

(c) If two or more employees independently and simultaneously submit identical suggestions, any award will be equally divided.

(6) Amount of Cash Award for Adopted Suggestions

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(a) In the interest of uniformity, the amount of an award will be determined by FBIHQ; therefore, the specific amount of an award should not be recommended by a division head or SAC.

(b) Cash awards resulting in tangible benefits will be determined in accordance with the following scale for such benefits:

TANGIBLE BENEFITS	AWARD
Up to \$100,000	10 percent of benefits
\$100,001 and above in benefits	\$10,000 plus 1 percent of benefits over \$100,000

(c) Cash awards resulting in intangible benefits will be determined in accordance with the following scale: (See MAOP, Part I, 5-19(3)(b).)

	VALUE OF BENEFIT		EXTENT OF APPLICATION	
	Limited	Extended	Broad	General
Moderate	\$ 25-125	\$ 125-325	\$ 325-650	\$ 650-1,300
Substantial	\$ 125-325	\$ 325-650	\$ 650-1,300	\$1,300-3,150
High	\$ 325-650	\$ 650-1,300	\$1,300-3,150	\$3,150-6,300
Exceptional	\$ 650-1,300	\$1,300-3,150	\$3,150-6,300	\$6,300-10,000

(d) Cash awards for suggestions will not affect the annual salary of an employee; however, federal withholding tax will be deducted from such award prior to payment.

(7) Streamlining Committee or Suggestion Coordinator (Optional). Each division may designate either a Suggestion Coordinator or Streamlining Committee. Their function is to facilitate suggestions to improve Bureau operations. This decision will be left to the discretion of the division head or SAC who is responsible for lending appropriate support to the Suggestion Program.

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EFFECTIVE: 10/17/95

5-20 SERVICE AWARDS

Service awards are presented to Bureau employees as follows:

- (1) 10-Year Service Award
 - (a) Congratulatory letter
 - (b) 10-year service award key
- (2) 20-Year Service Award
 - (a) Congratulatory letter
 - (b) 20-year service award key
- (3) 25-Year Service Award
 - (a) Congratulatory letter
 - (b) 25-year service award key
- (4) 30-Year Service Award
 - (a) Congratulatory letter
 - (b) 30-year service award key
- (5) 35-Year Service Award
Scroll Award
- (6) 40-Year Service Award
 - (a) Congratulatory letter
 - (b) Service award key cluster
 - (c) Engraved watch
 - (d) Employees may travel to FBIHQ for presentation

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by Director

(7) 45-Year Service Award

- (a) Congratulatory letter
- (b) Three-dimensional plaque of FBI Seal
- (c) Personal gift
- (d) Employees may travel to FBIHQ for presentation

by Director

(8) 50-Year Service Award

- (a) Congratulatory letter
- (b) Cuff links and tie clasp for men
- (c) Brooch for women
- (d) Employees may travel to FBIHQ for presentation

by Director

EFFECTIVE: 08/29/90

5-20.1 Computation of FBI Service

- (1) Based on total period(s) of active duty
- (2) Leave without pay in excess of six months is deducted

(3) In general, any period of separation from the Bureau's rolls is deducted. Military service is credited for those employees who possess mandatory restoration rights to the positions they hold when they enter the military and who fulfill any criteria necessary to protect such rights.

EFFECTIVE: 08/29/90

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5-20.2 Presentation of Service Award Keys

Anniversary keys should be presented to employee through FBIHQ division head or SAC. At the employee's request, the Director will present, as his schedule allows, service awards to those employees celebrating 25 years, or longer, of Bureau service who are assigned to FBIHQ and Washington Metropolitan Field Office.

EFFECTIVE: 08/25/89

5-20.3 Loss of Service Award Key

A duplicate key, at employee's expense, may be ordered by informing FBIHQ, Attention: Performance, Recognition and Awards Unit, Personnel Division.

EFFECTIVE: 04/21/94

5-21 FEDERAL SERVICE EMBLEM

A Federal service emblem, with FBIHQ concurrence, is available at the employee's specific request when an employee does not qualify for a Bureau service award key under the following circumstances:

- (1) Employee must have completed at least 10 years of civilian and/or military service, exclusive of FBI service.
- (2) Employee must have completed at least one year of FBI service.

EFFECTIVE: 08/25/89

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5-22 RETIREMENT PLAQUE

A retirement plaque is authorized for presentation to employees who retire, including disability retirements, from the Federal Government while employed by the FBI regardless of their years of FBI service. These employees may be eligible for retirement under the provisions of the Civil Service Retirement System or the Federal Employees Retirement System. Special Agent badges and credentials or support employee credentials or identification cards may be appropriately mounted on the plaque. The employee may request a walnut shield-type plaque without badges, credentials or cards. The retirement plaque will reflect only the dates of FBI service.

EFFECTIVE: 08/25/89

5-22.1 Request for Retirement Plaque

(1) Type of plaque and employee's desire for such plaque, as well as approval by division head or SAC, should be determined at time of exit interview and appropriately indicated on the exit interview form (FD-193).

(2) FBIHQ division heads and SACs should ensure that credentials and badges or identification cards are submitted by routing slip to FBIHQ in a sealed envelope at least 45 days prior to retirement date. Credentials and badges or identification cards should be submitted to FBIHQ by registered mail, Attention: Employee Benefits Unit, Personnel Division.

EFFECTIVE: 04/21/94

5-22.2 Presentation of Retirement Plaque

(1) The Director will personally present, as his schedule allows, retirement plaques to employees assigned to FBIHQ and to the Washington Metropolitan Field Office, at the employee's written request. These requests should be made at the time of the exit interview to Attention: Employee Benefits Unit, Personnel Division.

(2) In the Director's absence, retirement plaque will be presented by the FBIHQ division head or SAC.

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(3) In the field, exclusive of Washington Metropolitan Field Office, SACs or, in their absence, ASACs will present retirement plaque to recipient employee.

EFFECTIVE: 04/21/94

5-23 MEMORIAL PLAQUE

A memorial plaque is authorized, but only after the specific request of surviving family member(s), for a Bureau employee who dies while on the rolls, without regard to age or length of Bureau service. Requests should be forwarded to FBIHQ, Attention: Employee Benefits Unit, Personnel Division.

(1) In each instance, the availability of a plaque should be communicated to the next of kin.

(2) The memorial plaque will be identical to the employee retirement plaque, with the exception of the inscription and the perforation on the credentials.

(3) The inscription plate will read "Presented to the Family of _____, in Memory of his (her) Loyal and Devoted Service to the Federal Bureau of Investigation, 19__ - 19__."

(4) Deleted

EFFECTIVE: 04/21/94

5-23.1 Memorial Plaques for Agents Killed in the Line of Duty but Not Necessarily During an Adversarial Confrontation

(1) The FBI has long honored Agents killed in the line of duty as a result of direct adversarial impetus--that is, at or by the hand of an adversary, or who die as a result of an adversarial confrontation. These Agents' names have been placed on a permanent plaque so that their great sacrifice will always be remembered. The inscription on this plaque reads: "In memory of Special Agents of the Federal Bureau of Investigation who were killed in the line of duty as

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the direct result of an adversarial action." The criterion for inclusion on this plaque is as follows: "Agent or Agents who are killed in the line of duty as a result of direct adversarial impetus—that is, at or by the hand of an adversary or who die as a result of an adversarial confrontation." The plaque consists of the names of the Agents under the Special Agent badge.

(2) The FBI also honors those Agents who lose their lives in the performance of their duty, but not necessarily during an adversarial confrontation. The inscription on this plaque will read: "In memory of Special Agents of the Federal Bureau of Investigation who lost their lives in the performance of a law enforcement duty." This would include situations involving "hot pursuit" of criminals and when death results from the Agent taking immediate action to save the life or lives of others. It would not include deaths caused, in whole or in part by voluntary intoxication of the Agent, internal misconduct of the Agent, the Agent's intention to bring about his/her death (suicide) or gross negligence by the Agent. Specific guidelines for inclusion on this new plaque have been developed. FBIHQ will decide which Agents are to be honored.

(3) Both plaques will be prominently displayed, side by side, in the Hall of Honor at the FBI Academy at Quantico, FBIHQ, and in all field offices.

EFFECTIVE: 08/30/91

5-24 HONORARY MEDALS PROGRAM (HMP)

(1) The HMP is an enhancement of the Incentive Awards Program and was created to expand recognition afforded FBI employees by allowing the presentation of honorary medals in acknowledgement of their acts of heroism, valor and meritorious achievements. The medals are: FBI Medal of Valor; FBI Shield of Bravery; FBI Medal for Meritorious Achievement; FBI Star; and FBI Memorial Star. The medals will be 14k gold filled and accompanied by replica 14k gold-filled lapel pins. The medals will be engraved on the reverse sides with the names of the honorees and placed in decorative shadow boxes for presentation.

(2) These medals may also be presented to federal, state, and local law enforcement personnel who are detailed to or working with the FBI in an investigative capacity under the Bureau's direction for performance in the direct line of duty, or within the scope of

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their assigned duties relating to the FBI's mission.

EFFECTIVE: 07/20/94

5-24.1 Qualifying Criteria for FBI Employees

(1) FBI Medal of Valor

(a) Exceptional (extreme) act of heroism.

(b) Voluntary risk of personal safety and life.

(c) Act occurs in the direct line of duty and/or within scope of FBI employment and in the face of criminal adversary(s).

(d) Resolution and fortitude are of such a degree as to overcome several obstacles to neutralize a significant life-threatening crisis.

(2) FBI Shield of Bravery

(a) Brave and courageous acts occurring in the direct line of duty and/or within the scope of FBI employment.

(b) Voluntary risks in hazardous duties to extend major assistance to, i.e., task force or undercover operations, grave situations and/or crisis confrontations associated with the highest priority cases of the FBI.

(c) Performance occurs on duty and may include action in connection with a high-priority police cooperation matter or organized crime penetration. (For example, involving lead hostage negotiators to undercover Agents, continuously exposed to hostile, dangerous individuals.)

(3) FBI Medal for Meritorious Achievement

(a) FBI Service

1. Awarded for extraordinary and exceptional meritorious service in a duty of EXTREME challenge and GREAT

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responsibility; i.e., a sufficient accumulation of DEMONSTRATED DEEDS and ACTS of such magnitude, over a requisite time period, to clearly judge the employee's service to the FBI and Nation to be beyond our highest expectations (beyond performance solely justifying Quality Step Increases, sustained cash awards, or significantly substantial cash awards).

2. Extraordinary and exceptional achievements in connection with criminal or National Security cases, as well as senior executives who have given long and outstanding service upon their retirement, etc.

(b) Exceptional Performance

1. A decisive, exemplary act that results in the protection of life (lives) or the direct saving of life (lives) in severe jeopardy.

2. The recipient need not be in any risk of danger to his/her life or personal safety.

3. The lifesaving act or deed may occur during, before, or after the employee's official duty hours. For example, ranging from a support employee's cardiopulmonary resuscitation act to a SWAT member's success in properly neutralizing an extremely dangerous subject with hostages.

4. Brave and courageous acts occurring in the direct line of duty and/or within the scope of FBI employment or voluntary risks in hazardous duties which are not at a level to justify the FBI Shield of Bravery, but are of such magnitude that a medal is appropriate recognition.

(4) FBI Star

(a) Serious injury sustained in the direct line of duty from physical confrontation with criminal adversary(s), or by a device for purposes of ambush.

(b) Injury inflicted by weapons to include hands, fists, feet, clubs, (blunt instruments), knives, firearms, and explosives.

(c) Gunshot wounds of any variety inflicted as a result of an adversarial action in the direct line of duty are automatic.

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(d) Injury in the case of all weapons, with the exception of gunshot wounds, that are so severe as to require substantial emergency room sutures, hospitalization and/or COMPREHENSIVE medical treatment for a SUSTAINED period of time (e.g., severe concussion and broken bones).

(e) Superficial abrasions, skin discolorations, sprains and other minor injuries will be disqualified for consideration in most cases.

(5) FBI Memorial Star - Death when killed in the line of duty as the direct result of an adversarial action; loss of life in the performance of a law enforcement duty; and when actions resulting in death occur in the scope of FBI employment and in the face of criminal adversary(s). Note: Under circumstances wherein an Agent is slain "in the scope of FBI employment," the propriety of the actions must be adjudicated internally prior to the presentation of the FBI Memorial Star.

EFFECTIVE: 07/20/94

5-24.2 | Qualifying Criteria for Law Enforcement Personnel

(1) FBI Medal of Valor

(a) Exceptional (extreme) act of heroism.

(b) Voluntary risk of personal safety and life.

(c) Act occurs in the direct line of duty and/or within scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction and in the face of a criminal adversary(ies).

(d) Resolution and fortitude are of such a degree as to overcome several obstacles to neutralize a significant life-threatening crisis.

(2) FBI Shield of Bravery

(a) Brave and courageous acts occurring in the

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direct line of duty and/or within scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction.

(b) Voluntary risks in hazardous duties connected to task force or undercover operations, or grave situations and/or crisis confrontations associated with the highest priority cases of the FBI.

(c) Performance occurs on duty and includes actions in connection with a high-priority police cooperation matter or organized crime penetration. (For example, involving lead hostage negotiators to undercover roles, continuously exposed to hostile dangerous individuals.)

(3) FBI Medal for Meritorious Achievement

(a) Brave and courageous acts occurring in the direct line of duty and/or within the scope of employment while detailed to or working with the FBI in an investigative capacity under Bureau direction or voluntary risks in hazardous duties which are not at a level to justify the FBI Shield of Bravery, but are of such magnitude that a medal is appropriate recognition.

(b) A decisive, exemplary act that results in the protection of life (lives) or the direct saving of life (lives) in severe jeopardy.

(c) The recipient need not be in any risk of danger to his/her life or personal safety.

(4) FBI Star - Serious injury sustained in the direct line of duty from a physical confrontation with a criminal adversary(ies), or by a device for purposes of ambush while detailed to or working on an FBI investigation under Bureau direction.

(5) FBI Memorial Star - Death in the line of duty as the direct result of an adversarial action; loss of life in the performance of a law enforcement duty; and when death occurs in the face of a criminal adversary(ies) while detailed to or working with FBI investigative matters under Bureau direction.

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5-24.3 Nomination Procedures

(1) Form FD-255a should be used to submit nominations/recommendations for honorary medals. Instructions should be carefully followed and the documentation should include clear, specific statements of fact.

(2) Any FBI employee, or non-FBI employee, having personal knowledge of an act, deed or service believed to merit an FBI medal may submit a statement of facts in a memorandum or letter to a division head. Each division head is required to PERSONALLY screen and attest to the merits of the nomination and submit the nomination to FBIHQ on Form FD-255a. If a division head does not believe that a medal is warranted, he/she is required to submit the recommendation, along with his/her comments, to the Performance, Recognition and Awards Unit (PRAU).

(3) Recommendations of medals for federal, state, and local law enforcement personnel should be made by the FBI office/division head where the activity warranting the medal took place and must also contain the concurrence of the head of the employing agency.

(4) The FD-255a should be submitted to the PRAU, Personnel Division.

(5) In the interest of timeliness when recommendations are made for the FBI Memorial Star, immediate teletypes may be submitted to the PRAU. The teletype should include a succinct description of the circumstances wherein an Agent or law enforcement employee was killed.

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5-24.4 Time Limits

(1) Each nomination for an FBI Medal must be received in the Personnel Division within one year of the act, deed or service to be honored.

(2) No time restrictions are placed on administrative consideration of posthumous awards for any FBI Medal. The FBI Memorial Star is intended, however, to be presented to the primary next of kin as soon as possible after the interments of Special Agents or federal, state, or local law enforcement personnel killed in the line of duty or in the performance of a law enforcement duty.

(3) Both the FBI Medal of Valor and FBI Star can be retroactively awarded to on-board employees, bearing in mind the stringent qualifying criteria for the awarding of these medals.

EFFECTIVE: 12/12/95

5-24.5 Next of Kin

The FBI has adopted regulations set out by the Department of Defense that govern posthumous awards and decorations to primary next of kin. The eligible classes of next of kin are designated in order of precedence to establish the primary as follows: surviving spouse, eldest child, father or mother, eldest sibling, or eldest grandchild.

EFFECTIVE: 05/02/97

5-24.6 Presentation of Medals

(1) The FBI Memorial Star will be presented by the Director or his personally designated representative to the primary next of kin. The medal will be presented according to the wishes of the surviving family.

(2) The FBI Medal of Valor will be presented by the Director or his designated representative in a ceremonial setting within the field office where the recipient is or was last assigned or

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detailed, or at a location at the discretion of the Director.

(3) The FBI Shield of Bravery, FBI Medal for Meritorious Achievement and FBI Star may be presented by the Director, his designated representative, or division head in a ceremonial setting within the field office where the recipient is or was last assigned or detailed, or at a location at the discretion of the Director.

(4) The Office of Public and Congressional Affairs (OPCA) will be responsible for issues associated with the scheduling of the awards presentation ceremony, oversight of protocol associated with the presentations, publicizing the event through the Bureauwide Information Program, other FBI communications, or the media as may be appropriate.

OPCA will coordinate all aspects of the presentation in a manner which facilitates and directs the actions of Bureau officials involved to achieve the purpose of the awards presentation as outlined in the protocol. It will be the responsibility of the division head in whose division/office the award recipient is currently assigned to provide that staff support which is deemed necessary by the OPCA representatives to conduct the ceremony in a manner which ensures the values addressed by this protocol are achieved.

EFFECTIVE: 07/14/95

5-24.7 FBIHQ Approval Process

(1) Upon receipt in the PRAU, a panel will review the recommendations, hear oral presentations from division heads or their representatives, and make recommendations to the Deputy Director concerning the presentations of medals. The panel will consist of two street Agents; two Special Agents in Charge; the chairperson or a representative from the Shooting Incident Review Group; the Assistant Director, PD, or his/her designee; the chief of the Personnel Management Section, PD; with assistance from a representative from the Behavioral Science Unit and representatives from the PRAU. The criteria for the Memorial Star, and in some cases, the FBI Star, are sufficiently clear to allow for the presentation of these medals by the PD without a panel.

(2) Deleted

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(3) Deleted

(4) Deleted

EFFECTIVE: 07/20/94

5-25 DIRECTOR'S ANNUAL AWARDS FOR EXCELLENCE

The Director's Annual Awards for Excellence offer the Director and other FBI officials the opportunity to recognize, in a public ceremony, Bureau employees for their outstanding contributions and exceptional service to the FBI and its mission. There are 17 categories of awards, and to the extent the quality of the award nominees warrant, the opportunity exists to present more than one award per category. Also, more than one employee will be eligible for consideration to receive one award, e.g., a group award. A two-tiered system will be used with the first tier consisting of three awards. The second tier will be only slightly lower in significance and will consist of 14 awards.

EFFECTIVE: 02/29/96

5-25.1 First Tier

(1) The Director's Annual Award for Excellence in Management

(a) Description: This award is designed for someone in a supervisory position, not necessarily a Special Agent Supervisor, and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have demonstrated outstanding leadership and have made extraordinary contributions or achievements in the improvement of operational or program effectiveness, efficiency or productivity; have reduced or eliminated costs through innovative or special managerial or administrative efforts and initiatives; or have benefited the FBI through the reduction or elimination of fraud, waste, mismanagement or abuse.

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(2) The Director's Annual Award for Excellence in Investigation

(a) Description: This award is designed for someone who has made significant contributions to an investigation and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have achieved major accomplishments in an investigation(s) and demonstrated extraordinary competence in complicated, long-term, and/or sophisticated cases of major significance.

(3) The Director's Annual Award for Excellence in Investigative Support

(a) Description: This award is designed for someone in a support capacity, with eligibility extended to both support employees and Agents, and is one of the three highest awards the Director can bestow.

(b) Criteria: The nominee must have demonstrated exceptional motivation, initiative, and performance in the support of investigative efforts and/or displayed extraordinary achievements that overcame unusual difficulties or unique situations of great importance to the mission of the FBI.

EFFECTIVE: 02/29/96

5-25.2 Second Tier

(1) The Director's Award for Distinguished Service to the Law Enforcement Community

(a) Description: This award is designed for someone who contributed to better relations among law enforcement and/or governmental agencies.

(b) Criteria: The nominee must have demonstrated an exceptional ability to work with outside agencies, resolve difficulties and differences, and achieved significant results through coordinated law enforcement and/or governmental agency efforts.

(2) The Director's Award for Information Management or

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Technical/Scientific Advancement

(a) Description: This award is designed for someone who develops law enforcement techniques in the area of information management, technical services, or scientific advancement.

(b) Criteria: The nominee must have made outstanding achievements in the area of information management, technical services, or scientific advancement that significantly contributed to the mission of the law enforcement community or resolving a case of major importance.

(3) The Director's Award for Outstanding Criminal Investigation

(a) Description: This award is designed for someone involved in a criminal investigation(s) of a significant nature.

(b) Criteria: The nominee must have demonstrated extraordinary ingenuity, initiative, and competence in overcoming serious obstacles and achieved significant results in a complex criminal investigation(s) of major importance.

(4) The Director's Award for Outstanding National Security Investigation

(a) Description: This award is designed for someone who is involved in a National Security investigation of a significant nature.

(b) Criteria: The nominee must have demonstrated extraordinary ingenuity, initiative, and competence in overcoming serious obstacles and achieved significant results in a National Security investigation(s) of major importance.

(5) The Director's Award for Distinguished Service by a Support Employee

(a) Description: This award is designed for a support employee who has made exceptional contributions to the FBI.

(b) Criteria: The nominee must have demonstrated outstanding motivation, initiative, and performance in support of the FBI's mission and/or displayed significant achievements that overcame unusual difficulties or unique situations.

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(6) The Director's Award for Sustained Distinguished Service

(a) Description: This award is designed for someone who has contributed to the FBI for an extended period of time, an "unsung hero" award.

(b) Criteria: The nominee must have demonstrated significant contributions to the FBI over an extended period of time. The contributions on a single project or investigation may not be sufficiently significant to justify a Director's award. However, the totality of their service to the FBI warrants special recognition.

(7) The Director's Award for Distinguished Service by a New Employee

(a) Description: This award is designed for someone who significantly contributes to the FBI with less than five years in the FBI and is to serve as an incentive and role model for all employees, especially new employees. This is a type of "Rookie of the Year" award.

(b) Criteria: The nominee must have demonstrated exceptional ability and resourcefulness to overcome obstacles in light of limited experience that significantly contributed to fulfilling the FBI's goals.

(8) The Director's Award for Exceptional Public Service

(a) Description: This award is designed for an individual or organization outside of the FBI who contributed to the FBI's mission, a "public service" award.

(b) Criteria: The nominee must have demonstrated great unselfishness and public consciousness in assisting the FBI in achieving exceptional results.

(9) The Director's Award for Equal Employment Opportunity

(a) Description: This award is designed to recognize the most significant contribution(s) to the Equal Employment Opportunity (EEO) Program.

(b) Criteria: This award is not restricted to EEO Program officials. A nomination may be for any manager or employee who has made significant contributions to the FBI's EEO Program.

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These contributions could be in the areas of leadership, training, recruitment, conciliation, or any other activity that enhances employment opportunities for women and minorities including Blacks, Hispanics, Native Americans and Asian Americans within the FBI.

(10) The Director's Award for Upward Mobility

(a) Description: This award is designed to recognize the most significant contributions by an individual to the Upward Mobility Program.

(b) Criteria: This award may be for any employee who has made significant contributions to the FBI's Upward Mobility Program. These contributions could be in the areas of leadership, training, program development, program implementation or any other activity that enhances upward mobility opportunities for lower-grade employees of the Bureau.

(11) The Director's Award for Outstanding Service to Disabled Employees or by a Disabled Employee.

(a) Description: This award is intended to be given to the employee who has rendered outstanding service to disabled employees, or a disabled employee whose above-average performance warrants recognition.

(b) Criteria: Recognition may be received for such services as recruitment, employment, providing services, accommodations or equipment for disabled employees; or, a disabled employee may be recognized for his/her exemplary performance in the face of formidable obstacles.

(12) The Director's Award for Special Achievement

(a) Description: This award is designed for a Special Agent or support employee who has excelled in a specific area of expertise or in a foreign service assignment, and whose achievements do not fit other categories of the Director's Awards.

(b) Criteria: The nominee must have demonstrated extraordinary initiative, ingenuity, competence and performance in his/her area of expertise or in areas of foreign service or any specialization that enhances the mission of the FBI.

(13) The Thomas E. DuHadway Humanitarian Award

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(a) Description: This award is designed to recognize Bureau employees that best exemplify former Assistant Director DuHadway's constant, unqualified willingness to help others through personal crises, regardless of their position, age, race, sex or religion, with no expectations of personal gain or recognition.

(b) Criteria:

1. Nominee must be an employee of the FBI.
2. Nominee has responded to the needs of a fellow FBI employee or the employee's family with an unqualified willingness to help the employee through a time of personal or family crisis without regard for their position, age, race, sex or religion.
3. The nominee volunteered time to help a member of the FBI family solve a personal problem or unsolicited assistance of a positive nature that aided the employee or their family.
4. The employee's contributions or assistance had a significant, positive effect on the resolution of the personal crisis involved and/or otherwise is clearly recognizable as an action which others should seek to emulate in the spirit demonstrated by former Assistant Director DuHadway.

(14) The Manuel J. Gonzalez Ethics Award

(a) Description: This award is designed to recognize Bureau employees who best embody former Assistant Director Gonzalez's example of unwavering ethical standards, professional ideals, and reputation for organizational integrity.

(b) Criteria:

1. Nominee must be an employee of the FBI.
2. Eligibility extends to three qualifying forms of ethical display. One of the following, or combination thereof, will be deemed suitable:
 - a. Nominee's FBI career has been distinguished by his/her extraordinary commitment to the FBI's code of conduct in both professional and private life.

AND/OR

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b. Nominee has demonstrated an extraordinary sense of ethics in overcoming a significant dilemma or withstanding a specific crisis as it relates to his/her official FBI duties or employment with the FBI.

AND/OR

c. Through nominee's display of ethical standards in a specific instance, public trust in the FBI, or law enforcement in general, has been markedly enhanced or fortified.

EFFECTIVE: 02/29/96

5-25.3 Awards

The first-tier awards will consist of a \$5,000 cash award and a noncash award, i.e., plaque, statue, certificate, etc. The second-tier awards will consist of a \$3,000 cash award and a noncash award. Provided that the size of a group receiving one award, e.g., a group award, is not excessive, each member of the group will receive the full cash amount of the award. If the size of the group is deemed excessive, the selection panel will make a recommendation on the size of the award for each member of the group, based on what is reasonable and the circumstances at hand. A noncash award will be presented for the Thomas E. DuHadway Humanitarian Award and the Manuel J. Gonzalez Ethics Award; however, in keeping with the nature of these awards, there will be no accompanying monetary recognition.

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5-25.4 Nominations

Nominations will be made by Special Agents in Charge and the heads of FBI Headquarters divisions/offices and forwarded to the Performance, Recognition and Awards Unit (PRAU), Personnel Division. Nominations from the Legal Attache Offices will be coordinated by the International Relations Section, Criminal Investigative Division, before they are transmitted to the PRAU. Each nomination should provide the nominee's official Bureau name, position, grade, Social Security Number, and the name of the award for which the person is being nominated. Justification submitted in support of the nomination should satisfy the criteria for the specified award and should be submitted in a detailed, comprehensive narrative. An endorsement from the Special Agent in Charge, division head, and/or the U.S. Attorney (or responsible department) should also accompany each nomination. Nominees must have received at least an overall rating of Fully Successful on their last Performance Appraisal Report and must not be the subject of a serious disciplinary action. Nominations may be submitted for as many awards as the SAC or division/office head believes are justified; however, only one nomination for each type award may be submitted.

It is imperative that there is a proper representation of all employees, both Agent and support, for the awards and that only the most qualified employees are nominated.

EFFECTIVE: 02/29/96

5-25.5 Selection Process

An awards selection panel composed of representatives, both Agent and support, of FBI Headquarters and the field will be convened by the Assistant Director of the Personnel Division to review the nominations and make final recommendations to the Director. Those nominated for first-tier awards will automatically be considered for second-tier awards should they not be selected for a first-tier award. Likewise, those nominated for second-tier awards will automatically be considered for a first-tier award. Nominees will also be eligible for consideration in other categories within the same tier if they meet the criteria of the respective category. The final decision will be made by the Director based on the recommendations made by the selection panel.

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EFFECTIVE: 02/29/96

5-25.6 Ceremony

An annual awards ceremony will be held in the Bonaparte Auditorium in the J. Edgar Hoover F.B.I. Building, followed by a reception in the recipients' honor. The Director will preside over the ceremony which will be attended by representatives of the recipients' office of assignment and FBI executives. Recipients and one immediate family member each will attend the ceremony on reimbursable travel expenses; however, the recipients will be allowed to invite any other family members, guests, and Bureau employees of their choosing.

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SECTION 6. TESTS

6-1 STENOGRAPHIC, TYPING, AND DICTAPHONE TRANSCRIBER TESTS

(1) Stenographic and typing tests are available on a weekly basis to FBIHQ employees desiring to participate in these examinations. These tests are also afforded to applicants and on-board employees in the field offices. The dictaphone transcriber test is a tape cassette of dictation to be transcribed by the employee using a dictaphone machine, and this test is given only to field office employees. The stenographic test is a cassette tape dictated at 80 wpm. The typing test is a 5-minute timed test.

(2) The 80-wpm stenographic test is the standard requirement for the position of Stenographer, GS-5. The typing test is the standard requirement for the position of Office Automation Clerk/Assistant, GS-3, GS-4, and GS-5. The dictaphone transcriber test is given in conjunction with the typing test to field office applicants or employees who will be utilizing dictaphone equipment.

