



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY, PACIFIC
FORT SHAFTER, HAWAII 96858-5100



REPLY TO
ATTENTION OF :

APPE-CP

15 OCT 2001

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Civilian Personnel Management Options During Noble Eagle - Memo 02-02

1. Reference Civilian Personnel Guide, 3 Oct 01, subject: Noble Eagle Civilian Personnel Management Options for Appropriated Fund and Nonappropriated Fund Employment (enclosed).
2. The referenced guide provides useful information for managers working on actions for their civilian employees stemming from Noble Eagle. The guide includes guidance on a number of emergency authorities that have been put in place to help expedite the hiring process and information on leave, casualty assistance, and the definitions of the types of essential employees.
3. Request that this document be given widest distribution to supervisors of U.S. citizen civilian employees. You may also find the pamphlet at the Pacific Region Civilian Personnel Operations Center home page under Emergency Information, <http://pacific-cpoc.ak.pac.army.mil/220600/index.html>. Civilian Personnel Advisory Centers are encouraged to distribute sections of the pamphlet by e-mail or in bulletins as topical information to supervisors.
4. My point of contact is Debra Matthews, DCSPER, Civilian Personnel Division, DSN 315-438-8679; FAX 315-438-0552.

Encl
as


RANDELL G. STANSFIELD
Colonel, GS
G1/Deputy Chief of Staff for
Personnel

DISTRIBUTION:
A, B

NOBLE EAGLE

Civilian Personnel Management Options

for

Appropriated Fund & Nonappropriated Fund Employment

This document is a tool for managers. If you have suggestions for additional topics or other changes, please contact Debra Matthews, Civilian Personnel Division, DCSPER. Her E-mail address is as follows:

matthewsdj@shafter.army.mil

**Civilian Personnel Division
Deputy Chief of Staff for Personnel
Headquarters, U.S. Army Pacific
October 3, 2001**

Introduction

This document is intended to provide managers with information in “plain English” concerning important civilian personnel employment matters during this time of national emergency. The information is not detailed and managers should discuss specific situations with members of their Civilian Personnel Advisory Center (CPAC) staffs. However, this document does provide in one place basic personnel strategies and authorities that managers need to be aware of as they proceed through what appears to be a long and challenging period ahead.

We will add or substitute pages as new information is received. For example, HQDA will be reviewing the Casualty System as it relates to civilians—especially in a mass casualty situation.

Any new guidance of importance to managers will be provided as quickly as possible.

Managers Please Take Note

Unions: If you have bargaining unit members in your work force, you must work closely with your CPAC representative to assure that appropriate union officials are notified of any significant changes in personnel rules or working conditions.

Prioritizing Personnel Actions: There has been a 25% increase in the number of personnel actions flowing through the system in the last month. We need your help in setting priorities. CPAC staff members should be contacting you to establish your priorities—if you haven’t heard from them, please let them know which actions are most critical.

Don’t wait to submit a recruit action until an employee leaves: When you first become aware that a position will become vacant, act immediately--initiate the recruitment action as soon as possible. It can take a fair amount of time to complete a recruitment action, especially if the position description must be changed. The longer you wait to initiate, the longer you wait to fill. Also, OPM has given us two temporary appointing authorities we can use through September 2002 that allow us to bring someone on board almost immediately. Consider filling the job with a temporary while you go through the standard permanent fill process.

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Staffing Options Managers Always Have
(Applies to Appropriated Fund and Nonappropriated Fund Employment)

The following staffing options are always available:

Reassignment: A reassignment is an official personnel action moving an employee from one position to another without change in grade or pay. A reassignment may be made permanently or on a temporary basis. Such assignments may be voluntary or management directed. If the employee does not consent to a reassignment, management may direct the employee's reassignment. However, managers must provide an advance written notice and consider the employee's reasons for not wishing to be reassigned. Management's right to reassign is guaranteed in Federal regulations.

Detail: A detail temporarily assigns an employee to the duties of another position or *any other set of duties* which must be performed (even if no position exists). Officially, the employee remains assigned to his or her current position with no change in pay; however, the duties performed are different. Details are normally used for short-term needs such as accomplishing unexpected workloads, covering the work of vacant positions, handling special projects, and a variety of other reasons.

Generally, details of appropriated fund employees may be made in increments of 120 days up to one year. The rules for nonappropriated fund (NAF) employees are different and varied depending upon bargaining unit agreements. Check with your NAF Civilian Personnel Chief for specifics.

