



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 EMPLOYEE ORIENTATION

- A. Purpose:** It is the policy of the USMS that all newly appointed administrative employees receive applicable written directives and information regarding their employment. This directive sets forth the requirements for orientation of newly appointed employees.
- B. Procedures:** During the orientation, employees will receive information concerning the agency's role, purpose, goals, policies and procedures. In addition, the employee will receive information regarding work conditions, regulations, responsibilities, and employees' rights.
- C. Responsibilities:** Responsibility for ensuring the appropriate orientation is provided in accordance with this protocol will rest with the Human Resources Division and the districts.
 - 1. **Human Resources Division:** provide all appropriate written and oral information to newly appointed employees reporting to headquarters in Arlington, VA; make sure that HQ field offices and the districts have all required orientation information; and provide all bargaining unit employees with a copy of the Master Agreement.
 - 2. **District Offices/U.S. Marshals:** provide all appropriate written and oral information to newly appointed administrative reporting to the districts.
 - 3. **Training Division:** provide all appropriate written and oral information to newly appointed Deputy U.S. Marshals as they begin their basic training.



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3.1 PERSONNEL AUTHORITY AND ACTIONS

- A. **Authority:** [28 C.F.R. § 0.111](#), [28 C.F.R. § 0.138](#), and [28 C.F.R. § 0.153](#) vests in the Director of the USMS the authority to take final action in matters pertaining to the employment, direction and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, temporary hiring of experts and consultants, separations and approval of staffing requirements) of personnel in general schedule grades GS-1 through GS-15 and in wage grade positions, but excluding U.S. Marshal and attorney positions unless otherwise delegated.
- B. **Authority Delegated:** Under and by virtue of the authority vested in the Director of the USMS is hereby delegated to the Assistant Director for Human Resources.



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3.1 STAFFING ACTIONS

A. Filling Full-Time Deputy U.S. Marshal Positions:

1. General:

- a. It is the policy of the USMS to recruit for and appoint as Deputy U.S. Marshals only individuals who meet the character, health and qualification standards established by the USMS and the Office of Personnel Management (OPM).
 - b. Full-time, permanent Deputy U.S. Marshal positions are filled from Certificates of Eligibles, from the nationwide register established under the Deputy U.S. Marshal exam. At management's option, positions may also be filled by promotion, transfer, reassignment, reinstatement, voluntary change to lower grade of career or career conditional appointees, or through the Centralized Student Career Experience program.
 - c. Commitments to and appointments of candidates will be made only by the Assistant Director, Human Resources Division, or designee.
 - d. Normally, new Deputy U.S. Marshal appointments will be made at the first step of either the GS-5 or GS-7 grade level, depending on qualifications. However, adjustments to the entrance salary rate for transfer, reassignment, or reinstatement eligibles may be made up to the 10th step of the grade if appropriate.
2. **Responsibility:** The Human Resources Division will establish, as necessary, selection procedures and requirements for filling full-time Deputy U.S. Marshal positions.
3. **Deputy U.S. Marshal Three-year Commitment.** Each Deputy U.S. Marshal candidate must sign a memorandum of understanding prior to joining the USMS. One of the essential parts of this memorandum is that a candidate understands that he/she is not eligible for reassignment until three years after the initial appointment.

B. Filling Administrative Positions:

1. **General:** The U.S. Marshal/Assistant Director will administer the program for filling district full-time and temporary administrative and clerical positions.
 - a. The U.S. Marshal/Assistant Director must determine if he or she will fill the vacancy from an OPM certificate; from a vacancy announcement open to reinstatement, transfer, reassignment applicants or from a list of non-competition eligibles under specific hiring authorities.

- b. The U.S. Marshal/Assistant Director may pursue one or all, depending upon the availability of eligible applicants; however, only one selection may be made per vacancy.
 - c. When filled under a vacancy announcement, the above positions will be advertised through the standard vacancy announcement.
2. **Candidacy:** To become a candidate for an administrative position with the USMS, an applicant must meet one of the following criteria:
- a. Be within reach on the appropriate Certificate of Eligibles
 - b. Be eligible under OPM regulations for reinstatement, reassignment or transfer to the USMS from another agency
 - c. Be selected under a USMS merit promotion vacancy announcement
 - d. Be eligible under government-wide special hiring authority, e.g., handicapped eligible.

C. Work Force Allocations:

- 1. The Human Resources Division (HRD) serves as the central repository for workload and work-year information within the USMS. As such, HRD must determine on an annual basis, or as needed, the most equitable distribution of USMS positions based on available data.
- 2. Requests for additional positions beyond the beginning-of-year allocation are discouraged. If, as the result of dire need, an allocation request must be made, it should be sent to the Deputy Director.

D. Employment of Relatives: This section applies to all U.S. Marshals, Assistant Directors, and other members of the headquarters staff with the authority to appoint, request the appointment of, promote or request the promotion of, employees.

1. **General:**

- a. A USMS employee who is vested with the authority by law, rule or regulation (or to whom the authority has been delegated) to appoint, employ, promote or advance individuals, or to recommend individuals for appointment, employment, promotion or advancement, cannot advocate a relative for appointment, employment, promotion or advancement to a position in his or her district or headquarters organization over which he or she has jurisdiction.
- b. Nepotism violates [5 U.S.C. § 3110](#), which generally prohibits public officials from employing or advancing relatives. The law contains two basic prohibitions: The first bars a public official from employing, appointing, promoting or advancing his or her relatives under his or her jurisdiction. The second prohibits a supervisor, manager or appointing official from advocating the employment, appointment, promotion or advancement of his or her relatives in his or her agency or department. The latter restriction applies throughout the Department of Justice (DOJ). Hence, a USMS supervisor, manager or appointing official may not advocate a relative for employment in another DOJ organization. If such advocacy occurs, an appointing officer cannot appoint, promote or advance the relative.

- c. A USMS employee may not recommend or refer a relative to another USMS employee who is lower in the chain of command for appointment, employment, promotion or advancement.
- d. Relative is defined as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepson, stepdaughter, stepsister, stepbrother, half brother or half sister.
- e. "Advocacy" includes making a recommendation, referring a relative for consideration to an individual lower in the chain of command than the public official, or otherwise indicating an interest in securing or facilitating a relative's consideration for employment, appointment, promotion or advancement.
- f. Purely informational inquiries, such as to determine whether a vacancy exists, are permissible, as are responding factually to employment inquiries about a relative and submitting an application or resume to the hiring office (as long as the office is not lower in the chain of command). While guards and contractors are not "employees" within the meaning of the nepotism statute, the USMS policy is to generally prohibit hiring and or supervision of a guard or contractor by a relative.

2. Restrictions:

- a. The restrictions in this section do not prevent the appointment of a relative who is a preference eligible (i.e., has veterans preference) if both of the following conditions exist:
 - 1) The individual's name is within reach for selection from an appropriate Certificate of Eligibles.
 - 2) An alternative selection cannot be made from the certificate without passing over the preference eligible and selecting a person who is not a preference eligible.
- b. The appointing official cannot later promote or advocate promotion of a relative appointed under the above provision. The exception provision applies only to appointments.
- c. An appointing official may not consider an eligible on a certificate of appointment if the eligible is prohibited by the restrictions in this section. Instead, the appointing official must consider the next available eligible.
- d. For the purpose of this section, the terms "appointment" and "employment" are considered synonymous and include personnel actions (except promotions) that are discretionary and not based on a statutory requirement. This includes all initial hires (regardless of source), reinstatements, reassignments and transfers. They do not include restoration after military service or conversion to career employment based on three years of indefinite, or "TAPER" (Temporary Appointment Pending Establishment of a Register), employment.
- e. The terms "promotion" and "advancement" are also considered synonymous. They include all actions that are at the appointing official's discretion and that increase an employee's grade, pay or relative standing in the organizational structure. They do not include within-grade increases.



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3.1 CAREER PROMOTIONS

- A. General:** This section establishes a career-promotion program for employees in the USMS and sets forth policy and procedures for promotion up to and including the full-performance (journeyman) level.
- B. Policy:**
1. Career promotions will be authorized as exceptions to the Merit Promotion program only when all employees in the same series and work unit are given grade-building experience to prepare them for the full-performance level and there is sufficient work at that level for all unit employees in the career ladder.
 2. Persons eligible for career ladder promotions will be advanced to the next higher grade in the career ladder, upon meeting eligibility requirements, provided they are not presently serving on a Performance Improvement Plan, the subject of an internal investigation, the subject of discipline, or serving a reckoning period as defined in this directive.
 3. A promotion for an employee against whom an investigation and or disciplinary action is pending or has been taken, that has or may result in greater than a letter of reprimand, will not take effect until one year after the offense was committed or the date headquarters became aware of it. The Director may extend this period to two years based on the severity of the offense. Actions against employees that are past one year but within two years will be referred to the Director through the Assistant Director for Human Resources.
 4. Managers and supervisors must submit requests for career promotions on an SF-52 to the Human Resources Division 60 days before the requested effective date.



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3.1 PROBATIONARY PERIOD FOR SUPERVISORS AND MANAGERS

- A. General:** This section sets forth USMS policy and procedures, and requirements for completing a probationary period upon initial appointment to a supervisory or managerial position in the competitive service.
- B. Definitions:** Supervisory Position and Managerial Positions have the meaning given them by the General Schedule Supervisory Guide.
- C. Coverage:** This section applies to any USMS employee whose initial appointment, transfer or promotion to a supervisory or managerial position is without limitation in the competitive service. Service in an acting capacity does not exempt employees from the probationary period of requirement.
- D. Exclusions:** Excluded from coverage are the following:
1. Employees who have satisfactorily completed probation for the type of position in question (i.e., supervisory or managerial) under a previous assignment.
 2. Employees temporarily appointed, promoted, reassigned or detailed from non-supervisory or non-managerial positions to supervisory or managerial positions within the USMS, regardless of the duration of such assignments.
 3. Employees in the excepted service. Employees in the excepted service must complete a 2-year trial period.
 4. Employees appointed to supervisory or managerial positions in the Senior Executive Service (SES). However, all new career appointees to the SES are required, under the provisions of SES, to serve a probationary period.
- E. Probationary Period:** When required, the probationary period will be one year. Prior service may be credited toward satisfactory completion of probation in the manner described below.
1. Upon initial appointment to a supervisory position on or after the effective date of this requirement, an employee is required to complete a one-year probationary period. A separate, one-year probationary period is required upon initial appointment to a managerial position except when an individual's duties while assigned to a supervisory position involved substantive, recognizable managerial responsibilities that were successfully performed.
 2. The final determination as to whether or not an employee is subject to a probationary period rests with the USMS and will be made on a case-by-case basis.
 3. Satisfactory completion of a probationary period for a supervisory position in the competitive service at any grade level satisfies the supervisory probationary period requirement. Likewise, satisfactory completion of a probationary period for a managerial

position, regardless of grade, satisfies both the supervisory and managerial probationary period requirement.

F. Crediting Service Toward Completion of the Probationary Period: Service in a supervisory or managerial position that is interrupted during the probationary period is creditable toward completion of a subsequent probationary period in the manner described below.

1. An individual serving a probationary period as a supervisor or manager in another agency who transfers to a supervisory or managerial position within the USMS before completing the probationary period may have that service credited toward successful completion of probation within the USMS provided that:
 - a. The former and the new positions are of the same type (i.e., both are supervisory or managerial). The extent to which probationary service in a supervisory position is creditable toward satisfactory completion of a managerial probationary period will be determined in accordance with the procedures set forth above.
 - b. The USMS is provided documentation certifying the amount and time of probationary service successfully completed.
2. Satisfactory service in a supervisory or managerial probationary period at another agency, which lasted a year or more, satisfies the USMS probationary requirement.
3. Absence in a non-pay status while on the rolls (other than absence because of a compensable injury or military duty) is creditable up to 22 workdays. Any unpaid time in excess of 22 workdays extends the probationary period by the number of days beyond the 22 days.
4. Absence (whether on or off the rolls) due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration is creditable in full.
5. Details or temporary promotions to non-managerial or non-supervisory positions during the probationary period are not creditable toward completion of probation.
6. A temporary assignment to a supervisory or managerial position effected on or after August 11, 1979, may not be credited toward completion of the probationary period requirement unless the assignment follows, without a break in service, a permanent assignment to such a position in which the probationary period was being served.
7. Previous service does not count toward a supervisory or managerial probationary period required under a subsequent appointment when the employee was separated for reasons related to his or her effectiveness as a supervisor or manager, and there is a break in service of more than 30 days in the probationary period.
8. If an employee is retroactively placed in a supervisory or managerial position as a result of a complaint settlement or grievance, no credit toward probation will be allowed for the retroactive period.

G. Tenure Group: An employee's tenure group is not affected by assignment to a supervisory or managerial position in which a probationary period is required. Similarly, an employee will not be placed in a separate reduction-in-force competitive level solely on the basis of his or her coverage under the supervisory or managerial probationary period requirement.

H. Monitoring Progress: Employees may be removed from supervisory or managerial positions during the probationary period and returned to non-supervisory or non-managerial positions if their performance reveals deficiencies that make them unsuitable for management. Accordingly,

supervisors of employees serving supervisory or managerial probationary periods should closely observe their performance. Employees should be counseled as to identified weaknesses or deficiencies in performance as they occur. A quarterly progress review is required for all entry-level probationary employees.

- I. **Supervisory Recommendation:** Supervisors will be asked for their recommendations to retain employees in or to remove them from the supervisory or managerial position approximately 90 days prior to completion of the probationary period.
- J. **Conversion:** Upon satisfactory completion of the probationary period and the recommendations of both the first- and second-line supervisors, initial appointments to supervisory or managerial positions will be finalized.
- K. **Removal During Probations:**
 1. **Failure to Satisfactorily Complete the Probationary Period:** Action taken to return a newly appointed supervisor or manager to a non-supervisory position is applicable when:
 - a. The action is effective before the probationary period expires.
 - b. The action is based on the employee's performance.
 - c. The employee is not serving a probationary period for initial competitive appointment.
 - d. The employee is returned to a position of no lower grade and pay than the one he or she left to accept the supervisory or managerial position.
 - e. The employee is assigned to a position at the same grade and pay as the position in which he or she was serving probation.
 2. **Removal Actions:**
 - a. Removal actions should, whenever possible, be initiated no later than 60 days before the end of the probationary period. However, they may also be initiated after the employee has served 90 days if it is determined that deficiencies in the employee's supervisory or managerial performance warrant removal from the position. The Employee Relations Team must be contacted before initiating removal actions.
 - b. Removal actions should be initiated by the employee's first-line supervisor, agreed to by the next level in the organizational structure, and submitted through channels to the Employee Relations Team along with supporting documentation.
 - c. Reduction-in-force procedures may not be used when determining the position in which individuals removed during a probationary period will be placed.
 - d. Positions vacated by individuals subject to a probationary period may not be obligated, nor may they be filled by temporary appointment unless the positions are temporary.
 - e. **Notice to the Employee:** An employee who is being considered for removal due to unsatisfactory performance must be notified in writing by the Employee Relations Team.

3. **Employee Return Rights:**

- a. An employee removed from a supervisory or managerial position in accordance with the preceding paragraphs may be returned to his or her former position if it has not been filled.
- b. Whenever the employee is not returned to his or her former position, he or she will be placed in another suitable job within the USMS.
- c. An employee who has demonstrated unsatisfactory supervisory or managerial performance does not have to be placed in a career-ladder position or one offering the same promotion potential as the one he or she left to enter the supervisory or managerial position.
- d. An employee appointed to a supervisory or managerial position through reinstatement or re-employment eligibility (and those appointed to such positions from a register) who is not concurrently serving a probationary period is entitled, upon removal from the position, to be placed in a vacant position equal in grade to the current one.
- e. An employee who is concurrently serving supervisory or managerial probation and probation for a initial federal appointment is not entitled to be placed in another position if removed during the probationary period.
- f. An employee selected from another federal agency for a supervisory or managerial position within the USMS who does not successfully complete probation must be placed in a USMS position; however, the transferee may be returned to the grade he or she left.
- g. The employee's entitlement to placement following removal from a supervisory or managerial position during the probationary period is USMS wide. Whenever possible, though, he or she should be placed within the same commuting area.

L. Effect of Removal: The return of an employee to a non-supervisory or non- managerial position should not be the sole reason for denying the employee consideration for subsequent appointment to such a position.

M. Pay upon Return to a Non-supervisory or Non-managerial Position:

- 1. An employee who is promoted to a supervisory or managerial position and is subsequently returned to his or her former grade level loses credit toward a within-grade increase in the former position by reason of having received an "equivalent increase" when promoted. Accordingly, when the employee returns to the lower grade, his or her pay will be set in accordance with DOJ and USMS guidelines regarding application of the highest previous rate rule.
- 2. An employee who is returned to a lower-grade position is not entitled to grade or pay retention.

N. Actions Not Covered under this Section

- 1. Disciplinary actions unrelated to supervisory or managerial performance and actions demoting employees to lower grades than those left to accept supervisory or managerial positions.

2. If, upon appointment, an employee is required to serve both a probationary period under this section and an initial federal appointment probationary period, the latter takes precedence, and the employee's completion of the probationary period for competitive appointment fulfills the requirements of this section.

O. Appeal Rights:

1. An action to return an employee to a non-supervisory or non-managerial position during probation for reasons directly related to his or her performance may not be appealed and is not covered by either bureau or negotiated grievance procedures.
2. Allegations of discrimination based on race, color, religion, national origin, sex, physical handicap or age in connection with an individual being returned to a non-supervisory or non-managerial position must be submitted to the USMS Office of Equal Employment Opportunity. Allegations of discrimination due to marital status or partisan political affiliation may be appealed to the Merit Systems Protection Board.
3. Initiation of an appeal alleging discrimination as described above will not affect the effective date for removal of the employee from the supervisory or managerial position.

P. Records and Documentation:

1. **Personnel Actions:** Personnel actions processed in accordance with the provisions of this section must be documented on an SF-50 according to OPM regulations.
2. **Completion of the Probationary Period:** Satisfactory completion of the supervisory or managerial probationary period requirement is documented on the Request for Review of Supervisory or Managerial Probationary or Trial Period form generated by HRMIS. The completed form is filed on the right side of the official personnel folder.
3. **Failure to Complete the Probationary Period:** Actions to reassign or demote an employee for failure to satisfactorily complete the probationary period are documented on an SF-50. In addition, a copy of the written notification to the employee of the removal action and the Request for Review of Supervisory or Managerial Probationary or Trial Period form, if available, should be placed on the permanent or right side of the employee's official personnel folder.



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3.1 ADDITIONAL DUTY DESIGNATION

- A. Purpose:** This directive updates the additional (collateral) duties assigned to employees in districts and at Headquarters.
- B. Authority:** The Director's authority to issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).
- C. Policy:** Collateral or additional duty assignments are tasks that are assigned by management to an employee whose position description does not otherwise reflect the assignment. A list of possible additional/collateral assignments is provided in appendix A. The duties are normally performed during duty hours, and the time spent accomplishing the duty may displace the time that would be devoted to those tasks described in the employee's position description.
- 1. Designation:** All collateral or additional duties are assigned to the U.S. Marshal and may be delegated to appropriate employees. The collateral assignments identified in this policy are not inclusive and are subject to change. District management may use these assignments and others as needed and/or requested. Unless directed through another policy, there is no requirement to assign each duty. As with any assignment, managers must take into account the safety and appropriateness of the assignment and must ensure employees are properly trained to assume the duties.
 - 2. Duration:** The duration of assignment of additional/collateral duties is not fixed. If the assignments provide an opportunity for an employee to gain job-enhancing experience, the assignments may be rotated at the discretion of management.
 - 3. Annual Evaluation:** The annual evaluation process will only address the generic and primary position description requirements, so additional and collateral duties are not a consideration in the evaluation process. If collateral duties are the same as duties in the employee's position description or if managers consider collateral duties as "other duties as assigned," consideration may be given to the performance of such tasks during the evaluation process. However, managers must give due consideration to the fact that collateral duties are generally not considered primary duties.
- D. Procedures:** When an employee is assigned to additional/collateral duties, the assignment will be recorded on Form [USM-222](#), *Additional Duty Designation*. A copy of the completed form will be retained in the district/office file for the duration of the assignment, plus 2 years after the employee is released from the duty. The employee will be provided with the original copy of the completed form at the start of the assignment for his/her personal records. When the assignment is terminated, the date the duty is concluded will be noted on the form.
- E. Responsibilities:**
- 1. District Office:** Maintains files with completed Form [USM-222](#).
 - 2. U.S. Marshal or Designee:** Completes additional/collateral duties as needed.

E. Additional/Collateral Assignments: Listed are the titles of additional duty assignments and who can be responsible for performing the assignment are listed below. Unless otherwise specified, the U.S. Marshal (or designee) is responsible for all collateral assignments.