EFFECTIVE: 09/02/93

6-2 INSTRUCTIONS FOR AFFORDING STENOGRAPHIC, TYPING,
AND DICTAPHONE TRANSCRIBER TESTS

Only current Bureau-approved tests are to be used.

EFFECTIVE: 09/02/93

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6-2.1 Stenographic Tests

(1) Only official Bureau stenographic tape cassettes are to be used when affording the stenographic test. A standard tape recorder must be used to play the tape cassette (do not use a dictaphone machine). The official test must only be afforded once. If the employee or applicant must be tested more than once, a different test must be used.

(2) Instructions for transcription -

(a) Place official payroll name of employee, date, EOD, and office of assignment in upper right-hand corner of a single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in the upper right-hand corner of the paper.

(c) Set the typewriter for one-inch margins, double spacing, and a ten-space tab indentation. Indent only at the beginning of the transcription.

(d) Employee or applicant cannot retype original transcription.

(e) Verbatim transcription is required. Applicant or employee is responsible for spelling, punctuation, capitalization and proper word division. Dictionaries may be used. In case of error, it is permissible to use an eraser. Self-correcting typewriters, correcting tape or whiteout are not permitted.

(f) Indicate on transcription paper the amount of time required for transcribing.

(g) Staple all stenographic notes to the transcription including warm-up notes.

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6-2.2 Typing Tests

(1) Only official Bureau typing tests are to be used when affording the typing test. Do not use correcting tape or whiteout. A practice typing test may be afforded prior to the official test. The official typing test must only be afforded once. If the employee must be tested more than once, a different test must be used.

(2) Instructions for a 5-minute timed typing test

(a) Place official payroll name, date, EOD, and office of assignment in upper right-hand corner of single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in the upper right-hand corner of the paper.

(c) Set machine for a one-inch margin, single spacing, and a ten-space tab indentation. Double space between paragraphs.

(d) Test must be copied precisely line for line.

(e) Time employee for five (5) minutes.

(f) If entire test is typed before time is called, employee should double space and begin typing test again.

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6-2.3 Deleted

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6-2.4 Dictaphone Transcriber Test

(1) Only official Bureau dictaphone transcriber tape cassette is to be used when affording the dictaphone transcriber test. A dictaphone machine must be used (do not use a tape recorder). The tape cassette may be forwarded or reversed if necessary. The official test must only be afforded once. A practice dictaphone transcriber test may be afforded prior to affording the official test. If the employee or applicant must be tested more than once, a different test must be used.

(2) Instructions for transcription -

(a) Place official payroll name of employee, date, EOD, and office of assignment in upper right-hand corner of a single sheet of paper.

(b) If an applicant, applicant's full name and the date should be placed in upper right-hand corner of the paper.

(c) Set the typewriter for one-inch margins, double spacing and a ten-space tab indentation. Indent only at the beginning of the transcription.

(d) Employee or applicant cannot retype original transcription.

(e) Verbatim transcription is required. Applicant or employee is responsible for spelling, punctuation, capitalization and proper word division. Dictionaries may be used. In case of error, it is permissible to use an eraser. Self-correcting typewriters, correcting tape or whiteout are not permitted.

(f) Indicate on transcription paper the amount of time required for transcribing.

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6-3 GRADING OF TESTS

(1) For applicants recruited for FBIHQ: All stenographic and typing tests administered to applicants recruited for FBIHQ must be forwarded to the Bureau Support Applicant Unit with the appropriate paperwork for regrading. Field offices should never inform an applicant of the results of these tests until notified of the official score from FBIHQ.

(2) For applicants recruited for field offices: Field offices shall officially grade all stenographic and typing tests for applicants recruited for their respective offices and on-board employees being considered for promotion. These tests are not to be sent to FBIHQ for regrading.

EFFECTIVE: 04/07/97

6-4 INSTRUCTIONS FOR GRADING BUREAU STENOGRAPHIC TEST

The exercise consists of 240 words and has been dictated at 80 wpm for three (3) minutes. Accuracy in the test will be rated on the entire paper. If the transcription consumes more than twenty (20) minutes, two (2) points will be deducted for every minute thereafter. A grade of 75 percent is passing, below 65 percent constitutes a NO GRADE.

The following deductions will be made for the errors noted:

ERRORS	POINTS
General Rule: Every word omitted, added, inserted, misspelled, transposed or in any manner changed from the dictation tape will be penalized as follows:	
Word omitted	3
Word added	3
Word inserted	3
Misspelled word	3
Transposed word	3
Abbreviation (not dictated or dictated but not standard use of)	3

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Punctuation:

Failure to use punctuation 1
Incorrect punctuation 1

Division of words (each error in) 1

Erasures and strikeouts 1
(Maximum for exercise) 5

Incorrectly compounded word 1

Capitalization 1

Interlineation 1

Plural instead of singular if grammatical connection
is affected 3
is not affected 1

Singular instead of plural if grammatical connection
is affected 3
is not affected 1

Spacing:

Following punctuation marks 1
Between words 1
Incorrect tabulation 1
Incorrect margins 1

EFFECTIVE: 12/12/91

6-5 RULES TO BE FOLLOWED IN GRADING BUREAU TYPING TESTS

A score of 40 wpm is required for the GS-4 or GS-5 positions and a score of 30-39 wpm is required for the GS-3 position.

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6-5.1 Errors

General Rule: Every word omitted, added, misspelled, transposed or in any manner changed from the printed copy will be penalized as follows:

(1) Omission - Charge one error for each letter, figure, or punctuation mark omitted. If the entire line is omitted or a partial line omitted, charge only one error. Then deduct total strokes of the omitted line or partial line from the total strokes typed for the entire line.

(2) Addition - Charge one error for each letter, figure, or punctuation mark added. Charge one error for each entire line added or retyped and for part of a line added or retyped. Charge one error for each word containing a mistake in added or retyped lines.

(3) Misspelled Words - Charge one error for each misspelled word.

(4) Transposition - Charge one error for each transposed word, plus an error for each word in the transposed matter containing a mistake.

(5) Faulty shifting and lightly struck characters - Charge one error for each character appearing either above or below the line or lightly struck character if the whole character is discernible.

(6) Capitalization - Charge one error for failure to capitalize as in printed copy. Charge one error for an entire line or part of a line typed in solid capitals plus an error for each word containing a mistake.

(7) Indention - Charge only one error for each failure to indent as in copy since tab indentions are previously set before the timing starts; therefore, if the typist indents incorrectly the first time, he or she will be indenting incorrectly throughout the entire timing.

(8) Margins - Charge one error for each irregularity in left margin. Charge one error for each deviation from the test in the right margin.

(9) Spacing - Charge one error for incorrect spacing between lines, words, and after punctuation marks that differ from

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printed copy.

(10) Strikeovers - Charge one error for each strikeover.

(11) Last word - Charge one error for a mistake in the last word typed, whether or not the word is completed.

ONLY ONE ERROR MAY BE CHARGED IN A WORD, INCLUDING ITS FOLLOWING PUNCTUATION AND SPACING.

NOTE: Use a check mark to indicate each error.

EFFECTIVE: 12/12/91

6-5.2 Calculation of Grade

Each character or space in a line counts as one stroke. Determine the number of strokes typed. If a partial line is typed, count the strokes and add to the total strokes in the line above. Do not add strokes in retyped lines. Subtract strokes from the total number of strokes for omitted lines. Divide the number of strokes by (5) five to determine the gross number of words typed. For each error, deduct (10) ten words from the gross number of words. Divide by (5) five to determine net wpm typed. Round off fractions to nearest whole number.

Example:

A typist typed 1,233 strokes with 2 errors in 5 minutes
1,233 divided by 5 = 247 gross words
2 (errors) x 10 = 20 penalty
247 - 20 = 227 net words
227 divided by 5 (minutes) = 45 net wpm

PASSING GRADE = 40 WPM

EFFECTIVE: 06/28/91

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| 6-6 | DELETED |

EFFECTIVE: 09/02/93

| 6-6.1 | Deleted |

EFFECTIVE: 09/02/93

| 6-6.2 | Deleted |

EFFECTIVE: 09/02/93

| 6-6.3 | Deleted |

EFFECTIVE: 09/02/93

6-7 INSTRUCTIONS FOR GRADING THE BUREAU DICTAPHONE TRANSCRIBER
TEST

The exercise consists of 240 words and has been dictated at 80 wpm for three (3) minutes. Accuracy in the test will be rated on the entire paper. If the transcription consumes more than (10) ten minutes, two (2) points will be deducted for every minute thereafter. A grade of 75 percent is passing, below 65 percent constitutes NO GRADE.

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The following deductions will be made for the errors noted:

EFFECTIVE: 01/21/87

6-7.1 Errors

General Rule: Every word omitted, added, inserted, misspelled, transposed or in any manner changed from the dictation tape will be penalized as follows:

ERRORS	POINTS
Word Omitted	3
Word Added	3
Word inserted	3
Misspelled word	3
Transposed word	3
Abbreviation: (Not dictated or dictated but not standard use of)	3
Punctuation:	
Failure to use punctuation	1
Incorrect punctuation	1
Division of words (each error in)	1
Erasures and strikeovers (Maximum for exercise)	1 5
Incorrectly compounded word	1
Capitalization	1
Interlineation	1
Plural instead of singular if grammatical connection is affected	3 1
is not affected	1
Singular instead of plural if grammatical connection is affected	3
is not affected	1

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Spacing:

Following punctuation marks	1
Between words	1
Incorrect tabulation	1
Incorrect margins	1

EFFECTIVE: 01/21/87

| 6-8 | DELETED |

EFFECTIVE: 01/21/87

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SECTION 7. |MERIT|PROMOTION AND PLACEMENT|PLAN|

7-1 OBJECTIVE

(1) The objective of this plan is to provide guidance in assuring that all qualified candidates receive fair and equal consideration for support positions based on merit principles. It is based on the premise that the best predictor of future performance is past performance in similar situations and is designed to ensure that the FBI is staffed by the most qualified candidates available.

(2) Personnel staffing decisions will be based on valid job-related criteria without regard to religious affiliation or nonaffiliation, race, color, sex, |sexual orientation,|national origin, age, or nondisqualifying physical or mental disability, |political affiliation, marital status,|or reprisal.

(3) Personnel staffing decisions will be based on job-related criteria without personal favoritism.

(4) The standards outlined address policies and procedures necessary to operate an effective merit system for the staffing of support positions consistent with the requirements of the "Uniform Guidelines on Employee Selection Procedures," Section 50.14, Title 28, United States Code of Federal Regulations.

(5) This plan is applicable for the staffing of positions in the FBI excluding those classified in occupational series 1811, positions in the Senior Executive Service and at the Executive Level.

EFFECTIVE: 03/07/97

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7-2 DEFINITION OF TERMS (See MAOP, Part I, 7-10(3).)

- (1) **ABILITY (KSAO):** The power to perform an observable activity or behavior which results in an observable product or consequence.
- (2) **AREA OF CONSIDERATION:** An area in which an intensive search for eligible candidates for a specific vacancy is made.
- (3) **BEST-QUALIFIED LIST:** A group of candidates who, when measured by appropriate procedures, possess the critical knowledge, skills, abilities and other characteristics (KSAOs) to a greater degree than other candidates eligible for the position.
- (4) **CAREER PATH:** The grade levels through which an employee may advance to the full level of the position to which appointed or assigned; it provides progressively more responsible experience and noncompetitive promotion potential for incumbents up to the designated full level.
- (5) **CHANGE TO LOWER GRADE:** A change of an employee to a job or grade level with a lower representative rate. An action resulting in a reduction in grade. A change to lower grade can occur as a result of a competitive selection procedure, an adverse action or at the request of an employee. It may or may not result in a decrease in pay.
- (6) **COMPETITIVE SELECTION PROCEDURES:** Procedures that allow for advertisement of a position, evaluation of qualifications and selection of a candidate(s) for a position. A competitive procedure could result in a noncompetitive action (i.e., reassignment, change to lower grade).
- (7) **CREDITING PLAN:** Education, training and experience examples for each knowledge, skill, ability or other characteristic (KSAO) which serve as a gauge by which a candidate is compared and evaluated.
- (8) **DETAIL:** A temporary assignment of an employee to a different position for a specified period of time with the employee returning to his or her regular duties at the end of the detail. A position is not filled by a detail, as the employee continues to be the incumbent of the position from which detailed. The employee should be eligible and qualified for any position to which he/she is

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detailed.

(9) **ELIGIBLE CANDIDATE:** Applicant who meets established minimum qualification standards for the position and any other applicable legal or regulatory provisions.

(10) **GRIEVANCE:** A formal protest by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction relating to the employment of an individual(s) which is subject to control by the FBI. Personal relief is a specific remedy directly benefiting or affecting the grievant(s), but does not include a request for discipline or other action affecting another employee.

(11) **INTERVIEW:** A method of evaluating a candidate to determine if he/she possesses the essential knowledge, skills, abilities or other characteristics needed to perform a job.

(12) **JOB ANALYSIS:** A systematic and documented statement of essential work functions and KSAOs relevant to the position.

(13) **JOB RELATED:** Factors determined through a job analysis to be necessary for acceptable job performance.

(14) **KNOWLEDGE (KSAO):** A body of information, usually of a factual or procedural nature, which, when applied, makes acceptable performance on the job possible.

(15) **KSAO:** Knowledge, skill, ability or other characteristic rated/evaluated after minimum qualifications.

(16) **MERIT SYSTEM:** A system employing principles of equity in the treatment of individuals for appointments and promotions.

(17) **MINIMUM QUALIFICATIONS:** Requirements for a job which the employer deems as so basic and essential that only candidates who meet these requirements are considered for further processing.

(18) **NONCOMPETITIVE STAFFING ACTION:** Filling a position without using competitive procedures.

(19) **OTHER CHARACTERISTIC (KSAO):** A personal characteristic, aptitude, physical or mental trait needed to do the work.

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(20) PLACEMENT: The assignment of a new employee to a position or the movement of an employee from one position to another.

(21) PROMOTION: A change of an employee to a job or grade level with a higher representative rate than his/her current grade or retained grade, if applicable.

(22) RANKING FACTORS: KSAOs that identify the better candidates from a group of individuals at least minimally qualified for a position.

(23) REAPPOINTMENT: A change of an employee to a job in a line of work unrelated to his/her current position that requires additional education or specialized experience.

(24) REASONABLE ACCOMMODATION: Modifications or adjustments to a job, the work environment, or the way things are usually done, that will enable a qualified individual with a disability to attain the same level of performance or to enjoy equal benefits and privileges of employment as are available to a similarly situated employee without a disability.

(25) REASSIGNMENT: A change of an employee from one position to another with no change in grade level.

(26) REPRESENTATIVE RATE: The going rate of pay, i.e., the rate or step keyed to the prevailing rate determination; the fourth rate on the General Schedule (GS); or the second rate on a five rate regular wage schedule (Federal Wage Schedule (WG)).

(27) SELECTING OFFICIAL: A designated supervisor or manager who is responsible for selecting/recommending an individual for a staffing action.

(28) SELECTION PROCEDURE: Any measure, combination of measures or procedures used as a basis for a staffing decision.

(29) SELECTIVE PLACEMENT FACTOR: An element found to be essential to acceptable performance in a job to be filled, in addition to or more specific than the minimum qualification standard, and determined to be required to establish basic eligibility for a position. For example, a position in a particular location may require knowledge of a language other than English.

(30) SKILL (KSAO): The proficient manual, verbal or mental manipulation of data, people or objects. A skill can be

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observed, quantified and improved with practice or training.

(31) STAFFING ACTION: A step-by-step procedure conducted in accordance with merit principles through which an individual is identified, considered, selected and assigned to a position.

(32) SUBJECT MATTER EXPERTS (SMEs): A group of persons thoroughly knowledgeable about the duties and responsibilities of a job.

(33) TEMPORARY ASSIGNMENT: The filling of a vacant position for a fixed period of time with an employee whose grade is equal to or greater than that associated with the position.

(34) TEMPORARY PROMOTION: A nonpermanent promotion of an employee of an immediate basis to a higher grade position for a specified period of time, not less than 60 days nor more than one year in duration.

(35) TERM PROMOTION: A promotion of an employee to a higher grade level for a defined period of time, not less than 120 days or more than two years in duration, to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame.

(36) TEST: Any written, performance or work simulation test or exercise used to measure a job-related knowledge, skill, ability or other characteristic. For placement/selection purposes only those approved in writing by the Personnel Officer may be used.

(37) TRAINING AND EXPERIENCE EVALUATION: A method of evaluating candidates based on their past training, education and experience.

(38) VACANCY ANNOUNCEMENT: The means by which potential applicants are notified of a position to be filled by competitive procedures.

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7-3 RESPONSIBILITIES

(1) PERSONNEL OFFICER is responsible personally and/or through members of his/her staff for:

(a) designing and developing the policies and procedures for selection, promotion and placement;

(b) approving/disapproving all support employee selection, promotion and placement actions;

(c) informing employees by means of official communications of the merit promotion and placement policies and procedures;

(d) implementing and enforcing the Merit Promotion and Placement Plan policies and procedures to ensure their full and equitable application to all affected employees and positions;

(e) providing technical assistance, advice, and guidance to management officials, supervisors and operating employees on all selection, promotion and placement matters;

(f) locating and referring eligible and qualified candidates to the Selecting Official on a timely basis;

(g) maintaining records reflecting decisions on selection, promotion and placement actions as detailed in this section;

(h) responding to appropriate grievances, that have not been resolved through informal means, from employees concerning an act or occurrence of a selection, promotion or placement action covered under the Merit Promotion and Placement Plan;

(i) suspending merit procedures to address unusual staffing circumstances;

(j) approving use of any tests as a measure for selection.

(2) SELECTING OFFICIAL is responsible for applying merit principles and equal employment opportunities in filling all positions. He/She is to comply with and ensure that all applicable laws, regulations, and procedures, as outlined in this plan, are followed with regard to the selection, promotion and placement actions

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he/she recommends.

(3) EQUAL EMPLOYMENT OPPORTUNITY (EEO) OFFICIAL serves as a source of information for all employees, managers, and supervisors. In the event a nonselected candidate perceives that the selection, promotions or placement action was made with regard to religious affiliation or nonaffiliation, race, color, sex, sexual orientation, national origin, age, disability, or reprisal, the Office of Equal Employment Opportunity Affairs (OEEOA) would pursue his/her concerns. Additionally, in the event the applicant or employee requires a reasonable accommodation for a physical/mental disability, the OEEOA would be responsible for coordinating this process for approval of the Personnel Officer.

(4) EMPLOYEES are responsible for:

(a) demonstrating that they have the knowledge, skills, abilities and other characteristics necessary to qualify for positions for which they desire consideration; and

(b) submitting the required completed forms within the time frames indicated when applying for vacancies.

EFFECTIVE: 03/07/97

7-4 FACTORS AFFECTING ALL STAFFING ACTIONS

Certain factors, such as performance, service time, tests and formal recommendations apply to both noncompetitive and competitive staffing actions, except those that are effected as a reasonable accommodation for a person with a disability.

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7-4.1 Performance Appraisal (Formerly 7-7.2.3.)

An employee must possess at least a Fully Successful rating in each critical element of his/her most recent Performance Appraisal Report (PAR) in order to be considered for promotion or a change to lower grade/reassignment to a position offering promotion potential. If an employee has had insufficient time on duty to have received an official PAR, the employee's supervisor must certify that the employee's current performance is consistent with the criteria included in performance standards for the Fully Successful or higher level.

EFFECTIVE: 06/06/95

7-4.1.1 Deleted

EFFECTIVE: 06/06/95

7-4.2 Service Time Requirement Following Appointment

A newly appointed employee must have 90 calendar days of federal service in order to be eligible for his/her first promotion.

EFFECTIVE: 06/06/95

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|7-4.3| Tests (Formerly 7-7.2.4.) (See also MAOP, Part I,
7-6.3.1.)

|Any written, performance or work simulation test or exercise considered for use in the selection process for either competitive or noncompetitive procedures, including career path promotions, must be approved by the Personnel Officer or his/her designee.

EFFECTIVE: 06/06/95

|7-4.4| Formal Recommendations (Formerly 7-10.)

A personnel action of promotion, reassignment, reappointment, change to lower grade, or position change may be transmitted to the Personnel Officer or his/her designee for review and approval by electronic submission of an SF-52, Request for Personnel Action, form through the Bureau Personnel Management System (BPMS). If the request is a noncompetitive action, the reason(s) for same should be indicated. A personnel action is considered final only upon approval of the SF-52 by the Personnel Officer or his/her designated representative.

EFFECTIVE: 06/06/95

|7-5| NONCOMPETITIVE STAFFING ACTIONS (Formerly 7-4.2.) (See also MAOP, Part I, 7-6.)

The actions shown below do not require competitive staffing procedures:

(1) A promotion resulting from an employee's position being reclassified at a higher grade because of additional duties and responsibilities. (The addition of supervisory duties to a nonsupervisory position may result in the establishment of a different position rather than an upgrading. The filling of that new position would require competitive procedures.)

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(2) A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to the issuance of a new classification standard or the correction of a classification error.

(3) A position change permitted by reduction-in-force (RIF) regulations.

(4) Promotion of an employee to a position in which he or she was previously selected through competitive procedures to perform relief duties.

(5) A temporary promotion for 120 days or less.

(6) A reassignment or position change with no greater career path advancement potential.

(7) A career path promotion where an employee advances to the full level of the position to which he or she is appointed or assigned.

(8) A reassignment or position change as a reasonable accommodation to an employee's mental and/or physical disability.

(9) A promotion, reassignment or position change made as a result of the suspension of merit procedures by the Personnel Officer to address unusual staffing circumstances.

EFFECTIVE: 06/06/95

7-5.1 Career Path Promotions (Formerly 7-5.)

(1) A career path indicates the grade levels through which an employee may advance to the full level of the position to which he or she is appointed or assigned. Initial assignment to a grade level above entry level is possible based on an individual's qualifications for the particular occupation at the higher grade level.

(2) After having entered a career path, an employee may advance to each grade through noncompetitive promotion; however, such

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promotions are not a right, nor should advancement opportunities through a normal career path pattern be construed as a guarantee of promotion. Advancement within a career path is dependent upon:

- (a) management recommendation;
- (b) the availability and assignment of progressively more difficult duties and responsibilities;
- (c) demonstrated possession of the essential KSAOs for the higher grade level position;
- (d) any minimum general or specialized experience requirements; and
- (e) any position limitations.

(3) The evaluation of an employee for a career path promotion is based on whether the employee has acquired, usually through on-the-job training and/or experience, the essential KSAOs required for the higher grade level position. The supervisor must determine the essential KSAOs for the higher level position and evaluate, through the employee's work performance, whether the employee possesses the required KSAOs. Supervisors should ensure, to the extent possible, that employees are provided with opportunities at the lower grade level to demonstrate their possession of the essential KSAOs required for promotion.

EFFECTIVE: 06/06/95

7-6 COMPETITIVE SELECTION PROCEDURES (Formerly 7-4.1.)

Competitive selection procedures are used when all eligible, qualified and interested employees must be considered for a position. These procedures are required unless specifically excluded under MAOP, Part I, 7-5, Noncompetitive Staffing Actions. They include but are not limited to:

- (1) promotion, to include term, change to lower grade or reassignment to an entry-level position of a career path;
- (2) reassignment or change to lower grade to a position with greater promotion potential;

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(3) reassignment, temporary assignment, or detail to a relief position where performance of the duties and responsibilities would provide the employee with an opportunity to gain KSAOs that would uniquely qualify them for the position if filled on a permanent basis.

EFFECTIVE: 04/04/96

7-6.1 Determining Job Requirements

Before any effort is made to fill a position, essential job-related requirements must be identified. These job-related requirements are categorized as minimum qualifications, ranking factors and working conditions.

EFFECTIVE: 06/06/95

7-6.1.1 Minimum Qualifications (Formerly in 7-6.)

(1) The purpose of minimum qualification standards, usually education and/or general and specialized experience, is to identify and eliminate from the selection process those candidates who are clearly inappropriate for a position. Only those candidates who meet the education, general and specialized experience requirements will be further considered in the selection process.

(2) The Office of Personnel Management's (OPM) "Qualifications Standards for General Schedule Positions," will be used to determine the minimum qualifications for a position, except when they are determined to be inappropriate. If the position requires similar work behaviors and KSAOs to that described or if the standards are consistent with the backgrounds (at the time of hire) of competent employees currently in the job, it is likely that the OPM standard is appropriate. If it is determined that the OPM standards are inappropriate based on the above conditions, the Selecting Official may request a modification or development of new standards by the Personnel Officer. Modifications are usually made by using

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selective placement factors. For example, a position in a particular location may require knowledge of a language other than English. This requirement may not be covered in the minimum qualifications standard, but may be essential to acceptable performance for a job in a particular location.

EFFECTIVE: 06/06/95

7-6.1.2 Identifying Ranking Factors

(1) Ranking factors are those KSAOs that identify the better candidates from a group of individuals at least minimally qualified for a position. Appropriate ranking factors can be determined by a review of the position description to identify essential KSAOs required for ENTRY into the position. KSAOs used for selection are those the candidate must possess IMMEDIATELY UPON ENTRY into the position, with or without reasonable accommodation because of physical or mental disability. Usually, positions that are entry-level into a career path require basic skills or abilities, and higher grade level positions require a knowledge base. This knowledge would be required before an individual is selected for the higher grade level position and would be appropriate to use for selection. KSAOs that can be learned within a reasonable period of time after assuming the duties of the position and those that cannot be effectively measured are not appropriate for use in the selection process and should be eliminated.

(2) Once essential KSAOs are identified, the best method to measure them must be determined. These methods can include a written, performance, or work simulation test or exercise, and/or an evaluation of training and experience and/or a structured interview. If a written, performance or work simulation test or exercise is used to measure essential KSAOs, ensure that approval of the Personnel Officer is received before incorporating it into the selection process. For the majority of competitive selections an evaluation of training and experience and/or a structured interview should be used. These measures are designed to obtain information concerning a candidate's past experiences that indicates whether he/she would be successful at future similar experiences.

(3) If all KSAOs identified for selection cannot be measured by either a written, performance, or work simulation test or

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exercise and/or an evaluation of training and experience, an interview is necessary. The KSAOs measured in the interview should generally be different from those KSAOs that are being measured by the other procedures, to avoid giving more weight to a particular KSAO(s). Generally, only one measurement tool should be used for any particular KSAO. Whatever measures are to be used must be decided before the vacancy is advertised and those same KSAOs must be used through final selection.

(4) KSAOs selected to be measured for the training and experience procedure should be those that can be demonstrated by specific achievements, experience, or training. For example, "planning" is a KSAO that can be described in terms of a specific accomplishment. "Analytical ability" on the other hand, is very broad and abstract and it may be difficult to describe a specific accomplishment related to this type of KSAO.

(5) KSAOs to be measured by the interview should be those that can elicit specific, detailed, or up-to-date information from the candidate. Also, KSAOs such as oral communication, and verbal comprehension can be best observed and measured during the interview.

EFFECTIVE: 06/06/95

7-6.1.3 Working Conditions

Any unusual conditions that are essential for successful performance and are beyond what is normally required of most employees should be identified. Such things as frequent travel, odd working hours, physical demands, hazardous duties or environment are all conditions of employment that should be described in the position description and these conditions should be made known to prospective candidates. Only those candidates willing to work under the identified conditions, with or without reasonable accommodation, will be further considered in the selection process.

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7-6.2 Locating Qualified Applicants (Formerly 7-4.1.1.)

Qualified applicants must be located through competitive means and the candidate pool may be composed of current FBI employees as well as outside applicants. All candidates must be evaluated using the same criteria.

EFFECTIVE: 06/06/95

7-6.2.1 Area of Consideration (Formerly in 7-4.1.1.)

(1) The area of consideration must provide the Selecting Official with a choice from among a reasonable number of qualified candidates. Since the area of consideration determines who will be considered for competitive selection, it is important that it be broad enough to uphold basic merit principles of open competition, equal opportunity, and identification of the best qualified candidate(s).

(2) Under circumstances set forth below, the area of consideration may be LIMITED or, if the initial search does not produce a reasonable number of qualified candidates, it may be EXPANDED as necessary. In either event, the area of consideration may not be established in such a way that it gives unwarranted consideration to a particular individual or group, nor may it be expanded solely to recruit members of a particular group.

(a) LIMITED AREA OF CONSIDERATION - An Assistant Director (AD), Assistant Director in Charge (ADIC), or Special Agent in Charge (SAC), with the approval of the Personnel Officer, may limit the area of consideration to employees within a smaller than normal area when consideration of candidates from outside that area is not feasible for such reasons as:

1. ceiling controls or hiring freezes which would make it necessary to limit consideration to employees occupying full-time permanent positions within a particular organizational unit; or

2. realignment of duties within an organizational unit which results in a higher-grade position with no increase in staffing level, would limit consideration to employees

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within the organizational unit.

(b) EXPANDED AREA OF CONSIDERATION - In order to locate the best-qualified candidate(s), an AD, ADIC, or SAC, with approval of the Personnel Officer, may expand consideration to a larger area, e.g., all offices in a commuting area or fieldwide.

EFFECTIVE: 06/06/95

7-6.2.2 Vacancy Announcements (Formerly in 7-4.1.1.)

(1) Vacancy announcements are the means by which potential applicants are notified of the position vacancy. These announcements must contain title, grade, series, and duties of the position; the location at which the position will serve; working hours; promotional opportunities; area of consideration; minimum qualification standards; written, performance or work simulation test or exercise to be administered; KSAOs that the applicant must respond to in the application and, if used, KSAOs that will be measured by the interview; unusual working conditions; application process; and an explicit statement regarding equal employment opportunity and that candidate(s) may request a reasonable accommodation due to physical and/or mental disability.