Temporary Promotion: A temporary promotion is the official assignment of an employee to a position at a higher grade on a temporary basis. Since the employee is officially assigned (unlike the detail described above), he or she receives the higher pay for the position. Unless the temporary promotion is extended, the employee automatically returns to the position from which promoted at a time specified when the promotion was initiated. The same timeframes apply to temporary promotions as discussed under "Detail" above.

Temporary Contract Services: If you have the dollars, contact your Directorate of Contracting. You may be able to contract for services from locally available private sector sources. Should a decision be made to contract for services, the Federal Acquisition regulation and its DOD and Army supplements apply and must be followed.

Special Emergency Staffing Authorities from OPM and HQDA

The special procedures described below relax some of the current rules we must follow to fill jobs. These flexibilities should allow managers to fill positions with much greater speed. They also provide an important incentive to retired civil service employees to return to the Federal Government. **And don't forget:** because these temporary authorities relax the rules and allow us to get someone on board fast, you can hire a temporary while your permanent recruitment action is being processed.

HIRING OPTIONS

Temporary Emergency Need Appointments: As the name indicates, these appointments may be made very quickly and without using normal placement procedures. The appointments may be made for up to one year. Qualifications of the employee are what management says they are. No advertising of the vacancy is required. And the appointments are exempt from the DoD Priority Placement Program and other displaced employee programs. Before *any* appointment may be made, a position must be established and properly classified. This authority expires on 30 September 2002.

Thirty-Day Critical Need Appointments: This is another quick method of filling positions on a temporary basis. These appointments may be made initially for 30 days and, if necessary, extended for another 30 days. Again, the appointments are not subject to displaced employee program rules, and no advertising is necessary. *

REHIRING RETIRED CIVIL SERVICE EMPLOYEES

Special Rules for Hiring Reemployed Annuitants: When retired civil service employees are rehired, they lose a portion of their salary based on the requirements of dual compensation laws. The CG, USARPAC, has the authority to waive the dual compensation law in order to make temporary appointments. He has not redelegated this authority to MSC Commanders at this time. CPACs will help you prepare any requests for waivers and will forward them to HQ USARPAC DCSPER/G1 for processing. This authority runs out on 30 September 2002.

Waiver of Requirement to Repay Buyouts: Employees who resign or retire as a part of a buy-out program must repay the money they received if they return to work within 5 years of the resignation or retirement. The Office of Personnel Management (OPM) has waived this penalty for these temporary emergency appointments. This authority runs out on 30 September 2002.

REHIRING RETIRED MILITARY MEMBERS

Emergency Suspension of the 180-Day Waiver Requirement: Generally, retired members of the armed forces may not be hired into Department of Defense positions during the first 180 days following retirement unless a waiver is granted by the MACOM Commander. Based on the President's proclamation of a national emergency, there is no requirement to obtain such a waiver. This should speed up the hiring process for current military considering a civil service career and those preparing to retire. You may hire retired military personnel without a waiver for *any* kind of recruitment action (e.g., permanent fills, normal temporary fills, term appointments, *and* the temporary emergency authorities discussed above).*

RECRUITMENT BONUSES

If necessary to enhance the recruiting effort, recruitment bonuses of up to 25 percent of basic pay may be offered to newly hired Federal employees when they are hired under the Temporary Emergency Need Appointment described above, as long as the appointment will last at least six months and the employee agrees to remain with the Federal Government for at least six months.

NOTE: * Also applies to NAF.

Pay Options

Overtime Pay: The Fair Labor Standards Act and related laws set out the rules for when management must pay overtime for work employees are directed to perform outside of their normal tours of duty. For USARPAC-specific guidance, see USARPAC Regulation 37-7. Be sure to coordinate with appropriate resource management officials to assure that funds are available for planned overtime.

Compensatory Time: Compensatory time (usually called "comp time") is simply a different way of "paying" for overtime work performed. Rather than receiving overtime pay, employees may receive time off equal to the number of hours they worked on an overtime basis. Comp time assists managers who do not wish to expend funds for required overtime.

a. Comp time is recorded on time and attendance records and must be used by the end of the 26th pay period after it was earned, or it will be paid to employees at the overtime rate in effect when it was earned.

b. Employees covered by the Fair Labor Standards Act, GS employees whose pay does not exceed the maximum step of a GS-10, and wage grade employees may request to use comp time instead of being paid overtime. However, they may not be required to use comp time.

c. General Schedule employees earning salaries in excess of the maximum hourly rate for a GS-10 may be required to use comp time.