1.	Accountable Property Officer	0082, 1811 or administrative employee
2.	0082, 1811 or administrative employee	
3.	Communication Officer	0082 or 1811
4.	Community Detention Officer	0082 or 1811
5.	Court Security Coordinator	1811
6.	Drug Program Officer	0082, 1811 or administrative employee
7.	EEO Investigator/Counselor	0082, 1811 or administrative employee
8.	Firearms Instructor	1802, 0082 or 1811
9.	Fitness-in-Total Coordinator	0082, 1811 or administrative employee
10.	Freedom of Information Officer	0082, 1811 or administrative employee
11.	Motor Vehicle Officer	0082, 1811 or administrative employee
12.	Occupational Safety and Health Officer	0082, 1811 or administrative employee
13.	Public Information Officer	1811
14.	Records Management Coordinator	0082, 1811 or administrative employee
15.	Asset Forfeiture Coordinator	1811
16.	Seized Property Custodian	0082 or 1811
17.	Sexual Harassment Point of Contact	0082, 1811 or administrative employee
18.	Systems Administrator/Computer Security	0082, 1811 or administrative employee
19.	Protective Investigations Coordinator	1811
20.	Training Coordinator	1811
21.	Victim/Witness Coordinator	0082 or 1811
22.	Warrant Coordinator	1811
23.	Worklife Coordinator	0082, 1811 or administrative employee
24.	Workers' Compensation Coordinator	0082, 1811 or administrative employee
25.	Recruiting Officer	0082 or 1811
26.	Witness Security Liaison	1811
27.	Stunbelt Coordinator	0082 or 1811
28.	NCIC Coordinator	0082 or 1811
29.	OC Spray/Baton Coordinator	0082 or 1811
30.	0082 or 1811	
31.	OCDETF Coordinator	1811

E. Form [USM-222](#), Additional Duty Designation:

1. Form [USM-222](#) will be used by all U.S. Marshals in making the required additional or collateral-duty designations.
2. An original and three copies of the form should be prepared and distributed as follows:
 - a. Original to designee.
 - b. Copy 1 for district files.



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3.1 SEPARATION OF EMPLOYEES AND CONTRACTORS

- A. Proponent:** Human Resources Division. Telephone: 202-307-9625.
- B. Authority:** The Human Resources Division (HRD) is responsible for coordinating the separation of employees and/or contractors.
- C. Policy:** It is the responsibility of United States Marshals Service (USMS) managers to follow the separation procedures in this policy. It is critical to follow these procedures in order to protect the resources of the USMS. The USMS managers must give notification for:
- Employees:** by submitting an [SF-52, Request for Personnel Action](#) to HRD in advance or on the date of the separation of an employee. This action ensures that the employee is formally separated and taken out of the National Finance Center (NFC) pay system.
 - Contractors:** by providing written notification to the Contracting Officer (CO) and/or the Contracting Officer's Technical Representative (COTR) in advance or on the date of the separation of a contractor to cease payment for services.

In addition to the separation actions described above, managers must complete all applicable steps listed on the *Separation Checklist*, [USM-199](#) (formerly Employee Exit Check-Out Record 9/06) to include controlling access to buildings, computer systems, firearms and other USMS assets.

- D. Procedures:** Whenever an employee or contractor separates, the procedures in this directive must be followed. All forms can be found on the forms page of the USMS web site. Links to these forms, additional information, and specific contact names and numbers can also be found on the HRD intranet site under Management Services, HR Guidance.
- Employee: Permanent Separation**
 - Complete the [USM-199, Separation Checklist](#), prior to permanent separation of an employee. It is the responsibility of the supervisor to ensure that all actions are completed on the [USM-199](#). The [USM-199](#) and the prescribed activities must be completed and all obligations to the federal government liquidated prior to issuance of the final salary check.
 - Supervisors must also provide all separating employees with the [USM-158, Employee Exit Survey](#). As noted on this self-mailing form, employees are asked to complete the form and return it directly to the Office of Equal Employment Opportunity.
 - HRD will provide a completed [SF-8, Notice to Federal Employees about Unemployment Insurance](#), to all separating employees who do not have other employment.

- d. Within 30 days of separation, all employees above the GS-15 level (i.e., Senior Executive Service employees, senior level U.S. Marshals, and the Director) must complete the [SF-278, Executive Branch Personnel, Public Financial Disclosure Report](#) and return it to the Ethics Specialist in the USMS Office of General Counsel. This must be completed as a Termination Filer.
 - e. As the head of the office, additional steps must be taken when a United States Marshal separates. See USMS Directive 3.8, [Transfer of Office of U.S. Marshal](#).
2. **Employee: Involuntary, Temporary Move to a non-pay status:** If an employee is placed in a non-pay status on an involuntary basis, such as a disciplinary action, it is critical to protect all assets of the USMS.
- a. Employee Relations, HRD will complete and submit the SF-52, *Request for Personnel Action* which outlines the length of time the employee is placed in a non-pay status.
 - b. The supervisor must submit a [User Account Request \(UAR\)](#) to the USMS Help Desk so that access to the USMS computer systems can be disabled for the appropriate amount of time.
 - c. The supervisor, with the assistance of the Employee Relations Branch, must determine if all official government property remains in the custody of the government, rather than the employee during the non-pay status. This includes badges and credentials, weapons, electronic equipment, etc.
 - d. The Assistant Chief, Personnel Security Branch will be notified of all suspensions in pay by the Employee Relations Branch in order to determine if a parallel suspension of the employee's clearance is also necessary.
3. **Employee: Voluntary, Temporary Move to a non-pay status:** It is important to protect the assets of the Marshals Service in all circumstances, including when an employee is voluntarily moving to a non-pay status on a temporary basis. Some examples of this type of situation include long-term military leave, the Family Medical Leave Act, or other leave without pay situations.
- a. The supervisor must submit an SF-52, *Request for Personnel Action* to HRD in order to place an employee in a non-pay status. This action is necessary to document the long-term leave in the employee's file.
 - b. The supervisor must submit a [User Account Request \(UAR\)](#) to the USMS IT Help Desk so that access to the USMS computer systems can be modified, disabled or deleted.
 - c. As in all cases, it is important to take steps to protect the resources of the Marshals Service. It is within a supervisor's discretion to take whatever steps or actions are deemed necessary or prudent, especially if it is reasonable to anticipate that the employee may not return to duty or the basis of the employee's absence leads the supervisor to conclude that access to USMS resources would be contrary to USMS interests.
4. **Employee: Voluntary, Extended Absence – remains in pay status:** This situation might occur if an employee is on family leave for the birth or adoption of a child, takes an extended vacation, or takes long-term medical leave for an extensive surgery, medical treatment, etc.

As in all cases, it is important to take steps to protect the resources of the Marshals Service. It is within a supervisor's discretion to take whatever steps or actions are deemed necessary or prudent, especially if it is reasonable to anticipate that the employee may not return to duty or the basis of the employee's absence leads the supervisor to conclude that access to USMS resources would be contrary to USMS interests.

5. **Contractor: Permanent Separation:** A contractor is not an employee, but has access to many of the same resources as an employee. As a result, the contractor and his or her supervisor must also complete the applicable sections of the [USM-199, Separation Checklist](#). In addition to the steps outlined in the [USM-199](#), the following actions are specifically required for contractor separation.
 - a. The separation of a Court Security Officer (CSO) requires adherence to [USMS Directive 3.7, Personnel Security](#) regarding the collection of CSO credentials and pocket badges.
 - b. The separation of District Security Officers (DSOs) and Aviation Security Officers (ASOs) requires adherence to [USMS Directive 9.3, Use of Personal Services – Contract District Security Officers](#) regarding termination of services, DSO identification cards and HSPD-12 smart cards.
 - c. The USMS supervisor of a contractor must submit a completed [USM-199](#) to the Assistant Chief, Pay and Special Analysis of the Financial Services Division, so that the exit of the contractor can be recorded.
 - d. The USMS supervisor of a contractor must submit a completed [USM-199](#) to the Tactical Operations Division, Personnel Security Branch so that the separating contractor can be designated as inactive.

E. Responsibilities:

1. **U.S. Marshals/Associate Directors/Assistant Directors:** will submit the SF-52 to separate an employee under his or her direct line of supervision or to move the employee to a non-pay status. These managers also have the ultimate responsibility to take formal action to stop payment to a contractor. In addition, they must ensure that USMS property has been returned and that access to computer systems has been deleted or disabled, etc. They must also notify separating employees that failure to do so will result in delay of final paychecks.
2. **Immediate Supervisor (or Designee):** will complete and submit the [USM-199, Separation Checklist](#) to the appropriate organization. This responsibility includes notifying the appropriate offices, collecting all USMS property and ensuring the return of all forms and USMS property to its appropriate office or location. The supervisor also provides separating employees with the [USM-158, Employee Exit Survey](#).
3. **Human Resources Division:** will provide separating employees a completed Form SF-8, and will collect a completed Form [USM-199](#) from the supervisors or their designees of all separating employees.
4. **Financial Services Division:** will collect a completed Form [USM-199](#) from the supervisors or their designees of all separating contractors.
5. **Separating Employees:** will complete Forms [USM-199](#) and [USM-158](#). Completion of Form [USM-199](#) includes obtaining appropriate signatures and returning all USMS property to the immediate supervisor. Separating law enforcement employees must

return USMS weapon(s) and body armor to the Firearms/Operational Supervisor. Separating law enforcement employees who were not issued a USMS weapon, but used their personally owned weapon(s) while on duty, must indicate such on Form [USM-199](#) in the Firearms section and check the appropriate box marked, “used only personal weapon(s) on-duty.”

6. **Separating Contractors:** will complete Form [USM-199](#). Completion of Form [USM-199](#) includes obtaining all appropriate signatures and returning all USMS property to the immediate supervisor



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 USE OF TEMPORARY AGENCIES

- A. General:** USMS district and headquarters offices may contract for temporary services.
- B. Authority:** [5 C.F.R. §§ 300.501-300.507](#) (effective February 24, 1989)
- C. Coverage:** all USMS district and headquarters offices
- D. Use of Private Services:** The use of private-sector temporary employees may be considered when:
1. An employee is absent temporarily due to an emergency, accident or illness or a family responsibility.
 2. Critical work that cannot be delayed must be carried out for a temporary period and it cannot be done by current employees or through direct appointment of temporary employees within the time available, by the date and for the duration of time help is needed.
- E. Prohibition on the Use of Temporary Firms:** Temporary firms may not be used in the types of situations described below.
1. In lieu of the regular recruitment and hiring procedures under the civil service laws for permanent appointment in the competitive service
 2. To displace a federal employee
 3. When the work is that of an SES, supervisory, managerial or Schedule C position
 4. When employees are absent for vacation
- F. Time Limits:** Generally, no employee of a temporary-help firm may work for an agency within a local commuting area for more than 45 workdays within a six-month period.
1. An additional 20 days is authorized in cases of maternity leave.
 2. There is a 240-day limit on the use of contract temporary workers in any one situation.
 3. OPM area offices can, in certain situations, grant extensions to the above time limits.
- G. Prohibition of Employer-employee Relationships:** To ensure that there is no appearance of an employer-employee relationship, supervisors should provide private-sector temporary workers only with the technical, task-related instructions needed to properly perform their services under the contract. The temporary- help firm remains the employer with legal responsibility for hiring, training, assigning, paying, providing benefits, approving leave, addressing performance problems and (as necessary) terminating employees.

H. Procedures for Obtaining Private Sector Temporaries: Before the services of private-sector temporary workers can be utilized, each step outlined below must be completed.

1. A determination has been made that use of temporary services is appropriate (i.e., meets Use of Private Services criteria).
2. Requests for private-sector temporary workers will be handled as any other small-purchase agreement. As such, district personnel must submit a Form [USM-157](#) and Request for Private Sector Temporaries to the appropriate U.S. Marshal. Headquarters division chiefs should submit the above forms to the Procurement Office.
3. All private-sector temporary workers utilized within district and headquarters offices must be cleared by the Human Resources Division before they begin work. Therefore, it is recommended that temporary-help organizations with which USMS personnel deal have background investigations completed on at least some of their employees at all times.
4. The office has sufficient funds available within its work plan to pay for temporary services.
5. An individual is identified within the office to monitor the number of hours worked by temporary employees to ensure that the maximum time limits on the use of their services are not exceeded.

Request for Private-Sector Temporaries

Organization Requesting Service: _____

Duration: _____

Description of Services Required:

Temporaries are requested because:

1. An employee is absent for a temporary period because of a personal need. Provide details:
2. Work must be carried out for a temporary period and, because of a critical need, must not be delayed.

Provide details:

* The following section must be signed by the Personnel Management Specialist responsible for staffing activities for the requesting office.*

Compliance with this request is essential because the need cannot be met with current employees or through the direct appointment of temporary employees within the time available, by the date and for the duration of time, these services are needed. Specifically:

1. There are no qualified candidates on the applicant supply file and on the re-employment priority list.
2. There are no qualified disabled veterans with a compensable service connected disability of 30 percent or more who are immediately available for temporary appointment of the duration required.
3. Employees cannot be reassigned or detailed without causing undue delay in their regular work. These services are not being used in lieu of regular recruitment and hiring procedures for permanent appointment or to displace a Federal employee.

CONCUR ____ NONCONCUR ____

Personnel Management Specialist Date

Signature of Personnel Officer Date



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 DEPUTY DEVELOPMENT PROGRAM

A. Proponent: Training Division, (912) 267-2505; Fax (912) 267-2882.

B. Purpose: This policy directive sets forth policy and procedures for the U.S. Marshals Service (USMS) Three-Year and Accelerated Deputy Development Program. The program is intended to ensure that Deputy U.S. Marshals (DUSMs) experience the wide range of operational duties and receive developmental assignments required of a criminal investigator. New hires and individuals participating in the Criminal Investigator Conversion Program (CICP) must complete the requirements of this directive in order to participate in the three year GS-12 certification program

C. Authority: The Director's authority to administer and supervise training of USMS personnel is contained in [28 U.S.C. § 561](#).

D. Policy:

1. Newly hired GS-082 DUSMs must successfully complete a formal basic training program. The program is comprised of the Criminal Investigator Training Program (CITP) and the Basic Deputy U.S. Marshal class (BDUSM). Upon completion of the basic training program, the DUSM must complete the Deputy Development Three Year Track. All Deputy U. S. Marshals hired after August 2006 will remain in the GS-082 series and will adhere to that career path until such time as they are eligible for conversion, but no sooner than the conclusion of the Conversion Classes under the CICP.
2. GS-082 DUSMs who participate in the [Criminal Investigator Conversion Program](#) outlined in USMS directive, [Part I](#), must successfully complete a formal conversion training program comprised of the Criminal Investigator Training Program (CITP) and the Abbreviated Basic Deputy U.S. Marshal class (ABD). Upon completion of the training program and conversion to the Criminal Investigator Deputy U.S. Marshal (CIDUSM) position, the CIDUSM must complete the Deputy Development Program Accelerated Track.
3. CIDUSMs who attained GS-1811 status through competitive merit promotion who participate in the [Criminal Investigator Conversion Program](#) outlined in USMS directive, [Part II](#), must complete the Deputy Development Program Accelerated Track.
4. Lateral transfer Criminal Investigators from other agencies must successfully complete the Basic Deputy U.S. Marshal class. Upon successful completion of the training class, the CIDUSM must complete the Deputy Development Program Accelerated Track.
5. A Field Training Officer (FTO), assigned by district management, will provide oversight and evaluate the employees in this program.

E. Procedures:

1. **Administering the Program:** The appropriate development program begins when the GS-082 DUSM or CIDUSM returns to the district after successfully completing the basic

Criminal Investigator Training Program and the appropriate agency specific follow on course, i.e., Abbreviated Basic Deputy or Basic Deputy U.S. Marshal.

2. **Training Standards:** Operational employees will complete the appropriate deputy development program:

- a. After successful completion of CITP and BDUSM classes, newly hired deputies, including FCIP candidates, are required to fulfill and successfully complete a three year deputy development program. Elements and time requirements of the three-year deputy development program other than Fugitive Investigations and Witness Security are to be completed within the first two years of employment. The Fugitive Investigations and Witness Security portions shall be completed during the last year of the developmental program.

Three year development track:

PROGRAM AREA	MINIMUM TIME
Fugitive Investigations	60 workdays
Prisoner Handling	20 workdays
Court Security	20 workdays
Execute Court Orders	20 workdays
Protective Assignments	20 workdays
Witness Security	20 workdays
Seized Assets	10 workdays

- b. All non-competitive conversion CIDUSMs, Criminal Investigators who attained GS-1811 status through competitive merit promotion, and laterals from other agencies, must complete the Deputy Development Accelerated Track within 12 months. Deputies must fulfill the minimum time requirement for each operational program area.

One year accelerated development track:

PROGRAM AREA	MINIMUM TIME
Fugitive Investigations	35 workdays
Prisoner Handling	35 workdays
Court Security	35 workdays
Execute Court Orders	10 workdays
Protective Assignments	10 workdays
Witness Security	5 workdays
Seized Assets	5 workdays

- 3. **Completion of Developmental Assignments:** Districts must establish the developmental plan within 30 days of completion of formal training. The criteria listed in 2. a. will be used by district managers in the developmental timeline of the employees' Individual Development Plan for FCIP Candidates. At that time an assessment must be made as to the feasibility of accomplishing these developmental assignments within district. If it is determined that the district will need to seek external assignments to meet program requirements, then those assignments need to be sought early in the development period through such resources as Special Assignments, assignments to

nearby districts or assignments to field offices of Headquarter Divisions. This will ensure that assignments will be completed within the required timeframe.

4. **Interruption of Assignments:** District management must ensure that a GS-082 DUSM or CIDUSM completes assignments in each area on consecutive days unless it is necessary to interrupt assignments in order to meet operational needs. In that case, district management must ensure that the employee is returned to the interrupted assignment, or a similar one, as soon as possible.
5. **Assignments to Core Areas:** Operational employees participating in this program must be assigned to all areas during the field training program in order to experience a range of duties.
6. **Field Training Program:** Deputies in the Three-Year or Accelerated Deputy Development Program are monitored by Field Training Officers (FTOs) as part of the Deputy Development Program. The program provides training, oversight and evaluation of newly assigned deputies while allowing them to develop their abilities to apply learned skills and techniques to real situations.
7. **Selection and Supervision of Field Training Officers:** District management appoints FTOs, who are supervised by an operational district manager or supervisor. Selection factors include a deputy's experience, skill level and behavior. The FTO should have at least five years experience and have completed at least one Advanced Deputy Training Program. FTO responsibilities should be rotated among senior deputies and may be based upon their specific areas of expertise. One FTO at a time will be assigned to real situations.
8. **Guidelines for Evaluation by Field Training Officers:** At the end of the Field Training Program, the FTO will prepare an overall evaluation of the deputy's performance, to include the following general areas:
 - a. **General Appearance:** maintains a professional physical appearance, dress and demeanor.
 - b. **Continuous Improvement:** accepts constructive criticism and uses feedback to further the learning process and improve performance.
 - c. **Support for USMS Mission:** demonstrates positive attitude in terms of personal motivation, goals and acceptance of job responsibilities.
 - d. **Knowledge of USMS Policies and Procedures:** understands agency procedures and applies them in all situations.
 - e. **Performance:** performs well in routine, non-stress situations as well as in ones involving moderate and high stress.
 - f. **Problem Solving/Decision Making:** perceives accurately, forms valid conclusions, arrives at sound judgments and makes proper decisions.
 - g. **Relationships:** interacts effectively with co-workers in various capacities.

F. Responsibilities:

1. **U.S. Marshals/Chief Deputy U.S. Marshals:**
 - a. Appoint experienced CIDUSMs as FTOs for new deputies who are participating in the Three-Year or Accelerated Deputy Development Track.
 - b. Review and approve a Form [USM-291](#), *Deputy Development Program Training Record*, and make two copies as a deputy nears completion of the program. The original is forwarded to the Human Resources Division for the deputy's official personnel folder and one copy is kept by the district.
 - c. Ensure that FTOs receive guidance consisting of a review and explanation of duties as outlined in this Directive, including FTO roles and responsibilities.

2. **Field Training Officers:**
 - a. Oversee newly assigned deputies during the deputy development period after they are assigned to a district.
 - b. Consult with Training Division staff to ensure that each new deputy has the chance to satisfactorily complete the Field Training Program.
 - c. Evaluate deputies and fill out Form [USM-291](#).
 - d. The Training Division will provide guidance to Managers and FTO's as required.

By Order of:

 /S/
Brian R. Beckwith
Deputy Director
U.S. Marshals Service

Effective Date:

 5-16-2008



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 CRIMINAL INVESTIGATOR CONVERSION PROGRAM (CICP)

A. Proponent: Human Resources Division and Training Division

B. Purpose: To provide policy and procedure to be followed for a GS-082 Deputy U.S. Marshal (DUSM) to be converted to the GS-1811 Criminal Investigator (CIDUSM) position. This directive also describes a parallel process for current GS-1811's who were selected through the merit promotion process to ensure fairness. There are three parts and each part is addressed separately as follows:

Part I: System for non-competitive conversion of current and reinstatement GS-082 DUSMs to the GS-1811 CIDUSM position;

Part II: Parallel system for those who attained GS-1811 status through competitive merit promotion; and

Part III: Development program which includes pre and post-Criminal Investigator Training Program (CITP) development activities. Also see the related material in U.S. Marshals Service (USMS) [Deputy Development Program](#) directive.

C. Authority: 28 CFR 0.111, 0.138, and 0.153 vests in the Director of the USMS the authority to take final action in matters pertaining to the employment, direction and general administration (including appointment, assignment, training, promotion, demotion, compensation, leave, classification, temporary hiring of experts and consultants, separations and approval of staffing requirements) of personnel in general schedule grades GS-1 through GS-15 and in wage grade positions, but excluding U.S. Marshal and attorney positions unless otherwise delegated.

D. Policy:

1. All interested and eligible GS-082 DUSMs will have the opportunity to be non-competitively converted to the GS-1811 CIDUSM position.
2. All current GS-1811 CIDUSMs at the GS-7, 9 and 11 levels, who were previously selected for the GS-1811 through the competitive process, will be considered in a parallel system so that they will have equal consideration for progression with those under non-competitive conversion.
3. All program participants will be afforded training and developmental assignments to enhance their ability to perform CIDUSM duties and responsibilities.