(2) The vacancy announcement must be posted for ten work days for FBIHQ or individual field office postings and 15 work days for fieldwide postings. Hard-to-fill positions may be posted indefinitely. Positions that must be filled as expeditiously as possible may be posted for five work days for FBIHQ or individual field office postings and ten work days for fieldwide postings. Closing dates for the submission of applications will be strictly followed.

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7-6.3 Measuring Ranking Factors

The candidates are to be ranked in accordance with their relative demonstration of possession of the KSAOs for a position. To determine the extent to which the candidates possess the KSAOs, the selection process uses a combination of a training and experience evaluation, a structured interview, and/or written, performance or work simulation tests or exercises. It is the responsibility of the Selecting Official to determine which measures will be appropriate for each selection by following the guidance in this policy. When candidates from within and outside of the FBI are being considered for a position, care must be taken to ensure that all are evaluated according to the same measures.

EFFECTIVE: 06/06/95

7-6.3.1 Tests (Formerly 7-7.2.4.) (See also MAOP, Part I, 7-4.3.)

Only written, performance or work simulation tests or exercises previously approved by the Personnel Officer may be used as part of the selection procedures for a position. Approved tests include the following:

(1) The official FBI typing performance test must be used to measure typing speed and accuracy for positions that require a qualified typist, including positions with parenthetical "Typing" or "Data Transcriber" in the official title.

(2) OPM Test "21" must be used to measure specific KSAOs for the Police Officer position.

In addition, language aptitude and/or ability tests must be used for the Language Specialist position(s). Any other written, performance or work simulation test or exercise must be approved in writing by the Personnel Officer.

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7-6.3.2 Training and Experience (Formerly 7-7.2.1.)

(1) The training and experience measure is a self-reported description of accomplishments relevant to KSAOs required for a job. Typically, the information provided by the applicant focuses on training, education and prior work experience.

(2) To evaluate the information provided on the applications, a crediting plan must be developed before the position is posted. This is accomplished by describing education, training and experience examples for each KSAO at different levels, i.e., Outstanding, Very Good, Acceptable, Limited, and Unsatisfactory. For example, if a position requires that candidate(s) demonstrate an "ability to use regulatory material" the crediting plan might include general definitions for the levels of performance such as:

Outstanding	INTERPRETS regulatory material
Very Good	RESEARCHES regulatory material
Acceptable	APPLIES regulatory material
Limited	RECOGNIZES regulatory material
Unsatisfactory	DOES NOT USE regulatory material

Each KSAO in the application is evaluated by comparing the past education, training, and experience of the candidate with the standards and assigning a rating. A crediting plan ensures that each candidate is evaluated consistently against the same education, training and experience examples.

EFFECTIVE: 06/06/95

7-6.3.3 Interview (Formerly 7-7.2.5.)

(1) The interview measure is a structured means of orally collecting information concerning a candidate's possession of knowledge, skills, abilities or other characteristics needed for acceptable job performance. The interview focuses on what the candidate has done in the past that can be used to predict his or her future behavior. There are four general types of interview questions:

(a) TRAINING AND EDUCATION questions assess the KSAOs by probing an individual's training or educational background

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and are used primarily to solicit information regarding the relevance of the applicant's training or education to the position.

(b) JOB KNOWLEDGE questions focus on an individual's knowledge of one or more job-related areas. This type of question is most useful to assess the specific knowledge level that is required for the job, ensure the applicant understands and is knowledgeable about a specific topic, and to obtain information about an applicant's knowledge of current technology, state of the art methods, etc.

(c) EXPERIENCE questions are asked to solicit KSAO information from the job experiences an individual has had.

(d) PERSONAL CHARACTERISTICS questions assess KSAOs, such as interpersonal skills, that do not fit in other categories such as interpersonal skills. These questions are tailored to solicit performances in work and nonwork situations to demonstrate examples of specific KSAOs.

(2) The interview must be structured in terms of the behaviors and responses to be observed, the evaluation standards to be applied, and the procedures for conducting the interview session. The interview should be structured so that information to be obtained is well defined and recorded in a standard manner. Interviewers must take special care not to ask questions which violate equal employment opportunity laws.

(3) Each interview question must be designed to obtain useful information to allow for a measurement of a specific KSAO required for selection. The questions should be geared to obtain the same depth, scope and kinds of information from each candidate. A crediting plan must be established for each interview question at different levels, i.e., Outstanding, Very Good, Acceptable, Limited, and Unsatisfactory. The crediting plan must be developed in advance of the actual interview and serves as a gauge by which an applicant is compared and evaluated. Each candidate must be evaluated on his/her responses to the interview questions. Additional follow-up questions may be asked until the interviewer(s) has obtained enough information to rate the response to the question.

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7-6.4 Selection

At the first stage, applicants must be screened to determine if they meet minimum qualifications. Next the ranking factors are evaluated through the selection tools described in MAOP, Part I, 7-6.3. Candidates are then grouped according to the scores achieved and a selection recommendation is made and forwarded to the Personnel Officer for review and approval. These stages are accomplished by a Career Board, Qualifications Review Board, or Selecting Official, depending on the position to be filled, as described below.

EFFECTIVE: 06/06/95

7-6.4.1 Selecting Official (Formerly 7-7.1.2.)

The Selecting Official is responsible for ensuring that the competitive process is conducted in accordance with merit principles. The Selecting Official is generally encouraged to use a career board to perform a part of the selection process, for the reasons described below, but may choose to complete the ranking process personally where the circumstances warrant. However the process is completed, the selection recommendation rests with the Selecting Official, subject to the review and approval of the Personnel Officer.

EFFECTIVE: 06/06/95

7-6.4.2 Career Boards and Qualifications Review Boards (Formerly in 7-7.1.1 and 7-7.1.3.)

A career board and/or Qualifications Review Board is a group of three to five individuals formed to evaluate and rate candidates' KSAOs. For most competitive selections, a career board or Qualifications Review Board provide credibility to the fairness and impartiality of the selection process. A career board is not required for all competitive actions if the Selecting Official can ensure fair and impartial selection decisions without same. (See MAOP, Part I, 4-

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5.1.)

All career board and Qualifications Review Board deliberations must be recorded and maintained as part of the selection file.

(1) CAREER BOARD: The Selecting Official is responsible for convening the members of the career board. This board is composed of experienced support and/or Special Agent personnel who are familiar with the qualifications required for the position. Career board members are to be selected carefully and trained in evaluation procedures. Every career board member and nonvoting observer should be at least one grade higher than the position unless it is documented by a signed statement from the individual that he/she will not be in competition for the position. In this case, the member can be the same grade. The career board should include minority representation, whenever possible, either as a voting member(s) or as a nonvoting observer(s). The Selecting Official must not be a voting member. In offices where circumstances may cause bias to be introduced or perceived in the process, a career board composed of employees from other offices may be formed.

Prior to any career board deliberations of individual candidates, career board members must be familiar with the merit principles contained in this plan, the KSAOs of the position and how they are being measured, the crediting plans and how they are to be applied in the specific evaluations. Once evaluations have started, no changes to the membership of the career board can be made.

(2) QUALIFICATIONS REVIEW BOARD: A Qualifications Review Board (QRB) is composed of individuals who are expert in, or have significant knowledge of, the discipline or occupational category of the position being filled. This is normally used for professional and/or technical positions. QRB members must be familiar with the qualifications required for the vacant position and the provisions of the Merit Promotion and Placement Plan. Members are to be at least one grade higher than the vacant position, unless it is documented that the member will not be in competition for the position, then he/she may be the same grade. QRB members are to be selected carefully and trained in evaluation procedures. QRB members will evaluate only the technical qualifications of the candidates and assign a rating.

The results of the QRB process are then forwarded to the Selecting Official, who may convene a career board. Someone trained in staffing procedures may serve as an advisor to the QRB.

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7-6.4.3 Evaluation of Candidate(s) (Formerly in 7-7.)

(1) Following initial screening, position applications must be evaluated by using the crediting plan developed for the position. If this responsibility has been delegated to a career board or QRB, evaluations must be made independently by each member and then discussed at the career board meeting to reach a consensus rating. Should a consensus rating not be possible, scores may be averaged to determine the candidates' scores for the training and experience evaluations.

(2) Any written, performance, work simulation test or exercise should be administered and scored. Ensure that all administration instructions are followed.

(3) If an interview is part of the selection procedures, the top scorers from the above measure(s) may be selected for interview. The interviewer, or each career board member, must record the responses to the questions and rate the response by using the standards previously developed for the position. Responses should be rated immediately following each interview. If the interview is conducted by the career board, the responses must be rated independently and then discussed to reach a consensus rating for each candidate. If consensus is not possible, the scores may be averaged to determine the candidates' final score for the interview. The career board members are responsible for recording their ratings and the reasons for same.

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7-6.4.4 Grouping of Candidates (Formerly 7-8.)

A "best qualified" group of candidates is reached when all measures have been completed (i.e., test and/or training and experience evaluation and/or interview). Scores from each measure should be combined to obtain a final score. The "best qualified" group consists of those candidates whose scores are significantly higher than the majority of the candidates, and who are, for all intents and purposes, equally well qualified.

EFFECTIVE: 06/06/95

7-6.4.5 Final Selection of Candidate(s) (Formerly 7-9.)

(1) The Selecting Official may choose any candidate from the best qualified list resulting from the grouping of candidates, inasmuch as these candidates are determined to be, for all intents and purposes, equally well qualified.

(2) The vacancy announcement can be canceled at any time by the Selecting Official, who is then responsible for submitting appropriate documentation to the Personnel Officer as to the reason(s).

(3) Additional selections may be made from a properly established best qualified list within 90 days of the date the list was issued, provided the positions to be filled have the same title, series and grade, are in the same area of consideration as the position announced, and the qualification requirements are the same.

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7-6.5 Notification of Results (Formerly 7-11.)

(1) Following selection of an employee for a position and approval by the Personnel Officer, the results must be communicated either by posting for ten work days on the same notice board as the vacancy announcement, and/or by official communication if advertised fieldwide or Bureauwide. A decision not to make a selection must be communicated through the same mechanism(s).

(2) Any candidate shall, upon specific request, be advised whether he or she met the minimum qualification standards for the position. The candidate may be provided with his/her total score on each measure but may not be informed of specific ratings or scores received by other candidates, or permitted to review the crediting plans, interview questions or answer key(s) to any tests.

EFFECTIVE: 10/18/95

7-6.6 Release of Candidates (Formerly 7-12.)

Any candidate selected as a result of a competitive staffing action must be released from his/her current position on a timely basis (30 days from recommendation), including reassignment or change to lower grade, even if no promotional opportunity exists above what is currently available. Official request for the release of an employee selected to fill a vacancy at FBIHQ will be made only by the Personnel Officer or his/her designated representative. Employees may be released to perform the duties of the new position prior to receiving official approval by the Personnel Officer. However, the selected individual must be advised that permanent assignment is contingent upon obtaining this final approval. The employee selected will be released, normally, at the end of the first pay period, but no later than two pay periods after the date of the request for release. Unusual work requirements or other circumstances may warrant adjustment of the release date and should be coordinated between the appropriate managers and the Personnel Officer or his/her designated representative.

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EFFECTIVE: 06/06/95

7-6.7 Maintenance of Records and Privacy Safeguards (Formerly
7-13.1.)

Selection files must be maintained in such a manner that all steps of the staffing action can be reconstructed. Each field office and FBIHQ division will be responsible for the maintenance of its selection files which must be secured in a centralized location with limited access. Selection records must be safeguarded and released only to authorized persons. The selection file must be retained for ten (10) years, provided the time limit for any grievance, complaint, or appeal has also lapsed, or any processing related to the records has been closed. Any selection file which is the subject of litigation will be retained for the purposes of litigation, regardless of the passage of time. Contents of the selection file must include:

- (1) A copy of the vacancy announcement.
- (2) Names of all candidates and the applications received from each.
- (3) Names of candidates who met minimum qualifications.
- (4) Results of any written, performance or work simulation test or exercise.
- (5) Training and experience crediting plan, signed evaluations, and the score given on each ranking factor for each candidate.
- (6) If an interview is used, names of candidates who were selected for same.
- (7) Interview questions, crediting plan, notes of Selecting Official or career board members, signed evaluations, and the score given for each applicant.
- (8) Names, titles and grades of all individuals involved in evaluation of candidates' qualifications.
- (9) Any document formalizing selection (i.e., copy of SF-52 or other formal memoranda).

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(10) Certification that all "best qualified" candidates not selected were so advised and that the results were posted/communicated (copy of notice/communication with initials of Selecting Official and dates completed).

(11) Recordings of all career board and Qualifications Review Board deliberations, clearly labeled with the date, time, vacancy, names of candidates, and the career board or Qualifications Review Board members conducting the deliberations.

EFFECTIVE: 12/06/96

7-7 GRIEVANCE PROCEDURES (Formerly 7-14.) (See also MAOP, Part I, 14-7.)

(1) The FBI's policy is to administer a personnel program that promotes good employee/management relationships. The success of any organization depends on the confidence of its employees that their questions, problems or dissatisfactions will receive a timely and constructive response, as well as fair and equal treatment. This section defines certain responsibilities regarding the grievance process with regard to actions covered by the Merit Promotion and Placement Plan and sets forth employee rights in that process.

(2) An employee who feels he/she has not been treated fairly has a right to present a grievance to the appropriate management official(s) for prompt and equitable consideration, with freedom from restraint and without fear of reprisal, coercion, or interference. The employee should discuss with the Selecting Official any matter of concern or dissatisfaction regarding his/her employment and should attempt to resolve the problem(s) prior to filing a grievance. This informal resolution step should be followed prior to submission of a grievance to the Personnel Officer.

(3) The Selecting Officials should ascertain all pertinent information bearing upon each grievance or potential grievance being brought to his/her attention.

(4) There are certain matters which are not appropriate for the grievance procedure. The following matters are EXCLUDED from this procedure:

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(a) nonselection for promotion from a group of candidates deemed best qualified in accordance with the procedures described within the Merit Promotion and Placement Plan.

(b) failure to receive a noncompetitive promotion.

(c) an action at the expiration of a temporary or time-limited promotion which returns an employee to his/her former position at the former grade, or to a different position of equivalent grade and pay, from which the employee was temporarily promoted.

(d) an action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee, such as the assignment of an employee from one geographical location to another.

(5) A grievance concerning a particular act or occurrence should be presented in writing not later than 15 calendar days after the date of the act or occurrence, or not later than 15 calendar days after the date on which the employee knew of the act or occurrence. Within the FBI, such grievances are to be submitted only to the Personnel Officer. The Personnel Officer will determine the appropriate organizational level for resolution.

(6) Provisions for redress are also available through the Equal Employment Opportunity (EEO) complaint system for employees who believe they have been discriminated against on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or reprisal. However, the employee must contact an EEO Counselor within 45 calendar days of the action in question if he or she believes the action is a result of discrimination on any of the foregoing bases. Failure to contact an EEO Counselor within 45 calendar days of the alleged discriminatory action will result in forfeiture of the complainant's right to pursue a claim of discrimination.

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| 7-7.1 | Deleted |

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EFFECTIVE: 06/06/95

| 7-7.1.1 | Revised & Moved to 7-6.4.2 |

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| 7-7.1.2 | Deleted |

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| 7-7.1.3 | Revised & Moved to 7-6.4.2 |

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| 7-7.2.1 | Revised & Moved to 7-6.3.2 |

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| 7-7.2.2 | Deleted |

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| 7-7.2.3 | Revised & Moved to 7-4.1 |

EFFECTIVE: 06/06/95

| 7-7.2.4 | Revised - See 7-4.3 & 7-6.3.1 |

EFFECTIVE: 06/06/95

| 7-7.2.5 | Revised & Moved to 7-6.3.3 |

EFFECTIVE: 06/06/95

| 7-8 | REVISED & MOVED TO 7-6.4.4 |

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| 7-9 | REVISED & MOVED TO 7-6.4.5 |

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| 7-10 | REVISED & MOVED TO 7-4.4 |

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| 7-11 | REVISED & MOVED TO 7-6.5 |

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| 7-12 | REVISED & MOVED TO 7-6.6 |

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| 7-13 | DELETED |

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| 7-13.1 | Revised & Moved to 7-6.7 |

EFFECTIVE: 06/06/95

| 7-13.2 | Moved to 7-6.7 |

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| 7-14 | REVISED & MOVED TO 7-7 |

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7-18 TERM PROMOTIONS FOR SUPPORT PERSONNEL

At management discretion a vacant position may be filled by the term or temporary promotion of a qualified and eligible employee. A term promotion is a promotion of an employee to a higher grade level for a defined period of time to handle a specific assignment, project or duties and responsibilities which can be accomplished within that time frame. Competitive selection procedures must be employed to select an individual for a term promotion. When a position is filled by a term promotion unless otherwise specified in the announcement which advertised the vacant position, the employee will be returned to his/her permanent grade at the conclusion of the term. The duration of a term promotion may be set by a division/office head with the concurrence of the Personnel Officer for any period of time not less than 120 days or more than three years' duration. A term promotion may be extended by the Personnel Officer in one-year increments, for a maximum period, to include extension(s), not to exceed five years.

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7-19 TEMPORARY PROMOTIONS FOR SUPPORT PERSONNEL

(1) A temporary promotion is a nonpermanent promotion of an employee on an immediate basis to a higher grade position for a specified period of time, not less than 60 days nor more than one year in duration. If the assignment and, therefore, the temporary promotion is expected to equal or exceed 120 days' duration, competitive selection procedures, consistent with the Merit Promotion and Placement Plan for Support and Service Personnel, must be employed. Any posting or advertisement of a temporary promotion must include a statement that a temporary promotion assignment may be ended at any time at the discretion of management. At the conclusion of the temporary promotion, an employee must be returned to his/her permanent position or to a position at or above his/her permanent grade level for which he/she is qualified.

(2) The duration of a temporary promotion may be set by a division/office head with the concurrence of the Personnel Officer for a period of not less than 60 days. Temporary promotions may be extended by the Personnel Officer for an additional period(s) of 60-day increments. The maximum period of a temporary promotion, to include any period of extension(s), will not exceed one year.

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SECTION 8. COMPENSATION

8-1 AVAILABILITY PAY FOR CRIMINAL INVESTIGATORS

EFFECTIVE: 04/02/96

8-1.1 Authority

Availability Pay is authorized by Section 5545a of Title 5, United States Code and Part 550 of the Code of Federal Regulations.

EFFECTIVE: 04/02/96

8-1.2 Basic Requirements

Each criminal investigator whose average of unscheduled work hours is certified to be (or certified as expected to be) at least two hours per regular workday is entitled to Availability Pay in the amount of 25 percent of basic pay.

EFFECTIVE: 04/02/96

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8-1.3 | Definitions

(1) REGULAR WORKDAY is a day during the basic 40-hour workweek on which a Special Agent (SA) performs AT LEAST FOUR HOURS of work that are not:

- (a) unscheduled workhours,
- (b) approved training time,
- (c) time spent traveling under official travel orders, or
- (d) hours of approved leave or excused absence, including holidays.

(2) SA, for the purpose of this instruction, refers to any SA or Supervisory SA in Grades GS-10 through GS-15.

(3) UNSCHEDULED WORK HOURS are hours not part of the 40-hour basic workweek during which actual work is performed that has not been scheduled in advance of the administrative workweek. To be credited as unscheduled work hours, such hours must be in excess of the employee's scheduled eight-hour workday or 40-hour administrative workweek.

EFFECTIVE: 04/02/96

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EFFECTIVE: 04/02/96

8-1.4 | Eligibility (See MAOP, Part I, 8-1.6.)

Within the FBI, Availability Pay applies to all FBI SAs, i.e., employees whose positions are classified as Criminal Investigator, GS-1811, except:

- (1) Members of the Senior Executive Service;
- (2) Part-time employees; and
- (3) New Agents who have not completed new Agents training at the FBI Academy. Availability Pay for new Agents will begin on the first day of the first pay period after completion of new Agents training.

EFFECTIVE: 04/02/96

8-1.5 | Certification |

(1) | New Agents - Within ten days of reporting to the first duty station, whether from the FBI Academy or upon reinstatement, a new Agent must sign an initial Availability Pay certification. This initial certification will remain in effect until the next annual certification cycle, at which time the new Agent will recertify and thereafter recertify on the annual cycle. The employee's division/office of assignment will be responsible for making the electronic entry into the Bureau Personnel Management

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System (BPMS), as provided in Bureau teletype dated 10/27/94, and forwarding the original copy of the certification form to the Policy, Pay and Leave Unit (PPLU), FBIHQ. (See MAOP, Part I, 8-1.6.)

(2) All SAs - Each year, each SA will recertify that he or she has met and will continue to meet the minimum requirement for eligibility. Upon certification, an electronic entry will be made for each SA in the BPMS by the employee's division of assignment. In addition, the original of the certification will be transmitted to the PPLU. Specific procedures for conducting the annual certifications will be distributed by separate instruction.

(3) Every effort should be made to have each employee sign the certification within the specified deadline. However, if an SA is unavailable to sign the required certification in the time specified because of work requirements, extended leave, etc., written notification must be sent by electronic communication to the Assistant Director, Personnel Division, Attn: Policy, Pay and Leave Unit. As soon as the SA becomes available, the form must be signed and dated by the employee and his/her supervisor and forwarded to PPLU.

(4) Refusal by an SA to certify as to future availability, unless an exception is granted under MAOP, Part I, 8-1.13, may result in disciplinary action based upon insubordination up to and including removal.

(5) Certifications will be kept on file in PPLU until one month after the next annual certification is completed.

(6) A new certification will NOT be required if an SA transfers to a different office or otherwise changes supervisors in the middle of a certification period. The certification is deemed to be valid for the entire certification period.

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8-1.6 Payment of Availability Pay

(1) All eligible SAs will receive Availability Pay in the amount of 25 percent of the employee's rate of basic pay (including any applicable special salary rate, locality pay, interim geographic adjustment for law enforcement officers, and retained pay). Availability Pay will be paid only for periods of time during which the SA receives basic pay.

(2) Availability Pay is paid for all unscheduled work in excess of eight hours in a workday.

(3) Availability Pay continues during paid periods of:

(a) excused absence (such as annual, sick, military leave, or court leave, "administrative" leave, and holidays);

(b) officially approved training, except for initial basic training normally given in the first year as an SA (see, Sections 8-1.4 and 8-1.5(1) above); and

(c) officially approved travel (such as travel for purposes of relocation, investigative assignments, and training); and

(d) temporary duty outside of the SA's official position description (such as details and TDY).

(4) Availability Pay is used to compute:

(a) severance pay;

(b) retirement deductions and benefits;

(c) life insurance premiums and benefits;

(d) Thrift Savings Plan contributions;

(e) workers' compensation benefits;

(f) advances in pay; and

(g) lump sum payments for accrued annual leave.

(5) Availability Pay is subject to the biweekly limitation on premium pay (the lesser of 150 percent of the minimum rate payable for GS-15 or the rate payable for Level V of the

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Executive Schedule; Title, 5, USC, Section 5547(c)) and the aggregate limitation on pay -- an employee's annual pay including base pay, availability pay, night differential, overtime, bonuses, and awards -- may not exceed the annual rate of basic pay for Level I of the Executive Schedule; Title 5, USC, Section 5307 (a)(1).

(6) An SA who receives Availability Pay may also receive:

(a) Night differential for night work that is part of the employee's regularly scheduled workweek;

(b) Sunday pay for nonovertime hours not in excess of eight hours for each regularly scheduled tour of duty which begins or ends on Sunday;

(c) Holiday Pay;

(d) Scheduled overtime pay, once appropriately authorized.

(7) An SA who receives Availability Pay may NOT receive:

(a) overtime pay, night differential pay, compensatory time, or hazardous duty pay under Title 5, United States Code, Sections 5542, 5543, and 5545, for UNSCHEDULED work hours;

(b) overtime pay under the Fair Labor Standards Act (FLSA); or

(c) annual premium pay for administratively uncontrollable overtime (AUO) or regularly scheduled standby duty.

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8-1.7 | Hours Creditable Towards the Annual Minimum Requirement

SAs will receive credit towards meeting the annual minimum requirement of two hours per regular workday as follows:

(1) All unscheduled hours actually worked before the beginning or after the end of the regularly scheduled workday (normally 8:15 a.m. to 5:00 p.m.).

(2) All unscheduled hours actually worked on a day that is the SA's regular day off (normally Saturday and Sunday);

(3) Out-of-area travel time that meets the eligibility requirements for overtime (or compensatory time) payment under Title 5, USC, Section 5542 (b) (2) and Title, 5 C.F.R. 550.112(g) -- generally travel that results from an event that could not be scheduled or controlled administratively by an agency of the Executive Branch. Only the time the SA is actually engaged in travel is creditable. Once the SA reaches the out-of-area destination (including travel from the airport or other mode of public transportation to the office, first work site, or hotel), any local travel in that area will be credited in the same manner as local travel is credited at the permanent duty station. (See 8-1.8.)

EFFECTIVE: 04/02/96

8-1.7.1 | Deleted |

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8-1.8 Hours Not Creditable Towards the Annual Minimum Requirement

SAs will NOT receive credit towards meeting the annual minimum requirement under the following circumstances:

(1) Time commuting to and from the place of business, even if the SA is driving a government vehicle.

(2) Travel time that does not meet the eligibility requirements for overtime (or compensatory time) payment under Title 5, USC Section 5542 (b) (2) and 5 C.F.R. 550.112 (g) (see 8-1.7(3) above.)

EFFECTIVE: 04/02/96

8-1.9 Computation of Annual Minimum Hours Requirement

To qualify for Availability Pay, an SA must work an annual average of a minimum of two hours of unscheduled work per regular workday. The annual average is computed as follows:

<u>TOTAL NUMBER OF UNSCHEDULED WORK HOURS</u>	greater than	
Total Number of Regular Workdays	or equal to	2.0

For example, an SA performs a total of 620 hours of unscheduled work in an annual period. In the same period, the SA works a total of 200 regular workdays (i.e., days in which at least four hours of regularly scheduled work was performed, excluding leave, excused absence, approved training, holidays, and approved travel). 620 divided by 200 equals 3.1. The SA performed an annual average of 3.1 hours of unscheduled work per day, thus exceeding the minimum requirement for the payment of Availability Pay.

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8-1.10 Recording Unscheduled Work Hours

UNSCHEDULED WORK will be recorded on the Attendance Register (FD-420 or FD-420a for SAs who TURK) and in the Administrative Time Capture System as hours worked, i.e., showing sign-in and sign-out times and the number of minutes of unscheduled work under the "AVP" column on the FD-420 or FD-420a. (This procedure is the same as that formerly used to record AUO.)

EFFECTIVE: 04/02/96

8-1.11 Failure to Meet the Annual Minimum Unscheduled Work Requirement

(1) FBIHQ will periodically review the unscheduled work hours of each SA to determine whether he/she will be able to meet the requirement for an annual average of two hours' unscheduled work per regular workday. If, at the annual certification or at a time between certifications, it becomes evident that an SA will not be able to perform a sufficient number of unscheduled work hours to meet the requisite annual average, immediate action will be taken to decertify the SA and to suspend Availability Pay. In addition to decertification, the supervisor will review the situation to determine whether or not the shortfall has been caused by the SA's misconduct. If the shortfall is the result of the SA's misconduct, such as insubordination in refusing to work the previously certified hours, an adverse action may be initiated under Part I, Section 13 of the Manual of Administrative Operations and Procedures (MAOP).

(a) PREFERENCE ELIGIBLE - Title 5, USC, Section 5545a(e) (20) provides that involuntary reduction in pay resulting from a denial of certification shall be a reduction in pay for purposes of Title 5, USC, Section 7512(4) pertaining to adverse actions. In addition to the procedural protections described for nonpreference eligible employees below, preference eligible employees are entitled to the procedures and Merit System Protection Board (MSPB) appellate rights delineated in Part I, Section 13-10, of the MAOP with respect to the imposition of adverse actions such as reduction in pay.

(b) NONPREFERENCE ELIGIBLE - An SA who is not preference eligible who is to be decertified for failure to meet

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eligibility requirements for Availability Pay will receive the procedural protections applicable to a reduction in pay pursuant to Part I, Sections 13-13 and 14-4.2, of the MAOP. If only decertification is proposed (that is, no additional adverse action is anticipated), the Deputy Assistant Director - Personnel Officer, Personnel Division, or his or her designee, may determine that decertification is appropriate and may establish the duration of the decertification. If adverse action in addition to decertification is appropriate, the same authority who imposes the adverse action will determine the duration of decertification. Availability Pay will be suspended beginning the first day of the first pay period beginning after the date of decertification. Consistent with other adverse actions, the SA may appeal this determination to the Assistant Director, Personnel Division, within 30 calendar days after the effective date of the decertification. The appeal should include specific information regarding the reasons why the unscheduled work was not performed and should explain how the SA will be able to meet the requirement by the end of the certification period. (See MAOP, Part I, 8-1.12.1.)

(2) Failure to perform the required hours of unscheduled work may result in decertification and suspension of Availability Pay alone or in decertification plus adverse action based on insubordination, inattention to duty, or other misconduct. The duration of decertification may be from one pay period to one year, depending on the circumstances and degree of the unscheduled work hour deficit. The penalties applicable to misconduct such as insubordination and inattention to duty are prescribed in Part I, 13-13, of the MAOP.

(3) The length of an employee's suspension from receipt of Availability Pay is an administrative determination at the discretion of FBI management. It will be dependent upon a variety of factors to include: the number of unscheduled work hours the SA failed to perform during his or her period of certification; circumstances contributing to that deficit of unscheduled work; the SA's past record of performing unscheduled work; and other mitigating circumstances that may be present. In situations in which an SA has been previously decertified and/or disciplined for failure to perform unscheduled duty, progressively more stringent disciplinary measures may be employed. (NOTE: If an SA is a preference eligible veteran, he or she will be afforded the procedural protections attending that status.)