Premium Pay Limitations: Generally, an employee may not be paid premium pay (e.g. overtime) that would cause his or her salary to exceed that of the maximum rate of a GS-15 *during any biweekly pay period*. However, in an emergency situation, this rule may be relaxed by allowing pay above the GS-15 level for a pay period provided that the salary does not exceed the maximum rate for a GS-15 on an *annual basis*.

a. The Under Secretary of Defense has determined that the events of September 11 meet the definition of an emergency situation for this purpose.

b. Therefore, employees may be paid under the annual limitation rather than the pay-period limitation. This decision will make it easier to pay people who must perform unusually high amounts of overtime in support of Noble Eagle.

Leave & Hours of Duty

Administrative Dismissal:

The Commanding General, USARPAC, Major Subordinate Command commanders and subordinate commanders delegated the authority may close all or part of an activity and order the administrative dismissal of employees whose presence is not essential. Such action is taken when:

- Emergency conditions exist,
- Normal operations are interrupted by events over which management has no control, and
- For other reasons in the public interest.

Some practical examples are bad weather resulting in poor driving conditions or an increase in the Threat Condition. When administrative dismissal is ordered, non-essential employees are relieved from their work assignments, usually without loss of pay or charge to leave.

This authority does not cover extended periods of interrupted operations that can be anticipated sufficiently in advance to permit assigning employees to other work or scheduling annual leave, compensatory time or credit hours earned, or leave without pay.

Restoration of Annual Leave:

Annual leave shall be restored if it was lost because of:

- Administrative error,
- Employee illness,
- Mission requirements, or
- *Exigencies of the public business.*

For an employee to be eligible for leave restoration, the annual leave must have been scheduled and approved in writing three full pay periods before the end of the leave year.

MSC Commanders have the authority to approve restoration of annual leave in all of the above situations *except* "exigencies of the public business." Public exigencies are rare, and requests under this category must be forwarded through civilian personnel channels to HQDA for approval. MSC commanders may redelegate to their subordinate commanders the authority to approve restoration of leave caused by administrative error, employee illness, and mission requirements.

In the present situation, annual leave may be restored to employees whose presence is essential to accomplish the USARPAC mission, and who are unable to take use-or-lose annual leave which was scheduled and approved in a timely manner.

Work Schedules: Supervisors are responsible for establishing the hours of duty and work schedules for their employees. Supervisors may make changes in individual workdays and shifts to meet operational requirements. Notice must be given when employees are to be assigned to a different tour of duty or to different hours of work. Advance notice requirements vary from installation to installation due to Union-Management negotiated agreements, nature of work, local requirements, practices and procedures, and other factors.

CASUALTY ASSISTANCE

Be prepared...

Lessons Learned: In the aftermath of the 11 September 2001 attacks on the World Trade Center and the Pentagon, Department of the Army is evaluating many lessons learned. The most important issues are:

- Official Personnel Files (OPFs) contained limited information on who to notify in the event of an emergency or next-of-kin information.
- Supervisors had not set procedures in place to assure that civilian employees involved in emergencies could be accounted for.
- Out-dated or no beneficiary documents in employees' OPFs.

In crisis situations, the military will take charge and direct the flow of emergency procedures. The local civilian community will work with the military command center to provide casualty assistance to employees and their families.

Plan of Action for Emergency Procedures: The death or serious injury of a civilian employee is a significant event that affects the morale of the command, the family, and the surrounding community. Multiple or mass casualties will compound the crisis and increase the importance of timely information flow and notification concerning casualty status. As a manager or supervisor, you can be instrumental in organizing a plan of action for your employees in the event of an emergency. The recommendations in this chapter will outline those things that you can do to prepare or update your plan of action for emergency situations.

Emergency Notification of Next of Kin (NOK) Information: As a supervisor, you are key to the accounting for and the identification of your employees. According to the procedures set up in your organization, it may be your responsibility to notify next of kin. Ensure that you have access to emergency notification information on each of your employees *and* ensure that your employees keep the emergency information in their OPF up to date. The following information, at a minimum, should be available to you and kept current in the employee's OPF:

Employee Information	Primary Emergency Contact Information	Secondary Contact Information
Employee Name	Primary Contact Name	Secondary Contact Name
Social Security Number	Relationship to Employee	Relationship to Employee
Organization	Mailing Address (including zip code) *	Mailing Address (including zip code) *
Business Phone Number (DSN and/or area code)	Phone Number (DSN and/or area code)	Phone Number (DSN and/or area code)
Home Phone Number (DSN and/or area code)		
Cell/Pager Numbers		
Home Address w/zip code *		

NOTE: * When providing a home address, please do not use P.O. Box addresses; rather, use a residential or street address.