E. Objective:

1. The program re-establishes the USMS GS-082 to GS-1811 career path.
2. The program provides for a highly flexible workforce capable of responding to the full range of mission requirements.

3. The program ensures that successful participants have the requisite knowledge, skill and ability to carry out the duties of a full performance CIDUSM.
4. The program also enhances the ability of the USMS to attract and retain a highly motivated, service-oriented workforce capable of meeting today's challenges and of becoming tomorrow's law enforcement leaders.

F. Conversion Process:

PART I: SYSTEM FOR NON-COMPETITIVE CONVERSION OF CURRENT AND REINSTATEMENT GS-082 DUSM TO THE GS-1811 CIDUSM POSITION

1. Eligibility:

- a. All GS-082 DUSMs, on board as of August 2006 including reinstatements, who will have successfully completed Deputy U.S. Marshals Service training on or before October 30, 2006, will be eligible to participate in accordance with the procedures outlined in this directive.
- b. Conversion CITP class rosters will be formed based on DUSM graduation date. *(All participants, who have been reinstated as DUSMs will have the period of time away from the USMS added to their DUSM graduation date. This will result in a reconstructed DUSM graduation date for the purpose of attending CITP. Participants must have served for 3 years as a DUSM following DUSM graduation before they may be considered for CITP.)*
- c. In cases where there are insufficient CITP class seats for the same graduation date, the factors listed below will be used in the order listed to determine the roster.
 - 1) USMS entry on duty date
 - 2) Civil Service Computation Date
 - 3) Randomly generated number sequence in combination with social security number listed in reverse order
- d. In cases where there are not sufficient eligible candidates who have fulfilled the three (3) year requirement as a DUSM available to fill a CITP Conversion Class, DUSMs who have not met the three (3) year requirement may be permitted to attend that class. Selection of those DUSMs who have not met the three (3) year requirement will be made based upon the same criteria as outlined in section (F)(1)(c), above.

2. Non-Competitive Conversion Sequence:

- a. Prior to attendance at the CITP, DUSMs will complete the required pre-CITP developmental activities set forth in Appendix I.
- b. DUSMs will attend CITP.
- c. The day following the successful completion of CITP, DUSMs who have met the three (3) year requirement, as outlined in (F)(1)(b), prior to attending the CITP Conversion Class will be converted non-competitively to the CIDUSM position at their current grade and in their current district. Those DUSMs who attended CITP Conversion Class before meeting the three (3) year requirement, as

outlined in (F)(1)(d), above, will be converted non-competitively to the CIDUSM position on the day following the graduation date of the CITP class they would have attended after completion of their three (3) year requirement at their current grade and in their current district.

3. **Program Requirements:**

- a. **On-line Data Verification:** DUSMs will be responsible to review and verify the accuracy of Marshals Service employment and training data. The verification process also allows the DUSM to indicate interest in becoming a CIDUSM through the non-competitive conversion process. Only persons indicating interest in participating in the program will be considered.
- b. **Pre-CITP:** A DUSM must successfully complete the Pre-CITP Criminal Investigator Development Plan including both the on-line writing program and the developmental experiences listed in Part III. The completed plan must be submitted to the servicing Human Resource Specialist 30 days prior to the start of CITP by the CDUSM.
- c. **Attendance at CITP:**
 - 1) A DUSM may attend CITP contingent upon availability of classes.
 - 2) A DUSM is eligible to attend CITP not less than three years from the date of graduation from DUSM (or the date computed).
- d. **FIT Requirement:** A DUSM will be required to have a current, passing FIT assessment to be eligible to attend CITP. A copy must be attached to the completed [USM-279](#), *CI Development Program* form. Once at the Training Division, a candidate will be tested preceding CITP. A passing FIT assessment is required at the Training Division for continuance in CITP.
- e. **Firearms Qualification:** A DUSM will be required to have a current, passing Firearms Qualification to be eligible to attend CITP. A copy of the completed Firearms Qualification form must be attached to the completed [USM-279](#), *CI Development Program* form.
- f. **Performance Rating:** A DUSM will be required to have a current performance rating of at least "Successful" to be eligible to attend CITP. A copy of the latest Performance Rating must be attached to the completed [USM-279](#), *CI Development Program* form.
- g. **Employee Relations/Internal Affairs Clearance:** A DUSM will be required to be cleared by Employee Relations and Internal Affairs to be eligible to attend CITP.

4. **Responsibilities:** DUSMs, Supervisory Deputy U.S. Marshals (SDUSMs), Chief Deputy U.S. Marshals (CDUSMs), U.S. Marshals (USM), the Human Resources Division and the Training Division have responsibilities under the CI Development Program:

- a. **Deputy U.S. Marshals (GS-082):**
 - 1) Complete the requirements of the [USM-279](#), *CI Development Program* form
 - 2) Complete on-line verification process

- 3) Pass FIT test in accordance with FIT standards
- 4) Pass Firearms Qualification
- 5) Have a current performance rating of at least "Successful"
- 6) Complete the pre-CITP development program and the post-CITP accelerated track of the Deputy Development Program

b. Supervisory Deputy U.S. Marshals:

- 1) Verify the accuracy of the DUSM's completion of the developmental activity on the [USM-279](#), *CI Development Program* form
- 2) Attempt at all times to provide consecutive development days instead of interrupting the assignment
- 3) To the maximum extent possible, obtain development opportunities for DUSMs and CIDUSMs in other districts if it is not possible to receive the opportunity in district
- 4) Submit the [USM-279](#), *CI Development Program* form for each eligible DUSM to Chief Deputy U.S. Marshal for certification

c. Chief Deputy U.S. Marshals and United States Marshals:

- 1) Provide developmental opportunities to DUSMs so that they may complete the program requirements for the CI Development Program
- 2) Review and provide final certification that the DUSM has completed the CI Development Program Plan activities
- 3) Forward a signed [USM-279](#), *CI Development Program* form to the appropriate HR Specialist to verify eligibility to attend CITP

d. Human Resources Division:

- 1) Maintain register for all DUSMs eligible to attend CITP
- 2) Complete parallel review of current covered CIDUSMs to determine seniority for registration in OPREF, and eligibility, if any, for repromotion to highest grade previously held
- 3) Coordinate with Districts and the Training Division to ensure that those eligible to attend CITP are provided the opportunity

e. Training Division:

- 1) Provide the opportunity for the DUSM to complete the required Writing Program as part of the pre-CITP CI Development Program
- 2) Monitor and update the CI Development Program and Deputy Development Program to ensure continuation, improvement and enhancement of the requisite knowledge, skills and abilities for CIDUSMs

5. **Special Circumstances:**

- a. **Military Deployment:** If a DUSM is currently deployed, he or she will attend the next available CITP class upon return to duty at the USMS. Upon successful completion of CITP, the effective date of conversion to the 1811 series will be made retroactive to the original eligibility date. This will ensure adherence to the provisions of the Uniform Services Employment and Reemployment Rights Act (USERRA) and will ensure eligibility for promotion along with others who would have been in the original CITP class.
- b. **FIT Test Prior to CITP:** The DUSM must meet the minimum FIT standards 45 days prior to CITP. If the DUSM fails to meet the minimum FIT Standards, he or she will be able to retest not less than 45 days after the initial failure. If successful, he or she will go to the next available CITP class. If the DUSM fails to meet the minimum FIT Standards upon the second retest, he or she will go to the bottom of the conversion list for consideration.
- c. **Performance Improvement Plan (PIP):** If a DUSM is working under a PIP, he or she must successfully complete the requirements of the Improvement Plan and be rated as such. He or she will be eligible for the next available CITP class, but not earlier than the originally scheduled class.
- d. **Internal Investigation:** If a DUSM has an open/ongoing internal investigation, he or she will be eligible to attend the next available CITP class upon closure, but not earlier than the originally scheduled class.
- e. **Discipline:** Once a DUSM has completed any required reckoning period, he or she will be eligible to attend the next available CITP class, but not earlier than the originally scheduled class.
- f. **Personal Reasons for Not Attending CITP:** If a DUSM requests a deferral from attending CITP based on personal reasons, he or she will need to present the situation to District management and obtain approval from the USM or the CDUSM for the deferral. He or she will be scheduled for the next available class when he or she is able to attend.
- g. **FIT Failure/Academic Failure/Firearms Failure While in CITP:** If a DUSM fails to meet the required FIT, Academic and/or Firearms standards while in CITP, he or she will be returned to the district as a GS-082 employee. He or she will be placed at the end of the list of conversion candidates. Upon proof of improvement in the failed area, and at the time his/her name is reached, he or she will be allowed to attend CITP one additional time under the conversion program.
- h. **Injury While in CITP:** If a DUSM is injured while in CITP, he or she will return to the district as a GS-082 employee. When the DUSM is medically cleared and passes the FIT Test, he or she will go to the next available CITP.
- i. **Personal Situation of a Catastrophic Nature While at CITP:** In the event of a personal catastrophic event while at CITP, as determined by the Training Division, the DUSM may be permitted to leave the Training Division. He or she will be rescheduled to attend the next available CITP when he or she is able to attend.
- j. **Relationship of the Office of Preference to CITP Graduates:** A newly converted CIDUSM may register in the Office of Preference (OPREF) following

graduation. A newly converted CIDUSM must update OPREF to reflect his/her GS-1811 occupational series and to activate or inactivate any location preferences.

6. **Miscellaneous:**

- a. **Funding for Guard Back Fill:** Districts that have a significant number of eligible DUSMs for a particular CITP class may request additional funding from FSD for the period of time the DUSMs are in CITP. This funding will be decided on a case by case basis by Financial Services Division.
- b. **Merit Promotion Examination Eligibility:** A DUSM, who may be eligible to compete for a GS-12 CIDUSM position during the period covered by the current Merit Promotion exam, will be afforded the opportunity to take the exam.

PART II: Parallel System for Those Who Attained GS-1811 Status Through Competitive Merit Promotion

1. **Program Requirements:**

- a. As a new CITP class is concluded, a concurrent review will be conducted of current CIDUSMs who would have attended the class under non-competitive procedures based on their USMSI graduation date. As a result of this review, a CIDUSM's eligibility for the following will be determined:
 - 1) registration in the Office of Preference.
 - 2) repromotion to the highest grade formerly held as a DUSM. If repromoted under the parallel system, the CIDUSM must complete the Deputy Development Program. This will ensure that the CIDUSM obtains the training and development to ensure possession of the specialized qualifications to be repromoted to the higher grade.

PART III: Criminal Investigator Development Program:

1. **Pre-CITP Program Requirements:**

- a. The pre-CITP [USM-279](#), *CI Development Program* form is linked at Appendix I.
- b. The completed pre-CITP [USM-279](#), *CI Development Program* form must be submitted to the servicing Human Resource Specialist 30 days prior to the start of CITP by the CDUSM.
- c. Districts will provide pre-CITP development opportunities for current DUSMs at a minimum in the following development areas:

Development Areas	Pre-CITP Development Time (minimum)
Fugitive Investigations/Investigations	5 workday
Prisoner Handling	5 workday
Court Security	3 workday
Execute Court Orders (Criminal & Civil Process)	2 workday
Protective Assignments	2 workday
On Line Writing Program: Complete 30 days before CITP. Instructions for registration are available at the Human Resource Division website.	

2. **Post CITP Development Program:**

- a. The Post-CITP Development Program is outlined in USMS directive, [Deputy Development Program](#).
- b. DUSM and CIDUSM participants in the conversion program described in this policy directive are covered by the post CITP development requirements of USMS [Deputy Development Program](#) directive.

G. Cancellation: Supersedes USMS Policy Directive 3.1, Employment: *Criminal Investigator Conversion Program*.

H. Authorization and Date of Approval:

By Order of:

Effective Date:

 / S /
 John F. Clark
 Director
 U.S. Marshals Service

 2/25/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 Voluntary Reassignments

A. Purpose: This directive describes the three means by which Deputy United States Marshals (DUSM) and Detention Enforcement Officers (DEO) or Aviation Enforcement Officers (AEO) may make their request for voluntary reassignment known so that they may be considered in making decisions about staffing U.S. Marshals Service (USMS) Offices.

1. **Part I:** [Office of Preference](#)
2. **Part I: (5)** [Employee Mutual Transfer](#)
3. **Part II:** [Medical Hardship Transfer](#)

B. Proponent: Human Resources Division (HRD), Law Enforcement Staffing Branch.
Telephone: 202-307- 9616, Fax: 202-307-9455.

C. Policy:

1. It is the policy of the USMS to consider DUSM requests for reassignment (voluntary reassignment at no cost to the government) as one of several means of staffing DUSM positions in District Offices and to provide a standard, fair and efficient means of considering individual employee requests.
 - a. The USMS will also provide a separate method for DUSMs and Headquarters 1811s, who are facing an immediate, serious, and continuing personal medical situation or one involving a family member, to make a special request for reassignment consideration.
2. It is the policy of the USMS to consider DEO/AEO requests for reassignment to a non-supervisory DEO/AEO position (voluntary reassignment at no cost to the government in approved Districts or Divisions), and to provide a fair and equitable standard for considering individual employee requests.
 - a. The USMS will also provide DEOs and AEOs with the opportunity to request transfers via the medical hardship process. DEOs and AEOs will only be able to hardship transfer to districts with current 1802 vacancies where a determination has been made that the vacancy will be filled with an 1802 series employee.

D. Procedure: A DUSM (082 or 1811), who meets eligibility requirements, may make a request for reassignment by registering and selecting desired duty locations utilizing the Office of Preference (OPREF) system established for that purpose and described in [Part 1](#) of this section.

DUSMs and Headquarters 1811s with a serious continuing, personal or family medical situation may make a request for transfer consideration utilizing the separate medical hardship process established for that purpose and described in [Part 2](#) of this section.

A DEO/AEO (GS-1802), who meets eligibility requirements, may submit a request for reassignment by registering and selecting a desired duty location by utilizing the OPREF System set forth below.

Part 1: Office of Preference Referral System:

1. **System Description:** OPREF is an automated system designed to assist DUSMs who have satisfactorily met their duty station obligation to register their interest in reassignment to district positions at GS grades 12 and below in one or more geographic locations. The process matches lateral reassignment opportunities with employee interests and provides district managers, at their request, with referral lists of current eligible employees for consideration.

OPREF is also designed to assist DEO/AEOs (GS-1802), who have met their eligibility requirements, to submit their request for reassignment for vacant District/Division positions. 1802 series employees transferring via OPREF may only transfer or request a reassignment to positions for which he or she has met the career ladder requirements. For example, a DEO at the full performance grade GS-7 may only OPREF / transfer to another DEO position, with the full performance level at the GS 7 or below. Additionally, AEOs at the full performance level of a GS 9 who opt to transfer to a DEO position at the full performance level of a GS 7 must downgrade to the GS 7. Interested employees may only apply in one of the geographic areas listed on the OPREF website. Nothing in this policy prohibits an 1802 series employee from expressing interest directly with districts that do not have 1802 series positions, in the event that one is obtained in the future. The process matches lateral reassignment opportunities with employee interests, and provides District/Division managers, at their request, with referral lists of current eligible employees for consideration.

Participation under OPREF is voluntary. If an employee decides not to accept an offered reassignment, he or she must inform the U.S. Marshal and the Human Resources Staffing Specialist within five business days so that another selection may be made.

Districts having vacancies which they intend to fill through OPREF may proactively generate interest by completing USMS Form 181/ 182. This form will be sent electronically to the Executive Secretariat for dissemination to all. This form encourages interested employees to register under OPREF for that particular duty station location.

Generally, a District must have an authorized and appropriate vacancy in order to utilize the OPREF system for DUSMs or for DEO/AEOs. As an exception, a process is established for DUSMs or DEOs / AEOs and management to ascertain the interests of employees desiring reassignment to a district where no vacancy exists. Management in the affected Districts may, in such circumstances, agree to an inter-district exchange. Such inter-district transfers may not result in an increased staffing level where no authorized operational vacancy exists. This process is referred to as the Employee Mutual Transfer process and is explained in [Part 1, paragraph 5](#).

Annually, during the last pay period of the year, OPREF activity will temporarily cease. At this time, OPREF information will be archived for the prior year. All individuals, DUSMs, DEOs and AEOs, interested in being considered under OPREF must officially re-register for the duty station locations in which they have an interest.

2. **Registration Eligibility:** Some DUSMs have incurred a duty station obligation based on an OPREF selection or because of having been competitively promoted to their current positions. DUSMs who have met their current duty station obligation or are within 90 days of meeting that obligation are eligible to register under OPREF.

A Deputy in the GS-1811 series may register for either a GS-1811 or a GS-082 opening. A DEO/AEO (GS-1802) may register for either a DEO or an AEO position with the same career ladder.

The registration and duty station election process are detailed on the HRD website. Candidates will submit [USM-280](#) (*OPREF Resume*) as a back-up copy via email to HRD.

DUSMs, DEOs and AEOs are allowed to register for up to five (5) duty station locations at any time under OPREF.

Once registered, DUSMs, DEOs and AEOs will be able to be considered for the period of time until the last pay period during the calendar year. Upon completion of the archive, DUSMs, DEOs and AEOs will have to register for the locations in which they have interest for the next year.

3. **OPREF Consideration Process:** When a vacant District DUSM or DEO/AEO position is to be staffed through OPREF, HRD will generate a certificate which lists the OPREF candidates who wish to be considered for that location.

HRD will refer to the District for consideration candidates who have registered under OPREF and have selected that duty station location, provided that they are neither on a Performance Improvement Plan (PIP) or have an unacceptable performance rating at the time that the referral certificate is prepared.

HRD will send the certificate to the U.S. Marshal or Division Assistant Director and will electronically notify each candidate whose name appears on the certificate that they are required to submit a [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Assistant Director.

If a candidate is on approved leave of more than 3 days, temporary duty (TDY), or Special Assignment, he or she must leave an automatic reply message on email indicating his/her return date. This will alert HRD that the candidate is unavailable to send an updated [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Assistant Director. If the candidate submitted a [USM-280](#) (*OPREF Resume*) when registering, HRD will forward this copy of the [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Division Representative and will send an email to the candidate with an attached copy of the [USM-280](#) (*OPREF Resume*).

Should the U.S. Marshal or Assistant Director not receive the [USM-280](#) (*OPREF Resume*) from a candidate within 3 days of the established date, he or she should contact the District or Division's HRD Staffing Specialist for assistance.

HRD will post the locations for which OPREF certificates have been issued on its site.

4. **Transfer Prerequisites for Selectees:** Selected candidates must satisfy the following prerequisites before they may transfer to their new duty location:
 - a. A current completed medical examination. HRD will check and, if necessary, the candidate will be required to contact the District / Division Administrative Officer to schedule a medical exam with the contract facility;

A current fitness-in-total assessment is required of DUSMs hired after 1984 (not a requirement for DEO/AEOs);
 - b. A current background investigation. HRD will check to see if the DUSM, DEO/AEO's background investigation (BI) is current. If the individual's information is out of date, he or she will have to complete and submit the paperwork needed for a new background investigation. The completed submission must be sufficient to allow the BI to be scheduled by OPM, and;

- c. A current firearms qualification score.
- d. An OPREF selectee must complete and sign the Memorandum of Understanding indicating that he/she is aware of the two year duty station obligation (not a requirement for DEOs / AEOs).
- e. In rare circumstances, personnel who have transferred under OPREF may request and receive a waiver of the two year duty station requirement. These requests must be submitted in writing to the Assistant Director, HRD for approval from the Deputy Director or designee. All requests must be in writing, include signed approval memorandums from both the losing and gaining U.S. Marshals, and list the mitigating circumstances for the request and reason for the waiver.
- f. Under normal circumstances, a selectee must be released and must report to the new duty station within 90 days of being selected; failure to meet the prerequisites is not a basis for extending this timeframe. Another 30 days may be allowed in cases where the employee has a specific need and has requested and been granted an exception. Selectees who are in need of additional time, up to 30 days, should submit their request via e-mail to HRD. A decision on the additional time will be made in consultation with both U.S. Marshals or the Division Assistant Director. HRD will notify the selectee and will coordinate all transfer dates with the respective Districts and Divisions.

On a case-by-case basis, based on environmental concerns, districts may request the option to hold an OPREF selectee beyond the 90 day reporting period, up to 180 days. Requests to hold OPREF selectees past 90 days must be approved by the Deputy Director or designee. Requests must be made to the Assistant Director, HRD within 5 days of the OPREF Selection.

5. **Employee Mutual Transfer:** An employee mutual transfer (EMT) is a means by which individuals seeking reassignment to a location where there is no authorized vacancy may be considered. EMTs may be used by Deputy U.S. Marshals within the same occupational series (e.g., GS-1811 for another GS-1811). The EMT process may also be used by DEO / AEOs between two Districts / Divisions with 1802 series employees. 1802 series employees may only transfer into positions with the same career ladder as noted in [Part 1](#) above. DUSMs, and DEO / AEOs must register for their desired location under OPREF and meet all of the registration and transfer eligibility requirements as well as all transfer prerequisites listed above.

Where no authorized operational vacancy exists, District management may request that HRD review OPREF to determine if there are any matches in candidate preferences, which would facilitate an inter-District exchange of personnel. Where such a match can be identified, HRD will notify both/all of the Districts involved and provide the Marshals with certificates of eligible candidates who may be considered for an EMT.

HRD will also complete this review periodically, and notify Districts which may be interested in considering EMT candidates.

Employees seeking an EMT, who become aware of others interested in an EMT, may bring this to the attention of their District management for consideration. However, in order to ensure that all interested and eligible employees are considered for such an EMT opportunity, HRD will review OPREF and provide the district with a certificate of eligible candidates.

All other aspects of EMT consideration, selection, and transfer follow normal OPREF procedures.