(4) The Personnel Division will issue an SF-50, Notification of Personnel Action, documenting a suspension

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(involuntary temporary termination based on misconduct) or discontinuance (voluntary temporary termination based on personal or family hardship) of Availability Pay. The SF-50 will include the reason for the suspension or discontinuance, the effective date for cessation of Availability Pay, and the date the suspension or discontinuance ends.

(5) Suspension of Availability Pay does not relieve an SA of the requirement to perform unscheduled work during the period of such suspension.

(6) When Availability Pay is suspended as a result of an SA's failure to perform an annual average of two hours or more of unscheduled work per regular workday, one determinant of the length of the period during which Availability Pay will be suspended is the number of hours of unscheduled duty which the SA failed to perform during the previous period of certification. To achieve eligibility for recertification, an SA will be required to complete his or her period of suspension AND satisfy the requirements set forth in (a) and (b) below--

(a) SATISFACTION OF DEFICIT: A period of suspended Availability Pay must continue until the SA has performed the amount of unscheduled work which he or she failed to perform during the previous certification period. However, the period of suspension may exceed the period required to make up for the deficit.

EXAMPLE 1: An SA worked 200 regular workdays during the previous certification period, but performed only 300 hours of unscheduled work, for an annual average of 1.5 hours of unscheduled duty per regular workday (300 divided by 200 = 1.5). Because the SA had been previously certified as eligible for Availability Pay, he or she received Availability Pay throughout the certification period, despite the fact that he or she failed to satisfy the unscheduled work requirement. The SA would have had to perform an additional 100 hours of unscheduled duty during the certification period to satisfy the requirement to perform an annual average of two hours of unscheduled work per regular workday. (200 regular workdays x two hours of unscheduled duty per regular workday = 400 hours of unscheduled duty; 400 hours of unscheduled work required - 300 hours of unscheduled duty actually worked = a deficit of 100 hours of unscheduled duty.) In this case, the period of suspended Availability Pay MUST continue until the SA has performed at least 100 hours of unscheduled duty during such period.

(b) SATISFACTION OF TWO-HOUR AVERAGE OF UNSCHEDULED

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DUTY PER REGULAR WORKDAY: An SA who has been suspended from receipt of Availability Pay must perform an average of two hours of unscheduled duty per regular workday during the period of his or her suspension to be recertified as eligible to once again receive such pay. ALL UNSCHEDULED WORK performed during the period of suspended Availability Pay will be considered in determining whether the two-hour per-day average has been achieved.

EXAMPLE 2: An SA was suspended from receipt of Availability Pay based upon a deficit of 100 hours during 200 regular workdays, having averaged 1.5 hours of unscheduled work per regular workday. Within 50 regular workdays after the beginning of the suspended Availability Pay, the SA has performed a total of 100 hours of unscheduled work. He or she has thus satisfied the deficit requirement. Once the SA's period of suspended Availability Pay has run and the SA has satisfied the two-hour average requirement, the SA will be eligible for recertification and resumption of Availability Pay.

EXAMPLE 3: An SA with a deficit of 100 hours of unscheduled work during a certification period is suspended from receipt of Availability Pay for a period of 30 days, which includes 22 regular workdays. During the 30-day suspension, the SA performs 75 hours of unscheduled work. Although at the completion of the initial period of suspension the SA has satisfied the requirement to perform an average of two hours of unscheduled duty per regular workday, he or she has not satisfied the requirement to perform an amount of unscheduled duty equal to or greater than his or her prior deficit. Consequently, he or she will not be eligible for recertification and resumption of Availability Pay until he or she satisfies that deficit by performing an additional 25 hours of unscheduled work.

(c) Failure to perform unscheduled work during the period of suspension from receipt of Availability Pay as required above may result in further disciplinary action.

(7) At the completion of the period of suspension, a review will be made to ensure that the SA has met the requirements for recertification and resumption of Availability Pay. When the SA has been determined to be so eligible, the SA and his or her supervisor must again certify that the SA will perform an annual average of two hours of unscheduled work per regular workday in accordance with the certification procedures required by applicable instructions.

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EFFECTIVE: 04/02/96

8-1.12 Suspension of Availability Pay

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8-1.12.1 Suspension for Health or Physical Reasons

(1) If an SA is unable to perform unscheduled work for an extended period of time for physical or health reasons, and he or she declines to request voluntary discontinuance of Availability Pay (see MAOP, Part I, 8-1.13), payment may be suspended by the Deputy Assistant Director-Personnel Officer, upon written request by the division/office head, until the SA's physical or health problems have improved to where unscheduled work may be resumed. Such suspensions are considered to be involuntary reductions in pay and adverse action procedures must be followed. (See MAOP, Part I, 8-1.11, paragraphs (1)(a) and (b) above.)

(2) Workdays in which Availability Pay has been suspended under this section will be excluded from the computation of the minimum hours requirement.

(3) The Deputy Assistant Director-Personnel Officer must be informed in writing when the SA is again available to perform unscheduled work and Availability Pay is to be resumed.

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8-1.12.2 Suspension for Alcohol-Related Misconduct (See MAOP, Part I, 13-13.)

(1) Whenever an SA is suspended from operating a government motor vehicle as a result of alcohol-related misconduct and following a determination of such misconduct by the Bureau, he/she will not be considered eligible to earn premium compensation, such as Sunday pay, holiday pay, night differential, and Availability Pay. Prior to discontinuing eligibility for Availability Pay, the employee will be afforded appropriate adverse action proceedings. (See MAOP, Part I, 1-3.1 and 1-30.3.)

(2) As the suspension of an SA's entitlement to earn Availability Pay compensation is an adverse personnel action, it is dependent upon completion of adverse action procedures set forth in MAOP, Part I, 13-14. These procedures are designed to afford employees due process as well as procedural entitlements which arise from an employee's personnel status. For example, a preference eligible veteran has specific procedural entitlements which are set forth in MAOP, Part I, 13-10.

EFFECTIVE: 04/02/96

8-1.13 Discontinuance of Availability Pay (See MAOP, Part I, 8-1.5 & 8-1.12.1.)

The statute establishing Availability Pay and the implementing OPM regulations make payment mandatory to all criminal investigators (i.e., SAs), except under certain limited circumstances. The rationale for this policy is that the basic nature of a criminal investigator's work requires considerable amounts of unscheduled work, often worked at the discretion of the individual without prior approval of a supervisor. Since payment of Availability Pay is mandatory, an SA may not voluntarily decline to perform the required unscheduled work, except as provided below.

(1) If, for a specified period of time, an SA believes he or she will not be able to meet the eligibility requirements for Availability Pay because of PERSONAL OR FAMILY HARDSHIP, he or she may submit a written request to the division/office head requesting temporary discontinuance of Availability Pay, clearly

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stating the nature of the hardship that prevents him or her from performing the required amount of unscheduled work and the specific period of time the hardship is expected to last. The statement should further note that the SA understands that Availability Pay will be discontinued immediately but that this does not relieve the SA of the obligation to perform unscheduled work as required by the SA's assignment and/or his or her supervisor. Insubordination by refusing to perform necessary unscheduled work may result in appropriate disciplinary action.

(2) The division/office head, or his or her designee, will approve or disapprove the request in writing, to include the reasons for the disapproval, as appropriate. The SA may request reconsideration of a negative determination by the Deputy Assistant Director - Personnel Officer, Personnel Division, within 15 calendar days of the date the request was denied.

(3) Upon approval of a request to temporarily discontinue Availability Pay based on hardship, the division/office head must provide written notification to the Assistant Director, Personnel Division, Attn: PPLU, including the nature of the hardship, the date the Availability Pay should be terminated (ordinarily at the beginning of a pay period), and the date the hardship is expected to end.

(4) If an SA is granted a discontinuation of Availability Pay based on hardship, he or she and his/her supervisor may at any time thereafter certify his or her availability, at which time Availability Pay will commence. Notification to reinstitute Availability Pay must be sent to the Personnel Division immediately. If, at the completion of the approved period of discontinuance, a hardship still exists, the SA may request an extension for another specified period, following the procedures outlined in paragraphs (1) through (3) above.

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8-2 OTHER TYPES OF PREMIUM PAY

Premium compensation on an annual basis for Availability Pay (AVP) is in lieu of all other types of premium pay except for regularly scheduled hourly overtime, night and Sunday work, and holiday duty under certain conditions. By law and supplemental regulations, Agents receiving premium overtime compensation (AVP) are precluded from being granted compensatory leave.

EFFECTIVE: 04/02/96

8-2.1 Hourly or Regular Overtime Pay

(1) Officially scheduled hourly or regular overtime is compensated at one and one-half times the basic hourly rate, including any applicable locality-based comparability payment, of the individual with the restriction that this may not exceed the overtime rate for the first step of a Grade GS 10. Law enforcement officers qualifying for regular overtime are compensated at the greater of one and one-half times the basic hourly rate, including locality-based comparability payment, or the hourly rate of base pay, including any locality-based comparability pay of the employee. Regular overtime work is that which is approved in advance by the Personnel Division, FBIHQ, and is regularly scheduled. In the case of Agent personnel, requests for approval must be submitted to the Deputy Director, FBIHQ, in writing, as far in advance as possible of the proposed commencement of the scheduled overtime. Regularly scheduled work means work scheduled in advance of an administrative workweek. Requests must include a description of the specific circumstances that require the performance and payment of scheduled overtime, and contain an explanation of why scheduled overtime must be used instead of increased staffing to cover the work assignment(s). Payment of overtime may not start before the beginning of the first administrative workweek after commencement of the situation requesting the overtime and the date the overtime work was scheduled and approved. The occasional situation which arises, whereby an Agent is required to work overtime in an isolated instance, does not meet requirements for regularly scheduled overtime compensation and is compensated by AVP. Agents receiving premium overtime pay on an annual basis (AVP) are not to be considered eligible under any conditions for regular overtime compensation without prior approval from FBIHQ. Overtime pay will cease the day that appropriate Bureau management determines that the circumstances that caused the need for

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overtime no longer exist, or it becomes practicable to use investigative resources without the use of scheduled overtime.

(2) When regular overtime is authorized for Agents, they are normally maintained on the AVP rolls. For this reason, each normal workday (usually Monday through Friday) is counted as a "day worked" for the purposes of AVP computations even though Agents may be scheduled for regular overtime that day and do not work any AVP. Any overtime worked beyond that which is authorized as regular overtime is considered irregular and unscheduled and will be counted as AVP. For example, if an Agent is scheduled for 12-hour shifts seven days a week for a month, and during one week happens to work 12 hours Monday through Thursday and 13 hours on Friday, Agent is entitled to four hours' regular overtime daily, Monday through Friday, and one hour of AVP for the entire week. All five days (Monday through Friday) are counted as "days worked" for AVP computation purposes.

(3) Before any request for regular overtime for Agents is made, the division head should consider assigning additional Agents to reduce the amount of overtime necessary and preclude regular overtime. For example, instead of two 12-hour shifts to provide 24-hour coverage, three 8-hour shifts should be considered. Likewise, instead of 7-day workweeks, adjusted workweeks such as Sunday through Thursday and Tuesday through Saturday can be substituted.

(4) Each division head is responsible for considering these alternatives and furnishing FBIHQ with full justification for not utilizing them when a request for regular overtime for Agents is made.

(5) In the event a federally sponsored in-service training session is scheduled for a one-week period from Monday through Friday, exempt employees are not entitled to overtime pay, holiday pay, AVP or compensatory time for travel on the preceding Sunday or the return trip, Friday evening. Nonexempt employees will be reimbursed by overtime pay for travel to a five-day in-service provided the travel occurs on the preceding Sunday when the actual travel falls within the regular work hours of the employee. Travel prior to or after the employee's normal work hours is not compensable. Should a federal holiday occur during the week of a scheduled in-service, travel time on the preceding Sunday would not be compensable inasmuch as only a 32-hour workweek would be attained by the nonexempt employee.

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8-2.2 Night Differential Pay

If any of the regularly scheduled basic workweek falls between 6:00 p.m. and 6:00 a.m., the employee will be eligible for such hours not in excess of eight hours for night differential pay which is at the rate of 10 percent of the basic hourly rate, including any applicable locality-based comparability payment of the individual. To qualify for night differential pay, the work must be duly authorized in advance and scheduled to recur on successive days or after specified intervals such as one designated day over a period of weeks. Night differential pay may be claimed when an employee is substituting for another employee on leave who was regularly scheduled to work during the regularly scheduled night differential period. (Refer to Part I, 8-6, of this manual regarding Wage Board employees. Reference is also made to the LEAVE ADMINISTRATION GUIDE.)

EFFECTIVE: 04/21/94

8-2.3 Sunday Differential Pay

An employee is eligible for Sunday differential pay if the regularly scheduled basic workweek includes Sunday as one of the official five workdays. An employee is also entitled to Sunday differential pay for periods of authorized absence from work on paid leave. Compensation will be at the rate of 25 percent of the basic hourly rate, including any locality-based comparability payment of the individual, not in excess of eight hours for the tour of duty.

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8-2.4 Holiday Pay

An employee may also receive additional compensation if assigned to duty on an official holiday, which falls within the employee's basic administrative workweek, at the rate of the basic hourly rate, including any applicable locality-based comparability payment of the individual. Employees on call or on standby on a holiday would not receive holiday pay unless actually called in to work and then only for work performed during their official working hours. An employee who is assigned or ordered to duty on a holiday is entitled to receive at least two hours of holiday pay but not more than eight hours of such compensation. No new permanent odd-hour shifts which would involve premium compensation should be set up or holiday pay claimed without advance FBIHQ approval. Should an emergency situation arise requiring prompt assignment of employees on a holiday, the SAC has the authority to utilize the necessary personnel and in these cases, because it is an emergency situation, the employees working will receive holiday pay up to eight hours even if the hours worked fall outside of their normal working hours. (See Part II, 1-2.4.4, of this manual, for listing of legal holidays.)

EFFECTIVE: 10/19/93

8-3 EMERGENCY DUTY IN EXCESS OF REGULAR WORKDAY

Where necessary for Agent to work through all or most of night because of emergency, division head may administratively change Agent's official workday. Division head should judiciously decide each case in light of Bureau's interest compared with Agent's physical well-being. However, in administering this, each day from 12 midnight must be considered as a unit for purposes of computing regular eight-hour shift and overtime. Any exceptions must be approved by FBIHQ. Follow principles illustrated in examples below:

(1) Agent whose regular hours are 8:15 a.m. to 5:00 p.m., Monday through Friday, reports for duty at 7:00 a.m. one day and because of emergency special works straight through (except for normal meal breaks) until 8:00 a.m. next day. Agent may be considered as having worked regular shift from midnight to 8:00 a.m. the second day and will not have to work regular hours 8:15 a.m. to 5:00 p.m. that day. Agent may claim overtime from 7:00 a.m. to 8:15 a.m. (or one and one-fourth hours) and from 5:00 p.m. to midnight (or six hours assuming one-hour break for dinner) making total of seven and

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one-fourth hours' overtime for first day. Since Agent stopped work at 8:00 a.m. next morning, Agent will have no overtime for second day.

(2) Agent with same regular work hours and workweek reports for duty one day at 7:00 a.m. and because of emergency special works through until 4:00 a.m. following morning except for normal meal breaks. Agent will earn following on the first day: one and one-fourth hours' overtime from 7:00 a.m. to 8:15 a.m.; eight hours' regular time from 8:15 a.m. to 5:00 p.m.; and six hours' overtime (assuming one hour deducted for dinner) from 5:00 p.m. to 12 midnight, making a total of seven and one-fourth hours' overtime for first day. On second day Agent may be considered as having worked half a regular shift or four hours from 12 midnight to 4:00 a.m. Agent will have to work for an additional four hours sometime before midnight the second day (or, of course, be in an annual or sick leave status) to get credit for full regular shift on second day.

(3) Agent with same regular work hours and workweek reports for duty at 7:00 a.m. one day; quits work at 6:00 p.m. same day; returns to duty at 11:00 p.m. because of emergency special; works through until 5:00 a.m. next day; takes break for sleep; returns to office at 1:00 p.m.; and works through until 6:00 p.m. First day will be computed as follows: one and one-fourth hours' overtime from 7:00 a.m. to 8:15 a.m.; eight hours' regular time from 8:15 a.m. to 5:00 p.m., one hour's overtime from 5:00 p.m. to 6:00 p.m.; one hour's overtime from 11:00 p.m. to 12 midnight, making total of three and one-fourth hours' overtime for first day. On second day Agent may be credited with five hours' regular time from 12 midnight to 5:00 a.m.; three additional hours' regular time from 1:00 p.m. to 4:00 p.m., thus completing Agent's regular 8-hour shift. Remainder from 4:00 p.m. to 6:00 p.m. will be overtime.

EFFECTIVE: 01/27/88

8-4 WORKLOAD

Division head has continuing responsibility to insure equitable sharing of workload by Agents. FBIHQ insists that all division heads carry out this obligation completely and regularly.

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8-5 SPECIAL AGENT WEEKEND DUTY ASSIGNMENTS

SACs have the discretion to utilize Agents or qualified support personnel for duty during regular office hours on nonworkdays. When an Agent comes up for such duty assignment, the workweek is to be administratively changed, to allow the individual to have another day off to replace the normal day off of either Saturday or Sunday, as the case may be. In the case of the Saturday duty assignment, the workweek of the Agent, for that particular week, is to be Tuesday through Saturday with normal days off in that week of Sunday and Monday. In the case of Sunday duty Agents, the workweek for that particular week will be Sunday through Thursday, with normal days off of Friday and Saturday. Should any of these official hours fall between 6:00 p.m. and 6:00 a.m. the individual will be entitled to related night differential pay, and if on Sunday to not over eight hours of Sunday differential pay. No new work shifts involving such additional premium pay are to be established without prior FBIHQ approval. Duty schedules should be established well in advance, in order that individuals concerned may be aware of their responsibilities, and make any necessary adjustments. Such weekend duty assignments are to be rotated among the Agent staff of the office.

EFFECTIVE: 01/27/88

8-6 WAGE BOARD EMPLOYEES | (See MAOP, Part I, 8-2.2, 20-7.1.) |

Wage Board employees do not come under the Compensation Act; therefore, the following regulations governing Wage Board employees must be borne in mind:

- (1) Wage Board employees are not permitted to earn compensatory leave but must be paid for overtime work performed.
- (2) Prior FBIHQ approval must be obtained for any scheduling of overtime.
- (3) All work in excess of eight hours per day or 40 hours per week must be compensated for at one and one-half times the regular rate. | An exception is permitted under the Federal Employees Flexible and Compressed Work Schedules Act of 1982. See MAOP, Part I, 20-7.1 & 20-7.2, Flexible and Alternate Work Schedules (AWS), and Part II, 1-2.4.2. |

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(4) An SF-52 should be submitted to FBIHQ whenever an employee changes shifts so that appropriate salary adjustments can be made. The following items should be completed:

- (a) Part A Items 1, 3, 5, and 6
- (b) Part B Items 1, 2, 4, 14, and 22
- (c) Part F advise work hours, days and total hours employee will be working

(5) Wage Board employees are entitled to night differential of 7 1/2 percent for regularly scheduled nonovertime work when the majority of their work hours occurs between 3 p.m. and midnight; or 10 percent if the majority of their work hours occurs between 11 p.m. and 8 a.m. The night differential is paid for the entire shift when the majority of hours, meaning a number of whole hours greater than one-half (including meal breaks), falls within the specified periods.

(6) Deleted

EFFECTIVE: 08/30/93

8-7 HAZARDOUS DUTY PAY (ELECTRONICS TECHNICIAN)

Electronics Technician (ET) employees who are required to perform hazardous duties or duties involving physical hardship as indicated in Title 5, Code of Federal Regulations (CFR), Part 550, Subpart I, Appendix A, and as set forth below, are entitled to additional compensation. Those duties are:

(1) Exposure to Hazardous Weather or Terrain

(a) Work in rough and remote terrain. When working on cliffs, narrow ledges, or near vertical mountainous slopes where a loss of footing would result in serious injury or death, or when working in areas where there is danger of rock falls or avalanches.

(b) Traveling under hazardous conditions.

1. When travel over secondary or unimproved

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roads to isolated mountaintop installations is required at night, or under adverse weather conditions (such as snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snow slides.

2. When travel in the wintertime, either on foot or by means of vehicle, over secondary or unimproved roads or snow trails, in sparsely settled or isolated areas to isolated installations is required when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 10 feet.

3. When work or travel in sparsely settled or isolated areas results in exposure to temperatures and/or wind velocity shown to be of considerable danger or very great danger (see Windchill Chart, Title 5, CFR, Part 550, Subpart I, Appendix A-1), and shelter (other than temporary shelter) or assistance is not readily available.

(2) Height Work

Working on any structure of at least 50 feet above the base level, ground, deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other suitable protective facilities are not used, or if performed under adverse conditions, such as snow, sleet, ice on walking surfaces, darkness, lightning, steady rain, or high wind velocity.

It is generally expected that above duties under (1) and (2) will be performed only by the more experienced ETs and only on an irregular or intermittent basis. The rate of compensation is 25 percent of base pay for all hours in a pay status on the day in which the duties are performed.

The SAC must notify FBI Headquarters of hazardous duties performed, by teletype. Teletype is to include information relative to: the nature of the work performed and how this work meets Title 5, CFR, Part 550, Subpart I, Appendix A criteria; reason(s) why work could not be delayed until more favorable conditions existed; and the employee's pay and duty status for the day in which the work was performed (tour-of-duty, overtime, leave-without-pay, hazardous-duty time, etc.). If it is determined that the ETs are performing hazardous duties that are not contained in Appendix A, efforts should be made to include these activities in the Appendix, pursuant to Title 5, CFR, Section 550.903(b).

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EFFECTIVE: 02/14/92

8-8 WITHIN-GRADE INCREASES (WIGI)

A WIGI is a one-step increase within a salary grade and is based on length of service and performance at an acceptable level of competence. Within the FBI, the "acceptable level of competence" requires performance at least at the Fully Successful level as set forth in a performance plan. A quality salary WIGI may be considered and awarded in recognition of sustained performance which substantially exceeds normal requirements and gives promise of continuing at that same high level.

EFFECTIVE: 07/31/89

8-8.1 Waiting Period

(1) The waiting period for employees in steps one - three of a grade is 52 calendar weeks; for those in steps four - six, 104 weeks; and for those in steps seven - nine, 156 weeks.

(2) Quality salary WIGIs do not change the date for consideration for the next regular WIGI increase except in those cases where the quality increase places the employee in Step 4 (where the waiting period changes to two years) or Step 7 (where the waiting period changes to three years). In these instances, the employee must serve an additional year before becoming eligible to be considered for a WIGI. However, employee must receive an overall rating of **Exceptional** before he/she may be considered for a quality step increase.

EFFECTIVE: 07/31/89

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8-8.2 Effect of Leave Without Pay (LWOP)

If more than ten days of LWOP for each year of the waiting period are used, the effective date of the WIGI is delayed for the amount of time which exceeds the ten days. For example, if 15 days of LWOP are taken when the pertinent waiting period is one year, the WIGI would be delayed for one pay period because of the five days taken in excess of the maximum allowable ten days.

EFFECTIVE: 02/28/91

8-8.3 Effective Date

WIGIs are effective at the beginning of the next pay period following completion of the required waiting period providing employee's performance is at an acceptable level of competence.

EFFECTIVE: 02/28/91

8-8.4 Performance Requirements

(1) To be entitled to a WIGI, an employee's performance must be at an acceptable level of competence (ALOC) and performance appraisal is the basis for determining if an employee is performing at an ALOC. In the absence of unusual circumstances, employees must achieve the Fully Successful level to be performing at an ALOC.

(2) The ALOC determination is to be based on an employee's performance during the entire waiting period and must be supported by the most recent performance appraisal.

(3) An employee whose overall performance during the waiting period is at the minimum level required for retention in his/her position but below the Fully Successful level is not performing at an ALOC.

(4) If the level of an employee's most recent appraisal does not support the rating official's decision to grant or withhold a WIGI, he/she must submit a current Performance Appraisal Report to justify granting or withholding the WIGI to the Pay and Leave Administration Unit.

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(5) If at any time during the employee's waiting period it becomes evident that his/her performance is below the Fully Successful level, the rating official must advise the employee that, in the absence of performance improvement, his/her WIGI may be denied.

EFFECTIVE: 08/16/93

8-8.5 Notice of ALOC Determination

(1) Approximately two weeks before the completion of the waiting period, the head of the office will receive an individual certification for each employee who is eligible for WIGI consideration. Rating officials are to check appropriate comments and certify whether or not the employees' WIGIs should be granted or withheld. Certification should be returned to the Pay and Leave Administration Unit within three days after receipt.

(2) Positive determinations are confirmed in writing when the employee receives his/her Standard Form 50-B, Notification of Personnel Action, regarding the granting of his/her WIGI.

(3) If a negative determination is reached based on failure to meet the performance appraisal criteria, the employee is informed of this by a written communication from the Personnel Officer advising of the denial of the WIGI, the reason for the negative determination and his/her right to request reconsideration of the determination.

EFFECTIVE: 08/16/93

8-8.6 Reconsideration of a Negative Determination

(1) An employee may request reconsideration of the Bureau's action by doing so in writing within 15 calendar days after receiving the denial notification. If the denial is reaffirmed, employee may, within 20 calendar days after being so notified, appeal in writing to the Merit Systems Protection Board. The appropriate address will be furnished to the employee in the letter reaffirming the denial.

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(2) FBIHQ, upon receipt of a reconsideration request, will establish a reconsideration file and proceed with the reconsideration in accordance with 5 CFR 531.410 and Bureau policy.

(3) The division head or SAC may reconsider a WIGI at any time after the denial; however, barring any such recommendation, a new ALOC determination must be made within 52 calendar weeks of the end of the waiting period to which the negative determination applied. Any special appraisal at or above the Fully Successful level constitutes demonstrated sustained performance at an ALOC. The performance appraisal will not automatically generate a WIGI; therefore, the rating official must submit a written recommendation to grant or deny the WIGI based on the appraisal at or above the Fully Successful level.

EFFECTIVE: 08/29/90

8-8.7 Step Increases for Federal Wage System (FWS) Employees

(1) The waiting periods for advancement to the second, third, fourth and fifth rates are 26 calendar weeks for creditable service in rate one, 78 weeks of creditable service in rate two, and 104 weeks of creditable service in each of steps three and four. Lithographic employees have only three steps in each grade with waiting periods as indicated for step two and step three.

(2) If more than five days of LWOP are used in the waiting period for step two, 15 days for step three, or 20 days for steps four or five, the effective date of the increase is delayed for the amount of time which exceeds the specific number of days.

(3) Performance requirements, ALOC determinations and reconsiderations of negative determinations apply to FWS employees as well as GS employees.

(4) FWS employees are not eligible for quality increases regardless of their satisfaction of the performance appraisal requirement.

EFFECTIVE: 08/29/90

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8-9 APPLICATION OF THE HIGHEST PREVIOUS RATE (HPR) RULE IN SETTING PAY RATES FOR EMPLOYEES REQUESTING A CHANGE TO A LOWER GRADE (I.E., DEMOTION) FOR PERSONAL BENEFIT OR CONVENIENCE, AND FOR EMPLOYEES BEING PROMOTED, REASSIGNED, REEMPLOYED, OR TRANSFERRED (See MAOP, Part I, 3-1.1(3).)

HPR is the highest rate of basic pay previously paid to an individual while employed in a position in a branch of the federal government. The HPR rule provides that when an employee is reemployed, reassigned, transferred, promoted, or changed to a lower grade (i.e., demoted) at the employee's request for personal benefit or convenience, the FBI may fix the pay at any rate of the new grade which does not exceed the employee's highest previous rate. The information provided below will be applied to this policy.

(1) If upon a change to a lower grade, the employee's HPR (normally the current base salary) falls within the rate range of the grade to which demoted (i.e., between Steps 1 and 10), the salary will be set at the step within the new rate range equal to the HPR.

(2) When the HPR falls between two steps in the grade to which the employee is demoted, the salary is set at the lower step. In other situations, such as when an employee is promoted, reemployed, or transferred (i.e., from agency to agency), the salary may be set at the higher step.

(3) If upon a change to a lower grade, the employee's HPR exceeds Step 10 of the grade to which demoted, the salary will be set at Step 10 of the new rate range. The rate in the range to which assigned may not exceed Step 10.

(4) This policy applies only to employees who have served a minimum of 52 weeks at the current grade level unless an exception is granted by management for special situations such as a reorganization. Otherwise, if an exception was not granted and the employee did not serve a minimum of 52 weeks at the current grade, pay will be set at the highest rate the employee received for 52 continuous weeks.

(5) A rate earned by an employee while temporarily promoted for less than 52 weeks cannot be used as the HPR, e.g., to fix the employee's rate in a lower grade to which he/she is returned at the end of the temporary promotion.

(6) When an employee is reemployed/reinstated, the following information applies. (See MIOG, Part I, 67-17.3.8 (6).)

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(a) Reinstated SAs in grades GS 10 through GS 13 will be placed in the step within the rate range (Steps 1 through 10) of their former grade level that equals the highest step or pay rate, whichever is greater, received for previous federal government service.

(b) Reinstated SAs who resigned at the grade GS 14 level or higher will be placed in the step of the GS 13 rate range, not to exceed Step 10, that equals the highest step or pay rate, whichever is greater, received for previous federal government service.

(c) Reinstated support employees will be placed in the step of the rate range to which assigned, not to exceed Step 10, that equals the highest step or pay rate, whichever is greater, received for previous federal government service.

(d) To be eligible for the highest previous rate when an employee is reinstated, the previous service must have been in a pay system compatible with the FBI's pay system. The rate must have been for employment in excess of 90 continuous calendar days.

(7) The highest previous rate may not be based on a rate received for an appointment as an expert or consultant; a special rate of basic pay, except on a reassignment within the FBI under certain conditions cited in 5 CFR, Part 531.203; or, locality pay differentials.