It is good practice for supervisors to maintain emergency information on their employees in more than one location. This practice will better ensure the availability of the information when it is needed.

Accounting for Civilian Employees: Supervisors are responsible for their employees. Supervisors should put internal procedures in place to assure that employees on leave or TDY know who they must contact in the event of an emergency. Managers should provide telephone numbers of key personnel in the organization to employees and discuss these procedures with them so that everyone is aware of his or her responsibilities. ***Employees going on annual leave or TDY should be required to call in to the office and provide their supervisors with their location, travel plans, and a number where they can be contacted.***

Emergency Family Plan: Although not the responsibility of managers or supervisors, reminding employees to have an emergency family plan is a good idea. Some issues employees should consider are:

- Beneficiary forms should be updated as necessary.
- Financial affairs should be discussed with pertinent family members.
- Legal documents (e.g., insurance policies, wills, birth certificates, marriage certificates, stocks/bonds/securities, mortgage, etc.) and their location should be discussed with appropriate family members.
- Government benefits/entitlements should be discussed with appropriate family members.
- Child-care plan for single parents or parents who are geographical bachelors.

This is not an all-inclusive list, but it will give employees an idea of the types of information they need to discuss with their families.

Web Site for More Information:

a. <https://www.abc.army.mil> This is the Army Benefits Center. Beneficiary information and forms may be found at this website.

b. <http://www.opm.gov> This is the Office of Personnel Management website.

c. <http://www.nafbenefits.com> This website contains similar benefits information for NAF employees.

Key, Emergency Essential (EE), and Cadre Positions and Employees

Commanders are responsible for ensuring that key, EE and cadre positions are properly identified and carefully managed. The following definitions are provided to assist commanders in identifying subject positions. Commanders may, at any time, designate new positions or change designations to meet mission requirements.

Key Position: A position, located in the United States, that cannot be vacated during a national emergency or mobilization. The position affects the organization's capability to perform effectively the emergency or mobilization mission.

a. Normally very few positions meet the definition and criteria for key positions. Key positions perform work vital to the national defense or national or community health, safety or welfare. Positions not considered key include clerical and administrative support positions.

b. Key positions may not be filled by Ready Reservists or military retirees with recall obligations. This precludes positions from being vacated by recall during mobilization. Reservists who must be retained in the position shall be transferred to Standby Reserve or Retired Reserve or discharged. Military retirees subject to recall who are assigned to key positions must initiate a request upon entering a key position to be exempted from recall or they must be removed from the position.

Emergency-Essential Position: A position, located in an overseas area (i.e., outside of CONUS, Alaska, and Hawaii) or that would deploy overseas during a crisis situation, required to provide immediate and continuing support for combat operations and/or to support maintenance and repair of combat essential systems.

a. DOD and Army policy is to limit the number of EE civilian positions to those positions specifically required to ensure the success of combat operations or the availability of combat essential systems.

b. EE positions cannot be converted to military and may not be filled by Ready Reservists or military retirees with recall obligations. Reservists and retirees retained in EE positions must be removed from military recall status unless an alternate E-E employee is designated.

c. Commanders may designate alternate EE employees. These employees will perform EE functions when the designated EE employee is not available.

d. EE and alternate EE employees are required to sign DD Form 2365, DoD Civilian Employee Overseas Emergency-Essential Position Agreement.

Cadre Position: A core of positions activated during mobilization to set up new operations and to train others to perform new or expanded functions. Functions may be performed at an existing installation or at an installation activated during mobilization.

- a. Some cadre positions will meet the criteria and definition of key positions. These positions are designated as key positions on the MOBTDA. Restrictions on fill by reservists and retired military apply.
- b. Cadre employees should be designated based on the specialized skills of the employee, management's knowledge of employee's ability to perform the mobilization assignment, and the individual's willingness to accept the assignment.
- c. Commanders may designate cadre employees on an involuntary basis if no cadre designees or volunteers are willing to serve as cadre members.

Actions Required: The following actions will ensure information on key, EE, and cadre positions is current and accurate.

- a. Annually screen position designations and employee military recall status. Report changes in position determinations and employee status to the Civilian Personnel Advisory Center whenever changes occur.
- b. Remove employees from ready reserve or military recall status, designate alternate EE employees, or reassign employees from positions.
- c. Ensure EE and alternate EE employees sign DD Form 2365. Ensure employees clearly understand the conditions of their jobs and the possibility of harm from emergency action. Ensure employees are equipped and trained to perform mobilization duties.
- d. Review positions descriptions (PD) for accuracy. Ensure the position description includes the designation as key or EE.