Part II: Medical Hardship Transfer Consideration Process

1. **Process Description:** The USMS will attempt to assist employees who are facing an immediate, serious, personal medical situation or one involving a family member by providing a number of options which provide support and assistance to the employee in a variety of situations. If a situation is temporary, the USMS will attempt to provide employees with short-term solutions. Employees may seek assistance through their District management or avail themselves of USMS-wide resources such as the Employee Assistance Program.

If it is a long-term medical situation and all other means of addressing it have been considered, employees may request a medical hardship transfer. When sufficient information and documentation have been provided (see [Part II, paragraph 4](#)), a Hardship Review Panel of senior field management officials composed of three (3) U.S. Marshals will determine if the medical hardship transfer should be granted.

The medical hardship transfer consideration process is voluntary at the employee's request. Transfers and temporary duty assignments, if authorized, are at no cost to the USMS.

2. **Eligibility:** All headquarters and field DUSMs, DEOs and AEOs are eligible for consideration provided they have an immediate, serious, personal medical situation or one involving a family member.
3. **Short-term Options/Solutions:** All employees are required to seek short-term or alternative solutions to a serious personal or family medical situation before seeking a long-term solution. The following options/solutions must be considered, documented, and reviewed by the employee's District management:
 - a. Employee Assistance Program
 - b. Leave through the Family and Medical Leave Act
 - c. Leave through the Family Friendly Leave Act
 - d. Leave without pay
 - e. Annual leave
 - f. Sick leave
 - g. Leave Bank assistance for a limited period

In certain cases, employees should explore other options to address a temporary situation through a request to District/Division management for approval of the following:

- a. Part-time employment
- b. Short-term detail
- c. Flexible workplace
- d. Alternative work schedule

- e. Job sharing
- 4. **Medical Hardship Transfer Request:** If employees have a compelling need to do so, and if all attempts to address a serious personal or family medical situation through a short-term or viable alternative solution were attempted and did not resolve their problem, they may request a reassignment to another duty station location.
- 5. To submit a request for a hardship transfer, employees must provide their HRD staffing specialist with the following:
 - a. Complete medical documentation from a licensed physician describing the condition and how a transfer will help resolve the issue. The documentation must state the condition diagnosis, treatment, if any, and expected recovery. Information should include:
 - 1) Information on the urgency and severity of the medical problem.
 - 2) Information on the relationship of the affected family member to the USMS employee.
 - b. Complete information, in writing, on short-term measures taken and the outcome of each.
 - c. Documentation from the Division/District attesting that all viable short-term solutions/options were pursued.
 - d. Complete information on how the transfer will address the employee's situation.

District/Division managers must submit documentation on the assistance sought and that which the District/Division provided, along with the employee's complete request package, to their HRD staffing specialist.

- 6. **Medical Hardship Review Panel:** Within 10 business days of receiving a completed package from an employee whose only alternative is to seek a long-term solution to a medical situation, HRD will provide the request to the three-member Medical Hardship Review Panel, consisting of USMS management personnel. After reviewing the facts, the panel will approve or reject the request. If the panel rejects the request, it will provide the employee with an explanation. The employee may seek an appeal of the decision from the Associate Director for Administration.

Once a hardship transfer has been approved, the employee will be reassigned, as soon as reasonably possible, to a vacant position within his or her job series in the District / Division requested.

- E. **Responsibilities:** DUSMs, DEOs / AEOs, U.S. Marshals, and HRD have responsibilities under both the OPREF Referral System and the Medical Hardship Transfer Consideration Process. The Medical Hardship Review Panel has responsibilities under the Medical Hardship Transfer Consideration Process as do Headquarters Division Directors.

- 1. **Deputy U.S. Marshals** (GS-1811 and GS-082)
 - a. Register for OPREF using the appropriate series.
 - b. Select and maintain current district duty station preferences.

- c. Keep current in background investigations, Fitness in Total, medical, and firearms.
- d. Maintain an acceptable level of performance.
- e. Make sure their conduct is appropriate.
- f. Complete a [USM-280](#) (*OPREF Resume*) and submit via e-mail to HRD law enforcement staffing branch.
- g. Update [USM-280](#) (*OPREF Resume*) as necessary and submit via e-mail to HRD.
- h. E-mail the completed [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Assistant Director by the deadline if on the certificate of names under consideration.
- i. Update [USM-280](#) (*OPREF Resume*) as necessary.
- j. Place an automatic-reply message on e-mail in the event of approved leave of more than 3 days, TDY, or Special Assignment.
- k. Leave contact information with the current District CDUSM or SDUSM so the employee may be reached about an OPREF opportunity.
- l. Explore all solutions to a personal or family medical situation before requesting a medical hardship transfer and provide all the required documentation as well as any additional documentation HRD requests.
- m. Report for duty within 90 days of being selected under OPREF unless there is a determination to delay the reporting date.
- n. If approved for a medical hardship transfer, report within 90 days of notification of a district vacancy.

2. **Detention Enforcement/Aviation Enforcement Officers (DEO/AEO, GS-1802):**

- a. Register under the OPREF System using the appropriate series.
- b. Select and maintain current District of Division duty station preferences.
- c. Maintain current BI, medical, and firearms forms.
- d. Maintain an acceptable level of performance.
- e. Make sure their conduct is appropriate.
- f. Complete a [USM-280](#) (*OPREF Resume*) and submit via e-mail to HRD.
- g. Update [USM-280](#) (*OPREF Resume*) as necessary and submit via e-mail to HRD.
- h. E-mail the completed [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Division Management by the deadline date provided their name is on the certificate of names under consideration.

- i. Place an automatic-reply message on e-mail in the event of approved leave of more than three (3) days, TDY, or Special Assignment.
 - j. Provide contact information with the current District or Division Management so that the candidate may be reached concerning an OPREF opening.
 - k. Report for duty within ninety (90) days of being selected under OPREF unless there is a determination to delay the reporting.
3. **U.S. Marshals:**
- a. Make sure vacancies to be filled are bona fide except in the case of employee mutual transfer, where no vacancy is required.
 - b. Submit completed [SF-52s](#) to fill vacancies.
 - c. Request a certificate of names for a specific duty station location from their HRD staffing specialist.
 - d. Review all the material provided by HRD and by the candidates on certificates and choose selectee(s).
 - e. Contact HRD in the event of a missing [USM-280](#) (*OPREF Resume*).
 - f. Return all material to their HRD staffing specialist.
 - g. Maintain privacy of submitted medical information.
4. **U.S. Marshals, Associate Directors for Administration and Operations, and Headquarters Assistant Directors:**
- a. Review and consider employees' medical hardship transfer requests. To the degree possible, make adjustments to accommodate employees' requests to deal with their medical situation and to document steps taken to assist employees.
 - b. Release employees who have been selected for another duty station so that they may assume their new position within 90 days of being selected or approved for a medical hardship transfer.
 - c. Maintain privacy of submitted medical information.
5. **Human Resources Division:**
- a. Provide the U.S. Marshal or Division Assistant Director with a certificate of names of those who have requested a certain duty station location.
 - b. Post on the HRD website the dates and duty station locations of the certificates generated.
 - c. Inform the individuals on the certificate by e-mail that they are being considered for a position and that they should e-mail their [USM-280](#) (*OPREF Resume*) to the U.S. Marshal or Division Representative. HRD will use an auto reply feature in order to be assured that individuals are notified of their consideration.

- d. Submit backup [USM-280](#) (*OPREF Resume*) if the U.S. Marshal or Division Representative indicates he/she did not receive a copy from a candidate.
- e. Make sure selectees have met all the requirements for reassignment to their position in the new duty station.
- f. Process personnel actions.
- g. Issue quarterly reminders to DUSMs to update their preferred OPREF duty stations by making deletions or additions.
- h. Provide information about alternatives to a medical hardship transfer and provide process and documentation information needed to make this type of request.
- i. Determine adequacy and completeness of documentation submitted for a medical hardship transfer request; ensure all requirements met.
- j. Submit requests to the Hardship Review Panel and notify individuals and districts of the outcome of this review.
- k. Maintain privacy of submitted medical information.
- l. Submit the decision of the Hardship Review Panel to the Deputy Director or designee in cases where no vacancy exists so that a final decision on a temporary allocation may be made.

6. **Medical Hardship Review Panel:**

- a. Review employee requests for reassignment to another duty station. The panel may request additional information from an employee prior to making a recommendation.
- b. When necessary, seek counsel from the Employee Assistance Program and any other individual from a Division/District whose input will aid the panel in making a recommendation.
- c. Review the docket of cases HRD presents and, in general, issue a determination on each case within 30 days of receiving the request.
- d. Maintain privacy of submitted medical information.

F. Definitions:

- 1. **Personal or Family Medical Situation:** A seriously debilitating or life-threatening medical condition affecting an employee or a family member that the employee must address. A personal or family medical situation **should not** be the result of an ongoing medical condition that existed and was known before the employee was appointed to his or her current position.
- 2. **Family Member:** For the purpose of this policy, a family member is:
 - a. A spouse and his or her parents



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.1 MERIT PROMOTION PLAN

- A. Purpose:** This section has been developed in compliance with the merit promotion requirements set forth by the Office of Personnel Management (OPM) in the Federal Personnel Manual (FPM), Chapter 335, and by the Department of Justice (DOJ) in [DOJ Order 1335](#). It provides the mechanisms for affording merit staffing and promotional opportunities to status candidates within the USMS in particular and the DOJ in general. (At the option of the USMS, those from outside the DOJ may also be invited to apply under this plan. However, such invitations do not convey agency appeal rights to those individuals.)
- B. Policy:** The USMS fills positions from among the best-qualified candidates on the basis of merit. Non-merit considerations--such as favoritism, personal relationship (nepotism) or patronage--will not enter into the promotion process. All actions under this plan--including evaluation of qualifications, identification of best-qualified candidates, referrals, and selections--will be made without regard to race, religion, color, national origin, sex, age, non-disqualifying physical handicap, political affiliation, membership or non-membership in an employee organization, or marital status. Any official who is found to have improperly discriminated on the basis of any of the non-merit considerations listed above when rating employees or making selections will be subject to disciplinary action.
- C. Career Board (CB):** The CB is composed of senior career USMS employees. All CB appointments are made by the Director. The CB makes recommendations to the Director or designee, who determines which positions will be filled using CB procedures.
- D. Definitions:**
- Area of Consideration:** the area in which the search for eligible candidates is conducted in connection with a specific vacancy. The MINIMUM AREA OF CONSIDERATION is the area designated by this plan in which the agency may reasonably expect to locate a sufficient number of highly qualified candidates as determined by the USMS, to fill vacancies in positions covered by the plan.
 - Best-qualified Candidates:** those who rank at the top of the merit promotion list when measured against other eligible candidates.
 - Highly Qualified:** candidates who possess the knowledge, abilities, skills and other characteristics required for the position to a degree that substantially exceeds that which is considered minimally qualifying.
 - Qualified:** candidates who meet the established qualification requirements described in OPM Handbook X-118.
 - Ineligible:** candidates who are eliminated from consideration because their applications do not indicate compliance with the basic eligibility requirements for the position described in OPM Handbook X-118, the time-in-grade requirement or the administrative requirements.

6. **Career Appointment:** a permanent appointment to a position in the competitive service given to an employee who has completed three substantially continuous years of creditable federal service.
7. **Career-conditional Appointment:** a permanent appointment to a position in the competitive service given to a person who has not yet completed three substantially continuous years of creditable federal service.
8. **Career Ladder:** an occupational grouping of positions through which successive promotions can be made from entrance level to full-performance level without current competition if:
 - a. The employee was, at an earlier stage, selected from an OPM register under competitive promotion procedures or under a noncompetitive appointing authority for a position with an established career ladder.
 - b. The fact that the assignment was intended to prepare the employee for the higher-grade duties is a matter of record and was made known at the time the position was advertised.
9. **Career Promotion:** the noncompetitive promotion of an employee appointed to an entry- or intermediate-level position designed to prepare the incumbent for the full-performance level of the position being filled. Successive noncompetitive promotions may occur until the full-performance level is reached.
10. **Competitive Service Positions:** all positions that are not specifically excepted from civil service laws by statute or by the Office of Personnel Management.
11. **Job Analysis:** the systematic process of collecting and making judgments about all the pertinent information relating to a job. The results of job analyses are used for many purposes, such as developing new qualification or classification standards and identifying performance standards. In the context of this plan, the purpose is to provide a job-related basis for evaluation and selection.
12. **Job Element:** knowledge, ability, skill or other characteristic necessary for successful job performance.
13. **Knowledge, Abilities, Skills and Other Characteristics (KASOs):** worker characteristics typically associated with successful job performance. They are identified through a job analysis and provide the basis for the development of the crediting plan, performance standards, etc.
14. **Crediting Plan:** a document used in the evaluation process that prescribes the way in which points or other values will be awarded for pertinent experience, supervisory appraisals, education and training, awards as appropriate, test scores, etc. (also known as a rating guide).
15. **Detail:** the temporary assignment of an employee to a position for a specified period, with the employee returning to his or her regular duties at the end of the detail. Details generally do not include promotions. Technically, a position is not filled by a detail, and the employee continues to be the incumbent in the position from which he or she was detailed.
16. **Demotion:** the change of an employee to:

- a. A lower grade when both the old and new positions are under the general schedule or under the same wage-grade schedule.
 - b. A position with a lower rate of basic pay when both the old and new positions are under the same type of ungraded wage schedule or in different pay method categories.
17. **Law Enforcement Positions:** positions in a two-grade interval series that meet the law enforcement retirement criteria for primary or secondary coverage.
 18. **Priority Consideration:** giving consideration first to a candidate who was not given proper consideration in a previous competitive promotion action before other eligible merit promotion candidates are considered. However, the selecting official is required neither to select nor to state a reason for not selecting the employee to whom priority consideration has been afforded.
 19. **Promotion:** the change of an employee to either a higher grade level within the same job classification and pay schedule or to a position with a higher rate of basic pay in a different job classification system and pay schedule.
 20. **Promotion Appraisal:** a written assessment of the degree to which an employee possesses the KASOs identified as important for successfully performing the position being filled.
 21. **Promotion Certificate:** a list of candidates who were determined through the evaluation process to be the best qualified for a position. The alphabetical list is submitted to the selecting official.
 22. **Promotion Potential:** This term is used to describe those positions from which career promotions can be made. Positions with known promotion potential include:
 - a. Those filled at a grade(s) below the established or anticipated grade level
 - b. Career-ladder positions
 - c. Apprentice and trainee positions
 - d. Understudy positions
 23. **Qualification Standards:** statements of the minimum requirements established by OPM for a position. They may be supplemented by selective factors if the duties of a job justify it.
 24. **Qualified/Eligible:** candidates who meet all minimum qualifications, including appropriate selective factors, and all legal, regulatory and administrative requirements for a position.
 25. **Ranking:** the process of arranging eligible candidates by their overall ratings.
 26. **Rating:** the process of assessing the qualifications of candidates to determine basic eligibility and the degree to which they possess the KASOs required for successful performance in the job to be filled.
 27. **Rating Guide:** synonymous with crediting plan.

28. **Reassignment:** when an employee switches from one position to another without promotion or demotion.
29. **Recommending Official:** appropriate U.S. Marshal, division or staff office chief, etc. for positions over which the Director has final approval (generally GS-13 and above).
30. **Selecting Official:** the Director, USMS, or appropriate division or staff office chief with authority to select the individual who will fill a position.
31. **Selective Factors:** knowledge, abilities, or skills that are essential for satisfactory performance in a position. Such factors are in addition to the minimum qualification standards set by OPM and constitute part of the minimum eligibility requirements. Selective factors must be stated in the vacancy announcement, required by the position, and documented in the position description.
32. **Temporary Promotion:** qualified employees who receive temporary promotions to vacant positions for no more than 120 days. Competition is required for temporary promotions of more than 120 days.
33. **Term Promotion:** the promotion of an employee for a period of between two and four years to complete a designated assignment. Upon approval by OPM, a term promotion may be extended for an additional year for a total of five years.
34. **Vacancy Announcement:** the means by which an available position is advertised. The announcement states the location of the vacancy, the qualifications required and other pertinent information.

E. Responsibilities:

1. **Managers and Supervisors:**
 - a. Support merit system principles, promote the program within their areas of authority, and ensure compliance with the spirit and procedural requirements of the merit system.
 - b. Complete promotion appraisals on employees in an impartial and timely manner.
 - c. Serve on ad hoc or other rating panels and otherwise participate in the merit promotion process.
2. **Human Resources Division:**
 - a. Issue and implement guidelines, revisions and supplements in accordance with appropriate regulations and merit system principles.
 - b. Periodically evaluate policy and merit promotion plan effectiveness.
 - c. Issue policy and assist in filling headquarters and in-district vacancies.
 - d. Staff all national USMS law enforcement vacancies.
 - e. Rate and rank applications for positions covered by this plan.
3. **Employees:**
 - a. Ensure that their merit promotion plan applications are complete and up-to-date.

- b. Apply for vacancies for which they wish to be considered. Employees who wish to be considered for non-bargaining-unit vacancies that occur while they are temporarily absent for leave, detail, training or other appropriate reasons are also responsible for providing written notification of:
 - 1) The types of vacancies for which they would like to be considered during their absence
 - 2) The dates of their absence
 - 3) All required applications and submissions
 - c. The written notification should be forwarded to the Human Resources Division.
4. **Merit Promotion Staff:**
- a. Rate, rank and authenticate all of the application packages received from candidates for the following positions: Chief Deputy U.S. Marshal, Supervisory Deputy U.S. Marshal and all other law enforcement positions GS-11 and above not included in a bargaining unit.
 - b. Recommend appropriate administrative review in cases where it is determined that candidates for the above positions may have submitted inaccurate or misleading information in their promotion packages or during the interview process. Appropriate action, including disciplinary action, may be taken upon verification.
 - c. Recommend to the Director procedural and other changes relating to merit promotion procedures in law enforcement positions covered by this plan.
5. **Selecting Officials:** Designated by the Director, these officials select candidates for positions covered by this plan. When other than the Director, the selecting official is normally the supervisor of the position being filled. For positions at the GS-13 level and above, however, the Director may appoint an ad hoc panel of two to three individuals to serve as the selecting officials. Whenever an ad hoc panel serves as the selecting official, the individuals appointed to it should be in positions of at least the same grade as the position being filled.

F. Coverage:

1. **Position Coverage:**
- a. The provisions of this plan are applicable to all competitive service positions within the USMS up to and including the GS-15 level, that meet the definition of supervisor and/or management official, and to any other competitive service positions excluded from the bargaining unit in the USMS.
 - b. Positions within a bargaining unit are covered by separate procedures. Senior Executive Service (SES), attorney, law clerk positions, and positions at the GS-16/17/18 levels will be filled in accordance with applicable DOJ and OPM procedures.
2. **Covered Personnel Actions:** The competitive provisions of the plan apply to the personnel actions listed below when they are taken in connection with positions also included under the coverage of the plan.

- a. All promotions except those listed under Excluded Personnel Actions.
 - b. Reassignments, transfer, or demotion to a position with more promotion potential than the position last held except as permitted by regulations governing reduction-in-force (RIF) and the placement of employees entitled to a retained grade.
 - c. Movement between pay schedules or classification systems which would be a change to a higher representative rate of pay.
 - d. Reinstatement to a permanent or temporary position up to the highest grade previously held on a permanent basis under a career or career-conditional appointment when demoted or separated for cause.
 - e. Transfer from a position in another agency to a higher graded one within the USMS.
 - f. Selection for training which would give an employee a significant advantage in competing for subsequent promotion, or which is a prerequisite for entry into a different career ladder.
 - g. Temporary promotions in excess of 120 days. Service under all temporary promotions, term promotions, and details to higher-graded positions that occurred during the preceding twelve months is counted toward the 120-day limitation.
 - h. Term promotions (unless an exclusion under Excluded Personnel Actions applies, in which case see Temporary Details/Promotions Longer Than 120 Days).
 - i. Selection for details of more than 120 days to a higher-graded position or to a position with known promotion potential.
3. **Excluded Personnel Actions:** Competitive procedures do NOT apply to the following actions:
- a. **Career Promotions:**
 - 1) **Promotions within a career ladder:** An employee may be noncompetitively promoted to any grade within a career ladder and may move noncompetitively to other positions at the same grade level with no higher career ladders when both of the following criteria have been met:
 - The employee was originally appointed to a position with an established career ladder from a civil service register, under a noncompetitive appointing authority or under competitive promotion procedures.
 - The fact that the initial selection could lead to subsequent promotions within the career ladder without further competition was made known in advance to all potential applicants.
 - 2) Promotion of employees from trainee, understudy, or other positions, filled at a grade lower than the established or anticipated grade, when both of the following criteria have been met:

- The position was filled through competitive procedures.
 - The fact was made known when the position was advertised that it had promotion potential up to the established grade level.
- 3) Promotion of employees who satisfactorily complete training under a training or executive development agreement approved by OPM if both of the following criteria have been met:
- The agreement provides for such promotion.
 - The employee was chosen under competitive promotion procedures or appointed from a civil service register.
- 4) Promotions of employees detailed to higher-graded positions or those with known promotion potential for the purpose of training or evaluation if the detail was made under competitive promotion procedures and the fact that the detail could lead to promotion was made known to all employees.
- 5) The permanent assignment of an employee to a position to which the employee had been promoted on a temporary or term basis if the temporary or term promotion was originally made under competitive procedures and the fact that the assignment could lead to a permanent promotion was made known to all competitors at the time it was advertised.

b. Reclassification Actions:

- 1) Employees who occupy positions that are upgraded without a significant change in duties, due to the issuance of a new classification standard or the correction of a classification error.
- 2) Promotion of an employee whose position is upgraded as a result of a change in duties and responsibilities if all of the following provisions are met:
- The employee continues to perform the same basic functions performed in the former position.
 - The duties of the former position are administratively absorbed into the new position.
 - The addition of the duties and responsibilities does not adversely affect another incumbent's position.
 - There is no change in the organizational entity or unit where the position is located.
 - The upgrade does not result in the promotion of a nonsupervisor to a supervisory position when the supervisory duties are the primary basis for upgrading the position.
 - The new position has no known promotion potential.