(8) In fixing the salary under the HPR rule, consideration may be given to selecting a rate that will not place the employee in a pay level substantially higher than that of other employees of equal or superior proficiency or qualifications serving in identical or similar positions.

(9) The final salary will be set at the HPR unless the Policy, Pay and Leave Unit, FBIHQ, is advised to the contrary by the head of the division/office to which the employee is being assigned. If set at a rate other than the HPR, the final salary determination will be made in consultation between the Policy, Pay and Leave Unit, Staffing Unit or Executive Development and Selection Program, FBIHQ, and the head of the division/office where the employee is being assigned. The employee will be required to sign an agreement, to be placed in the employee's official personnel file, indicating acceptance of a rate less than the HPR.

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(10) Employees who are demoted for cause will be excluded. "Demotion for personal cause" is defined as a reduction in grade based on the conduct, character, or unacceptable performance of an employee.

(11) If a demotion is taken for career development purposes with the probability of repromotion to the former grade in the near term, the employee's pay shall be set at a rate in the lower grade which upon repromotion will place the employee in the rate of the higher grade that the employee would have attained had he/she remained in the higher grade. For pay retention to be applicable, an employee must be placed in a formal employee development program generally utilized governmentwide, such as Upward Mobility, Apprenticeship, and Career Intern Programs.

(12) This policy only applies to General Schedule positions.

(13) An employee may be eligible for a permanent increase in salary based on the highest previous rate consideration if he/she is afforded a temporary promotion for 52 consecutive weeks.

EFFECTIVE: 04/04/96

| 8-9.1 | Deleted |

EFFECTIVE: 06/10/94

| 8-9.2 | Deleted |

EFFECTIVE: 06/10/94

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8-10 WAITING PERIODS - PROMOTIONS

(1) The minimum waiting period between promotions, above grade GS-5, is 52 weeks, unless an exception is granted by the Personnel Officer.

(2) More stringent promotion requirements, above 52 weeks, may be applied to certain positions at the FBI's discretion. (See MAOP, Part I, 3-1.)

(3) Other requirements for promotion such as management recommendations; demonstration of the required knowledge, skills and abilities for the higher position; any general or specialized requirements; any position limitations; and achievement of a successful level of performance will also be considered prior to any promotion. (See MAOP, Part I, 7-5.1.)

EFFECTIVE: 11/06/97

8-11 PROMOTIONAL ALLOWANCES

EFFECTIVE: 10/19/95

8-11.1 Pay Computations

(1) When an employee is promoted from one general schedule (GS) grade to another, the pay is set at a rate in the higher grade that will pay at least the equivalent of a two-step increase in the grade from which promoted.

(2) If an employee is promoted from one grade of the merit pay system (MPS) to a higher MPS grade, the employee will receive a rate of pay in the new grade that exceeds his/her salary in the lower grade by 6 percent.

(3) An employee being promoted from one Federal Wage System (FWS) grade to a higher FWS grade will receive a rate of pay in

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the higher grade that will pay at least the equivalent of a one-step increase in the grade from which promoted.

(4) In general, when FWS employees are moved to jobs in the GS, they may be paid any GS pay step up to the next highest pay step above the rate they were making as an FWS employee.

(5) When a vacant position is filled by the temporary assignment of a qualified employee at the same or higher grade level, there will be no effect upon that employee's permanent grade or pay status.

EFFECTIVE: 04/04/96

8-12 COST-OF-LIVING ALLOWANCE/POST DIFFERENTIAL

(1) General Schedule employees in Alaska, Hawaii, Puerto Rico, Virgin Islands and Guam can receive a cost-of-living allowance (COLA) at a rate established by the Office of Personnel Management. Rates range from 5 percent to 25 percent and are subject to increase/decrease based on annual comparative surveys between the nonforeign area and Washington, D.C., area. Employees must meet certain eligibility requirements prior to receiving an allowance. For example, in a given allowance area employees having purchasing privileges in commissary and exchange facilities as a result of current Federal employment or living in housing rented from a Federal agency as a result of current Federal employment may not be eligible to receive a COLA or may receive a lower rate. Employees have the option of not using commissary and exchange facilities and/or Government housing in order to receive a full COLA.

(2) Post Differential (PD) is authorized to employees assigned to the Island of Saipan (Northern Mariana Islands) and Guam, in consideration of the difference of environment when compared to that of the States. PD is paid only to employees hired off-island as it is specifically designed as an incentive to induce needed categories of employees who would not otherwise be interested in relocating to the differential area.

(3) Pay resulting from the payment of a COLA or a PD, or both, may not exceed 25 percent of the rate of basic pay. An employee eligible for a COLA is entitled to receive the full allowance established for the nonforeign area, first. If the COLA does not

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amount to 25 percent the employee may also be paid as much of the PD as will not cause the total additional pay to exceed 25 percent of basic pay. PD is subject to Federal tax, whereas COLA is not.

EFFECTIVE: 11/27/90

8-13 INTEREST ON BACK PAY

(1) Public Law 100-202 provides for the payment of interest on back pay awards and also applies whenever an unjustified or unwarranted personnel action results in the withdrawal, reduction, or denial of pay, allowances, and differentials. A particular money amount is not withdrawn from an employee until the actual pay date on which the employee would have received it if the unjustified or unwarranted personnel action had not occurred. If the back pay payment is issued within 30 days of the actual pay date, no interest is paid. The term "unjustified or unwarranted personnel action" includes both personnel and pay actions, as well as the omission or failure to take an action or confer a benefit. For example, if through an administrative error, an employee fails to receive a within-grade increase after it has been approved by an authorized official, the employee is entitled to receive back pay and interest. Interest begins to accrue on the effective date of the withdrawal (pay date of the action) if the back pay is not paid within the allotted 30 days from the appropriate pay date of the action. The back pay due will be paid before the interest is calculated; however, the interest will continue to accrue until the interest accrual ends (within 30 days of the interest payment). The interest paid is based on rates established by the Secretary of the Treasury as the Interest Overpayment Rate and is compounded daily.

(2) The Internal Revenue Service has issued the following opinion on the tax treatment of interest on back pay: Interest payments are not wages for Federal income tax or the Federal Insurance Contributions Act (FICA) purposes, nor are they subject to withholding of FICA tax. Therefore, the interest payment will not be included on the Wage and Tax Statement (Form W-2). A Form 1099-INT will be issued to employees receiving interest payments of \$600 or more. A notice will be supplied to each employee receiving interest payments for use in filing the payment on their annual Federal income tax return.

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EFFECTIVE: 11/27/90

8-14 SALARY ADVANCES FOR NEWLY HIRED EMPLOYEES

The Federal Employees Pay Comparability Act of 1990 (FEPCA) established the authority to grant payment of salary advances covering no more than two pay periods to newly hired employees only after specific criteria have been met.

(1) Newly hired support employees GS 10 and above - The agency is required to provide written information concerning the amount of the advance, all repayment options and recovery methods before the salary advance is granted. In addition, the employee must sign an agreement to repay the advance. An advance application will be forwarded to each eligible support employee along with their appointment letter. If a salary advance is desired, the employee will complete the application and return it to the Accounting Section (AS), Finance Division, for a determination of the maximum amount that can be advanced and the repayment agreement. After receipt of the signed agreement, the salary advance check will be issued to the employee after they enter on duty (EOD) but before they receive their first regular salary check. The salary advance will be repaid through payroll deduction over 13 biweekly pay periods. The employee may repay all or part of the balance at any time.

(2) Newly hired support employees Grades GS 9 and below can be advanced one salary payment in the amount of \$300. The salary advance will be repaid through payroll deduction in the amount of \$25 each pay period until repaid. The first payment will begin with the first full pay period after the employee enters on duty. An employee will not be required to sign a repayment agreement. The salary advance request will be entered into the Bureau Personnel Management System during the first week of employment for newly hired field office support employees. The salary advance request for Headquarters divisions will be handled by AS personnel from the EOD class listings.

(3) The unpaid balance of the salary advance at the time of separation will be recovered by salary offset or become a debt owed to the Government.

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EFFECTIVE: 10/19/93

8-15 LOCALITY-BASED COMPARABILITY PAYMENTS

Interim geographic adjustments of 8 percent of basic pay have been authorized for General Schedule employees whose duty stations are within the Consolidated Metropolitan Statistical Areas of New York-Northern New Jersey-Long Island (NY-NJ-CT-PA), San Francisco-Oakland-San Jose, California, or Los Angeles-Riverside-Orange County, California. An extended Temporary Duty assignment into or out of one of the locality areas does not affect an employee's entitlement to locality pay.

(1) Employees in Senior Executive Service positions, prevailing rate (wage) employees, and employees receiving local special salary rates in excess of 8 percent will not receive the locality pay. Employees receiving local special salary rates under 8 percent will be removed from local special salary rates and will receive the 8 percent locality pay.

(2) The locality pay is used in computing both premium pay (overtime, night and Sunday differentials and holiday pay) and Availability Pay (AVP). The adjusted rate of basic pay is also used for computation in connection with the Civil Service Retirement System, the Federal Employees' Group Life Insurance (FGLI) program, and severance pay with appropriate withholdings made from salary payments. The adjusted basic rate of pay is subject to federal, state, and local taxes; Federal Insurance Contributions Act (FICA) and Thrift Savings Plan withholdings. In addition, the adjusted rate of basic pay will be included in an employee's lump-sum payment for unused, accrued, or restored annual leave.

(3) Special Agents and Senior Executive Service Special Agents in designated areas receive Special Pay Adjustments for Law Enforcement Officers (SPALEO) which is equal to 4, 8, or 16 percent of basic pay. The SPALEO is considered basic pay for purposes of computing retirement deductions and benefits; life insurance premiums and benefits; and premium pay for AVP work. SPALEO replaces the 8 percent Interim Geographic Adjustment. SPALEO, when added to basic pay, is limited to basic pay payable for Level IV of the Executive Schedule (ES) for General Schedule employees, and Level III of the ES for Senior Executive Service employees.

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SECTION 9. LEAVE

9-1 LEAVE

In April, 1987, a new manual, LEAVE/TIME AND ATTENDANCE (T & A) was prepared to incorporate and update the bulk of FBI leave policy contained in this section of MAOP and the Time and Attendance Workguide, as well as other time and attendance instructions.

In October, 1993, the LEAVE/TIME AND ATTENDANCE MANUAL was updated, retitled the LEAVE ADMINISTRATION GUIDE, and distributed.

Please refer to the index of this manual and the LEAVE ADMINISTRATION GUIDE for any inquiries pertaining to leave as some related policy, i.e., housing, military and other types of situations, is contained in other sections of this manual.

EFFECTIVE: 04/21/94

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SECTION 10. MILITARY AND VETERANS MATTERS

10-1 INTRODUCTION

Federal law confers certain rights upon ex-military personnel involving preference in appointment and retention, and in regard to adverse personnel actions; as well as reinstatement rights in their jobs following military service. The sources of the rights as to appointment, retention, and adverse actions are the Veterans' Preference Act of 1944, as amended, and the Veterans Readjustment Benefits Act of 1966. The source of the job reinstatement rights is the Military Selective Service Act of 1967. Any question relating to an interpretation of the statutes or to the status or rights of veterans or ex-military personnel should be referred to FBIHQ.

EFFECTIVE: 02/28/78

10-2 VETERANS' COUNSELOR

Bureau's Personnel Division has a veterans' counselor's office where ex-military personnel and employees facing military service may receive specialized advice on their problems.

EFFECTIVE: 04/21/94

10-3 APPOINTMENT

Veterans are entitled to have five points added to their scores in examinations for Government jobs, or ten points if they are disabled, provided they first make a passing grade in the examinations. Certain close relatives of veterans sometimes can qualify for the ten-point preference in the veteran's stead. The type of preference that is to be afforded veterans or close relative of veterans is determined by FBIHQ in accordance with Federal regulations. In general, veterans' preference entitles an applicant to preferential appointive consideration, whether or not a numerical rating is given. For details as to how Bureau applicant registers are maintained so as to assure the granting of appropriate veterans' preference, see MIOG: Part I, Section

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EFFECTIVE: 02/28/78

10-4 RETENTION

A reinstated (ex-military) employee with mandatory restoration rights has an absolute right to retention in employee's job for six months or one year (except in case of a discharge for cause). Whether the period is six months or one year depends on the facts of employee's case. Veterans also have certain special rights in any reduction in force.

EFFECTIVE: 02/28/78

10-5 EMPLOYEES ENTERING MILITARY SERVICE

EFFECTIVE: 02/28/78

10-5.1 Exit Interview

All employees leaving for military service are to be interviewed by the veterans' counselor or certain other supervisory personnel at FBIHQ or by SAC in field whether or not they possess mandatory military reinstatement rights. Bureau's continuing interest in them is to be pointed out. It is to be made clear to them whether or not they possess reinstatement rights. FD-333 should be executed on those interviewed and forwarded to FBIHQ, along with letter of resignation and exit interview, when latter documents are required.

Whether employees possess reinstatement rights depends on the nature of their appointment in Bureau. If it is a permanent or temporary indefinite appointment, they have such rights and if otherwise they do not. Almost all Bureau employees possess either permanent or temporary indefinite appointments.

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10-5.2 Disposition of Government Property and Personnel File

Field personnel file should be retained in field office. Government property should be collected by the SAC or FBIHQ supervisor at time the separation or furlough commences. For those departing on military furlough, FBIHQ supervisor should see that property is secured and returned to Property Procurement and Management Section of the Finance Division where it will be retained and may be reissued upon employee's return to duty. In field, property should be retained in field office and reissued upon employee's return to duty.

EFFECTIVE: 03/07/94

10-5.3 Separation

(1) An employee leaving to enter military service for more than three months' military duty submits a resignation. The reinstatement rights for such an employee are the same as those of an employee placed on military furlough. (See 10-5.4.)

(2) Employee should be given a copy of Form FD-183 (Reemployment Rights Following Military Service) during the interview recorded on FD-333. In that interview employee should be advised to forward evidence of employee's entrance into military service. A letter to FBIHQ giving date active military duty began and employee's military address will suffice except in those cases in which an employee, whether permanent or temporary indefinite, is entering on active duty as a result of membership in a reserve component, including National Guard. Employees who qualify are entitled to military leave for active duty or engaging in field or coast defense training. This military leave accrues for an employee in addition to annual leave at time rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. That is, up to 15 days of accrued, unused military leave may be carried over into the succeeding fiscal year for use during that year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year. Active reserve duty (including National Guard) must have been ordered prior to employee's ceasing active duty in Bureau for employee to qualify for payment, and must be supported by a copy of orders for such active duty. In addition, FBIHQ must be in receipt of a statement from former employee's military commanding officer certifying to completion of 15 days or less of active duty, depending on amount of military leave to

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which employee is entitled. As soon as certification is received, payment will be made.

EFFECTIVE: 01/15/82

10-5.4 Furlough

An employee with reinstatement rights leaving for three months or less of service may be placed on military furlough. Material contained in item 10-5.3, above, also applies to employee. Only difference in this case is that employee does not resign, but instead directs a memorandum to employee's division head setting out employee's military service plans and requesting military furlough of specific duration.

EFFECTIVE: 01/15/82

10-5.5 Reinstatement

EFFECTIVE: 01/15/82

10-5.5.1 Requirements for Reinstatement

(1) Subject to the conditions as set forth below, if an employee had a permanent or temporary indefinite appointment and leaves the Bureau to enter military service of the United States and so enters without undue delay, remaining in service for a period not exceeding four years (exclusive of any involuntary extension), or in some cases, as long as five years (plus additional service imposed pursuant to law) employee has a right to be restored in the position he/she left or one like it, unless such position is held by an employee with greater rights, or if employee should incur a disabling physical condition during his/her military service, in a position as nearly similar to employee's former one as employee's physical condition permits. Employee is entitled to within-grade raises and to receive consideration for promotion in his/her absence to any vacancies for which qualified. In some cases an employee can serve in the military as much as five years (plus additional service imposed pursuant to law) and still retain his/her reinstatement rights. In each case in which service exceeds four years, circumstances will

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determine whether employee still possesses such rights:

(2) To be entitled to reemployment rights, an employee must complete his/her military service honorably and receive a certificate to that effect, be qualified to perform the duties of his/her former position (or an equivalent one), and apply for reinstatement within the prescribed period. If an employee is not physically qualified to perform the duties of the former position by reason of a disability sustained during military service, that employee has a right to be placed in another position for which he/she is qualified that will provide the employee with the same seniority, status, and pay, or the nearest approximation consistent with the circumstances in each case.

(3) To be qualified for employment he/she must have a top secret clearance since all positions within the FBI are at the special-sensitive level. A security clearance is a necessary qualification for reemployment and that it may be necessary to conduct an updated background investigation which will serve as a basis for determining whether the veteran who is applying for reinstatement should be granted a security clearance.

(4) Enlistee must apply for reinstatement rights within 90 days after military separation unless he/she is hospitalized at separation, in which case reinstatement rights are extended for period of hospitalization but not to exceed one year, plus 90 days.

(5) An employee who went into service as a reservist or National Guardsman for an initial period of three to six months' active duty for training must apply within 31 days after separation unless hospitalized, in which case employee must apply within 31 days after discharge from hospitalization incident to that active duty for training or one year after release from that training, whichever is earlier. In certain exceptional cases involving initial period of active duty for training of less than three months, employee may also have 31 days after release from active duty to exercise reinstatement rights. Employee will be appropriately notified at time he/she leaves. If employee's service as a reservist or National Guardsman is for active duty for an indefinite period, exceeding six months, employee has a period of 90 days to apply for reinstatement.

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10-5.5.2 Procedures for Reinstatement

(1) A veteran ex-employee with reinstatement rights at FBIHQ who calls at a field office to arrange for return to duty should be advised that his/her request will be transmitted immediately to FBIHQ and FBIHQ will then get in touch with him/her. Office should notify FBIHQ of the matter by Form FD-435. Form FD-435 should, if possible, include date employee desires to return; place, and type of separation; rank, social security and/or serial number, and branch of service; whether on interview employee admitted incurring disciplinary measures or physical disabilities in military service; whether on interview employee admitted employee or any relatives have been in difficulty with civil authorities since employee left Bureau. Pertinent details should be included. An executed Form FD-224 and, if available, a copy of the honorable separation should be attached to Form FD-435. If, having no copy of employee's military separation physical examination report, employee requests the office to arrange a reinstatement physical examination, office should make necessary arrangements. A physical examination report must be submitted, but this can follow employee's reinstatement. (See (4) and (5).)

(2) Appropriate leads to check his/her military service record should be set out immediately. If employee's discharge was recent, the records are probably at the military installation where employee was discharged. Otherwise, refer to MIOG, Part II, Section 19, for location of military records. Appropriate intelligence agency should also be requested to check records applicable.

(3) If the veteran ex-employee with reinstatement rights appears at the same field office where he/she formerly served to arrange for restoration to duty there, office should send Form FD-435 to FBIHQ containing the same information described in 10-5.5.2 (1), above, indicating what steps are being taken to complete reinstatement procedure, such as arranging for a physical examination, checking military records, etc. Form FD-435 should also state grade and position in which it is recommended employee be reinstated.

If there is any question as to whether employee meets reinstatement requirements, employee should be advised office will resolve it by contacting FBIHQ and employee will be informed of the decision.

(4) If the veteran ex-employee requests reinstatement at a different field office than the one to which employee has reported for information and guidance, FBIHQ should be informed by Form FD-435 containing the same kind of information indicated in 10-5.5.2 (1), above. FBIHQ will take appropriate action. It should be noted Bureau

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policy is to reinstate employee in the office he/she left to enter military service.

(5) Employees who were placed on military furlough (10-5.4 above) can return to work as soon after their military duty is over as they wish; the normal restoration processing can be completed subsequently. FBIHQ must be advised of results of interview outlined in 10-5.5.2 (1) above. FD-224, a copy of employee's honorable separation, and physical examination report must be forwarded as soon as possible. FBIHQ must be separately advised upon return to duty. Usual entry-on-duty forms are not necessary and Government property should be immediately reissued to employee.

(6) Any veteran ex-employee who resigned from Bureau to enter military service and subsequently returns to duty must execute usual entry-on-duty forms, including statement of Federal Service Form, FD-195. Such forms should be forwarded to FBIHQ immediately to facilitate placing employee on payroll. As explained above, they are not necessary in military furlough cases, as furloughed employees were never removed from our rolls.

(7) If any veteran ex-employee orally advises that he/she does not desire to exercise reinstatement rights or does not desire to return to duty from military furlough, this waiver should be secured from employee in writing.

EFFECTIVE: 09/26/94

10-5.5.3 Rejectees

In order for an employee to exercise reinstatement rights who has such rights and is rejected for military service, employee must, according to law, report back for work at beginning of his/her next regularly scheduled working period after expiration of last calendar day necessary to travel from place of rejection to place of employment following employee's rejection or within a reasonable time thereafter if delayed return is due to factors beyond employee's control. Failure to so report shall make employee subject to administrative action as an unauthorized absentee. Rejectees reporting back for work should be interviewed and reason for rejection determined. Advise FBIHQ and check appropriate military service installation where rejected to confirm reason for rejection and advise FBIHQ of results. Should any employee delay his/her return so that employee would be considered an unauthorized

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absentee, submit employee's explanation for delay, along with your recommendation as to any administrative action.

EFFECTIVE: 01/22/91

10-6 ADVERSE PERSONNEL ACTIONS (See MAOP, Part I, 10-7.)

In general, no veteran who is "preference eligible" and who has completed one year of current continuous service in the same or similar positions within an agency may be discharged, suspended for more than 14 days, or involuntarily reduced in grade or pay without being given 30 days' advance written notice stating specific reasons for the proposed action. A further discussion of this matter, including the meaning of the term "preference eligible," is found in MAOP, Part I, 13-10.

EFFECTIVE: 12/01/94

10-7 EXCEPTIONS TO ELIGIBILITY FOR PREFERENCE RIGHTS

If a preference-eligible employee has not completed one year of current continuous service in the same or similar positions within the agency, the employee does not possess rights mentioned in 10-6 above. None of the benefits of the Veterans Readjustment Benefits Act of 1966, Cold War GI Bill, accrue to employees who served under Title 10, United States Code (USC), Section 511(d), in the National Guard or Reserve (so called six-monthers). Preference claimed on the basis of a service connected disability requires appropriate official proof. (See MAOP, Part I, 13-10.)

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10-8 ADVANCEMENT

As already mentioned above, a permanent or temporary indefinite employee must be considered for promotion during employee's absence in military service. It is not mandatory that employee be promoted but only that employee be considered. If employee is not promoted, Bureau's policy is to accelerate employee's progress as much as possible, consistent with its vacancies and employee's qualifications, upon employee's return.

EFFECTIVE: 11/25/87

10-9 MILITARY LEAVE

(1) A support employee, veteran or not, who is a member of a reserve component of Armed Forces (including National Guard) is entitled to military leave for active duty or engaging in field or coast defense training. This military leave accrues for an employee in addition to annual leave at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year. That is, up to 15 days of accrued, unused military leave may be carried over into any fiscal year. Employee can also be granted up to 22 workdays of military leave per calendar year for Federal or state duty performed to provide military aid for enforcement of the law; the coverage of this provision includes the District of Columbia National Guard. Military pay received for this kind of duty is deducted from Federal civilian salary for same period. Therefore, upon return to work employee must submit a certified statement showing amount (other than a travel, transportation, or per diem allowance) employee received for military service so that employee's salary may be reduced accordingly. District of Columbia National Guardsmen may be granted additional military leave with pay for parades, encampments, and certain other duty ordered by commanding general.

(2) Part-time career employees may be granted military leave. (See the LEAVE ADMINISTRATION GUIDE regarding military leave for training purposes.)

(3) Members of Reserve Officers Training Corps (ROTC) are not eligible for military leave with pay for training purposes but may be granted annual leave or leave without pay. (See the LEAVE ADMINISTRATION GUIDE.)

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EFFECTIVE: 04/21/94

10-10 OTHER RIGHTS

(1) There are certain other rights employees may have based upon their military service. Examples are home loan guaranty provisions of Servicemen's Readjustment Act of 1944 (GI Bill) and under Korea GI Bill. Under Veterans Readjustment Benefits Act of 1966, Cold War GI Bill, term "veteran" is not always defined same way for each benefit, but generally means an individual with more than 180 days of active military duty, any part of which occurred after 1-31-55. Definition excludes those whose service was in National Guard or military reserve programs under Title 10, USC, Section 511 (d), entailing six months or less of active duty for training within a total six-year reserve commitment. The 1966 act provides such benefits as education aid, home loan guaranty, medical care, and veterans' preference.

(2) Above rights are type administered primarily by Department of Veterans Affairs which has local offices throughout Nation.

EFFECTIVE: 09/26/89

10-11 MILITARY RESERVE MATTERS

Bureau maintains records on employees who are members of military reserve (including National Guard) units. Information as to any change in reserve status of an employee must be promptly forwarded to FBIHQ. A change in reserve status includes such matters as being discharged from reserve, being promoted, or being transferred from Ready Reserve to Standby Reserve. Form FD-295 is to be used for this purpose; send to FBIHQ by routing slip. In addition, routing slips should be used to keep FBIHQ advised of any pending action, such as intended contacts with reserve units for information. Routing slips should be marked for attention of Personnel Division. Whenever a member of the Standby Reserve is to be ordered involuntarily to active duty in time of war or national emergency declared by the Congress or whenever otherwise authorized by law, the reservist would be ordered by employee's Armed Force to report to his/her unit for duty. Should any Agent or key support personnel be so ordered as a member of the

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Standby Reserve, FBIHQ is to be immediately advised so appropriate
employment data may be furnished.

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SECTION 11. TRANSFERS

11-1 GENERAL INSTRUCTIONS (See Legal Attache Manual, Section 3.)

(1) All personnel should be cautioned that they are not, under any circumstances, to discuss transfers of other employees with unauthorized individuals, such as realtors or employees of moving companies. To do so will subject employees to severe administrative action and possible criminal liability under the Privacy Act of 1974.

(2) Agents under transfer are to be relieved of assignments so that the transfer may be expedited.

(3) All Agents must report to their new office of assignment within 90 days of the date of the official letter of transfer.

(4) Effective date of employee's assignment at new duty station is the date of arrival at the new office.

(5) Requests for delays in reporting to a new office of assignment must be submitted to the Bureau with full justification and may be submitted on a UACB basis. These requests are reviewed individually and coordinated with the pertinent field offices and/or FBIHQ divisions.

(6) Do not incur transfer-related expenses prior to receipt of the letter of transfer.

(7) Employees being transferred to any point within the United States should advise the Postal Service that change of residence is the result of an official Government transfer. All classes of mail for employee and immediate family residing with employee will be forwarded free of charge.

(8) Those offices receiving cost-of-living (COL) allowances must immediately advise the date the employee departs since the COL is removed upon departure. Failure to advise FBIHQ on a timely basis will result in an overpayment that the employee must refund.

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(9) For policy concerning Agents who have completed a language school or who have passed a Bureau language examination, refer to Part I, Section 22, and Part II, Section 1-1.9, of this manual for additional instructions.

EFFECTIVE: 09/08/93

11-1.1 Use of SF-52 (Request for Personnel Action)

(1) The field office the employee is transferring into must submit an SF-52 to the Bureau showing the arrival date of employee.

(2) The following items must be executed on the SF-52 for Arrival Notices.

(a) Part A, Item 1 (Relocation)

(b) Part A, Items 3, 5, and 6

(c) Part B, Items 1, 2, 4, 14, 15, 16, 18, and 22

(3) Deleted

(4) Deleted

EFFECTIVE: 11/27/90

11-1.2 Use of FD-655 (Routing of Earnings and Leave Record)

(1) The four-part FD-655 should be completed by each employee receiving a permanent transfer and any employee assigned to an extended temporary duty when special handling of his/her Earnings and Leave Record is required.

(2) The original of the FD-655 should be submitted to FBIHQ, Attention: Accounting Section, Payroll Administration and Processing Unit, to arrive no later than the Thursday prior to the date of the first Earnings and Leave Record to be sent to the employee's new office of assignment or temporary duty point. Part two

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should be retained by the submitting office; part three should be forwarded to the new office of assignment; and part four should be retained by the employee for his/her personal records.

(3) Should the information on the initial FD-655 change, a new FD-655 should be executed, the AMENDED block checked, and forwarded immediately to FBIHQ.

EFFECTIVE: 08/12/94

11-1.3 Personnel File and Bureau Property (See Legal Attache Manual, 4-3.)

(1) The following items should be sent to the new office by the SAC or division head of the old office: An employee's previously submitted Confidential Financial Disclosure Reports (SF-450) and/or Conflict of Interest Certifications, personnel file, Employee Medical File System (EMFS) subfile, Employee Security subfile, field firearms training record (FD-40), health report card, if any, electrocardiogram tracings, and report of medical history (SF-93). Medical documents generated prior to the establishment of the EMFS subfile should be contained in the personnel file. (See MAOP, Part I, 20-4.1.) Cover letter, Records Transferred of Personnel Transferred Form (FD-109), should be used to forward files. Send Form FD-475 (Physical Examination Card) if used for record purposes. Files are to be forwarded by the first workday following employee's departure on transfer. Refer to the LEAVE ADMINISTRATION GUIDE regarding leave records.

(2) Prior to departure date, employee's property must be inventoried by item and serial number to ensure property charged to an employee on the Bureau Personnel Management System, Issued Personal Property System, coincides with property in employee's possession. FBIHQ employees under transfer should contact the Property Management Unit, Property Procurement and Management Section, Finance Division.

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11-1.4 Travel Time and Annual Leave

(1) Employees under official transfer at the Government's convenience are allowed travel time required for direct distance travel between transfer points based on mode of travel.

(2) Annual leave to be taken in addition to travel time may be approved by the SAC or division head of the former office. Also see the LEAVE ADMINISTRATION GUIDE concerning absences not charged to annual leave to locate housing.

EFFECTIVE: 04/21/94

11-2 SPECIAL AGENT TRANSFER POLICY

(1) The Director of the FBI maintains the authority to transfer any FBI employee when it is in the best interest of the United States Government. All Special Agents (SAs) are subject to transfer at any time to meet the organizational and program needs of the FBI. FBI SAs accept the possibility of transfer as a condition of their employment. SAs may be transferred where and when the needs of the FBI may dictate. In this regard the overall needs of the Bureau, to include the assurance that investigatory experience levels are appropriately represented in all field offices, along with budgetary considerations, take precedence. The personal needs and preferences of the Agents are considered wherever possible in carrying out the transfer policy.

(2) In general, transfers will be made to field offices that are below their authorized Target Staffing Level (TSL) or have a critical specialty need. The Personnel Division will determine whether vacancies in field offices will be filled through first office, rotationals, or Personnel Resource List (PRL) transfers to maintain an adequate combination of various investigative experience levels in a particular field office.

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11-2.1 First Office Transfers

When an Agent successfully completes new Agents' training at the FBI Academy, Quantico, Virginia, he/she will be assigned to one of the Bureau's field offices based on the current staffing and/or critical specialty needs. New Agents will be permitted to make known their preference for assignment and consideration will be given to their desires; however, assignment will be based upon the staffing needs of the Bureau. An Agent can generally expect to remain in his/her first office of assignment for a minimum of four years.

EFFECTIVE: 06/21/94

11-2.2 Rotational Transfers

(1) After completing four years in his/her first office of assignment and until reaching 10 years in his/her office of assignment, an Agent can be considered for a rotational transfer to a second field office depending on staffing needs. Rotational transfers will usually be based on reverse seniority utilizing the Agent's entry on duty (EOD) date at his/her office of assignment and the staffing level of his/her office of assignment. The junior-most Agent having served four years in his/her first office of assignment will be considered first for rotational transfer.

(2) An Agent having satisfied four years in his/her first office of assignment may request an Accelerated Rotational Transfer (ART) at the time his/her office of assignment has been identified for rotational transfers. An ART can be granted to Agents assigned to an office that has been identified as being over its authorized TSL to an office in which a vacancy exists.

(3) The selection of an ART will be based upon EOD and the senior Agent will be given first consideration to a specific identified office. Upon preparation of the official orders the transfer will not be canceled or amended.

(4) Agents who, prior to the adoption of this policy, were assigned first office at one of the former Top 16 field offices (Atlanta, Baltimore, Boston, Chicago, Cleveland, Dallas, Detroit, Houston, Los Angeles, Miami, Newark, New York, Philadelphia, San

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Diego, San Francisco, Washington Metropolitan Field Office), can generally expect not to be transferred on a rotational basis; however, staffing needs may require a transfer and needs of the FBI will take precedent. Those Agents may also elect to volunteer for an ART if their office has been identified as an office whose TSL was reduced.

(5) Agents who remain in their first office of assignment for over 10 years will generally not be considered for rotational transfer and may remain in their first office of assignment until afforded an Executive Development and Selection Program (EDSP), specialty, or Personnel Resource List (formally referred to as the Office of Preference (OP) list) transfer.

EFFECTIVE: 06/21/94

11-3 SPECIAL AGENT PERSONNEL RESOURCE LIST TRANSFERS (PRL)

(1) The PRL system was established to provide a means for Agents to document a preferred office of assignment. The assignment to a preferred office is NOT a system of reward nor is it a guarantee. It is, however, a means by which the personnel resource needs of the Bureau may be effectively addressed while satisfying the preferences of employees. This system is based generally upon seniority, consistent with the needs of the Bureau and budgetary considerations. Agents will be limited to one PRL transfer during their career (with limited exceptions such as those Agents who received a PRL transfer from a then-Top-12 office to another Top-12 office prior to June 9, 1987; and Agents receiving PRL transfers to Anchorage, Honolulu or San Juan can be eligible for a second PRL transfer.)

(2) Agents are obligated to keep their PRL choices current and are allowed to change PRL options in January and July of each calendar year. All PRL changes will be effected electronically ONLY in January and July of each calendar year by personnel designated within each field office and at FBIHQ front offices with access to the Bureau Personnel Management System. Strict adherence to this policy is necessary for the timely printing of the PRL. During the months of January and July, the existing PRL printout will be utilized until the revised list is printed.

(a) An Agent may select one RA within their current assignment for an intraoffice transfer. The RA preference must be submitted in writing to the Special Agent in Charge (SAC). Agents

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will be allowed to change their RA preference ONLY ONCE A YEAR DURING THE MONTH OF OCTOBER, at which time, designated personnel within each field office will have access to enter an Agent's RA preference in the Bureau Personnel Management System. Selection of Agents for transfer to an RA will be based on a field office career board recommendation to the SAC who will make the final selection.

(3) The published PRL will be made available to each Special Agent in Charge (SAC) and Assistant Director on a biannual basis for inspection by all employees. These printouts should be reviewed by Agent personnel for accuracy. Only those Agents appearing in the current PRL at the time of the PRL selection process will be considered for a PRL transfer.

(4) All employees must achieve an overall adjective rating of "Fully Successful" or above on their most recent performance appraisal to be considered for a PRL transfer, or any type of preferential transfer. Generally, the Agent must have been rated at least "Fully Successful" on each of the individual critical elements on his/her performance appraisal.

(5) If an Agent is censured and placed on probation, that Agent will not be eligible for a PRL transfer as long as that Agent is on probation. In aggravated situations involving any disciplinary matter where administrative action is warranted, an evaluation will be made on a case-by-case basis to determine if the circumstances warrant exclusion from consideration for a PRL transfer.

(6) Agents passed over for a PRL transfer due to a documented need, such as involvement in an undercover operation or other specialized needs requiring that the Agent remain in a current assignment, will be afforded the first PRL transfer into that office following completion of that assignment regardless of standing on the PRL.

(7) Agents are not eligible for a PRL transfer if they have consummated a cost transfer within the past one-year period.

(8) Agents eligible for retirement and considered for a PRL transfer must have the capability of performing at least one year of service in the requested office before being mandatorily obliged to retire, or to complete any contractual agreement signed in connection with the transfer.

(9) Agents who have consummated a cost transfer must remain in the service of the government for one year following the

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effective date of the transfer. Agents who terminate their government employment prior to the expiration of the one-year period are obligated to refund to the government all costs incurred in connection with the transfer.

(10) Agents who are incapacitated and/or are classified under the Medical Profile System, are evaluated on an individual basis to determine the feasibility of receiving a PRL transfer.

(11) Bureau staffing needs remain the paramount consideration for transfers. Specialized requirements, unique Agent skills and/or qualifications, which are not readily available elsewhere in the Bureau, are also recognized as matters which must take precedence when such needs exist. PRL transfers made out of order and other deviations from regular rotational programs resulting from these unique requirements are recorded in the appropriate FBIHQ files and approved by the Personnel Officer, Personnel Division.

(12) Agents who receive a PRL transfer to an office with direct assignment to a Resident Agency (RA) more than 200 miles from headquarters may refuse that transfer without penalty.

(13) Agents who receive a PRL transfer to Headquarters City, or an RA within 200 miles of Headquarters City, may also refuse that transfer, but in so doing, will not be eligible for another PRL transfer to any division for two years. The Agent's decision to refuse a PRL transfer should be conveyed to FBIHQ as soon as possible. The transfer must be refused prior to expending government funds in connection with the transfer. In the event government funds have been expended prior to the Agent's decision not to accept the PRL transfer, the Agent will be obligated to refund to the government all costs incurred in connection with this transfer.

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11-3.1 PRL Transfer Policy - New York and Los Angeles
Divisions

(1) Agents assigned to New York and Los Angeles will receive an additional three-year add-on for five years' continuous service and five-year add-on for 10 years' continuous service in their respective offices in determining standing on their chosen PRL. This add-on is only for PRL standing purposes and is not a formal EOD date adjustment. Once the Agent is transferred from the New York or Los Angeles Offices, the add-on no longer applies.

(2) Agents who had received an OP (now PRL) transfer to New York Office (NYO) prior to January 1, 1994 will still be eligible for a second PRL transfer subsequent to serving five continuous years at the NYO. This policy will no longer be in effect for Agents who received a PRL into the NYO after January 1, 1994.

EFFECTIVE: 06/21/94

11-3.2 Transfer Policy - Nonconus Offices

(1) SAN JUAN OFFICE

(a) SA staffing and specialty needs of the San Juan Office will be addressed by rotational and PRL transfers, as well as fieldwide canvasses for volunteers (generally, first office Agents will not be assigned to the San Juan Office).

(b) SAs assigned to San Juan will be required to serve a minimum of three continuous years and will thereafter qualify for rotational or PRL transfer under the following policy. Agents who elect to remain in San Juan must extend for one-year increments and advise FBIHQ, through the SAC, three months prior to their anniversary date.

1. THREE-YEAR POLICY: An Agent electing to serve only three continuous years in San Juan will be able to select his/her next office of assignment from five offices identified by the Personnel Division. These offices will be identified based upon field office staffing needs.

2. FOUR-YEAR POLICY: Agents electing to serve

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four continuous years in San Juan will be able to select from seven offices identified by the Personnel Division.

3. FIVE-YEAR POLICY: Upon completion of five continuous years in San Juan, and achieving an overall adjective rating of superior or above on the most recent performance appraisal, Agents will receive a transfer to their LISTED PRL irrespective of prior assignment or field office staffing levels. The Agent's RAs of preference, if any, will also be considered with the concurrence of the affected SAC, based upon existing staffing needs. Those Agents with an overall adjective rating of at least fully successful on their most recent performance appraisal will, upon completion of five continuous years in San Juan, receive a PRL transfer irrespective of prior assignment to ONE of THREE offices of the Agent's choice. Upon selection of the three offices by the Agent, the Personnel Division will thereafter select the assignment based on staffing needs existing at that time.

(c) Notwithstanding San Juan policy set forth above, any Agent who accrues SUFFICIENT SENIORITY for a PRL transfer to his/her office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of ONE year and was transferred to San Juan on or BEFORE December 4, 1996. Agents transferred to San Juan AFTER December 4, 1996, who accrue sufficient seniority for a PRL transfer to their office of choice while assigned to San Juan will be considered eligible for same, provided the Agent has been assigned to San Juan for a minimum of THREE years. This conforms with the standing requirement that all Agents transferred to San Juan must agree to serve a minimum of three years. Orders will be issued as soon as possible by the Personnel Division for Agents in San Juan who qualify for a PRL transfer under this provision.

(d) It is incumbent upon the SAC, San Juan, to advise the Personnel Division, FBIHQ, by official communication approximately 90 days prior to the completion of an Agent's current tour if an Agent does not wish to renew his/her assignment. At that time, the Personnel Division will provide the Agent a list of available offices from which to make a selection for transfer. Upon selection of an office under the three- or four-year policy, or a PRL under the five-year policy, transfer orders will be issued and received by San Juan 60 days prior to the Agent's San Juan anniversary date. Agents accepting a transfer under the three-, four-, or five-year policy will not be permitted to depart San Juan until the required term of assignment is completed.

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(e) Agents who receive a PRL transfer to San Juan Headquarters City will be required to remain in this assignment for a minimum of five years prior to being considered for a second PRL transfer.

(f) Once official transfer orders are issued, there will be no cancellations or attempts to enhance selection of assignment.

(g) Agents assigned to San Juan, who were transferred under the previous policy may elect to remain within the guidelines of that transfer policy.

(2) ANCHORAGE AND HONOLULU OFFICES

After completing a total of five years in the Honolulu or Anchorage Divisions, Agents who received a PRL transfer are eligible for a second PRL transfer, consistent with their seniority ranking and existing staffing needs.

(3) SAIPAN AND GUAM RESIDENT AGENCIES - HONOLULU DIVISION

(a) First Office Agents assigned to either the Saipan or Guam Resident Agency (S/GRA) will be required to serve a minimum of three continuous years, after which they will receive a rotational transfer to their second office, based on existing staffing and specialty needs.

(b) Agents receiving a rotational transfer to S/GRA or Agents assigned directly to the S/GRA from the Honolulu PRL will be required to serve a minimum of three years. After completion of three continuous years in either of these RAs, the Personnel Division will make every effort to rotate these Agents to an assignment in Honolulu Headquarters City, or one of the Hawaiian Island RAs.

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11-4 | PERMANENT HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See
MAOP, Part I, 11-16.5)

Requests for transfer based on a hardship must be forwarded to FBIHQ through the employee's SAC or division head. Documentation supporting the hardship and the recommendation of the SAC or division head must accompany the request.

EFFECTIVE: 06/21/94

11-4.1 | Medical Hardship (See MAOP, Part I, 11-16.5.)

(1) A request for transfer based on a medical hardship must be forwarded to FBIHQ through the employee's SAC or division head. Medical hardship transfer requests must be accompanied by supporting medical documentation (conditions existing prior to an employee's entry on duty will generally not be considered of a hardship nature). Hardship transfers may be granted, consistent with staffing needs, for articulated medical reasons such as the need to be in a specific geographic area or near a specific medical facility to address the health needs of the employee, spouse, child, or legal dependent. Medical hardship requests are reviewed by the Chief Medical Officer (CMO), FBIHQ, and in some instances by other specialists. Alternatives to a permanent transfer must first be examined, such as requesting a temporary hardship assignment. A permanent hardship transfer request should not be the first course of action.

(2) The SAC or division head must interview the employee concerning the circumstances of the hardship. Results of the interview with specific recommendation for action must accompany the request.

(3) Medical hardship transfers are preferential in nature in that an Agent receiving same may be transferred into a field office ahead of a more senior Agent who stands higher on the PRL. In light of the preceding, a permanent hardship transfer will be designated as a PRL transfer and the Agent will be ineligible for further PRL consideration.

The employee will be ineligible for a specialty or EDSP transfer if

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he/she is in receipt of a permanent medical hardship transfer. If the employee requests removal of permanent hardship status (for medical reasons) a medical report and/or tests must accompany the request for evaluation by the CMO, FBIHQ, if appropriate. Upon confirmation by the CMO for removal of the hardship the employee can be considered for EDSP or a specialty transfer.

EFFECTIVE: 06/21/94

11-4.2 | General Hardship (See MAOP, Part I, 11-16.5.)

(1) PARENTAL HARDSHIPS: Dealing with the infirmities attendant with the aging process is a common experience to all employees with living parents and in-laws. As such, employees cannot expect hardship transfers. The Personnel Division will, however, consider, with concurrent SAC approval, on a case-by-case basis, consistent with staffing needs, affording permanent hardship transfers due to parental illness, when the illness is of a life threatening nature and creates an extraordinary medical hardship. In making a transfer determination the Personnel Division will examine a number of factors to include, but not limited to: whether a TDY hardship assignment will alleviate the hardship; the parent(s)/in-law(s) ability to move to the location of the Agent; medical facilities available at the Agent's location; availability of other family member(s) to assist parent(s)/in-law(s); availability of home care services and assistance of long-distance care organizations.

(2) DIVORCE AND CUSTODY OF CHILDREN HARDSHIPS: In divorce situations where children are involved, custody and visitation problems are common developments. Due to the number of such situations employees cannot expect hardship transfers. The Personnel Division will, however, on a case-by-case basis, with concurrent SAC approval, consistent with staffing needs, consider a transfer, where there is exceptional danger to the well-being of the children that cannot be alleviated by other measures including legal process and administrative or judicial intervention.

(3) FINANCIAL HARDSHIP: Financial problems generally will not substantiate a hardship request, particularly when the basis is the inability to sell a residence in light of the transfer relocation benefits.

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11-4.3 | Hardship Transfer Review Board (See MAOP, Part I,
11-16.5.)

A Hardship Transfer Review Board (HTRB) has been established at FBIHQ, and is chaired by the Deputy Assistant Director of the Personnel Division. The Board is comprised of ASACs and representatives selected at random on a rotational basis from FBIHQ divisions. When a permanent hardship transfer request is denied, this decision may be appealed by submitting a letter to the Personnel Division, FBIHQ, requesting that the transfer denial be reviewed by the HTRB. The Board will review each case and submit a recommendation to the Assistant Director, Personnel Division, for final adjudication.

EFFECTIVE: 06/21/94

11-4.4 | Deleted |

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11-4.5 | Deleted |

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| 11-4.6 | Deleted |

EFFECTIVE: 06/21/94

| 11-5 | TEMPORARY HARDSHIP TRANSFER REQUESTS AND PROCEDURES (See
MAOP, Part I, 11-16.5.)

(1) In instances where a temporary hardship assignment would address the employee's needs to alleviate a personal hardship, a request can be made to the Special Agent Transfer Unit (SATU), Personnel Recruiting and Benefits Section, Personnel Division. The request must contain the recommendation of the employee's SAC or division head and the concurrence of the SAC at the office of temporary assignment. Requests for temporary hardship can only be made for a period of 30 days with limited 30-day extensions granted on a case-by-case basis. Documentation in support of the temporary hardship must be reviewed by the SAC or division head with an explanation of the basis for hardship in the request submitted to FBIHQ.

(2) Temporary hardship transfers must be authorized by FBIHQ to ensure that appropriate changes are made for the employee's cost code and time and attendance accountability.

(3) In the event that a temporary hardship assignment is granted, all expenses of same must be borne by the employee inasmuch as no per diem or transportation expenses are authorized.

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11-6 | TRANSFER POLICY FOR MARRIED SPECIAL AGENT COUPLES AND
FOR SPECIAL AGENTS WITH NON-BUREAU SPOUSES

(1) All SAs, including married SA couples, must be available for general and special assignment.

(2) In assignments of Agent married couples, the Bureau will make every effort to preserve a common household. Refer to Section 11-10.

(3) In assignments of Agents with non-Agent FBI employee spouses, every effort will be made to provide the non-Agent FBI employee spouse with FBI employment opportunity in the new office if such is requested; however, no guarantee as to employment, grade level, and positions available can be made.

(4) Married Agent couples will not be considered for a PRL transfer to the same office, utilizing either joint eligibility or separate eligibility methods, unless both Agents list that division on the PRL. If the Agent indicates a desire to be transferred using the joint eligibility method, he/she will be passed over on the PRL until both Agents' names appear on the same PRL. In determining seniority for PRL transfer purposes for married Agent couples, the couple may choose joint PRL eligibility by EOD averaging. This method guarantees a "common household" PRL transfer - both would be transferred together.

(5) Married Agent couples may choose separate PRL eligibility based on their own EODs. Under this method, each Agent must qualify for a PRL transfer based solely upon his/her own seniority. Subsequently, if the Agent accepts a PRL transfer utilizing this separate PRL eligibility method, any resulting separation will not be the basis for "common household" or hardship transfer consideration.

(6) Married Agent couples need not preselect one eligibility method. Rather, they may choose either the joint or the separate method at the actual time they qualify for PRL selection. In the event that one of the Agents has received a PRL transfer during his or her career, the married Agent couple MUST select the separate PRL eligibility based solely on the EOD of the Agent who has not received a PRL. The spouse will be accommodated through a no-cost common household transfer.

(7) Due to the large number of employees with working

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spouses, requests for transfer or for transfer cancellation based upon the outside employment of an Agent's non-Bureau spouse are considered preferential in nature and will not be approved regardless of the spouse's income, career advancement, or restricted geographic employment of the spouse.

An exception to this policy will be considered only if the spouse is employed by another DOJ law enforcement agency. In these instances the transfers will be at no-cost to the Bureau, as described below in connection with no-cost transfers.

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11-7 REMOVAL FROM EXECUTIVE DEVELOPMENT AND SELECTION PROGRAM (EDSP) (See MAOP, Part I, 3-7.1.)

(1) All SAs who accept transfer to FBIHQ will remain assigned to the greater Washington, D.C., area for a minimum of two years regardless of their standing on the PRL, unless staffing or specialty needs dictate they be transferred elsewhere.

(2) A Supervisory Special Agent (SSA) who has served two years at FBIHQ and requests removal in writing from the EDSP will be afforded a PRL transfer only if that Agent is number one on the PRL for the desired office and that office has a staffing need.

(3) An SSA assigned to FBIHQ who requests removal in writing from the EDSP and does not qualify for a PRL transfer as set forth in (2) above, will be reverted to a GS-13 and transferred, at no-cost to the government, to Washington Field Office or Baltimore (unless staffing needs dictate otherwise) and, thereafter, be afforded the same PRL considerations as any other Agent.

(4) An SSA assigned to a field division who requests removal in writing from the EDSP will be afforded a PRL transfer only if that Agent is number one on the PRL for the desired office and a staffing need exists; otherwise, the Agent will remain assigned, in an investigative capacity, in that same division with the same PRL eligibility as any other Agent and revert to a GS-13.

(5) Under exceptional circumstances and where critical operational/administrative needs dictate, an SSA assigned to FBIHQ (having completed two years at FBIHQ) who requests removal in writing

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from the EDSP but does not stand number one on the PRL for the desired office, or that office does not have a current staffing need, may request removal from the EDSP and remain in his/her current assignment. This is contingent upon the approval of the division head and concurrence of the Special Agent Mid-Level Management Selection Board, until attaining number one standing on the PRL and a staffing need exists in the respective office; otherwise, he/she will be transferred in accordance with (3) above. The Agent will not be considered for further administrative advancement and will not be allowed to apply for positions in the EDSP while awaiting movement into the desired office.

(6) Requests by SSAs for removal from the EDSP should be forwarded through the employee's SAC or division head to the Administrator, EDSP, with a copy to SATU. The request must contain the statement that the SSA is willing to accept a reduction in grade in connection with the request, if appropriate, and should identify particular offices of assignment preferred by the Agent. An SSA requesting removal from the EDSP resulting from the directed transfer of his/her Bureau-employed spouse must also be willing to accept a reduction in grade, however, may remain in the EDSP as a relief supervisor.

EFFECTIVE: 03/25/97

11-8 | UNDERCOVER TRANSFER POLICY

(1) Selection of Undercover Agents (UCA) will continue to be made by the Criminal Investigative Division (CID) and the National Security Division (NSD). Upon identification of candidates for a particular assignment, the Personnel Division will review the selections for transfer eligibility. After the Personnel Division's review, CID or NSD will select the UCA for the assignment and, thereafter, make recommendations to the Personnel Division regarding transfer of that individual depending on the particular operation and duration of the assignment. After [REDACTED] undercover operation, [REDACTED] is authorized, consideration will be given to permanently transfer the UCA to that office taking into account staffing and budgetary considerations. In intelligence undercover operations, [REDACTED]

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[REDACTED]

(2) Upon completion of an undercover assignment or termination of an operation, CID or NSD may make recommendations for transfer of the UCA:

(a) [REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(3) If transfer is deemed appropriate, the Agent will be afforded a PRL transfer provided he/she is net #1 on the PRL and a staffing need exists. If the Agent does not qualify for a PRL transfer, the Personnel Division will make a selection for transfer assignment based on staffing requirements.

(4) A PRL transfer will not be used as a reward in connection with undercover assignments.

EFFECTIVE: 06/21/94

11-9 | AMENDED TRANSFERS (See MAOP, Part II, 1-3.3.)

An amended transfer from Headquarters City to an RA does not constitute a second full-cost transfer, but is rather a continuation of the original transfer. Therefore, it is necessary that the SAC endeavor to make a decision to amend the pending transfer of an Agent directly to an RA before the Agent reports to the division or, in the case of a new Agent, before the Agent graduates from new Agents' training. In the event further evaluation is believed necessary, this decision may be deferred but should be submitted no later than 30 days following the Agent's arrival in the division. The Agent should be advised that his/her transfer may be amended, and this notification documented, so that appropriate arrangements may be made. It is also necessary to ensure that an Agent does not incur unnecessary and possible nonreimbursable expenses in connection with

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his/her relocation.

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11-10 [NO-COST TRANSFERS (See MAOP, Part I, 11-6.)

(1) No-cost transfers generally will not be approved because of their adverse impact upon other transfer policies. Exempt from this policy are married SA couples. FBI Agents assigned to different field offices who are married or committed to marriage may receive a no-cost transfer to one of the field offices selected by the Personnel Division where the Agents are assigned consistent with staffing needs of those offices. Upon certification of marriage or marriage commitment, a common household transfer will be afforded. In this instance, the transfer expenses may not be paid as the request for transfer is for the convenience and benefit of the employee.

(2) Agents married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer to a field office where their spouse is assigned, consistent with staffing needs. The other DOJ law enforcement agency's ability to transfer the spouse will also be considered in these situations.

(3) If an FBI Agent receives a directed transfer, his/her Agent spouse may, at their request, receive a no-cost common household transfer to accompany their spouse.

(4) FBI SAs married to employees of other DOJ law enforcement agencies may, at their request, receive a no-cost common household transfer, consistent with staffing needs, to accompany their spouse who has received a directed transfer.

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11-11 | SPECIALTY TRANSFERS

(1) Specialty needs of the field offices are generally identified by the SAC through the annual staffing survey submitted to the SATU at the beginning of the Fiscal Year. For essential skills that arise through personnel transfer, retirement, or other circumstances, the SAC may make a separate specialty request to the SATU. An employee who receives a specialty transfer will be expected to serve in that capacity for at least three years at the discretion of the SAC.

(2) The following categories will be considered for specialty transfers:

- (a) Bureau Pilot-In-Command (PIC);
- (b) Technically Trained Special Agent (TTA);
- (c) Agent with foreign language ability;
- (d) Field office Principal Legal Advisor (PLA);
- (e) Special Agent Accountant (SAA)

(3) For specialty requests for Bureau PICs, Agents with foreign language ability, and SAAs, SATU will review the appropriate field office PRL list. SATU will identify the Agents on the PRL with the essential skill. A list of these SAs, by seniority, will be forwarded to the substantive desk, if needed, for technical concurrence. In the case of PICs, the Aviation and Special Operations Unit will make the review. Consideration for transfer for Agents with foreign language ability will be based on the Agent's tested skill level of three or better and the concurrence of the FBIHQ substantive desk concerning the field office's need for a specific language skill. The Agent who receives a specialty transfer and is on the PRL for that office will be considered to have received a PRL transfer.

(4) In the event that an Agent with the essential skill cannot be found on the PRL, the SATU will advertise the specialty requirement fieldwide. Candidates will then be selected from a list of Agents responding to the advertisement. Consideration for selection will be based on a number of factors to include; TSLs of the field office the Agent is assigned; impact on the field office of assignment if a transfer was effected; seniority of the respondent; and recommendation of the substantive unit, if required. The Agent

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transferred under these conditions will not be considered as receiving a PRL transfer, and the Agent will maintain his/her eligibility on the PRL.

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11-11.1 | Principal Legal Advisor (PLA) Program

The selection of candidates to fill PLA vacancies will be accomplished through fieldwide advertisements of the vacancy. SATU will furnish the Office of General Counsel (OGC) a list of candidates who have expressed an interest in the PLA vacancy. OGC will, thereafter, evaluate each candidate. OGC will consider staffing, budgetary constraints, the PRL, and the recommendation of the appropriate SAC or division head prior to making its recommendation to SATU for the best qualified Agent attorney to fill the PLA vacancy.

EFFECTIVE: 06/21/94

11-11.2 | Technically Trained Agent (TTA) Program

The selection of candidates to fill TTA vacancies will be accomplished through fieldwide advertisements of the vacancy. SATU will furnish the Information Resources Division, Engineering Section, a list of candidates who have expressed an interest in the TTA vacancy. The Information Resources Division, Engineering Section, will, thereafter, evaluate each candidate and make its recommendation to SATU for the best qualified TTA to fill the vacancy.

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| 11-11.3 | Moved to 11-14.3 |

EFFECTIVE: 06/21/94

| 11-11.4 | Moved to 11-14.4 |

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| 11-11.5 | Moved to 11-14.5 |

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| 11-11.6 | Moved to 11-14.6 |

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| 11-11.7 | Moved to 11-14.7 |

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11-11.8 | Moved to 11-14.8 |

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11-12 HOSTAGE RESCUE TEAM (HRT) TRANSFER POLICY | (See MIOG,
Part I, 244-7.) |

The following procedures for transfer are available to HRT members designated as operators.

(1) Agents who are selected for HRT and have completed the three-year commitment, as an operator, have the following transfer options:

(a) To report to |WFO| as part of the Agent work complement.

(b) If number one on the PRL, will be afforded a PRL transfer to that office consistent with staffing needs and budgetary restraints.

(c) Accepting a specialty transfer other than an HRT specialty transfer consistent with fieldwide operational needs (such as undercover assignments), or promotional opportunities available to SAs of the FBI.

(2) Agents who have completed a four-year commitment will have an additional specialty transfer option. After completion of four years as an HRT operator, SAs will be afforded the opportunity to accept the HRT specialty transfer to any field office, based on the operational/specialty needs of that office. Agents eligible for an HRT specialty transfer based on the operational needs of a field office will be selected from qualified team members on the PRL, based on the recommendation of the HRT management, consistent with the staffing needs of the HRT. | In the event a qualified and recommended HRT team member cannot be found on the requesting office's PRL, the HRT specialty transfer will be offered to other HRT members under the same criteria. The HRT member transferred under these terms will not be considered as having received a PRL transfer, and the Agent will maintain his/her PRL eligibility. | Prior to the

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issuance of such a transfer, a field office must have a documented critical need for an HRT-trained Agent. The transfer will be coordinated with the CID.

(3) In the event no current HRT member is available for a specialty transfer, the requesting field office will be offered assistance by the HRT in training available field office personnel in needed HRT proficiency. This will be accomplished consistent with HRT availability.