- 3) Temporary promotions or details to higher-graded positions for periods of 120 days or less [also see Temporary Promotions in excess of 120 days and Selections for detail of more than 120 days to a higher graded position or to a position with known promotion potential].
- 4) Reassignment, lateral transfer, reinstatement, or voluntary demotion of a status candidate into a position with no known promotion potential (or a position having no higher promotion potential than one's existing or most recent nontemporary position in the competitive service). A selecting official has the option of considering and selecting, at any point, any candidate who is eligible for noncompetitive placement into a position regardless of the vacancy announcement status or whether a list of competitive eligibles exists. For noncompetitive placement, no formal evaluation procedures are required.
- 5) Reinstatement of a former career or career-conditional employee, who previously converted to a career SES appointment, to any position and grade for which the employee is qualified.
- 6) Reinstatement of a former career or career-conditional employee (other than those covered by the preceding paragraph) with reinstatement eligibility to a permanent or temporary position at a grade no higher than the last grade held in a non-temporary position in the competitive service.
- 7) Re-promotion up to the highest grade previously held on a permanent basis unless demoted or removed for cause.
- 8) RIF-related reassignments which entail the placement of an employee in one of the following types of positions:
 - A position in a different pay system which would result in the employee receiving higher pay.
 - A position with more promotion potential than the employee's former position.
- 9) Selection of an employee who was afforded priority consideration as a remedy for failure to receive proper consideration in a previous competitive promotion or staffing action.
- 10) Placement of retained grade/pay eligibles in positions at the grade held prior to their downgrading, including:
 - Reassignment to positions with greater promotion potential.
 - Repromotion to the grade from which demoted, including to a position with greater promotion potential.
- 11) Appointment from the Priority Placement and Referral List to any USMS position for which registered, including to a position with more promotion potential or at a higher grade level.
- 12) Selection from OPM's Displaced Employee Program (DEP) for a position, including one with greater promotion potential than that of the position from which the employee was, or will be displaced.

- 13) Appointment to a position from a civil service register or under an OPM-delegated direct-hire authority.
- 14) Appointment to a position under any other appropriate appointing authority authorized by OPM.

4. **Employees Eligible for Competitive Actions:**

- a. All career or career-conditional employees within the stated area of consideration are eligible to compete for positions under this plan, provided they meet all of the following criteria:
 - 1) The time-after-competitive appointment restriction.
 - 2) The appropriate qualification standard for the position.
 - 3) They will have met the time-in-grade requirement within 90 days of the closing date of the merit promotion announcement (unless a shorter time frame for meeting the above requirement is specified in the announcement), if applicable.
 - 4) If the position change would result in a promotion, the employee must have been rated at the "Fully Successful" level or higher on their most recent performance rating of record with ratings of "Fully Successful" or better on all critical elements which are also critical to successful performance in the higher grade position.
 - 5) All other administrative and regulatory requirements for the position.
- b. Reinstatement eligibles and individuals with eligibility for other noncompetitive appointing authorities (e.g., Veterans Re-adjustment Appointments, etc.), provided that both of the following criteria are met:
 - 1) The individual meets the qualification standards for the position.
 - 2) The noncompetitive appointing authority for which the individual is eligible would be an appropriate appointing authority for the position and grade in question.
- c. Employees and others with eligibility on an appropriate OPM register may, at management's option, be considered in addition to (or in lieu of) merit promotion candidates.
- d. **Absent Employees:**
 - 1) Employees absent because of details, leave (including military leave such as for active reserve training), travel, training courses, worker's compensation, or other legitimate reasons will be considered if they have notified the appropriate division in writing of:
 - The types of vacancies for which they desire consideration.
 - The dates of their absence.

- Any other information deemed necessary by the Human Resources Division.

5. **Employees Eligibility for Noncompetitive Promotions:** To be eligible for a noncompetitive promotion, all of the following criteria must be met:
- 1) The employee must meet all legal, regulatory, and qualification requirements for the promotion.
 - 2) The employee must have demonstrated ability to perform the work at the higher level over a significant period of time (usually at least six months).
 - 3) There must be sufficient higher-graded work to warrant the promotion.
 - 4) The employee was rated at the "Fully Successful" level or higher on their most recent performance rating of record and all critical elements which are also critical to successful performance in the higher grade position were rated at the "Fully Successful" level or higher.
6. **Selection for Supervisory Positions:**
- a. In order to be eligible for placement in a supervisory position, an employee must meet all minimum qualification requirements associated with the particular occupational series and those for supervisory positions. This applies to proposed competitive actions under the purview of this plan as well as to noncompetitive actions excepted from its provisions.
 - b. In accordance with [5 U.S.C. § 3321](#) and [5 C.F.R. §§ 315.901-315.909](#), satisfactory completion of a probationary period is required before an initial appointment as a supervisor or a manager becomes final.
7. **Area of Consideration:**
- a. **Minimum Areas of Consideration:**
 - 1) The minimum area of consideration for law enforcement positions at the GS-13 level and above filled under the provisions of this plan is Service-wide.
 - 2) The minimum area of consideration for all permanent Chief Deputy U.S. Marshal and Supervisory Deputy U.S. Marshal positions is Servicewide.
 - b. **Extending the Area of Consideration.** The Personnel Officer, with input from management, retains the option of extending the minimum area of consideration when deemed appropriate. These extensions may occur when the action is initiated or at any point thereafter.
 - c. **Payment of Relocation Expenses.** Except as provided for in Relocation Expenses, the relocation expenses of employees appointed to law enforcement positions at the GS-12 level and above that are filled in accordance with the provisions of this plan will be paid by the USMS unless otherwise notified. The relocation expenses of employees appointed to other positions covered by this plan will not be borne by the USMS unless the exigencies of the position make it necessary to do so. The level of benefits authorized for a permanent change of station (PCS) move may vary according to the position. The employee should

review his or her relocation authorization for more details on the benefits provided.

G. Vacancy Announcements:

1. **Distribution and Posting:** The procedures for distributing and posting vacancy announcements will be determined by the Human Resources Division except as provided for below:
 - a. Notifications will be posted on management-maintained bulletin boards.
 - b. Once announced, non-bargaining-unit vacancies will remain open for applications for at least 10 working days.
 - c. Vacancy announcements for non-law-enforcement positions will normally remain open for 11 to 30 days.

2. **Contents:** Each vacancy announcement will include at least the following information:
 - a. Announcement (or identification) number
 - b. Opening and closing dates (and a statement that applications received or postmarked by the closing date will be accepted)
 - c. Title, series, and grade of the position
 - d. Organizational and geographic location (including exact duty station) of the position
 - e. Area of consideration, including any restrictions on the acceptance of applications (If the area of consideration is subsequently extended, an amended vacancy announcement will be issued stating that those who already applied need not reapply.)
 - f. Promotion potential of the position
 - g. Whether more than one position may be filled from the resulting promotion certificate or whether the purpose of the announcement is to establish a register (this requirement does not apply to "open-continuous" announcements)
 - h. A summary of duties for administrative and unique law enforcement positions
 - i. A summary of the qualifications required, including any selective factors (i.e., required experience) and knowledge, skills or other characteristics that will be used to rank candidates.
 - j. For supervisory or managerial positions, a statement that the selectee may have to serve a probationary period in accordance with the provisions of 5 CFR 315.901-909
 - k. For positions involving more than occasional travel, a statement concerning the frequency of travel
 - l. Information regarding the time frame within which all applicants must have met the qualification requirements

- m. A statement as to whether or not relocation expenses will be authorized
- n. A statement that the USMS is an Equal Opportunity Employer
- o. Instructions for submitting the application (including forms to be filed, address to which they should be mailed, and the name and telephone number of the person to contact for additional information)

H. Evaluation Process:

1. **Basic Eligibility:** To be eligible for promotion or placement under this plan, candidates must meet the minimum qualifications for the position, including any bona fide selective factors.
 - a. The Human Resources Division determines basic eligibility requirements.
 - b. The minimum qualifications for the position will be those specified on the vacancy announcement and prescribed or approved by OPM in its Qualification Standards for General Schedule Positions, in Single-Agency Qualifications Standards, or in appropriate examination announcements. Selective factors may also be used if they are essential to successful performance. These factors are jointly determined by the selecting official and the Human Resources Division.
 - c. Candidates must meet the time-in-grade or qualification requirements for length of experience within the time frame specified on the vacancy announcement. When a written test is required, the Human Resources Division will determine the time frame within which applicants must meet the time-in-grade and other requirements in order to be eligible to take the written test. When deciding who will be eligible to take the test, consideration will be given to such factors as the number of vacancies expected for the register and how long the register will be open.
2. **Rating and Ranking:** Candidates for headquarters non-law-enforcement positions covered by this plan are rated and ranked by the Human Resources Division and experts designated by management. Candidates for field administrative positions are rated and ranked by the U.S. Marshal or designee. Candidates for non-bargaining-unit law enforcement positions are rated and ranked by the subject matter experts. All eligible candidates who apply under this plan for a specific position and grade will be rated and ranked against the same criteria.
 - a. All basically eligible candidates in accordance with the degree to which will be rated and ranked according to how well they demonstrate possession of job-related criteria outlined in the crediting plan. Promotion appraisals, education, experience, awards, etc. will be considered only in terms of the degree to which they prove the candidate has the knowledge, skills and other characteristics required for the position. Candidates annual performance appraisals may also be considered insofar as they are job related.
 - b. All candidates are rated numerically, and those with the highest scores are considered the best qualified. The number of applicants on the best-qualified list is determined using the "significant break" method. A significant break in scores is generally considered a difference of greater than one point. A best-qualified list will not have fewer than five applicants unless fewer than five apply and are eligible.

3. **Written Tests:**

- a. A written test is required for 1811 positions with full performance levels of GS-13 and above. Although there is no pass/fail score on the exam, all eligible employees who wish to be considered for such positions under this plan must, as part of the application process, take the appropriate exam.
- b. The written test scores may be combined with the ratings assigned to the candidates for such areas as education, experience, training, awards, appraisals and FIT to determine their combined overall merit promotion scores.
- c. Employees who wish to remain eligible must take the appropriate exam each time it is offered.
- d. Employees will be notified of the opportunity to apply for the written test at least 90 days before it is given. General information about the test, including those who are eligible to take it, will also be provided.
- e. Employees will be told their test scores and other pertinent information about the overall distribution of test scores.

4. **Promotion Appraisals:**

- a. Promotion appraisals are to be completed by the employee's first-level supervisor. If the employee has been under the supervisor's responsibility for at least 90 days that supervisor should complete the appraisal based on personal observations of the employee's performance, otherwise it should be done by the former supervisor. If the supervisor is unable to rate the employee on one or more items on the promotion appraisal, he or she may consult a former supervisor(s) who had the opportunity to observe the employee's performance in those areas. Whenever former supervisors are contacted, their names, titles, employing organizations and work telephone numbers must be noted on the promotion appraisal.
- b. If the employee has not been supervised by his or her current supervisor for at least 90 days the appraisal should be completed by the former supervisor or the second line supervisor if he or she has supervised the employee for at least 90 days.
- c. It is recommended that the first-level supervisor discuss the promotion appraisal with the second-level supervisor.

5. **Documentation of Experience:**

- a. All experience claimed by candidates for positions covered by this plan is to be verified by audit teams or other appropriate means. Candidates must therefore ensure that they only claim to have knowledge, abilities and other characteristics that can be satisfactorily documented.
- b. Willful exaggerations and misstatements in the application process may be cause for disqualification and disciplinary action.

6. **Documentation of Fitness Levels:** Law enforcement applicants must be FIT program participants. When indicated, applicants must submit a fitness assessment documenting their fitness levels within the specified time frame.

- a. Candidates' fitness results are subject to verification by the Human Resources Division or other appropriate means.
 - b. Willful exaggerations and misstatements on the fitness assessment may be cause for non-selection and disciplinary action.
- 7. **Confidentiality:** An employee's merit promotion application, appraisal and score will not be reviewed by other employees, though such records will be available to rating, selecting and other appropriate officials.
- I. **Applications for Merit Promotion Vacancies:** Applications for promotions may be accepted during any merit promotion vacancy announcement period.
- J. **Referrals:**
 - 1. **Method of Referral:**
 - a. Best-qualified candidates will be listed alphabetically on a promotion certificate. The number of applicants is determined by a significant break in the ratings.
 - b. If there is a tie for the last position on the promotion certificate, all candidates with that score will be referred. If the individuals tied for last place are not USMS employees, the tie will be resolved based on length of federal civilian service.
 - c. When there are fewer than five qualified candidates for positions covered by this plan, all qualified candidates will be referred.
 - d. If there are multiple vacancies for the same type of position (same series, grade and title), up to five additional names may be referred for each extra vacancy.
 - e. When a position was advertised at more than one grade level, the best-qualified candidates for each grade level may be referred on separate promotion certificates.
 - 2. **Employee Interviews:** The best-qualified candidates may be interviewed by the selecting or recommending official. If one candidate is interviewed, all candidates on that certificate should be interviewed.
- K. **Selections:**
 - 1. **General:**
 - a. The selecting official may either select one of the candidates on the promotion certificate or choose one or more of the following options:
 - 1) Request the certification of additional names when appropriate (e.g., there are fewer than five candidates on the certificate).
 - 2) Request that the position be re-announced to expand the area of consideration.
 - 3) Select from another appropriate source, such as an OPM register or from among individuals eligible for noncompetitive appointment to the position.
 - 4) Decide not to fill the position.

- b. Selections should normally be made within 30 days of receiving the promotion certificate.
 - c. A competitive promotion for a USMS employee against whom an investigation and or disciplinary action is pending or has been taken, that has or will result in greater than a letter of reprimand, will not take effect for a year after the offense was committed or the date headquarters became aware of it. At the Director's discretion, this may be extended to two years based on the severity of the offense. USMS employees may not be considered for merit promotion vacancies if they are within a year of the date of offense (or the date headquarters became aware of it) for which they received more than a letter of reprimand. The Director may opt to extend that period to two years. Actions against employees that are between one and two years will be referred to the Director through the Assistant Director for Human Resources.
 - d. The Director reviews candidate selections, and then the Human Resources Division announces them to the offices with the vacancies. Candidates should not be informed that they have been selected until their offices have been notified.
2. **Release of Selected Employees:** Employees selected for positions under this plan should be released from their existing jobs promptly, normally within 15 days of selection notification or at the end of the first full pay period after that. However, when circumstances warrant, the employee, by mutual agreement between current and future supervisors, may remain in the current position for up to 30 days.
3. **Effective Dates of Position Changes:**
- a. Except in instances where an employee will move to a new geographical location, position changes within the USMS that involve salary changes will be made at the beginning of a pay period. They will normally be effective on the first day of the first pay period after the Personnel Officer or designee approves the action.
 - b. Promotions that also involve changes in duty stations and geographical locations will be effective the first day of the first pay period after the employee reports for duty.
 - c. Effective dates that differ from the above must be approved in advance by the Personnel Officer and be effective the first day of the agreed upon pay period.
4. **Information to Candidates:** Upon written request, the Human Resources Division will furnish candidates with the following information:
- a. The qualification standards, job elements and rating factors used for the position except those identified as secure.
 - b. Whether the candidate met the qualification requirements.
 - c. Whether the candidate was in the best-qualified group of eligibles referred to the selecting official. Only uncertified employees may be notified of their rank.
 - d. The employee's scores for a specified position. Employees are not entitled to the scores or rankings of others.

- e. The number of applicants for a position and the number certified. Employees are not entitled to the names, positions or locations of other applicants.
- f. The name, title, organizational assignment and geographical location of the person who was selected.

L. Temporary Details/Promotions Longer than 120 Days:

1. General:

- a. Offices may temporarily promote or detail employees to vacant positions for more than 120 days until permanent candidates are chosen. In order to do so, though, the action must be competitive and the appointment may not exceed one year. Positions may not be filled by a temporary, not to exceed one year appointment, in lieu of a permanent selection.
- b. The position must be established and funded, and the need for a temporary appointment must be justified by the U.S. Marshal, division, etc.
- c. Temporary appointments not to exceed a year may be terminated at any time.

2. Procedures for Operational Positions:

- a. Operational positions that are filled temporarily are advertised through the Merit Promotion program. Requests to fill such positions are made to the Human Resources Division.
- b. The area of consideration is restricted to the district or division where the vacancy exists.
- c. No moving expenses are authorized for temporary appointments.
- d. The U.S. Marshal or division chief recommends someone from the best-qualified list produced by the Human Resources Division. The Director or designee makes the final selection.

M. Maintenance of Records:

- 1. Promotion records, ranking lists, promotion certificates, and correspondence or documents pertaining to the ranking of competitors will be kept by the Human Resources Division for at least two years or until a formal personnel management evaluation review by OPM, whichever comes first. The records will then be destroyed, provided that the period for submitting grievances is over.
- 2. Crediting plans and rating procedures for evaluating candidates' experience will not be released if this would undermine the fairness and validity of the selection process. The USMS prohibits the release of the experience and supervisory appraisal portions of the rating guide for law enforcement positions.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 POSITION CLASSIFICATION

- A. General:** This section establishes USMS policy and procedures pertaining to the classification of positions under the general schedule (GS). It applies only to GS 1-15 positions, not SES or senior level positions.
- B. Policy:** The policy of the USMS is to follow the principle of equal pay for work of equal value. Therefore, all employees should be assigned to adequately described positions that are properly classified in accordance with Office of Personnel Management (OPM) classification standards and guides.
- C. Responsibilities:**
1. **Department of Justice (DOJ):** Provides general policy, leadership and guidance regarding the USMS position classification system. DOJ provides general oversight of the classification program (e.g., adjudication of classification appeals and during personnel management evaluations).
 2. **Human Resources Division:** Formulates, recommends and implements service-wide policy on position classification. It also develops, coordinates, evaluates and administers the classification program. These responsibilities include classifying positions and assisting managers and supervisors with classification and position management.
 3. **Managers and Supervisors:** Ensure that all position descriptions are accurate in terms of assigned and performed duties and responsibilities, that employees have a copy of their position descriptions, and that necessary classification actions are initiated promptly when duties change.
 4. **Employees:**
 - a. Employees should notify their supervisors of discrepancies between duty assignments and the major duties described in the official position descriptions. If the supervisor agrees that material differences exist, he or she should arrange for the description to be amended to bring it up to date or assign the employee the duties and responsibilities reflected in the position description.
 - b. If an employee believes there are discrepancies in the official position description that cannot be resolved through the supervisor, he or she may request a desk audit.
- D. Definitions:**
1. **Position Description:** A written record of the major duties assigned to a position; supervisory controls; knowledge, skill and ability requirements; significant tasks performed and end products. The description should be detailed enough so that job-related placement factors can be determined.

2. **Position Management:** The process by which work is organized and assigned among positions in a manner that will serve mission needs most effectively, efficiently, and economically. This includes achieving a proper balance among skills availability, position ceiling, fund limitations, sound human resource utilization, efficiency and economy, mission requirements and matters of public policy.
 3. **Classification Standards and Guides:** Standards and guides are developed and published by the Office of Personnel Management. They define occupational groups, series and grades, explain significant factors used to evaluate positions and define work characteristics of various grade levels. The standards and guides are used by classifiers to determine the proper title, series, pay plan and grade of a position, based on the duties and responsibilities performed in the position.
- E. Maintenance and Records:** The Human Resources Division maintains OPM classification standards, official position descriptions and all necessary documentation relating to position classifications. The original position description is the official description, and copies are provided to the incumbent of each position and to the immediate supervisor.
- F. Writing Position Descriptions:**
- Request for Classification Action:** A formal classification action is requested by submitting the SF-52 [Request for Personnel Action](#) to the Human Resources Division. When requesting a classification action, duties must be submitted with the SF-52.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 HIGHEST PREVIOUS PAY

- A. General:** This policy is issued under the authority of [5 U.S.C. § 5334](#), [5 CFR § 531.202](#), [5 C.F.R. § 531.203](#), and [DOJ Order 1200.1](#). Pertinent sections of DOJ Order 1200.1 are restated.

The provisions of this section apply to the application of the highest previous rate rule under [5 U.S.C. § 5334](#) to position or appointment changes when employees are re-employed, transferred, reassigned, promoted or demoted to general schedule positions within the USMS.

Within the USMS, the salary rate of a general schedule employee may be set at a level above the minimum required by law or regulation when permissible by law, consistent with the provisions of [DOJ Order 1200.1](#), and in the interest of the USMS.

Before a determination is made to apply the highest previous rate rule, the USMS will consider the impact on the employees in an organization who have equal or superior proficiency or qualifications and who serve in identical or similar positions.