(4) Agents who have successfully completed a five-year assignment on the HRT will have the above transfer options and the following option. At the conclusion of an Agent's fifth year of service on the HRT, consistent with budgetary considerations, he/she will be given a list of seven offices that have a need for an Agent. The Agent will be afforded the opportunity to receive a transfer to one of the seven offices he/she selects. The office selected will not be considered a PRL unless so designated by the Agent transferred. If the Agent declines to exercise this transfer opportunity, he/she may remain on the team and be given a list of seven offices at the end of each year of service until he/she exercises this transfer option.

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| 11-12.1 | Moved to 11-15.1 |

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11-13 | SPECIAL AGENT REINSTATEMENT ASSIGNMENT POLICY

Assignment of SAs who have been reinstated will be determined by the SATU based strictly on the needs of the Bureau. The Agent will be given the opportunity to indicate geographic preferences; however, ultimate assignment will be determined by the staffing needs of the field offices as well as the need for any skills the Agent may possess. First consideration will be given to assign the Agent to his/her last office of assignment. Unique and unusual situations will continue to be addressed separately and evaluated on a case-by-case basis; for example, reinstating an Agent who qualifies for a PRL or who is married to an on-board Agent.

EFFECTIVE: 06/21/94

11-13.1 | Moved to 11-16.1 |

EFFECTIVE: 06/21/94

11-13.2 | Moved to 11-16.2 |

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11-13.3 | Moved to 11-16.3 |

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EFFECTIVE: 06/21/94

| 11-13.3.1 | Moved to 11-16.3.1. |

EFFECTIVE: 06/21/94

| 11-13.4 | Moved to 11-16.4 |

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| 11-13.5 | Moved to 11-16.5 |

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| 11-13.6 | Moved to 11-16.6 |

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| 11-13.7 | Moved to 11-16.7 |

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EFFECTIVE: 06/21/94

| 11-13.8 | Moved to 11-16.8 |

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|| 11-14 | TRANSFER TO FOREIGN OFFICES, ANCHORAGE, HONOLULU AND
SAN JUAN - SPECIAL AGENT AND SUPPORT

EFFECTIVE: 06/21/94

|| 11-14.1 | Service Agreement (FD-382) (See Legal Attache Manual,
2-6.1 and 4-4.1.)

Employees selected for assignment in the offices set out below must execute a service agreement to serve tours of duty as specified:

(1) Anchorage and Honolulu - Agents and support personnel must serve two years with subsequent tours of one, two, or three years at the employee's option.

(2) Legal Attache Offices - Agent and support personnel must serve an initial three-year tour of duty with subsequent tours of one or two years at the employee's option. Assignment to high-threat and/or hardship post so designated by the Department of State will be for a two-year period, and the employee may request an additional tour of one, two, or three years.

FBIHQ must be informed of Legat employee's intention to request, or not request, an additional tour of duty or extension of current tour at least one year prior to the date the employee completes current

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tour of duty. FBIHQ must be informed of the employee's home leave and/or leave plans for purpose of travel to U.S. place of residence at least three months prior to employee's completion of a tour of duty.

(3) San Juan - Agents - three years for initial contract, renewable annually thereafter. Agents are entitled to receive home leave at the conclusion of their first two years and after their third year. Agents who sign an agreement to remain a fifth year will also be entitled to home leave after their fourth year.

(4) San Juan - Support Personnel - two years with subsequent tours of one, two, or three years at the employee's option.

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||11-14.2| Execution of Service Agreement

(1) An original and two copies of the Service Agreement will be attached to the letter of transfer to Anchorage, San Juan, Honolulu, and foreign offices. All must be executed and the original and one copy should be returned to FBIHQ. The second copy should be retained in the field file.

(2) The Service Agreement must be executed by employee before the Bureau can pay any transfer-related expenses, including travel and transportation of employee, employee's family, and household goods. The terms of the Service Agreement must be fulfilled before the Government will pay return expenses. If the terms of the Service Agreement are not completed because of separation from service, the reasons for separation must be beyond the control of the employee and agreeable to FBIHQ before return expenses are paid by the Government.

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||11-14.3| Annual Leave, Home Leave, Travel, and Additional Tours
(See Legal Attache Manual, 2-6.1.)

(1) A new Service Agreement must be executed by overseas personnel seeking an additional tour of duty. The new agreement must be completed prior to the termination of the existing tour of duty. Advise FBIHQ at least three months prior to completion of existing tour of employee's intention to seek an additional tour and employee's plans concerning annual and/or home leave travel.

(2) Employees and dependents are eligible for travel and transportation expenses to their home of record after completion of the agreed tour of duty and execution of an additional Service Agreement for a subsequent tour. For detailed information concerning travel and transportation allowances, see Chapter 2, Federal Travel Regulations.

(3) Employees assigned to foreign offices, who have completed twenty-four months of continuous service and have executed a new Service Agreement, are entitled to additional leave, termed home leave, in addition to travel and transportation expenses. Employees ear home leave for each 12 months of service abroad. For details concerning home leave see the LEAVE ADMINISTRATION GUIDE

(4) In the event of any change of legal residence in the United States, employee must execute a new Service Agreement showing that change which must be approved by the Bureau before commencing any annual leave or home leave travel.

EFFECTIVE: 06/21/94

||11-14.4| Physical Examinations

|Support|personnel transferred to San Juan and foreign offices must be afforded a physical examination. Results of the examination and any special tests required by FBIHQ must reach the Bureau prior to departure of employee to new office of assignment.

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||11-14.5| Cost of Living Allowance

Employees assigned to Anchorage, Honolulu, and San Juan are entitled to a cost of living allowance not subject to Federal income tax. The amount of allowance fluctuates based on periodic studies made by the U.S. Department of Labor. Employees should contact FBIHQ, Finance Division, Accounting Section, to determine the current allowance.

EFFECTIVE: 06/21/94

11-14.6 Transportation of Household Goods

Relocation Management Office, Fleet Management and Transportation Services Unit, Finance Division, will handle necessary arrangements for transportation of household goods of employees. For details, see Part II, 6-2.2.1 through 6-2.2.3, of this manual.

EFFECTIVE: 08/09/95

11-14.7 Checks and Bonds

In the event employee does not want checks and/or bonds forwarded to their home address, FBIHQ, Accounting Section, should be given instructions as to their handling.

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||11-14.8| Income Taxes

Employee should be aware of regulations concerning payment of Federal and local income taxes. Residence in a foreign country may not excuse employee from being taxed by authority covering previous office of assignment. Immediately advise FBIHQ should a controversy arise with any taxing authority.

EFFECTIVE: 06/21/94

||11-15| TRAINING OF EMPLOYEES FOR FOREIGN ASSIGNMENT | (See MAOP,
Part II, 8-2.3.)|

Material on living conditions in Honolulu, Anchorage, San Juan, and our foreign installations will be furnished to the employee upon transfer. SAC should arrange for an employee under foreign transfer to utilize local library facilities for appropriate books concerning the culture and background of the country of assignment.

EFFECTIVE: 06/21/94

||11-15.1| Training of Support Employees for Foreign Assignment

(1) Field Support Functions - Support employees selected for foreign assignment must, before their departure, receive two full weeks' training in field support functions. SACs should ensure that the training afforded them is type they would need if they were assuming duties of Administrative Officer in small- to medium-sized office and should encompass the following:

(a) Handling of mail (including stamping, searching, matching, indexing, serializing, etc.)

(b) Opening and closing cases

(c) File reviews

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Memoranda

- (d) Preparation of administrative report
- (e) Preparation of expense accounts
- (f) Handling and filing of SAC letters and SAC

file

- (g) Preparation of 1-A serials and bulky exhibits
- (h) Tickler systems
- (i) Maintenance, consolidation, and destruction of
- (j) Deleted
- (k) Operation of duplication machine

(l) Preparation of vouchers connected with operation of official cars and maintenance of office fund records

(2) Cryptographic systems - Employees under transfer to foreign offices will be given three to five days' training at FBIHQ in the operations and security of cryptographic systems.

(3) Briefing by SAC or division head at FBIHQ - For various reasons, it is not always possible to bring field support personnel selected for foreign assignment to FBIHQ for briefing before their departure. SACs should call employees' attention to fact that while in foreign office of assignment they will be known as an employee of the American Embassy, insofar as general public is concerned, although official contacts of the office know of relations between Bureau and Legal Attache's office.

(4) Conduct - It should be stressed that conduct abroad must be maintained at all times in accordance with Bureau standards. In matters of conduct and dress, employees must adhere to good taste within the standards of the country to which they are assigned. Inform employee that if employee plans to take his/her personally owned automobile, uniform regulations maintained by the U.S. Posts require that only inconspicuous automobiles should be imported.

(5) Instructions by Legal Attache - Legal Attaches are responsible to ensure new employees are instructed in maintenance of teletype records, listing and preparation of pouches, security of information pertaining to pouch preparation, maintenance of pouch

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records and use of courier service. Legal Attache must also ensure new employee is afforded cryptographic systems training and in the preparation, handling, and dissemination of classified documents. Legal Attache should also instruct new employees in maintenance of security peculiar to the Attache operations, including the use of the telephone, personal contact, disposal of trash, and social gatherings.

EFFECTIVE: 06/21/94

| 11-15.2 | Moved to 11-18.2 |

EFFECTIVE: 06/21/94

| 11-15.3 | Moved to 11-18.3 |

EFFECTIVE: 06/21/94

| 11-15.4 | Moved to 11-18.4 |

EFFECTIVE: 06/21/94

| 11-15.4.1 | Moved to 11-18.4.1 |

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EFFECTIVE: 06/21/94

| 11-15.4.2 | Moved to 11-18.4.2 |

EFFECTIVE: 06/21/94

| 11-15.4.3 | Moved to 11-18.4.3 |

EFFECTIVE: 06/21/94

| 11-15.4.4 | Moved to 11-18.4.4 |

EFFECTIVE: 06/21/94

|| 11-16 | SUPPORT PERSONNEL TRANSFER POLICY

EFFECTIVE: 06/21/94

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||11-16.1| General Policy

Under normal circumstances field office vacancies are filled by local recruitment into entry level positions rather than by transfer from FBIHQ or from another field office. Exceptions are discussed in subsequent items.

EFFECTIVE: 06/21/94

||11-16.2| Office of Preference Lists

No OP list is maintained for support employees except for those employees who are assigned to a special position and subject to transfer either on a permanent or temporary basis as a part of their employment agreement or career path. Such OP lists are maintained by the FBIHQ division having program responsibility for the position.

EFFECTIVE: 06/21/94

||11-16.3| Special Position Transfer Policy

Incumbents of Accounting Technician, Automotive Maintenance, and Language Specialist type positions are subject to transfer at the convenience of the Bureau as a condition of their employment and/or retention in a specific career path. Although every effort will be made to fill vacancies while honoring an individual employee's choice of assignment to a given office, the needs of the service take preference. Specific recommendations for transfer are made by the various FBIHQ program managers consistent with existing policy governing each position and overall budgetary and manpower considerations. If a transfer cannot be accepted, it may be necessary to remove an employee from his/her position.

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EFFECTIVE: 06/21/94

11-16.3.1 Electronics Technician (ET)/Telecommunications
Manager (TM)

(1) ET/TM vacancies will be filled in the most cost-effective manner available to the government, taking into consideration the current and projected technical demands placed upon the existing technical personnel complement of the affected field office.

(2) Supervisory ET and TM positions will be filled through a competitive posting of interested, qualified field ETs. Qualified applicants will be reviewed by the FBIHQ, Engineering Section ET Career Board for selection and recommendation of replacement individual.

(3) Deleted

(4) Critical nonsupervisory ET vacancies will be posted through a fieldwide announcement, outlining required technical skills, education and work experience. Interested employees must provide a written response outlining personal qualifications, SAC's recommendation and Supervisory ET recommendation.

(5) Routine nonsupervisory ET vacancies will be filled either through in-house promotions or recruitment of an entry-level applicant or reassignment of an ET with a written request for a no-cost transfer. In the event none of the above meets the personnel needs for the affected office, consideration will be given to a cost transfer of a qualified ET, following guidelines set forth in (4) above.

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||11-16.4| Hardship and Personal Convenience Requests

(1) As previously noted, field office vacancies are normally filled by local recruitment and not by transfer. However, the Bureau will consider individual requests based on a hardship or for the employee's personal convenience provided a vacancy exists and no other employee will be denied a promotional opportunity and it is determined to be in the Bureau's best interests to effect such a transfer. Consideration will be given based on circumstances existing at the time of receipt of the employee's request. No OP list is maintained.

(2) No support employee, or anyone acting in his/her behalf, is to personally contact another office inquiring about OP possibilities. Employees are not to be told of an existing vacancy in another field office or encouraged to seek transfers from their present office of assignment. Transfer requests made by an employee to another office should be made a matter of record. Advise FBIHQ and employee's present office of assignment of the request and instruct employee to discuss request with SAC or division head. Under no circumstances should an employee's present SAC or division head discuss employee's chances for the requested transfer or what recommendation was made to FBIHQ concerning a request.

EFFECTIVE: 06/21/94

||11-16.5| Employee Responsibility

An employee desirous of being considered for a transfer based on a hardship or for his/her own personal convenience must prepare a memorandum from himself/herself to his/her division head or SAC that includes the following information:

(1) Detailed reason(s) necessitating the request. (Refer to 11-4|through 11-4.3 and 11-5|of this section concerning hardship transfer requests and procedures.)

(2) Specific office to which employee desires to be assigned.

(3) Statement as to willingness to defray any and all

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expenses that may be incurred in connection with a transfer and to accept a demotion if necessary.

EFFECTIVE: 06/21/94

||11-16.6| Division Head and SAC Responsibility

The employee's division head or SAC must forward the employee's request to the Personnel Management Section, PD, giving sufficient information upon which to base a determination in employee's case. The following data should be included:

(1) Whether or not alternate solutions have been explored to solve the employee's problem.

(2) Comments concerning employee's work and attendance records. A performance appraisal of less than Fully Successful and an attendance record less than satisfactory will preclude consideration. In addition, employee must have satisfied all work and training agreements.

(3) Assessment as to the merits of the employee's request and the recommendation of the division head or SAC.

(4) Whether or not it will be necessary to replace the employee should a transfer be effected.

(5) In the case of a field office employee requesting transfer to another field office, copies of the employee's memorandum and SAC's transmittal letter should be forwarded to the other office. The receiving office should immediately advise the Personnel Management Section, PD, and the submitting office whether or not a vacancy exists for which the employee is qualified and if the employee's assignment to that office is acceptable. Except in rare circumstances, an office will not be allowed to exceed the approved complement of the office to accommodate a transferee. Even though both field offices are mutually agreeable to a transfer request, final decision will be made at FBIHQ after evaluation of all factors. (Refer to Part I, 1-15.1 of this manual.)

(6) Contact by employees with a field office concerning a transfer is limited to Personnel Management Section employees

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specifically assigned to handle such matters.

EFFECTIVE: 06/21/94

11-16.7 Office Unable to Fill Vacancy in Key Position

Administrative Officer and top Support Services Supervisor vacancies are posted throughout FBIHQ and all field offices. In the event a field office has no qualified candidate to fill another key position, such as Financial Analyst, FBIHQ will consider a request to announce the vacancy through all offices in order to assist in filling such position. Offices should submit such requests to the Staffing Unit, Personnel Management Section, Personnel Division, FBIHQ. Any transfer resulting from filling a vacancy such as this will be considered in the best interest of and for the Bureau's convenience.

EFFECTIVE: 07/17/95

11-16.8 Payment of Transfer Expenses

Costs incurred in connection with transfers made for the convenience of the Bureau will be borne by the Government. Costs incurred in connection with transfers made for the convenience of the employee will be borne by the employee.

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11-17. TEMPORARY DUTY ASSIGNMENTS

(1) Circumstances under which temporary duty (TDY) assignments for Special Agent (SA) and/or support personnel can be requested:

(a) Unique specialities which the requesting division is unable to address from within its existing complement, such as language ability.

(b) An investigation of such magnitude that the requesting division can justify additional personnel.

(2) Requirements that must be met before requesting a TDY assignment. The only requirement necessary in TDY requests for unique specialities is a demonstrated deficiency in that speciality. Otherwise, the following requirements apply to TDY requests for additional investigative/support personnel in cases of such magnitude wherein such assistance is deemed necessary. The requesting division is to:

(a) Cancel all extended annual leave.

(b) Curtail in-service training during the pertinent period of time.

(c) Curtail the physical training program during the pertinent period of time consistent with workload demands.

(d) Ensure all available personnel from the existing on-board complement are fully occupied on priority work.

(3) Procedures for requesting TDY assignments. All requests must be supported by specific documentation which should be communicated to FBIHQ at the earliest possible time.

(a) The Special Agent Transfer Unit (SATU), Personnel Division, is to be advised of all Agents designated for any operational TDY assignment in excess of seven calendar days. This will also include TDY assignments to contiguous divisions and intradivisional TDY assignments on SAC authority. This requirement is not applicable to travel outside of the division that is related to Special Operations Group (SOG) assignments, training, court appearances, or administrative duties.

(b) Requests are to be supported by specific

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documentation and communicated to FBIHQ at the earliest possible date.

1. Where SA personnel are requested, the communication is to be directed to the appropriate investigative division with a copy to SATU, Personnel Division.
2. Where support personnel are requested, the communication is to be directed to the appropriate investigative division with a copy to the Staffing Unit, Personnel Division.
3. Request for SAs with foreign language abilities are to be directed to the Language Services Unit, Laboratory Division (LD), with a copy each to the appropriate investigative division and SATU, Personnel Division.

(c) Special Support Personnel:

Requests (with appropriate documentation) are to be directed to the Program Manager in the appropriate division, with a copy to the Staffing Unit, Personnel Division. Divisional responsibility it as follows:

- Accounting Technicians - (See Financial Assistants)
- Auto Maintenance Technicians - Automotive Management Unit, Finance Division
- Drug Intelligence Analysts - Criminal Informant Unit, Intelligence Section, Criminal Investigative Division (CID)
- Electronics Technicians - Engineering Section, Information Resources Division (IRD)
- Financial Assistants/Financial Analysts - Financial Crimes Section, CID
- Investigative Assistants (IA) - Operational Support Section, CID
- Intelligence Information System Analysts - National Security Division
- Investigative Support Information System Analysts - Investigative Support Systems Unit, IRD
- Language Specialists - Language Services Unit, LD
- Legat Personnel - Liaison and International Affairs Section, CID
- Organized Crime Information System Analysts - Criminal Informant Unit, Intelligence Section, CID
- Pilots - Aviation and Special Operations Unit, Critical Incident Response Group

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Special Surveillance Group (SSG), Special Operations
Assistants (SOA) - CI-3, National Security Division

(d) General Support Personnel:

Requests (with appropriate documentation) are to be directed to the Staffing Unit, Personnel Division, and the proper FBIHQ division with investigative and/or administrative oversight for the matter creating the need for assistance. Documentation should include steps taken by the division in an attempt to address the work situation which has created the need for assistance. Once approved, Staffing Unit will coordinate a canvass of pertinent divisions for available qualified personnel based on the expressed needs of the requesting division. General support includes office automation clerks/assistants, confidential clerks (OA), file clerks, rotor clerks, secretaries, data loaders, etc.

(4) To ensure necessary administrative steps are taken within the automated Bureau Personnel Management System, field offices and FBIHQ divisions requesting TDY general or special support assistance should ensure that Staffing Unit, Personnel Division, is properly notified of the dates the assignment begins and ends. Requests for extensions for both SA and support TDY assignments should be submitted as soon as possible, preferably 30 days in advance, to allow for appropriate notification of all entities involved in administration of TDY assignments, e.g., Budget, Payroll, etc.

(5) Time and attendance responsibilities for TDY personnel should be assumed by the requesting office upon arrival of TDY personnel and continue through the entire TDY assignment. Time and attendance responsibilities will be reassumed by the home office on the first day following the conclusion of the TDY assignment. It is the responsibility of the requesting office to notify Staffing Unit and the home office prior to or immediately following the conclusion of a support TDY assignment to ensure administrative pay procedures are redesignated to the employee's official office of assignment.

(6) Overtime for special and general support personnel must be requested and approved in advance. In the field these requests should be coordinated through the Administrative Officer's administrative staff, who should direct requests to FBIHQ, Attention: Budget Execution Unit, Finance Division.

(7) Travel costs and per diem will be at the expense of the requesting office in cases where requested assistance is for the purpose of maintaining normal field office operations. In the event

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of a Major Case, Special Event or other significant investigative and/or administrative matter where the appropriate FBIHQ division has made arrangements for appropriations, travel expenses may be covered by the Special Travel Reserve. In these instances, travel expenses will be charged to a specific account number which will be provided by Staffing Unit at the time all TDY arrangements are made. Failure to use this account number will result in all expenses being absorbed by the employee's official office's existing travel budget. There will be no recourse.

(8) Employees who will be on TDY in excess of 14 days, who do not have automatic deposit and who desire their Earnings and Leave Record to be forwarded to their TDY office of assignment, should execute Form FD-655 and submit to the Accounting Section, Payroll Administration and Processing Unit, FBIHQ, as soon as possible. In those cases where time does not permit routine submission of the FD-655, the employee must contact the Payroll Administration and Processing Unit as soon as possible.

(9) All correspondence captions should include the phrase "Temporary Assistance (TDY)," with reference to pertinent case title(s), field office file number(s) or Universal Case File Number and/or FBIHQ file number, if known. SSG/SOA correspondence must include the case title. Correspondence in response to a canvass or ongoing TDY assignment should include the employee's official Bureau name, specialty, title, and social security number. In all cases, the designation of copies should include the Administrative Officer.

It is recommended that divisions establish administrative control files to track all TDY requests for assistance as well as assistance provided to other divisions of special and/or general support personnel.

(10) Personal convenience/hardship TDY assignments for SUPPORT PERSONNEL will continue to be considered on a case-by-case basis and should be coordinated with Staffing Unit, Personnel Division. All travel and per diem costs associated with this type of assignment are at the expense of the requesting employee. Such assignments are normally arranged for an initial period of up to 90 days, but can be for a shorter period. Extensions of up to 90 additional days will be considered based on the individual's situation and the needs of both offices. (See MAOP, Part I, 11-5.)

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EFFECTIVE: 07/31/95

11-17.1 Procedures for Recording Interest in TDY Assignments to
Legal Attache (Legat) Offices

SA and/or support personnel who are interested in TDY assignment to a Legat office should prepare a Form FD-826 to their immediate supervisor expressing their interest. The FD-826 should include specific skills, language ability, etc., that the employee possesses which would be beneficial in a Legat office and should also specify which area of the world the employee is interested in serving (i.e., Far East, Europe, or the Americas). It will be left to the discretion of each supervisor which FD-826's are forwarded to the SAC or Assistant Director for review and final approval. Once approved by the SAC or Assistant Director, the employee's name should be forwarded to the Division's Administrative Office for entry into the Bureau Personnel Management System (BPMS). The Liaison and International Affairs Section (LIAS), Criminal Investigative Division, which manages Legat operations, will run periodic reports of employees expressing interest in foreign TDY assignment and, when a Legat requires TDY assistance, will contact the appropriate SAC or Assistant Director to determine the availability of qualified employees who have expressed an interest in that particular Legat office.

EFFECTIVE: 01/13/95

11-18 DETAIL ASSIGNMENTS OF EMPLOYEES OUTSIDE THE FBI

The Office of Personnel Management (OPM) and Department of Justice (DOJ) require prior approval before an employee may be detailed to another position, particularly if the employee is being detailed from an excepted service position to a competitive service position. This approval requirement is mandated by Civil Service Rule 6.5 which stated that "No person who is serving under an excepted appointment shall be assigned to the work of a position in the competitive service without prior approval of OPM."

|(See MAOP, Part I, 1-28, for conduct of employees on detail.)|

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EFFECTIVE: 07/12/94

||11-18.1| Details Within the DOJ

(1) If the position to which the FBI employee is to be detailed is another excepted service position, details can be made in 120-day increments up to a maximum total detail of one year. Extensions beyond one year will then require prior OPM approval.

(2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is required.

EFFECTIVE: 06/21/94

||11-18.2| Details Outside the DOJ

Any proposed detail (or extension of same) of an FBI employee to an organization outside the DOJ for 30 days or more must be submitted for approval of the Deputy Attorney General (DAG) through the Justice Management Division, DOJ.

(1) If the position to which the FBI employee is to be detailed is another excepted service position, only the DAG approval is necessary.

(2) If the position to which the FBI employee is to be detailed is a competitive service position, prior OPM approval of the proposed detail is also required.

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||11-18.3| Procedures for Approval

(1) In order to determine what approval is required, it will be necessary to obtain an official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.

(2) Requests for approval must be submitted to the Staffing Unit, Personnel Management Section, PD, with sufficient time to seek the appropriate approval from either DOJ or OPM. DOJ approvals average three weeks. OPM approvals usually take longer.

(3) To alleviate problems concerning the information needed to detail an employee, the following must be provided to Staffing Unit, PD:

- (a) The employee's official Bureau name, title, and grade.
- (b) The name of the organization to which the detail is proposed.
- (c) The proposed beginning and ending dates of the detail.
- (d) An official position description from the agency to which the employee is being detailed. This position description must be reflective of the duties the employee will be performing with the other agency and should indicate whether the position is in the excepted or competitive service.
- (e) Reimbursable or nonreimbursable arrangement. A memorandum of understanding/reimbursable agreement must be submitted to PD from the requesting agency advising of all items being reimbursed with a contact (name, address, and telephone number) in order for the FBI to bill the requesting agency.
- (f) The purpose of the detail and individual organizational benefits.

(4) Upon arrival in the other agency, a Notification of Personnel Action (SF-50) will be prepared which will include the time limitations of the detail. Although the employee's cost center will

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change to reflect assignment to another agency, the employee will be headquartered to the division that is requesting the detail. This division will be responsible for continuing any administrative matters (i.e., time and attendance records, Bureau correspondence, etc.) for the employee.

The determination as to whether detailed Special Agents will be counted as part of a division's Target Staffing Level will be made by the Resource Management and Allocation Board.

EFFECTIVE: 06/21/94

||11-18.4| House Appropriations Committee - Surveys and
Investigations Staff| (See MAOP, Part I, 3-8.)|

EFFECTIVE: 06/21/94

||11-18.4.1| Introduction

(1) Many of the programs handled by the House Appropriations Committee - Surveys and Investigations Staff (hereinafter referred to as Staff) have national or worldwide significance and can include such studies as national energy problems, military readiness and deployment and worldwide intelligence activities. The responsibilities inherent in this highly visible, complex and important assignment require individuals who have strong potential to develop executive ability in order to accomplish the desired ends of the committee. Individuals considered for selection must exhibit personal responsibility; have initiative, resourcefulness and versatility; and possess outstanding qualities of logic, perception and organizational and literary ability. Special Agents assigned to the Staff will be dealing with persons representing the highest level of Government and, therefore, it is imperative that they be capable of representing the FBI in an outstanding manner.

(2) The Surveys and Investigations Staff is directed by an Executive Staff composed of a permanent Chief, a Director and two

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Assistant Directors. The Director and two Assistant Directors are selected from the ranks of the FBI and GAO.

EFFECTIVE: 06/21/94

11-18.4.2 Selection Process (See MAOP, Part I, 3-8 (5).)

(1) Requests for Staff personnel will be made known to the Assistant Director, PD, who will cause to be posted a "Notice of Vacancy" communication to appropriate field divisions. Applicants should submit completed FD-638 to FBIHQ, Attention: Special Agent Transfer Unit. The Staff's senior FBI representative will then advise the Assistant Director, PD, of his/her preference of the respondents to the posting. Upon approval from FBIHQ, Agents selected will be detailed for an initial mutual evaluation period of up to 90 days. The decision to transfer an individual in the event his/her office is not contiguous to Washington, D.C., will be a negotiable point between FBIHQ, the Chief of the Staff and the individual involved through discussion with him/her.

(2) Agents considered for a Staff assignment will be selected from those nonsupervisory Special Agents with an experience level of GS-12 or above. It would be beneficial if candidates possessed prior commissioned military officer experience, auditing/accounting, or a procurement background. Preference would be given to relief supervisors who are currently in the EDSP. Agents selected for this assignment will be retained on the rolls of the FBI and will continue to be eligible for AVP compensation.

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11-18.4.3 Promotion (See MAOP, Part I, 3-8(3).)

(1) Individuals selected for assignment to the Staff as team members may be considered for a "term promotion" to the position of Supervisory Team Leader (GS-14); however, it is to be clearly understood that only a limited number of these positions are available. Therefore, promotional opportunities are limited. The term promotion is for the duration of the Staff assignment. Recommendations for promotion to the position of Supervisory Team Leader will be furnished to the chairperson of the SAMMS Board, FBIHQ, by appropriate cover letter and completed Form FD-638 for their approval. An FBI employee who completes his/her Staff time and has advanced to the GS-14 term promotion status will return to the FBI at the same grade that they would have been if they had not left the agency and had continued in the normal "in-house" career path. However, these individuals will be given every consideration for promotion upon their completion of the Staff assignment if positions are available and they possess the necessary qualifications.

(2) Individuals selected for assignment to the Executive Staff (Director and Assistant Directors) are reviewed by the SAMMS Board. The Assistant Director on the Surveys and Investigations Staff will be selected from the ranks of Supervisory Special Agents currently in the EDSP. The individual selected will be initially placed in a Team Coordinator role for a period not to exceed 120 days. Upon mutual agreement to remain in the position, his/her name will be forwarded to the SAMMS Board as the designated Assistant Director, Surveys and Investigations Staff, GS-15. At the SAMMS Board's discretion, the promotion to GS-15 would be temporary for the duration of the assignment with reversion to GS-14 upon return to the FBI or a permanent promotion to GS-15 as long as FBIHQ agrees to place the employee in a GS-15 position upon his/her return. Upon approval for this position, he/she will be removed from the rolls of the FBI for the three-year assignment. Upon completion of their assignment, FBI members of the Executive Staff will be returned to FBIHQ and assigned as determined by the SAMMS Board.

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||11-18.4.4| Length of Assignment

All individuals, following the initial 90-day evaluation period, will be detailed to the Staff for assignment of up to four years. Only under special circumstances will any team member's assignment be extended beyond the four-year limit. Staff members who advance to the Team Leader level will be allowed a one-year extension or a maximum of five years' total assignment.

Also see "House Appropriations Committee - Surveys and Investigations Staff," Part I, Section 3-8, "Career Development Matters," of this manual.

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SECTION 12. MOTOR VEHICLE OPERATION AND ACCIDENTS

12-1 OPERATION OF MOTOR VEHICLE

EFFECTIVE: 06/09/86

12-1.1 Motor Vehicle Operators

Special Agent and Non-Agent personnel must possess an FBI Identification Card or Credential and meet the certification requirements listed below in Sections 12-1.2 through 12-1.2.5.

EFFECTIVE: 06/05/96

12-1.1.1 Deleted

EFFECTIVE: 06/05/96

12-1.1.2 Summer Employees and Honor Interns

A summer employee is not to be authorized to operate government-owned/leased motor vehicles under any circumstances. An Honors Intern employee can be authorized to operate government-owned/leased motor vehicles provided he/she meets the certification requirements listed in MAOP, Part I, 12-1.2 through 12-1.2.5.

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12-1.2 Requirements for Operators to Drive Government-Owned/Leased Motor Vehicle (See MAOP, Part I, 12-1.1, 12-1.1.2 and 12-1.5.)

EFFECTIVE: 06/05/96

12-1.2.1 Valid State or Local Operator's License (See MAOP, Part I, 12-1.1, 12-1.1.2, and 12-1.5.)

(1) Each employee must have a valid operator's permit issued by state or local authorities where the employee is domiciled, or principally employed, before he/she can obtain authorization to operate a government-owned/leased motor vehicle.

(2) Deleted

EFFECTIVE: 06/05/96

12-1.2.2 Physical Fitness Report (Optional Form (OF) 345, formerly Standard Form (SF) 47) (See MAOP, Part I, 12-1.1, 12-1.1.2, 12-1.4, and 12-1.5.)

All employees driving government-owned/leased motor vehicles must be certified as physically fit. The OF-345, formerly SF-47 (Physical Fitness Inquiry For Motor Vehicle Operators), must be submitted by all non-Agent employees requesting authorization to operate a government-owned/leased motor vehicle.

(1) Non-Agent personnel should fill out this form and it should be placed in the employee's personnel file. The OF-345, formerly SF-47, for field personnel will be initiated by their respective field offices and maintained in the employee's field personnel file. Since Special Agent personnel receive either an annual or triennial physical examination, Special Agents are not required to execute the OF-345, formerly SF-47. Special Agent personnel need only to execute the FD-288 for certification to operate a government-owned/leased motor vehicle.

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(2) Division heads or SACs are responsible for ensuring that only employees physically fit are permitted to operate a government-owned/leased motor vehicle. An affirmative answer to any question on the OF-345, formerly SF-47, will require the reviewing official to determine whether a physical examination is necessary. Where doubt exists concerning the operator's physical fitness, the case should be resolved in favor of a physical examination.

(3) FBIHQ must be promptly advised of any employee who has been restricted from driving for any physical reason. Each case is then to be followed closely and when the restriction has been removed, by proper medical certification, FBIHQ is to be advised.

(4) Any employee whose vision is corrected by glasses to meet the required standards must be specifically instructed he/she may operate a government-owned/leased motor vehicle only when wearing corrective lenses. Such restrictions should also be noted on the employee's FD-288.

EFFECTIVE: 06/05/96

12-1.2.3 Driving Certification (FD-288) (See MAOP, Part I, 12-1.1, 12-1.1.2, 12-1.4, and 12-1.5.)

Form FD-288 (Driving Certification) is to be filled out upon request by any employee requesting authorization to operate a government-owned/leased motor vehicle or requesting recertification every four years thereafter to operate a government-owned/leased motor vehicle. FBIHQ will advise the field by SAC Memorandum when FD-288 (Driving Certification) completion is necessary for recertification of Agent personnel. Non-Agent personnel will be recertified in the four-year anniversary month to the employee's original certification to operate a government owned/leased motor vehicle.

(1) Agent and non-Agent personnel should fill out this form and it should be placed in the employee's field personnel file. Field offices shall not send their FD-288s to FBIHQ, Facilities Management and Security Section. At FBIHQ, each division head or office head is to ensure that executed FD-288s for non-Agent personnel are forwarded to the Facilities Management and Security Section for review, approval, and processing. At FBIHQ, each division head or office head is to forward the approved Special

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Agent's FD-288 directly to the Information Resources Division for filing in the employee's personnel file. New Agent trainees assigned to the Training Division are not required to complete an FD-288 since the certifying information has been previously obtained through the applicant investigation and selection process.

(2) If at any time a question arises concerning the past safe-driving record of an employee, the division head or SAC must carefully review all aspects of the case and determine whether or not this employee must take a road test before he/she may be authorized to operate a government-owned/leased motor vehicle incidental to his/her official duties.

(3) Any restrictions on an employee's state, District of Columbia, or a territory of the United States driving permit, i.e., "valid only when wearing glasses," etc., must be noted on the FD-288 and on the government driving permit.

EFFECTIVE: 07/08/96

12-1.2.4 Road Test (FD-288) - Requirement and Administration
(See MAOP, Part I, 12-1.1, 12-1.1.2, and 12-1.5.)

Certification may also be made by official FBI road test. Division heads or SACs, except at FBIHQ, may waive the road test requirement for operators of vehicles of one-ton capacity or less and for incidental operators of any class vehicle, who possess a current driver's license from one of the 50 states, District of Columbia, or Puerto Rico, where the employee is domiciled or principally employed. Division heads or SACs may not waive the road test requirement for any category of operators cited in 12-1.2.4 (2). If the employee qualifies through the road test, notation to this effect should be made on Form FD-288.

(1) The following road test regulations are to be followed unless they conflict with state laws or regulations of local authorities in the state where employee is principally employed.

(a) The official FBI road test procedures are contained in Form FD-288, operator's road test.

(b) The form provides a systematic method of determining employee proficiency in operating a motor vehicle properly

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and safely under both adverse and normal conditions.

(2) The test will be used to determine the driving ability of employees in the following categories:

(a) Those employees charged with moving violations involving driver performance or who become involved in an accident in which they are found to be at fault while operating any motor vehicle on personal or government business. Those employees are to be road tested only when it is considered necessary to redetermine their driving competency before they are allowed to continue driving motor vehicles in the performance of official duties.

(b) Employees undergoing training in New Agent's class. Those employees are to be tested by the Training Division to evaluate basic driving fitness.

(c) Employees who are to drive any buses, panel vans, passenger vans, law enforcement vehicles, emergency vehicles, any vehicles of more than one-ton capacity, and any vehicles used for the transportation of hazardous materials are to be road tested as required with the type of vehicle to be operated by them.

(3) Administration of road test to Agent and non-Agent personnel.

(a) Tests shall be administered to investigative personnel by Special Agent examiners.

(b) Tests administered to noninvestigative employees may be given by support personnel assigned to automotive inspection duties, provided the division head or SAC indicates such employees are fully qualified to perform this work.

(c) An employee is considered competent as an examiner if: he/she has operated a motor vehicle of the type to be used in the test for a distance of at least 3,000 miles during the previous three-year period; he/she is considered to be an above-average driver; and he/she has passed the FBI road test satisfactorily.

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12-1.2.5 Road Test - Failure

Employees failing the test should be so advised by the division head or his/her assistant (SAC or ASAC) who should point out the deficiencies of their driving and advise them that the deficiencies must be corrected within a reasonable time by instruction and practice obtained on their own time, using a non-Government-owned vehicle.

(1) Employees may not operate any motor vehicle on official business during this interim period.

(2) Employees should advise the division head or SAC within a two-week period that remedial action has been completed so that a second test may be scheduled.

(3) Support personnel failing a second test will be eliminated for a period of thirty days from being considered for further opportunities to qualify to drive Government-owned/leased vehicles.

If the support person occupies a position which requires driving a vehicle, FBIHQ should be advised of the employee's failure to pass the FBI road test, setting forth UACB recommendation as to further action to be taken. FBIHQ should be advised of what duties are being assigned to the employee while he/she is in a nonqualified status as a driver of Government-owned/leased vehicles.

(4) The second road test should not be given to an employee by the same examiner.

EFFECTIVE: 06/09/86

12-1.3 Procedures to Identify Employees Authorized to Operate Government-Owned/Leased Motor Vehicle

At FBIHQ, each division head or office head is to ensure that executed FD-288 and OF-345, formerly SF-47, are forwarded to the Facilities Management and Security Section, for final review, approval, and processing. Each field office will prepare the appropriate forms (OF-345, formerly SF-47, and FD-288) for their respective employees. Each field office is responsible for the certification and periodic review of the competence and physical

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qualifications of their respective employees. After certification, each field division is to file the FD-288 and the OF-345 in the employee's personnel file in their field office. Do not send the original or a copy to FBIHQ, Facilities Management and Security Section.

EFFECTIVE: 06/05/96

12-1.4 Recertification of Authorization to Operate a Government-Owned/Leased Motor Vehicle

Recertification of authorization to operate a government-owned/leased motor vehicle must occur at least once every four (4) years.

(1) Forms OF-345 (formerly SF-47) and FD-288 should be filled out in accordance with 12-1.2.2 and 12-1.2.3 by employees who drive government-owned/leased motor vehicles.

(2) These forms are to be reviewed by the division head or SAC to ensure that employees still meet the necessary requirements to operate a government-owned/leased motor vehicle.

(3) A road test is not mandatory for renewing an employee's authorization to operate a vehicle on official business when he/she has a safe driving record.

If there is a question or doubt about the employee's safe driving record the division head or SAC should adhere to 12-1.2.3, subparagraph (2).

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12-1.5 Suspension of Driving Privileges

In any case where a question arises concerning an employee's fitness to drive, the division head or SAC must carefully review all aspects of the case and make a final determination. In all cases, a recommendation should be submitted to FBIHQ UACB as to whether the employee is to be allowed to operate a motor vehicle incidental to his/her official duties on the strength of his/her record or whether he/she must be given a road test to do so. This communication must also contain any recommendation for other disciplinary action FBIHQ should take with respect to the employee involved.

(1) The AUTHORIZATION of any Bureau employee to operate a motor vehicle incidental to his/her official duties shall be immediately suspended and FBIHQ advised, when:

(a) The examining medical officer finds that the employee fails to meet the required physical standards and the disqualifying defect is of a permanent nature.

(b) The employee's state or local license is suspended or revoked.

(c) The employee is convicted of operating a motor vehicle under the influence of narcotics.

(d) The employee is convicted of leaving the scene of an accident.

(e) Any arrest for violations described in subparagraphs (c) and (d) must be reported immediately to FBIHQ as set out in this manual, Part I, Section 13, entitled "Disciplinary Matters."

(f) Immediately following an employee's arrest or administrative finding of driving while under the influence (DUI) or while intoxicated (DWI). (See MAOP, Part I, 1-30.3.)

(g) In alcohol-related misconduct cases involving the use of a motor vehicle, a presumption will exist that there is a necessity to suspend the employee's privilege to operate a government-owned/leased motor vehicle for a period of not less than ONE YEAR following such offense. This suspension will occur regardless whether the nature of the employee's motor vehicle offense has been reduced as a result of judicial review, plea bargaining, or

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the employee's entry into a diversion or substance abuse program.
(See MAOP, Part I, 1-3.1 and 1-30.3.)

(2) CONSIDERATION for suspension of any Bureau employee from operating a motor vehicle incidental to employee's official duties when any one of the following conditions applies:

(a) It is determined by medical examination that the employee fails to meet physical standards, but the defect is considered to be of a temporary or correctable nature.

(b) While operating a motor vehicle on official or personal business, the employee is involved in a traffic violation other than a parking violation, or is involved in an accident in which employee is found to be at fault.

(c) The employee improperly operates the motor vehicle assigned to him/her.

(3) An employee whose driving privilege is suspended shall not be reauthorized to drive a government vehicle without FBIHQ approval. This authority will be granted only after all FBI, state and local requirements, as outlined under 12-1.2 have been met.

EFFECTIVE: 06/05/96

12-1.6 Deleted

EFFECTIVE: 06/05/96

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12-1.7 Traffic Violations

(1) Division heads and SACs must advise FBI Headquarters of the issuance of traffic tickets, subpoenas or warrants to FBI employees while driving in the following situations:

(a) Only aggravated traffic violations incurred while driving a privately owned automobile, which have resulted in the employee's being arrested by local authorities and all instances involving the issuance of a traffic citation wherein the use of alcoholic beverages is cited as part of or being a contributing factor in the offense, i.e., Driving While Intoxicated (DWI), Driving Under the Influence (DUI).

(b) Any traffic violation, no matter how minor in nature, received while operating a Bureau vehicle or while performing in a duty status.

(2) An employee who receives a traffic citation in one of the above-mentioned situations must advise his/her immediate supervisor of any violations promptly. Any situation in which the employee is in doubt as to the reporting requirement is to be resolved in favor of reporting the incident for a supervisory determination.

(3) Any employee who takes any action to have a citation for a traffic violation canceled or adjusted will be subject to severe administrative action.

EFFECTIVE: 06/09/86

12-2 ACCIDENTS

EFFECTIVE: 08/25/89

12-2.1 Reporting Requirements

EFFECTIVE: 08/25/89

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12-2.1.1 Employees to Division Head or SAC

Each division head or SAC must be promptly notified of all accidents involving Bureau employees while driving either Government or personally owned motor vehicles.

EFFECTIVE: 08/25/89

12-2.1.2 To FBIHQ

FBIHQ must be promptly advised of all accidents involving vehicles engaged in official business except in cases in which no personal injury is involved, no damage to third party property and property damage to Bureau vehicle(s) does not exceed \$500. In these excepted cases in which an employee is considered at fault, appropriate notation concerning accident must be placed in employee's field personnel file and FBIHQ advised so copy may be placed in employee's FBIHQ personnel file.

EFFECTIVE: 08/25/89

12-2.2 Investigations and the Reports

EFFECTIVE: 08/25/89

12-2.2.1 Need for Investigation

(1) Accidents involving motor vehicles engaged in official business in which no personal injury is involved, no damage to third party property and property damage, if any, to Bureau vehicle does not exceed \$500 need not be investigated unless circumstances indicate desirability of investigation, which determination is SAC's personal responsibility. In those cases where there is no damage to the Bureau vehicle but liability is placed on the U.S. Government, an accident report must be done. Any question of liability should be reviewed by the Principal Legal Advisor.

(2) Anytime an accident occurs while utilizing a Bureau vehicle, it will be incumbent upon each office to determine the state law for that particular state regarding the reporting of accidents and

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ensure the submission of any required forms to local and/or state authorities.

(3) Any accidents involving injury to or damage to property of third party must be promptly and thoroughly investigated. Particular care should be exercised to ensure extent of property damage is properly estimated.

(4) All other accidents involving FBI personnel while on official business must be completely investigated by an Agent who was not the driver, an occupant, or witness. However, driver of Bureau vehicle involved in accident, or other employees present, should always be alert to possibility of procuring statements from driver of other vehicle and witnesses immediately after accident.

(5) An accident control file should be established in each field office for those accidents which are not reportable to FBIHQ or do not require a detailed investigation for damages over \$500:

(a) A nonreportable accident is an incident where damages to the Bureau vehicle are under \$500 and there is no Government liability. For this type of accident, there is no requirement that FBIHQ be advised. This includes those accidents where the damage to the Bureau vehicle is under \$500 and liability rests with the other party involved. Collection procedures involving these accidents will be handled at the discretion of the Principal Legal Advisor. A memorandum summarizing the accident and Standard Form (SF) 91, Operator's Report of a Motor Vehicle Accident, should be recorded in the control file.

(b) For those accidents over \$500 where the Bureau vehicle is the only identified vehicle, and there is no possibility of a Federal Torts claim being filed by another party, a summary airtel with appropriate enclosures should be forwarded to FBIHQ. Appropriate enclosures should include SF-91 of the Bureau driver, police report (if one exists), and estimates for repair of the Bureau vehicle. This airtel should be filed in the accident control file. This would include those accidents involving animals; hit-and-run accidents where the other party is not identified; other FBI vehicles; or those instances where medians, curbs, poles, road debris, and building structures are struck by the Bureau vehicle. If there exists a possibility that a Federal Torts claim will be filed, a detailed investigative report (FD-204 and FD-263) must be forwarded to FBIHQ.

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EFFECTIVE: 09/21/93

12-2.2.2 Assignment of Investigations

Investigations must be assigned to experienced Agents who must be entirely familiar with all Bureau requirements relating to these matters.

(1) Agents investigating these matters must always bear in mind possibility of suits being brought against Government as a result of accident.

(2) Investigations and reports must be completely objective.

(3) Investigations must be vigorously, speedily, and thoroughly conducted and FBIHQ kept advised of all developments.

EFFECTIVE: 08/25/89

12-2.2.3 Deadline for Submission of Reports and Copy Count

Reports of complete investigation must be submitted to FBIHQ within ten working days after the accident. If impossible to complete investigation within that period, FBIHQ must be promptly notified, giving reason for delay. Reports should be submitted in triplicate to FBIHQ, Attention: Automotive Management Unit, Room 6863. When applicable, the following enclosures should also be submitted in triplicate: SF-91, Operator's Report of Motor Vehicle Accident; SF-94, Statement of Witness; and all repair estimates. Photographs of damaged vehicles and/or other damaged property should be submitted in duplicate.

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12-2.2.4 Need for Accident Report

Reports must be submitted in all accident matters which require investigations, especially for those cases where liability rests with the U.S. Government.

EFFECTIVE: 08/25/89

12-2.2.5 Cover Page for Report

In every instance it is mandatory that following information be set forth in cover page(s) accompanying initial report:

(1) Exact nature of assignment of Bureau employee(s) in Bureau vehicle at time of accident, including title of case to which assigned.

(2) Origin and destination of Bureau vehicle at time of accident, including justification for route being taken.

(3) Full identification of and accounting for presence of each person in Bureau vehicle.

(4) If Bureau vehicle on surveillance, exact location of subject at time of accident. If surveillance or any other circumstances, such as weather or surface conditions, in any way contributed to accident, furnish details.

(5) The title for the case must show the Bureau car number, year, make and model of the Bureau vehicle, official Bureau payroll name of the Government driver(s), and date of the accident. The field office car number assigned to the Bureau vehicle should not be included in the title nor should any information regarding the other party(s) involved in the accident unless there are other Bureau vehicles involved.

(6) Driver training information should be included in the cover pages of the report. List date for all training received at the Emergency Vehicle Operations Center (EVO) whether it be through in-service or New Agents basic training.

(7) If the Bureau vehicle is a rental or leased vehicle, then the substantive case title and file number under which rental authority was approved should be included on the cover page. If

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vehicle is rented under SAC authority (i.e., under 30 days), then this should be noted. Any vehicle which has been rented for more than 30 days should have a Bureau car number assigned to it and FBIHQ approval. (See Part II, Section 6-8.10 of this manual.)

EFFECTIVE: 09/21/93

12-2.2.6 Reports Must Show

- (1) Year, make, model, and motor number of vehicles involved
- (2) Date, time, and place of accident
- (3) Description of accident scene. Photographs submitted in duplicate and/or diagrams are highly desirable. Such photographs or diagrams should be properly identified to clearly indicate directions vehicles traveling, point of impact, and any other pertinent information. Avoid administrative data which should be set out only on cover pages of report.
- (4) Visibility, weather, road conditions, and type of road surface
- (5) Pertinent distance and speeds of vehicles
- (6) Whether vehicle equipped with chains or snow tires, if pertinent. It is SAC's responsibility to establish office policy regarding use of chains or snow tires.
- (7) Complete details as to how accident occurred, including statements of drivers, passengers, and all witnesses. Interview results of employee-driver must be specific and in-depth with regard to the circumstances of the accident. Signed statements, witnessed by Agent, should be obtained where possible from drivers of other vehicles involved, passengers, and witnesses. When signed statement not obtained, report should state specific efforts made to procure same, as well as identity of negative witnesses. Since this would at most result in civil proceedings, interviews need not include warnings as required in criminal cases.
- (8) Existing traffic controls and pertinent local traffic regulations governing the actions of the drivers involved.

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(9) Traffic violations of either party or anyone else. Set out whether third party vehicle is equipped with seat belts, and if operator and/or passengers in third party vehicle were wearing seat belts, if available, at time of accident. Also state whether operator (and passenger, if one) of Bureau vehicle was/were utilizing seat belt at time of accident. Set out if operator of third party vehicle has any restrictions on motor vehicle operator's license, such as requirement that operator must wear glasses when driving, and whether operator was abiding by such restrictions at time of accident. If vehicle defect may have been cause, promptly have impartial tests made.

(10) Summary of the results of any police investigation conducted and, in addition, copies of police reports should be submitted as enclosures.

(11) Extent and amount of property damage and personal injury. Photographs of damaged vehicles or other damaged property should be taken, particularly in cases in which there is a possibility of a claim or suit being filed by or against the Government.

(12) Insurance status and financial ability of parties involved. Enclose copy of employee's liability insurance policy if personally owned vehicle has been used on official business. If Bureau vehicle is used, include information concerning coverage for damage to Bureau vehicle. All employees authorized to operate Bureau vehicles should be informed Government does not provide insurance coverage for damage to its vehicles.

(13) Items (1) through (12) above are not all-inclusive and any other information pertinent to a particular accident should be submitted.

EFFECTIVE: 08/25/89

12-2.2.7 Obtaining Information for Possible Court Action

Information furnished by any individual who may be called upon to testify at any time in the future should be reported in accordance with instructions, regarding "Reporting Information that May Become Testimony," set out in this manual. Refer to Part II, Section 10.

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EFFECTIVE: 03/30/84

12-2.2.8 Office of Origin

Office of origin is to be shown in title of all communications, except reports.

EFFECTIVE: 03/30/84

12-2.2.9 Cover Memorandum Forwarding Report

A cover memorandum transmitting the investigative report of the accident should only be submitted when facts of the case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved. In these instances, cover memorandum must include SAC's recommendation for administrative action with a concise analysis of pertinent facts involved.

EFFECTIVE: 08/25/89

12-2.3 Forms

Standard Government forms are to be executed by the several parties involved when applicable.

EFFECTIVE: 08/25/89

12-2.3.1 SF-91 - Operator's Report of Motor-Vehicle Accident

SF-91 must be executed by the Bureau driver in all accidents, must be carried in Bureau vehicle at all times, and must be included as enclosure to investigative report when sent to FBIHQ. For those instances where more than one Bureau vehicle is involved in an accident, each Bureau driver must complete an SF-91.

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EFFECTIVE: 09/21/93

12-2.3.2 SF-94 - Statement of Witness

May be executed by all available witnesses who are willing. Where it appears that claim for personal injury might result, it is imperative that signed statements be promptly procured from all witnesses if willing.

EFFECTIVE: 08/25/89

12-2.3.3 SF-95 - Claim for Damage, Injury or Death

Refer to MIOG, Part I, 197-8.

EFFECTIVE: 08/25/89

12-2.4 Claims and Suits

EFFECTIVE: 08/25/89

12-2.4.1 Public Law 89-508 (Federal Claims Collection Act of 1966)

Public Law 89-508, effective 1-15-67, requires aggressive action with effective follow-up through written demands upon debtor in terms which inform of consequences of failure to cooperate.

(1) When the Bureau automobile is determined to be totaled as result of an accident, you should collect the difference between the retail value and amount received from salvage.

(2) State in general terms such as "failure to cooperate will necessitate collection through available legal remedies." Advise the debtor the amount owed with documentation. Three written demands should be made at 30-day intervals unless response to the first or second indicates further demand would be futile. Furnish FBIHQ three copies of such correspondence fully identifying it. Written demands should be prepared by the Principal Legal Advisor.

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(3) When a private party damages a Bureau vehicle and is found at fault, the party responsible for the loss, either individually or through an insuring agent, may replace the vehicle in kind or have it repaired to the satisfaction of the Bureau. The check or monies paid for repairs must be made directly to the individual or company making the repairs and not to the FBI. Any payment made payable to the U.S. Government, FBI, or Bureau employee cannot be endorsed over to a repair facility for repair of a Bureau vehicle. These checks must be forwarded to the Automotive Management Unit (AMU), FBIHQ, for eventual deposit in the Miscellaneous Receipts Account at the U.S. Treasury.

(4) If principal amount does not exceed \$20,000, collection action may be terminated if no indication of fraud, misrepresentation or violation of antitrust laws and it appears no person liable on the claim has present or prospective financial ability to pay any significant amount of the claim, or when collection costs will likely exceed recovery amount. If termination, suspension, or compromise of claim seems expedient, do not so inform debtor without prior FBIHQ authority but forward to FBIHQ debtor's current address (or person upon whom service may be made), current credit data, summary of actions previously taken to collect or compromise claim, and any records and exhibits on the claim not previously forwarded. Regulations implementing the act provide that claims under \$600 exclusive of interest should not be referred for litigation unless important to a significant enforcement policy, or the debtor is able to pay and Government can effectively enforce payment.

(5) Initial demand should not be made without prior FBIHQ instruction. Finance Division will consult with Office of the General Counsel prior to issuing instructions.

(6) If demands are denied or ignored, ascertain if financial responsibility laws have been complied with and, if not, arrangements should be made toward revocation of operator's permit or other legal penalties. Appropriate opinion of the U.S. Attorney's Office should also be obtained.

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12-2.4.2 Public Law 89-506 - Action Instituted Against the United States

Refer to MIOG, Part I, 197-8.

EFFECTIVE: 08/25/89

12-2.4.3 Motor Vehicle Accident Results in a Suit for or Against the Government or Bureau Employees

Refer to MIOG, Part I, Section 197.

EFFECTIVE: 08/25/89

12-2.4.4 Contacting United States Attorney

Refer to MIOG, Part I, Section 197.

EFFECTIVE: 08/25/89

12-2.4.5 Third Party's Claim Rights

Refer to MIOG, Part I, Section 197.

EFFECTIVE: 08/25/89

12-2.4.6 Forwarding Administrative Claims

Refer to MIOG, Part I, 197-8.

EFFECTIVE: 08/25/89

12-2.4.7 Compromise of Suits Against the United States

Refer to MIOG, Part I, Section 197.

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EFFECTIVE: 08/25/89

12-2.4.8 Notification of Suits Against United States

Refer to MIOG, Part I, Section 197.

EFFECTIVE: 08/25/89

12-2.5 Responsibility of Employee

EFFECTIVE: 05/15/80

12-2.5.1 Financially Responsible (See LHBSA, Part 0, 9-2.1.1.)

A Bureau employee will not be held financially responsible for damage to a Bureau vehicle resulting from an accident caused by employee's negligence while on official business. However, should an employee be considered grossly negligent, that is, display wanton disregard in causing damage to the Bureau vehicle, or should employee sustain damage to the Bureau vehicle if utilizing it on other than official business, employee will be held accountable for costs of repairing the Bureau vehicle. Division head or SAC should inform all employees who operate Bureau vehicles it is their responsibility to provide insurance coverage for damage to Bureau vehicle unless they elect to personally pay for such damages in the event they are held financially responsible for the accident. (See MAOP, Part I, 1-3.1.2 regarding the employee's personal liability for damage to a rental car that is being driven outside the scope of the employee's official duties.) Also, see MAOP, Part I, 1-3.1 and Part II, 6-1.2.3.

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12-2.5.2 Administrative Action

Division head or SAC must make recommendation regarding administrative action where facts of case indicate gross or extreme negligence on the part of the employee or when the employee sustains damage to the Bureau vehicle if utilizing it on other than official business or if other violations of Bureau rules are involved.

Instances of unauthorized use of a Bureau vehicle, misconduct involving a Bureau vehicle, or arrests (i.e., Driving While Intoxicated, willful reckless driving, resisting arrest, leaving the scene of an accident, etc.) must be immediately brought to the attention of FBIHQ as set forth in this manual, Part I, Section 13, entitled "Disciplinary Matters."

EFFECTIVE: 05/15/80

12-2.5.3 Employee's Claim for Injuries

Refer to Part I, Section 15, Subsection on "Employee Compensation Matters," concerning action to be instituted by an employee against a responsible third party for recovery of medical expenses because of injuries sustained by a Bureau employee while on official business.

EFFECTIVE: 08/30/91

12-3 USE OF PERSONALLY OWNED VEHICLES FOR OFFICIAL BUSINESS
AFTER REGULAR DUTY TOURS

EFFECTIVE: 08/30/91

12-3.1 Injuries Incurred

Full facts concerning circumstances of assignment should be furnished to FBIHQ for presentation to Office of Workers' Compensation Programs (OWCP). OWCP will decide if circumstances warrant compensation benefit coverage for personal injuries.

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EFFECTIVE: 08/30/91

12-3.2 Authorization

Employees must obtain authorization from only SAC, ASAC, or SA supervisor where time permits. Authorization may be oral and informal. Where time is of essence, Special Agents will not be expected to delay departure to obtain such authorization.

EFFECTIVE: 08/30/91

12-3.3 Travel Expense

The Bureau will not pay travel expense where personally owned vehicles are driven on special mission type of assignments. These instructions in no way alter existing authority to use personally owned vehicles on official business where mileage can be claimed under certain circumstances.

EFFECTIVE: 08/30/91

12-4 OPERATING BUREAU VEHICLES IN FOREIGN COUNTRIES-INSURANCE
MATTERS

Privately purchased vehicle insurance is required for Bureau vehicles operated on official business in foreign countries (see MAOP, Part II, Section 6-8.2.1 for further details).

EFFECTIVE: 08/30/91

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