B. Setting Pay:

1. **Determination of the Highest Previous Rate:** The rate of basic pay of an employee placed in a general schedule position by means other than a new appointment may be set at a rate of the grade that does not exceed the employee's highest previous rate. An employee's highest previous rate is based on a regular tour of duty at that rate under an appointment not limited to a maximum of 90 days, or for a continuous period of not less than 90 days under one or more appointments without a break in service. But it may not be based on a rate received as an expert or consultant or (without the prior approval of the Office of Personnel Management) on a special rate of basic pay established under [5 U.S.C. § 5303](#).
2. **New Appointments:** A new Deputy U.S. Marshal with prior federal service outside the USMS may be paid at his or her highest previous rate up to GS-7, step 10. A new administrative employee in the field or headquarters with prior federal service may be paid his or her highest previous rate up to the 10th step of the grade level at which they are entering the USMS.
3. **Reinstatements:** Former GS-5, 7, 9, 11 or 12 Deputy U.S. Marshals, Supervisory Deputy U.S. Marshals GS-13, Assistant Chief, GS-14, and Chief Deputy U.S. Marshals GS-14 or 15 are eligible to be considered for the highest previous rate rule.
4. **Change to Lower Grade:**
 - a. U.S. Marshals will have their rate of basic pay set in accordance with statute and regulation.
 - b. When an individual accepts a change to a lower grade with the probability of being re-promoted to (a) the former grade, (b) an intervening grade as soon as possible under the merit promotion plan or (c) a career-ladder position, the

individual's pay shall be set at a rate in the lower grade, which, upon re-promotion, will place the person in a rate in the higher grade which they would have attained had he or she remained in the higher grade, except as provided for in [5 C.F.R. § 536.104](#).

5. **Determining Highest Rate:** Within the USMS the highest previous rate for an employee will be determined as follows:
 - a. Compare the employee's highest previous rate (expressed as an annual rate) with the rates of basic pay in effect at the time the highest previous rate was earned for the grade in which the pay is currently being earned.
 - b. Identify the lowest step of the grade in which pay is currently being fixed for which the rate of basic pay was equal to or greater than the employee's highest previous rate at the time the highest previous rate was earned.
 - c. Identify the current rate of basic pay for the step identified above. This rate is the maximum rate of basic pay that may be paid to the employee.
6. **Department of Justice, [Order 1200.1, Chapter 2-2](#):** *Highest Previous Rate*



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 SPECIAL PAY

- A. General:** Premium pay is the term used here to cover the various payments made to employees for overtime work, night work, and work on Sundays and holidays. ([Law Enforcement Availability](#) is also premium pay.)
- Policy:** It is the policy of the USMS that all overtime hours must be essential to the accomplishment of the USMS mission and will be compensated at the appropriate rate of pay.
 - Authority:** [5 U.S.C. §§ 5542-5557](#), [5 C.F.R. § 550](#), [5 C.F.R. § 551](#), and [DOJ Order 1200.1](#).
- B. Overtime Entitlements:** The two major authorities under which employees earn overtime entitlements are 5 USC and the Fair Labor Standards Act (FLSA). Determinations as to overtime entitlements will be made in accordance with the guidance set forth here and the authorities cited above. Whenever an entitlement is questionable or borderline, the case should be referred to the Human Resources Division for final determination.
- C. Definitions:**
- Administrative, Professional and Executive Employees:** These terms are defined in [5 C.F.R. § 551](#).
 - Administrative Workweek:** a period of seven consecutive days designated in advance by the head of the agency. Within the USMS, the administrative workweek is Sunday through Saturday. See [5 C.F.R. § 610](#).
 - Holiday Work:** non-overtime work performed by an employee during a regularly scheduled daily tour of duty on a holiday. [5 C.F.R. § 550](#).
 - Irregular or Occasional Overtime Work:** overtime work that is not part of an employee's regularly scheduled administrative workweek. [5 C.F.R. § 550](#).
 - Night Work:** regularly scheduled work performed by an employee between 6 p.m. and 6 a.m. It includes any night work performed as part of the employee's regularly scheduled administrative workweek. [5 C.F.R. § 550](#).
 - Overtime Pay:** payment to employees for officially ordered or approved work exceeding eight hours a day or 40 hours a week. [5 C.F.R. § 550.111](#)
 - Overtime Work:** work that meets either of the definitions set forth below. The term includes both irregular or occasional overtime work and regular overtime work.
 - Work lasting more than eight hours a day or 40 hours in an administrative workweek that an employee performs on official orders. [5 C.F.R. § 550.111](#)

- b. When pertaining to employees whose basic pay rate exceeds the minimum rate of the GS-10 level or who are engaged in professional, technical, engineering or scientific activities, work lasting more than 40 hours in an administrative workweek that an employee performs on official orders.
8. **Regular Overtime Work:** overtime work that is part of an employee's regularly scheduled administrative workweek.
9. **Regularly Scheduled Work:** work that is scheduled ahead of an administrative workweek under an agency's procedures for establishing workweeks.
10. **Regular Working Hours:** Under the FLSA, this refers to the hours and days an employee is normally scheduled to be on duty.
11. **Suffered or Permitted Work:** any work performed by an employee for the benefit of the agency, whether requested or not, provided the employee's supervisor knows or believes that the work is being performed and has an opportunity to prevent it from being performed. [5 C.F.R. § 551.104](#)
12. **Sunday Work:** non-overtime work an employee performs during a regularly scheduled daily tour of duty that includes Sunday. [5 C.F.R. § 550](#)
13. **Tour of Duty:** Normally, the hours in and days of an administrative workweek that constitute the employee's regularly scheduled workweek. Under the FLSA, however, the tours of duty of employees engaged in fire protection or law enforcement activities include all time the employees are on duty.
14. **Workday:** Under the FLSA, it is defined as the period between when employees begin their principal activities and the cessation of those activities. The workday is not limited to a calendar day. [5 C.F.R. § 551.411](#)

D. Overtime Work:

1. **Planning and Scheduling:** Insofar as possible, supervisors should plan and schedule work assignments so that they can be completed within an employee's regular tour of duty.
2. **Documentation:** Normally, overtime assignments must be requested and approved in writing; however, approved tours of duty that include overtime during a given pay period suffice as documentation for regularly scheduled overtime work. Copies of the approved request for overtime should be provided to the employee's time and attendance clerk and the individual responsible for controlling the district's or division's expenditures.
3. **Continuance of Work:** Overtime requests must be submitted in advance to afford the authorizing official the opportunity to consider alternatives. For Headquarters overtime requests must be submitted in advance using the form USM-388.

E. Compensatory Time:

1. **U.S. Marshals:** Normally, Marshals will not receive compensatory time off for overtime work. In the rare cases where a Marshal is required to perform law enforcement overtime work of an emergency or extraordinary nature, compensatory time off may be appropriate. If so, a Marshal will request advance approval from the Deputy Director or Director to work overtime. Without exception, the request and approval must be in writing.

2. The following guidelines apply concerning compensatory time:
 - a. Employees who are exempt from the FLSA may receive compensatory time off for every hour of overtime work that was ordered, approved and performed.
 - b. Employees who are covered by the FLSA (i.e., not exempt) must receive overtime pay for overtime work unless they request compensatory time off instead.
 - c. Generally, the USMS does not authorize compensatory time for deputies GS-5 through GS-9 or for other FLSA nonexempt employees.
3. **Time Limit on Entitlement:** An employee who fails to use compensatory time by the end of the leave year following the one in which it is earned will lose both the time off and overtime pay unless he or she submitted a request for, and was denied, compensatory time off. Both the request and the denial must be put on an [SF-71](#), which is signed and dated by the employee and approving official.
 - a. When compensatory time off has been denied, the employee will receive overtime pay if he or she is unable to use the time at a later date within the period during which such leave must be used.
 - b. An employee who has been denied compensatory time off may submit a subsequent request to use the leave during the time frame within which it must be used.

F. Time Spent in Travel: Insofar as practicable, travel during non-duty hours shall not be required of an employee. [5 C.F.R. § 610.123](#)

1. **During Regular Working Hours:** Time spent in travel during regular working hours is considered hours of work under both Title 5 and FLSA if the travel is required of the employee.
2. **Outside of Regular Working Hours:** Travel outside of an employee's regular working hours is compensable if it meets the criteria for work as set forth in [5 U.S.C. §§ 5542-5557](#) or the FLSA, as appropriate.
3. **Travel to and from Training:** Hours traveled to and from places of training on a non-workday is compensable as overtime for non FLSA covered employees.
4. **Scheduling Travel:** When possible, an employee's travel should be scheduled within his or her regularly scheduled work hours.
 - a. The Federal Travel Regulations provides that an employee performing official travel must proceed as expeditiously as though traveling on personal business, even though he or she would be required to travel on non-workdays. Accordingly, if scheduling travel to permit it to occur during regular working hours would result in the payment of two days or more per diem, the employee will be required to travel on his or her own time rather than on official time. (46 Comptroller General 425.)
 - b. Time spent traveling outside regular working hours in order to comply with the above "two day per diem" rule, in itself, does not result in the travel being considered hours of work and compensable.

G. Night Pay Differential:

1. Nightwork is regularly scheduled work between the hours of 6:00 p.m. and 6:00 a.m. In this context, "regularly scheduled work" means work that is scheduled in advance of an administrative workweek and specifies both the days and hours of the nightwork and the name of the employee assigned to it. Within the USMS, the administrative workweek corresponds to the calendar week (i.e., Sunday through Saturday). Employees assigned, under the conditions specified above, to a tour of duty that includes nightwork, are entitled to a night pay differential for the hours of work that fall between 6:00 p.m. and 6:00 a.m.
2. **Pay for Nightwork.** When an entitlement to night pay differential exists, pay for nightwork is made at the rate of the employee's basic pay plus premium pay amounting to ten percent of the basic rate. The night pay differential is in addition to any overtime, Sunday, or holiday pay to which the employee may be entitled. Moreover, although the night pay differential is not included in the rate of basic pay used to compute overtime under Title 5, it is included when determining overtime pay entitlements under the FLSA.

H. Pay for Holiday and Sunday Work:

1. **Pay for Holiday Work:** An employee who performs work on a holiday is entitled to pay at the rate of his or her basic pay plus premium pay at a rate equal to his or her basic pay for that holiday work which is not in excess of eight hours and which is not overtime work. If required to perform holiday duty, the employee will receive premium pay for at least two hours of holiday work, even if he or she does not work that long.
2. **Pay for Sunday Work:** A full-time employee whose tour of duty includes Sunday, is entitled to pay at his or her rate of basic pay, plus premium pay at a rate equal to 25 percent of his or her rate of basic pay, for each hour of Sunday work which is not overtime work and which is not in excess of eight hours for each regularly scheduled hour of duty which begins or ends on Sunday.
 - a. Part-time employees are not entitled to premium pay for Sunday work.
 - b. A full-time employee whose regularly scheduled tour of duty includes a period of service of less than eight hours, any part of which falls between midnight Saturday and midnight Sunday, is entitled to premium pay for the number of hours worked that is not in excess of the number of hours regularly scheduled for the period.
 - c. When an employee has two separate tours of duty on Sunday (e.g., one tour of duty begins on Saturday and ends on Sunday; another tour of duty begins on Sunday and concludes on Monday), he or she is entitled to premium pay for Sunday work for a maximum of eight hours for each tour of duty.
3. **Impact on Other Entitlements:** Premium pay for holiday work is in addition to any overtime pay, night pay differential, or premium pay for Sunday work to which the employee might also be entitled. Similarly, premium pay for Sunday work is in addition to premium pay for holiday work, overtime pay or night pay differential to which the employee is entitled.
4. **Pay for Overtime Work Performed on a Sunday or Holiday:** Premium pay for Sunday or holiday work is not included in the rate of basic pay used to compute pay for overtime work. An employee who is assigned overtime work on such days is paid in the same manner as for overtime work performed on other days.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 LAW ENFORCEMENT AVAILABILITY PAY

A. Proponent: Proponent: Human Resources Division, 202-307-9425, FAX 703-307-8683.

B. Purpose: This policy directive contains U.S. Marshals Service (USMS) policy and procedures for administering law enforcement availability pay (LEAP) eligible Criminal Investigators, GS-1811.

C. Authority: The Director's authority to direct and supervise all activities of the USMS is set forth in [28 USC 561\(g\)](#) and [28 CFR 0.111](#). The Director's authority to supervise the allotment of LEAP is set forth in [5 U.S.C. § 5545A](#), and [5 C.F.R. § 550.181-186](#).

D. Policy:

1. The USMS will provide LEAP to Criminal Investigators who have an annual average of unscheduled duty hours of two or more hours beyond the regular eight-hour workday. LEAP equals 25 percent of the Criminal Investigator's basic pay rate, to include special pay and locality pay. LEAP will be authorized to ensure the availability of a Criminal Investigator for unscheduled duty.
2. A Criminal Investigator who is receiving LEAP shall not receive:
 - a. **Overtime or night-differential pay for unscheduled duty hours:** To be compensated for overtime, it must be scheduled before the administrative workweek, by person, with a definitive start and stop time.
 - b. **Overtime Pay Under the Fair Labor Standards Act (FLSA):** Criminal Investigators who receive LEAP are not covered under FLSA.
3. Criminal Investigators are responsible for recognizing the circumstances that require them to be on duty based on the needs of the USMS.
4. A Criminal Investigator receiving LEAP who has an extended personal or family emergency may voluntarily apply for an exemption from LEAP requirements to the Availability Pay Advisory Group. This group, appointed by the Director, reviews requests and approves exemptions.

E. Procedures:

1. **Certification/Recertification:**
 - a. Within 30 days of being appointed, each Criminal Investigator and the U.S. Marshal (USM) or Assistant Director to whom he or she reports shall certify on the Supervisory/Managerial Certification form that the Criminal Investigator will meet the required daily average of two unscheduled duty hours during the next year.

- b. By October 31 of each year, each Criminal Investigator and the USM or Assistant Director to whom he or she reports shall recertify in writing on the Recertification form that the Criminal Investigator met the required daily average of two unscheduled duty hours (to include available and worked hours) for the period since the last certification. The district or division will keep completed LEAP certification forms for six years.
- c. Union officials will be considered to be eligible/certified for LEAP and will not be decertified for conducting bargaining-unit business in accordance with laws, regulations and agreements.

2. Decertification:

- a. If a Criminal Investigator will not meet the required daily average of two unscheduled duty hours since the last certification, the Criminal Investigator will be notified by the USM or Assistant Director to whom he or she reports of the decision to discontinue LEAP under adverse-action procedures, as provided by [5 U.S.C. § 7513 \(b\)](#). A Criminal Investigator who is decertified under these procedures will be advised in writing of appeal rights or grievance procedures.
- b. Time spent in the following categories (if they exceed four hours in a given workday) will not be used as a basis for decertification:
 - 1) USMS-approved training (Criminal Investigators are not eligible to receive LEAP while in initial training.)
 - 2) Approved absence (such as annual, sick, military or court leave, and holidays)
 - 3) USMS-ordered travel

3. Recording of Time:

- a. Criminal Investigators certified to receive LEAP will complete the USM-7, Biweekly Time Report, documenting the program areas on which they spent regular work hours. In addition, all LEAP hours worked, including the programs and times, will be recorded on the USM-7.
- b. Each USM-7 will be reviewed and approved by the Criminal Investigator's immediate supervisor.
- c. The district or division timekeeper will record all hours reported on the USM-7 in the PC-TARE system under the guidance of the USMS and the National Finance Center.

4. Payment Provisions:

- a. LEAP is authorized for all non-overtime hours in a pay status and is subject to the biweekly limitation of premium pay (see [5 U.S.C. § 5547](#)) and to the aggregate limitation on pay (see [5 U.S.C. § 5307](#)).
- b. LEAP is also used by the USMS to compute the following:
 - 1) Severance pay
 - 2) Retirement deductions and benefits

- 3) Life insurance premiums and benefits
- 4) Thrift Savings Plan contributions
- 5) Workers' compensation benefits
- 6) Advances in pay
- 7) Lump-sum payments for accrued annual leave

5. Temporary Limited Duty/Excused Absence:

- a. A Criminal Investigator temporarily unavailable to perform the full range of USMS duties due to medical reasons may be assigned temporary limited duties if they are available within the district or division and the employee is expected to return to full duties within a reasonable period of time.
- b. A Criminal Investigator assigned temporary limited duties may receive LEAP for up to 120 days. He or she may continue to receive LEAP pending a review of the limited-duty situation and the expected date of return to full duty. If it is inappropriate to continue limited duty, the investigator may still receive LEAP if on approved paid leave. While on limited duty the investigator will be expected to be available to work limited-duty assignments during unscheduled hours.
- c. A Criminal Investigator certified for LEAP will continue to receive it during a paid excused absence for 120 days initially. He or she may continue to receive LEAP pending a review of the circumstances of the excused absence. If LEAP is not warranted, decertification procedures will be initiated.
- d. The USM or Assistant Director may approve requests for temporary limited duty or paid excused absences.
- e. Nothing in this section is intended to replace the requirements for annual certification.

6. Exemptions:

- a. Exemption requests shall be for at least 120 days. Exemptions submitted through the Criminal Investigator's supervisory channels to the Availability Pay Advisory Group, should describe the personal or family emergency and estimate the expected duration. The written request should also acknowledge that the Criminal Investigator understands that LEAP will be discontinued if the request is approved and that he or she waives the right to adverse-action procedures under [5 U.S.C. § 7513\(b\)](#), as the reduction in pay was voluntary.
- b. The Availability Pay Advisory Group may approve a voluntary written request to be excused from LEAP requirements. The group will first consider management recommendations.
- c. An exemption approval does not restrict management's right to direct a Criminal Investigator to perform irregular or occasional overtime work. An exemption does not entitle a Criminal Investigator to be assigned overtime hours.

F. Responsibilities:

1. **Availability Pay Advisory Group:**
 - a. Reviews and approves exemptions.
 - b. Offers recommendations to the Director concerning the fair and consistent application of LEAP.
 - c. Responds to LEAP inquiries and obtains concurrence from the appropriate headquarters offices.

2. **U.S. Marshals and Assistant Directors:**
 - a. Provide annual certification for Criminal Investigators authorized to receive LEAP.
 - b. Hold each Criminal Investigator responsible for remaining on or returning to duty when required by operational necessity.
 - c. Ensure, through sound management practices, that scheduled overtime hours are kept to a minimum, and establish a policy to ensure the equitable distribution of availability and overtime hours.
 - d. Direct subordinate managers who schedule work in advance to comply with LEAP requirements.
 - e. Initiate appropriate counseling or corrective action for a Criminal Investigator who is unavailable for duty and initiate adverse action to decertify an investigator who continues to be unavailable and who fails to respond to initial counseling or corrective action.
 - f. Refer questions or concerns on availability pay for which no specific instructions for handling have been issued to the Availability Pay Advisory Group.

3. **Criminal Investigators:**
 - a. Annually certify availability to work unscheduled duty hours. These hours will total an annual average of two or more hours beyond the regular eight-hour workday.
 - b. Recognize those circumstances when they are required to be on duty or available for unscheduled duty.
 - c. Maintain an accurate, complete record of all regular hours worked and all availability hours worked on a daily basis and forward the USM-7 to the supervisor for approval and the timekeeper for recording on a biweekly basis.

G. Definitions:

1. **Availability Pay (LEAP):** A form of premium pay paid to a Criminal Investigator as a flat rate in order to ensure his or her availability for unscheduled duty for all hours beyond an eight-hour workday.

2. **Unscheduled Duty Hours:** Hours a Criminal Investigator works or is available to work that are not part of the 40 hours in the basic workweek or scheduled overtime hours paid under [5 U.S.C. § 5542](#).

3. **Availability Certification:** An annual written certification indicating that the Criminal Investigator is required to be available to work and is expected to meet the minimum average of two or more hours beyond each regular eight-hour workday.
4. **Overtime Hours:** Under LEAP, hours beyond 10 that are scheduled before the administrative workweek and worked by a Criminal Investigator or all scheduled hours worked on a non-scheduled workday. Overtime pay for bargaining-unit employees not covered by LEAP will continue in accordance with Article 18 of the Negotiated Master Agreement.
5. **Availability Hours:** The hours of a regular workday that are not part of a Criminal Investigator's basic workweek for which management has determined in advance that it may need the Criminal Investigator and during which he or she is generally accessible.
6. **Criminal Investigator:** A USMS employee officially assigned to a position classified in the GS-1811 Criminal Investigator series under the Position Classification Standards issued by the U.S. Office of Personnel Management.

H. Leap Certification for Criminal Investigators

District: _____

Division: _____

UNITED STATES MARSHALS SERVICE

Law Enforcement Availability Pay (LEAP)

CERTIFICATION for CRIMINAL INVESTIGATORS

This certifies that, over the course of the next 12 months, the undersigned Criminal Investigator is officially assigned to the position properly classified in the GS-1811 Criminal Investigating Series under the supervision of the undersigned United States Marshal or USMS Assistant Director; and that over the course of the next 12 months, the undersigned Criminal Investigator will be available to work an average of at least 2 hours of unscheduled duty per regular workday, as a condition of receiving LEAP under [5 U.S.C. § 5545A](#).

(Print Name) Criminal Investigator

(Signature & Date)

(Print Name & Title of USM or AD)

(Signature & Date)

I. Leap Annual Recertification for Criminal Investigators

District: _____

Division: _____

UNITED STATES MARSHALS SERVICE

Law Enforcement Availability Pay (LEAP)

ANNUAL RECERTIFICATION for CRIMINAL INVESTIGATORS

I, _____ (Signature and typed name and title of United States Marshal or Assistant Director)

certify that, over the course of the 12 months prior to this date, _____, each of the undersigned was officially assigned under my supervision to a position properly classified in the GS-1811 Criminal Investigating Series; that each worked or was available to work an average of at least 2 hours of unscheduled duty per regular workday; and that each will be required over the course of the next 12 months to work or be available to work an average of at least 2 hours of unscheduled duty per regular workday, as a condition of continuing to receive LEAP under [5 U.S.C. § 5545A](#).

_____ Print Name	_____ Signature & Date
_____ Print Name	_____ Signature & Date
_____ Print Name	_____ Signature & Date
_____ Print Name	_____ Signature & Date
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_____ Print Name	_____ Signature & Date
_____ Print Name	_____ Signature & Date
_____ Print Name	_____ Signature & Date



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 BENEFICIARY AND UNPAID COMPENSATION

A. General: This section explains the procedures and forms to be used for promptly settling claims for deceased employees.

B. Designated Beneficiary: All unpaid compensation due an employee at the time of his or her death will be paid in the following order of precedence, as specified in [5 U.S.C. § 5582\(b\)](#):

1. To the beneficiary designated by the employee on SF-1152, [Designation of Beneficiary](#), on file in the Human Resources Division. All employees are encouraged to keep a current SF-1152 on file.
2. If there is no designated beneficiary, to the widow or widower.
3. If none of the above, to the child or children of the employee and descendants of deceased children.
4. If none of the above, to the parents or their survivors.
5. If none of the above, to the duly appointed legal representative of the employee's estate.
6. If none of the above, to the person or persons entitled under the laws of the domicile of the employee at the time of death.

C. Death of District Employee:

1. **Headquarters Notification:** As soon as possible after the death of a district employee, the U.S. Marshal will call the appropriate Human Resources Specialist with the date and time of the employee's death. The Human Resources Specialist will instruct the U.S. Marshal or relatives of the deceased in obtaining and completing the following forms and certifications.
 - a. Death Certificate, a certified copy
 - b. SF-52, [Request for Personnel Action](#), reflecting death
 - c. FE-6, [Claim for Insurance](#)
 - d. SF-1153, [Claim for Unpaid Compensation](#)
 - e. SF-2800, [Application for Death Benefits](#), or SF-3104, [Application for Death Benefits](#) (for CSRS)
 - f. TSP-17, [Information Relating to Deceased Participant](#)
2. **Time and Attendance (T&A) Report:** The T&A Report will be completed as described in the PC-Tare Manual. It will be transmitted to the National Finance Center (NFC) and

marked as the Final T&A. Payroll will control payment of final check and lump sum payment.

3. **Form [USM-357](#), *Travel Voucher*:** After an employee dies, the authorizing office will prepare a final travel voucher for any unreimbursed travel expenses, applying any outstanding travel advances.
 4. **Unnegotiated Checks:**
 - a. Unnegotiated payroll checks should be returned immediately to the Human Resources Division with a cover memorandum noting that the employee died.
 - b. An unnegotiated check issued by the district for travel reimbursement will be returned to the district office and canceled. This amount will then be applied to the outstanding travel advance. If there is no outstanding travel advance, the check will be reissued to the designated beneficiary.
 5. **Outstanding Travel Advance:** If after all travel vouchers have been applied to the travel advance there is still an outstanding advance, a memorandum will be sent to the Human Resources Division, stating the remaining amount due. The Human Resources Division will attach the memorandum to the death benefits package mailed to the National Finance Center (NFC) requesting that the NFC offset the outstanding balance against the unpaid compensation due the employee's survivor(s). The SF-1038, *Advance of Funds Application and Account*, will be kept at the district office until notification is received from the finance office that the monies have been transferred from NFC to the USMS.
- D. Death of Headquarters Employee:** As soon as possible, the chief of the division will notify the chief, Human Resources Division, of the date and time of death of the employee. The Human Resources Division will coordinate all activities for the prompt settlement of claims and will contact all divisions involved.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.2 WITHIN GRADE INCREASES (WGI)

A. General:

1. Most general schedule (GS) employees in permanent full- and part-time positions are entitled to within-grade increases (WGIs). Employees from steps 1, 2, 3 to 4 are entitled to consideration for a WGI every 52 calendar weeks; from steps 4, 5, 6 to 7, every 104 calendar weeks; and from steps 7, 8, 9 to 10, every 156 calendar weeks. However, these provisions do not apply to the U.S. Marshals, whose within-grade pay adjustments are determined by the Attorney General.
2. For employees who until October 31, 1993, were covered by the former Performance Management and Recognition System (PMRS), the waiting period for WGIs started October 3, 1993, the date of the last equivalent increase (including a zero merit increase). Since some of these employees will continue to receive salaries falling between two steps, the length of the waiting period is determined by the step with a lower rate of pay than the employee's base salary.

B. **Acceptable Level of Competence:** An acceptable level of competence means that performance by an employee warrants advancement of the employee's rate of basic pay to the next grade.

1. WGIs are granted automatically, however, an employee must be performing at an acceptable level of competence to receive one. The supervisor must certify that an employee is performing at this level for purposes of granting a WGI.
2. This is accomplished by completing a computer-generated form, AD-658P, *Within-Grade Increase Record*, and returning it to the Human Resources Division. The within-grade increase will be effective on the first day of the first pay period after the required waiting period.

C. **Denial of a WGI:**

1. If a supervisor does not believe that an employee's performance is at an acceptable level of competence warrants a WGI, he or she should contact the Employee Relations Team of the Human Resources Division to discuss the performance problems well in advance of the WGI due date. Therefore, it is important that the required steps be taken to correct the performance deficiency(ies) early on.
2. The following steps are to be followed in the WGI denial process:
 - a. *AD-658P, Within-Grade Increase Record* is sent to the supervisor approximately seven pay periods before the WGI due date.
 - b. If the employee's most recent performance rating is below satisfactory or if the supervisor believes performance deficiencies are present that warrant a WGI denial, he or she should consult with the Employee Relations Team, Human Resources Division.

- c. If the decision is made to withhold the employee's WGI, the supervisor, with assistance from the Human Resources Division, will issue a written Notification of Determination to Withhold WGI to the employee. This denial notification describes the performance deficiency that led to the denial of the WGI, which must be based upon the most recent performance appraisal.
- 3. The denial notification is issued to the employee by the supervisor as soon as possible after the waiting period and must contain the following information:
 - a. The reason(s) for the negative determination
 - b. Specific performance standards that must be met to receive a WGI
 - c. Notice to the employee of his or her right to request reconsideration within 15 days of his or her receipt of the Notice of Negative Determination
 - d. The name of the official to whom the request for reconsideration is to be submitted (determined by the Human Resources Division)
 - e. A reasonable amount of time to review the material relied on to make the determination
 - f. If upon reconsideration, the negative determination is overturned, the employee will receive the WGI retroactively to the original due date.
 - g. If the denial is sustained, the employee is informed in writing of the reasons and of the right to appeal.

D. WGI Denial Appeal Rights:

- 1. When a WGI denial is sustained after reconsideration, an employee not covered by the bargaining unit has the right to appeal the decision to the Merit Systems Protection Board (MSPB) within 20 days of receiving it.
- 2. An employee who is in the bargaining unit may within 30 days of receiving the reconsideration decision file a grievance through the negotiated grievance procedure.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.3 DISCIPLINE AND ADVERSE ACTIONS

A. General:

1. [5 C.F.R. § 752](#) and Department of Justice Human Resources [Order 1200.1](#) implement those portions of the [Civil Service Reform Act of 1978](#) (CSRA) dealing with discipline and adverse actions. In addition, [DOJ Order 1430.3](#) (Performance Appraisal System) provides separate procedures for actions against employees because of unacceptable performance.
2. This section sets forth a delegation of authority for discipline and adverse actions, including letters of caution, reprimand, suspensions, demotions and removals. It also establishes a USMS Table of Offenses.
3. The provisions of this section apply to all offices, divisions and districts within the USMS. They apply to all discipline and adverse actions taken against USMS employees who are not excluded from coverage by DOJ Human Resources [Order 1200.1](#), Chapter 1.

B. Responsibilities:

1. The Director, USMS, is responsible for the USMS adverse action system and all actions processed under 5 USC 75, as amended by the [CSRA](#) of 1978, [5 C.F.R. § 752](#) and DOJ Human Resources [Order 1200.1](#).
2. The Assistant Director for Human Resources administers this section and the USMS Adverse Action program.
3. The Chief, Employee Relations Team provides staff assistance to the Director and the Assistant Director for Human Resources. The team leader assists districts and other offices in the discharge of their responsibilities.
4. Supervisors and managers must inform employees of rules and standards of conduct and performance as well as ensure their subordinates' compliance. Supervisors and managers will:
 - a. Take appropriate steps to prevent situations from reaching the stage where adverse action is required.
 - b. Initiate action by promptly reporting, through channels, to the Office of Internal Affairs alleged infractions of statutes or regulations or other misconduct that may warrant discipline.
 - c. Consider the total effect of the proposed disciplinary measure upon both the affected employee and others in the work force before recommending it.

5. Failing to provide required instructions to subordinates, permitting or requiring actions that violate regulations and/or failing to report allegations of misconduct may result in adverse action against the supervisor or manager.

C. Status of Employees under Investigation:

1. If a supervisory official learns that an employee who is up for a promotion, incentive award or other favorable personnel action may face investigation due to allegations of misconduct, the official will inform the Chief, Employee Relations Team, so that such reward may be withheld temporarily.
2. If the information is credible, the employee may face disciplinary action. The Assistant Director for Human Resources may approve the favorable personnel action if he or she determines that it would not be affected by the adverse information. Within-grade increases will not be affected.
3. When an advance notice of a proposed action to suspend, demote or remove has been issued to an employee, the Personnel Officer will not approve any favorable personnel action for the employee until the adverse action is finalized.

D. Appeal Rights:

1. Appeal rights for non-bargaining-unit employees are set forth in DOJ Human Resources [Order 1200.1](#). These employees may challenge suspensions of 14 days or less and lesser disciplinary actions using the agency grievance procedure contained in Section 3.14 or the DOJ equal employment opportunity procedure when discrimination is alleged. Challenges to longer suspensions, reductions in grade or pay, furloughs of 30 days or less, or removals may be filed with the Merit Systems Protection Board (MSPB) under [5 C.F.R. §§ 1200-1202](#). When such challenges allege discrimination, they may be pursued through the MSPB or the DOJ equal employment opportunity procedure.
2. Appeal rights for bargaining-unit employees are set forth in DOJ Human Resources [Order 1200.1](#). These employees may challenge suspensions of 14 days or less and lesser disciplinary actions using the negotiated grievance procedure or the DOJ equal employment opportunity procedure when alleging discrimination. Challenges to longer suspensions, reductions in grade or pay, furloughs of 30 days or less, or removals may be pursued through the negotiated grievance procedure, the DOJ equal employment opportunity procedure or the MSPB. An employee may choose only one of these courses of appeal.

E. Effect of Disciplinary and Adverse Actions on Positive Personnel Actions:

1. A letter of reprimand or lesser disciplinary measure will not, in and of itself, prevent an employee from receiving a favorable personnel action.
2. An employee subject to an investigation or who has received a disciplinary action more serious than a letter of reprimand may not be promoted for one year after the date of the offense. At the Director's discretion, that period may be extended to two years. Such matters will be referred to the Director through the Assistant Director for Human Resources for consideration. This provision does not apply to within-grade increases.

F. Instructions for Applying the Table of Offenses:

1. The USMS Table of Offenses provides guidance in applying uniform discipline as a supplement to the Department of Justice Standard Schedule of Disciplinary Offenses and Penalties, which also applies to USMS employees. The offenses listed are not all-

inclusive but are examples of offenses for which employees of the USMS may be penalized for on-duty and off-duty misconduct. While this table should be used as a guide in determining appropriate penalties, management officials have enough flexibility that offenses listed in the Table can be used in proposing and deciding penalties for similar infractions not found there. The table does not cover discipline required by law. 28 CFR 45-735 and [5 C.F.R. § 2635](#) contain additional statutory and nonstatutory provisions relating to conduct of USMS employees.

2. Suspensions are set forth in calendar days.
3. The reckoning period is used to determine whether an infraction is a first, second or third offense. It begins on the date management becomes aware of a first offense and continues until the end of the reckoning period. Recurrences of similar offenses within the reckoning period will result in increasingly severe penalties.

For example, the reckoning period for excessive unauthorized absence (Offense 3, DOJ Table of Offenses) is two years (730 days). If a manager becomes aware of a violation of Offense 3 on July 12, 1992, the range of penalties provided is a five-day suspension to removal. A subsequent violation of Offense 3 taking place before July 11, 1994, has a range of penalties from a 15-day suspension to removal, and a third violation of the same offense before July 11, 1994, merits removal.

4. Prior offenses are considered when determining appropriate penalties regardless of the reckoning period. An employee who demonstrates a pattern of misconduct will be subject to progressively higher penalties within the allowable range.
5. When appropriate, directed reassignment or other remedial action may be considered in addition to the suggested penalties.
6. Employees must know and adhere to the Standards of Conduct of the Department of Justice and the USMS directives governing conduct and responsibility.
7. A wide range of penalties is listed for various serious offenses because the table is intended to provide maximum flexibility in the assignment of penalties. An offense committed by a supervisor or management official, for example, may be treated more seriously because of his or her position than a similar offense committed by a non-managerial employee. In aggravated cases, a measure outside the range of penalties may be imposed. When a more severe penalty than that provided for in the range of penalties is proposed, the adverse action file should document the reason for imposing it.
8. Copies of the table must be provided to all employees and copies must also be posted prominently in each USMS office. Deciding officials will explain the effects of the disciplinary action on future favorable personnel actions in all decision letters.
9. The Employee Relations Team will assist in resolving questions pertaining to disciplinary actions. Discipline should always be administered confidentially insofar as possible.

- G. Disruptive Behavior:** An employee whose behavior is disruptive or abusive, and who poses a hazard to himself or herself or others, may be placed on administrative leave temporarily, not to exceed 10 days, after coordination with the Employee Relations Team to ensure that it is in accordance with the Department of Justice Leave Administration [Order 1630.1B](#). In addition, any administrative leave that may exceed 10 days must also be coordinated with the Employee Relations Team and have the prior written approval of the Department of Justice, Assistant Attorney General for Administration.



United States Marshals Service POLICY DIRECTIVES

3.3 PERFORMANCE MANAGEMENT PROGRAM

A. Policy

For USMS employees to maintain a successful level of performance they must have a clear understanding of the organization's goals and objectives, found at the Department of Justice, *Strategic Plan*, and the [USMS Strategic Plan](#). Specifically, the USMS goals and objectives are aligned with the *DOJ Strategic Plan*, with emphasis on DOJ's Goal 3, which is to ensure and support the fair, impartial, efficient, and transparent administration of justice at the federal, state, local, tribal, and international levels, including providing protective services, apprehending fugitives, and ensuring the proper care of Federal prisoners.

The USMS performance management program encourages supervisors to provide feedback to employees through open communication during the formal planning, monitoring, and reviewing of performance. Specifically, the USMS's four-level performance appraisal program supports the following goals:

- Clear and honest communication between a supervisor and an employee about work performance, either individually or as a member of a work team, throughout the rating period; (Office of Personnel Management, *Performance Management*)
- Clarification of specific work responsibilities within the critical job elements and their relationship to the USMS Strategic Plan;
- Fair and efficient evaluation of employee performance and the annual determination of a specific rating of record; and
- Identification of employee development opportunities that will allow employees to acquire the skills, knowledge, and abilities to perform the work of a changing organization. The Department of Justice, *Skills Assessment Survey* web link is provided to help you assess employee skills and identify training needs. Additionally, managers need to identify their subordinates' training requirements/needs and request funds through the Training Division.

B. General Procedures

1. The USMS Performance Management Program is a four-level rating system of Outstanding, Excellent, Successful, and [Unacceptable](#). Employee ratings will be entered into the automated personnel system by the Human Resources Division (HRD) as Pattern E Level 5 for Outstanding, Pattern E Level 4 for Excellent, Pattern E Level 3 for Successful or Pattern E Level 1 for Unacceptable. These formulas are in accordance with [5 C.F.R. § 430.208 \(d\)](#).
2. The program has a Performance Plan & Rating form [USM-540](#) for all employees. There are three mandatory mission-critical elements for "managers and supervisors." Also, there are four mandatory critical elements for all "non-supervisory" employees, plus an additional four "law enforcement" critical elements for non-supervisory law enforcement employees.
3. Critical element standards have been written at the Successful level. Additional USMS critical elements and standards are not permitted.
4. The Attorney General or the Deputy Attorney General may issue mandatory elements which components must include in employees' performance plans.

5. The appraisal period shall cover one year, from July 1 through June 30.
6. The minimum appraisal period shall cover a period of no less than 90 calendar days.
7. The Sustained Superior Performance (SSP) award is based solely on an employee's performance rating of record assigned at the end of the rating period. This award recognizes sustained levels of successful or higher performance over the course of the rating period. SSPs and other awards based on employee accomplishments are addressed in the [USMS Awards Program](#) directive.
8. Nothing in this program directive shall change Article 14 of the Master Agreement, which specifically addresses performance evaluation.
9. **Planning Performance**
 - a. Employees will receive two specific documents which are important in performance planning:
 - 1) The employee Performance Plan & Rating [USM-540](#) hereafter referred to as Performance Plan, with specific Performance Initiatives tied to higher-level goals and objectives.
 - 2) The employee's official position description.
 - b. The Performance Plan is generic across either all supervisory or non-supervisory positions within the USMS with exception of the following:
 - 1) Employees for whom employment is not reasonably expected to exceed 120 calendar days in a consecutive 12 month period; and
 - 2) Employees occupying positions otherwise specifically excluded by law or regulation, including United States Marshals and members of the Senior Executive Service.
 - c. Official position descriptions are currently available in district/division administrative files and are provided to employees when there is a change in the position. If necessary, copies of district standard position descriptions may be obtained through the Human Resources Division Web Site. HQ position descriptions may be obtained through HRD.
 - d. If the job has changed, rating officials will normally provide a Performance Plan and position description to the employee within 30 days of these dates:
 - 1) The first day of the rating period; or
 - 2) The first day of a detail or temporary promotion expected to last 90 days or longer; or
 - 3) The first day of an employee's entrance on duty.
 - e. In the context of the employee's current position, the rating official and the employee will discuss specific work requirements for the rating period as outlined at the Successful level. The discussion will focus on the specific requirements and the expected level of performance for these requirements.

Additionally, the rating official will attach relevant district/division performance initiatives and any additionally performance initiatives that will further define the employee's job responsibilities to be focused on during the rating year. The rating official and employee will discuss how these, along with the critical elements, relate to achieving USMS goals and objectives.

- f. Critical elements #5 through #8 on the [USM-540](#) for non-supervisors applies to law enforcement employees only. Indicate, by checking the appropriate box(es), if they apply to the employee's law enforcement position. A minimum of one must be checked. Critical element #4 for managers and supervisors and critical element #9 for non-supervisors applies to administrative and law enforcement employees with victim-related responsibilities.
- g. All Performance Plans require review and approval at the next higher level of supervision above the immediate supervisor before issuance to the employee.
- h. The rating official and the employee will sign the Performance Plan. The employee's signature on the Performance Plan does not necessarily indicate concurrence. Signature indicates that the Performance Plan has been given to the employee and specific work requirements and performance initiatives have been discussed.

10. **Monitoring Performance**

- a. Monitoring performance is a continuous process. Rating officials and employees are encouraged to communicate on a regular basis about work expectations, successes, problems, and solutions.
- b. In order to ensure continuation of successful performance or to assist an employee who is not consistently performing at a successful level, rating officials and employees must meet at least once during the rating cycle, preferably at the midpoint, for an official progress review. Progress reviews may be held at any time during the rating period as requested or as necessary. **NOTE: Supervisory notes should not be attached to the appraisal form.**
 - 1) The discussion at a progress review focuses on strengths and deficiencies. Rating officials and employees should discuss recommendations for improving problem areas, assistance that may be provided from the supervisor or coworkers, opportunities for formal or informal training, etc.
 - 2) If the employee's performance in one or more of the critical elements is deficient, the rating official should be prepared to discuss possible corrective actions as well as the ramifications of unimproved performance.
 - 3) If the employee has questions or concerns about his/her responsibilities or performance to date, he/she should be prepared to discuss these issues with the rating official and seek clarification.
- c. Both the rating official and the employee sign and date the Performance Plan upon completion of the progress review. The signatures indicate that the progress review was held.
- d. If, at any time during the rating period, an employee's performance is seriously deficient, i.e., [Unacceptable](#), the rating official should act immediately by contacting the Office of Employee and Labor Relations (ELR) within the Human Resources Division for guidance. (See [Section 13](#) of this directive)

11. Performance Rating

- a. The official rating of performance is a natural result of the ongoing communication between an employee and the rating official about performance throughout the rating period.
- b. For most employees, the rating official will normally assign a rating of record within 30 days of the conclusion of the rating period.
 - 1) A rating of record will be prepared by the rating official up to 90 days before the conclusion of the rating period under the following circumstances:
 - The rating official departs within 90 days of the end of the rating period; or
 - The employee changes positions or departs within 90 days of the end of the rating period.
 - 2) A rating of record will be delayed until the employee has met the minimum 90-day appraisal period.
- c. The rating official will review the employee's performance on the critical elements in light of the performance standards for the entire rating period. For each critical element, the rating official will check an element rating of Outstanding, Excellent, Successful, or [Unacceptable](#). The rating official may seek employee input in order to assure performance in all aspects of the job is considered.
- d. Written justification supporting performance in any Critical Element that has been assigned an "Outstanding" rating should be documented on the Performance Plan in the space provided at the end of Part V.
- e. The rating official will obtain the reviewing official's signature before discussing the annual rating of record with the employee. The employee will sign and date the annual rating of record. Employee signature does not necessarily mean the employee agrees with the rating of record. Signature on the rating of record indicates the rating official discussed the rating with the employee.
- f. The rating official will meet with the employee and discuss his/her annual rating. The discussion should focus on the strengths evident in the employee's performance as well as those areas in which he/she needs to improve.

12. Appraising the Performance of an Employee who is Detailed, Temporarily Promoted or Reassigned

- a. An employee who is **detailed or temporarily promoted** for a period of 120 days or longer will have an **interim rating** for the period of the detail or temporary promotion. The interim rating will be a factor and considered in preparation of the rating of record. The supervisor of the detail or temporary promotion will serve as the rating official for the interim rating. He/she will ensure that the critical elements and performance standards and position description of the position to which the employee is detailed or temporarily promoted are provided to and discussed with the employee, normally within 30 days of the beginning of the detail or temporary promotion. If the employee is detailed to an unclassified set of duties, the rating official must clearly indicate to the employee the specific expectations while on the detail. He/she will prepare the interim rating documenting the employee's performance while detailed or temporarily promoted and then forward that interim rating to the employee's rating official within 30 days of the

conclusion of the detail or temporary promotion. Outstanding ratings must include a written justification.

- b. An employee who **transfers to** the USMS from another agency will have his/her performance rating from that organization (for the position held immediately prior to departure) considered by the rating official in the preparation of the rating of record.
- c. When an employee is **reassigned to** another USMS position in the same line of work outside of his/her immediate organization, the rating official will **prepare an interim** rating indicating the employee's performance to date. The interim rating must be considered by the new rating official when preparing the rating of record.

When an employee changes positions within the same organization and there is no substantive change in duties, an interim rating is not required except when there is a change in rating officials.

13. **Appraising Employee Performance which is Unacceptable**

- a. Whenever a rating official observes that an employee's performance on a critical element is beginning to decline, the rating official will discuss the specific shortcomings with the employee and encourage a discussion of the employee's views on his/her performance.
- b. In the event that the employee's performance in one or more critical elements appears to be Unacceptable, the rating official will contact the ELR within the Human Resources Division for advice and guidance on taking appropriate corrective action. If it is determined that there is insufficient documentation or instances of job failures to support an Unacceptable performance rating, ELR will discuss other corrective measures with the rating official. If it is determined that there is sufficient documentation or instances of job failures to support an Unacceptable rating, the rating official will provide this documentation or information to ELR for inclusion in the Performance Improvement Plan (PIP). ELR will work with the rating official in preparing a Notice of Unacceptable Performance and Performance Improvement Plan (NUP/PIP). The NUP/PIP will be reviewed and approved by the ELR and the reviewing official before it is communicated to the employee.
- c. The rating official will prepare a NUP/PIP for the employee wherein:
 - 1) The deficient critical element(s) will be identified and the employee will be informed of the performance requirements or standards that must be attained in order to demonstrate successful performance.
 - 2) An employee will have a reasonable opportunity to demonstrate performance improvement. The opportunity-to-improve period must be no less than 30 days in duration. This period may be extended by the rating official if circumstances warrant such an extension.
 - 3) The NUP/PIP will be reviewed, approved, and signed by the rating official and the reviewing official before it is put into place for the employee.
 - 4) If, after an opportunity to improve, the employee demonstrates acceptable performance on the NUP/PIP, the rating official will notify the employee that his/her performance has improved to the Successful level or higher. Additionally, the employee will be notified that should their performance decline in any of the NUP/PIP related elements within 12 months after issuance of the NUP/PIP, they will be deemed to be Unacceptable.

- 5) If, after an opportunity to improve, the employee demonstrates Unacceptable performance, then adverse action proceedings based on Unacceptable performance may begin. These adverse actions are reduction in grade or removal.
- 6) Any administrative or adverse action initiated under a previous performance appraisal program shall continue to be processed in accordance with the law and policy of that program until the action is resolved.

14. Performance Rating Documentation

- a. Completed original ratings of record will be maintained in the district/division's individual Employee Performance File (EPF) for four years and then destroyed.
- b. Employees will receive a copy of their completed rating of record.
- c. Rating officials will submit to their supervisor a summary list of the ratings of record assigned to their employees. The summary list will be reviewed and signed by the reviewing official and forwarded to the United States Marshal or the Division Assistant Director. The summary list(s) will then be certified as correct by the United States Marshal or the Division Assistant Director and forwarded to the Human Resources Division.

15. Performance-Based Grievances or Complaints

- a. The administrative grievance procedure as set forth in USMS [Grievance Procedures](#), or, if applicable, the negotiated grievance procedure (for bargaining unit members) as set forth in the Master Agreement, are the formal methods available to employees to contest the rating of record.
- b. An employee may file a complaint through the Office of Equal Employment Opportunity (EEO) within 45 days of being notified of the rating if the employee believes the rating given is based on race, color, age, religion, sex, national origin, physical or mental disability, sexual orientation, marital status, parental status, or previous participation in the EEO process.
- c. An employee may choose the Alternative Dispute Resolution process in lieu of filing a grievance.

16. Within-Grade Increase

- a. An employee must perform at an acceptable level of competence in order to receive a Within-Grade Increase (WIGI). An employee whose current rating of record is Successful or higher is determined to be performing at an acceptable level of competence.
- b. If an employee's performance declines to an Unacceptable level, the supervisor should disapprove the WIGI ([5 C.F.R. § 531.409](#)) by completing and returning the AD-658, "WITHIN-GRADE INCREASE RECORD" certification form to their assigned Human Resources Specialist in Staffing/HRD.
- c. In addition to the above, the employee must also be issued a letter of notification of "Denial of Within Grade." This notice shall also inform the employee of his/her right to request reconsideration. The rating official should seek advice from the ELR within the Human Resources Division.

17. **Program Evaluation:** As part of the Human Resources Division's Program Evaluation process, the USMS will review the performance management program on a periodic basis to ensure compliance with applicable statutes, Department of Justice *Performance Management System* and USMS policy on performance management.

C. Responsibilities

1. Director

- a. Ensure that the goals and objectives of the Service are communicated to all employees; and
- b. Serve as both rating official and reviewing official for those who report directly to him/her.

2. Rating Officials (First-level Supervisor)

- a. Inform employees of the specific work responsibilities and performance initiatives within the critical elements and performance standards using the employee's Position Description;
- b. Communicate to their employees the organization goals and objectives and how the employee's position contributes to the USMS goals and objectives;
- c. Evaluate employee performance and assign the appropriate annual rating of record;
- d. Ensure that the reviewing official signs and dates employee ratings of record before discussing with employee;
- e. Discuss developmental opportunities with the employee to further enhance his/her performance of assigned work responsibilities;
- f. Recognize and reward employees for their accomplishments;
- g. Issue a NUP/PIP when an employee's performance is determined to be Unacceptable in one or more critical elements of the position. A NUP/PIP may be established at any time during the rating period. The NUP/PIP must be reviewed and approved by the ELR as well as the reviewing official before it is given to the employee.

3. Reviewing Officials (Supervisor of the Rating Official)

- a. Communicate the organization goals and objectives to subordinate employees;
- b. Advise and assist rating officials in the completion of their performance management responsibilities;
- c. Evaluate rating officials regarding the quality of ratings given to their employees to ensure that the rating official applies ratings uniformly and fairly;
- d. Ensure review of NUP/PIP and/or Unacceptable rating of record has been obtained by ELR;
- e. Review and approve all rating official's employees' final ratings of record;

- f. Review and approve a NUP/PIP and/or Unacceptable rating of record before an employee is informed;
- g. Review and sign each subordinate rating official's summary list (Certification List) indicating compliance with their performance management responsibilities; and
- h. Forward summary list(s) to the United States Marshal or Division Assistant Director for certification.

4. Administrative Officers

- a. Maintain locally in the Employee Performance File, for four years, the signed original of each employee's completed rating of record (Performance Plan); and
- b. Transmit to Human Resources Division the certified lists signed by the United States Marshal or Assistant Director summarizing the ratings of record for all district/division employees.

5. Employees

- a. Obtain clarification, as required, on performance standards, performance initiatives, work responsibilities and the requirements for their completion;
- b. Complete work responsibilities to the best of their ability;
- c. Seek information about developmental opportunities and discuss with the rating official;
- d. Retain a completed copy of the rating of record.

6. Human Resources Division

- a. Provide guidance to all rating officials and members of the management team on all performance appraisal related questions, issues and concerns;
- b. Provide guidance to employees on all performance appraisal related questions, issues, and concerns;
- c. Enter into the automated personnel system the rating of record for each employee of the USMS;
- d. Provide training and supplementary guidance on the performance appraisal program to all employees.

D. DEFINITIONS

1. **Appraisal:** The act or process of reviewing and evaluating the performance of an employee against described work requirements, performance standards, and performance initiatives.
2. **Appraisal Period:** The period of time for which an employee's performance will be appraised. For all USMS employees, the appraisal period begins on July 1 of each year and ends on June 30 of following year.
3. **Critical Element:** A component of a position consisting of one or more duties and responsibilities which contributes toward accomplishing organizational goals and

objectives and which is of such importance that unacceptable performance of the element would result in unacceptable performance in the position.

4. **Employee Performance Plan & Rating:** The aggregation of an employee's written critical elements and performance standards.
5. **Grievance:** A written and signed request by an employee for personal relief concerning a particular act or occurrence which arises during the employment of the employee and is subject to the control of agency management.
6. **Interim Rating:** An interim rating is issued to appraise employee performance during details, temporary promotions, or during assignment to any position in which the employee served for at least 120 days during the annual appraisal cycle. In deriving the employee's rating of record, the weight given to interim ratings should be proportionate to the amount of time spent on the temporary assignment in relation to the entire appraisal period.
7. **Minimum Appraisal Period:** The minimum amount of time in which an employee must have served in a position under written performance elements and standards in order for an appraisal to be rendered concerning such performance. The USMS's minimum appraisal period is 90 days.
8. **Performance Initiative:** Initiatives are not critical elements. They are specific task(s) incorporated under a critical element to further define an employee's duties and job responsibilities that should be focused on during the rating year. The task(s) (aka performance initiative) does not eliminate the requirement to perform all other duties and responsibilities assigned to the employee, but merely indicate its important status.
9. **Performance Standard:** A statement of the expectations or requirements established by management for a critical element at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, timeliness, and manner of performance.
10. **Progress Review:** The review of an employee's progress toward achieving the performance standards which is not, itself, a rating. The USMS requires at least one progress review, preferably midway through the appraisal period.
11. **Rating Levels:** The USMS uses four rating levels: Outstanding, Excellent, Successful, and Unacceptable.
12. **Rating of Record:** The written record of the appraisal of performance elements and the assignment of a summary rating level which is required annually or at such other times as this program specifies for special circumstances.
13. **Rating Official:** The individual who is responsible for informing the employee of the critical elements of his or her position, establishing performance requirements and performance initiatives for those elements, appraising performance, and assigning the performance rating. Normally, this is the employee's immediate supervisor.
14. **Reviewing Official:** The supervisor who assigns, controls, and is responsible for the work of the rating official, normally the rating official's immediate supervisor (unless there is no higher-level official in the office, board, division, or bureau). In the event the position of reviewing official is vacant or for other appropriate reasons, a higher-level official in the organization may serve in this capacity if the individual is in a position to evaluate the employee's performance.

15. **Summary Rating:** The written record of the appraisal of the critical elements of an employee's position and the assignment of a summary rating level. Under this Plan, a summary rating can be either an interim rating or a rating of record.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.3 UNITED STATES MARSHALS SERVICE (USMS) AWARDS PROGRAM

- A. Purpose:** The purpose of the Awards Program is to recognize and reward employees who perform in an exemplary manner; make significant contributions to the efficiency and effectiveness of government operations; achieve a significant reduction in paperwork; or perform a special act in the public interest in connection with their duties.
- B. Authority:** The authority to give awards is set forth in [5 U.S.C. § 4302](#), [5 U.S.C. § 4501-4509](#), and [5 U.S.C. § 5336](#), and [5 C.F.R. § 451](#) and [5 C.F.R. § 531](#). This policy complies with the current Department of Justice (DOJ) Human Resources Order, [DOJ 1200.1](#), Chapter 2-18.
- C. Policy:** Awards are given to recognize employees who, individually or through a team effort, contribute to meeting USMS-, DOJ- and/or government-wide goals. There should be a direct relationship between organizational goal attainment and performance recognition. The USMS rewards employees using the following types of awards: sustained superior performance awards (SSP), special act awards, time off awards, quality step increases (QSI) and Director's honorary awards. SSPs and QSIs recognize employees whose individual performance contributes to meeting these goals. The USMS Performance Management Program ensures that individual performance work plans and ratings are clearly linked to higher-level organizational goals. SSPs and QSIs reinforce this strategic alignment by recognizing those individuals who have made significant contributions to organizational goal attainment. Special act and time off awards should also be given for contributions that assist in meeting organizational goals, and the justifications should include a statement concerning the employee's goal attainment.

1. Types of Awards

- a. **Sustained Superior Performance Awards (Cash):** Awards based solely on the employee's performance rating of record assigned at the end of the appraisal period. These awards recognize sustained levels of successful or higher performance over the course of the rating period. The rating of record is the justification. A cash award or a time off award may be given based on the rating of record, but not both.
- 1) **Criteria:** Employee's current rating of record must be Successful, Excellent, or Outstanding. An award for sustained superior performance can only be made on an individual basis. One or more critical elements must be performed for at least six months in a manner clearly exceeding normal requirements. Employee must not have received another cash performance award within six months before the date of the nomination. A special act award during the six-month period is not disqualifying.
 - 2) **Award amounts:** Minimum - Generally \$250. For sustained superior performance awards, the Human Resources Division, through the Financial Services Division, will provide guidance for award amounts. **Statutory maximum amounts:** sustained superior performance awards may not be more than 10 percent of the employee's annual rate of basic

pay, unless the head of the agency determines that exceptional performance by the employee justifies a higher percent, not to exceed 20 percent of the employee's annual rate of basic pay. Computation of the basic pay includes locality pay, special rate supplements, or similar payments under other legal authority.

- b. **Special Act Awards (Cash):** Recognize specific accomplishments that exceed normal job requirements. These may be for contributions of a one-time nature that increase productivity, economy or other highly desirable benefits, or a special act in the public interest in connection with official duties. The accomplishments should help to meet the goals of the USMS or the district/division. A narrative justification is required.
- 1) Criteria: For performance substantially beyond expectations on a specific assignment; an accomplishment which has involved overcoming unusual difficulties; creative efforts that make important contributions; an accomplishment requiring special effort or innovation; exemplary or courageous handling of an emergency situation related to official employment; initiating quality improvements to operations, work flow, cost effectiveness, streamlining, or customer satisfaction; or demonstrating exceptional teamwork by two or more people, or one individual who works well with other team members (Special Act for Teamwork).
 - 2) Award amounts: Minimum - Generally \$250; maximum - \$7,500.
- c. **Time Off Awards:** Grant time off from duty without loss of pay or charge to leave. They recognize superior accomplishments or other personal efforts that contribute to the quality, efficiency or economy of government operations. These awards may be used to recognize contributions that are of a one time, non-recurring nature, and may also be used to recognize sustained high-level performance.
- 1) Criteria:
 - a) *Special Act:* For making a high quality contribution involving a difficult or important project or assignment; displaying special initiative and skill in completing an assignment or project before a deadline; using initiative and creativity in making improvements in a project, activity, program or service; ensuring the mission of an organization is accomplished during a difficult period by successfully completing additional work or a project assignment while still maintaining one's own workload; or demonstrating exceptional teamwork by two or more people working together, or one individual who works well with other team members (Special Act for Teamwork). A narrative justification is required.
 - b) *Sustained Superior Performance Award (Time Off):* The employee's current rating of record must be Successful, Excellent, or Outstanding. A maximum of 40 hours may be given for an Outstanding rating; a maximum of 32 hours may be given for an Excellent rating; and a maximum of 24 hours may be given for a Successful rating. The rating of record is the justification. A cash award or a time off award may be given based on the rating of record, but not both.

- c) ***Fitness-In-Total Performance (FIT)***: Employee must be operational; eight hours may be given for employees who score excellent or superior in all four categories of push-ups, sit-ups, aerobic assessment, and flexibility; four hours may be given for excellent or superior in three of the above categories with no category rated lower than fair; employees must complete all four of the categories to be eligible for a FIT award; Fitness Assessment Summary must be dated within one year of nomination; an employee may receive two time off awards for FIT per leave year if both of the FIT assessments completed during the year meet the qualification requirements. The Fitness Assessment Summary is the justification.
- 2) **Award amounts and limitations**: The minimum time off award is four hours. The maximum that can be given for one time off award is 40 hours. The maximum per employee, per leave year, is a total of 120 hours. This total includes all awards from all offices, Director's Awards, and any time off awarded for sustained superior performance.
- A time off award is effective at the beginning of the pay period following approval of the award; however, recipients must wait six weeks after the award has been submitted before using it, to allow time for keying by the Human Resources Division. If the total amount of a time off award is not used within one year after its approval, any unused time off is forfeited and is not eligible for restoration. A time off award is not transferrable to another federal agency or to another DOJ component. A time off award may not be converted to cash. The written justification for the award must be based solely on the merit of the employee's contribution and shall not be used to compensate or reward employees for working outside of the basic work week or in lieu of premium pay, such as overtime. Intermittent employees are not eligible for time off awards. Promotion has no impact on the granting of a time off award.
- 3) **Scheduling and Documentation**: To use the time off, employees must complete Office of Personnel Management (OPM) Form 71, *Request for Leave or Approved Absence*, indicating the date(s) they would like to use the time off. The employee should check the block for *Other Paid Absence* and write "Time Off Award" in remarks. The time off must be approved by the supervisor.
- d. **Director's Honorary Awards (Cash or Honorary Without Cash)**: The highest USMS honor that can be bestowed on an employee, Director's awards are presented to those who perform in an exemplary manner or make significant contributions to the efficiency and effectiveness of the USMS.
- e. **Employee Improvements and Innovations Awards**: Employee Improvements and Innovations should be submitted using Form [USM-224](#), *Employee Improvements and Innovations* and will be administratively processed by the Management Support Division (MSD), Office of Policy and Records Management (OPRM) to the Deputy Director for consideration. All applicable program guidelines, submission procedures, and potential award criteria are located on the Employee Improvements and Innovations (EII) Program website and are incorporated into this policy by reference.
- f. **Quality Step Increases (QSI)**: A QSI is an increase in basic pay from one step of the grade to the next step. A QSI provides faster than normal progression

through the steps of the General Schedule. Unlike other forms of monetary recognition, a QSI permanently increases an employee's rate of basic pay by one step. The rating of record is the justification.

- 1) **Limitations on QSIs:** QSIs may be allowed by the Director, dependent upon the availability of funding. If funding is available, districts and divisions would be advised of the limitations on QSIs for that year. For example, five or ten percent of the current on board permanent employees of that office could be submitted for QSIs.
 - 2) **Criteria:** No more than one QSI may be granted to an employee in a 52-week period. The employee's most recent rating of record must be Outstanding. The employee must have been performing at that grade for a minimum of six months, and there is an expectation that the performance will continue at that level for a minimum of an additional six months.
2. **Coverage:** All USMS employees are eligible for awards under this policy, except members of the Senior Executive Service (SES), senior-level employees, employees paid under the Executive Schedule, and United States Marshals (USMs). Contract Guards and Court Security Officers are not USMS employees; therefore, they are only eligible for honorary recognition, such as a plaque or certificate of appreciation.
 3. **Limitation on Awards During a Presidential Election Period:** Under [5 U.S.C. § 4508](#), cash awards and time off awards may not be granted to employees in an excepted service position of a confidential or policy-determining character (Schedule C) during a Presidential election period (beginning June 1 in a calendar year in which the popular election of the President occurs and ending on January 20 following the date of such election).
 4. **Impact of pending internal investigations, or disciplinary actions received, when considering employees for Sustained Superior Performance, Special Act and Time Off Awards:**

If an employee is under investigation, is facing a disciplinary action, or has had a disciplinary action greater than a letter of reprimand based on misconduct that took place within the last year, the approving official should consider whether giving an award is appropriate. Consideration should be given to such matters as employee morale and the perception of fairness in the system. The decision is made by the approving official.

Specific instructions regarding consideration of employees for cash and time off awards for sustained superior performance are given each year. For example, if a district or division nominates employees for SSPs, all employees with Outstanding ratings of record must receive a cash or time off award. However, if an employee is under investigation, is facing a disciplinary action, or has had a disciplinary action greater than a letter of reprimand based on misconduct that took place within the last year, it is not required to give them an award. The decision is made by the approving official.
 5. **Impact of pending internal investigations, or disciplinary actions received, when considering employees for cash Director's Awards, Attorney General's Awards, and awards by external organizations:**
 - a. **Pending Investigations:** In most cases, an employee under misconduct investigation or involved in an active disciplinary case that could result in a disciplinary action greater than a letter of reprimand is not eligible for a cash

Director's Award, an Attorney General's Award, or an award by an external organization.

However, if an employee has a pending investigation or an active disciplinary case, the Office of Inspections and/or the Office of Employee Relations may be asked to provide information concerning the nature of the issue and the likelihood of confirmed misconduct. The nature of the misconduct, the likelihood of its accuracy, and the amount of time that has passed since the investigation was initiated will be relayed to the Director for consideration in making the final decision.

- b. **Disciplinary Actions Received:** If an employee has received a disciplinary action greater than a letter of reprimand in the past two years, and is recommended for a cash Director's Award, an Attorney General's Award or an award by an outside organization, the Office of Employee Relations will indicate the date the offense was committed or when headquarters/management became aware of it (if there was a delay in reporting).

If the date of offense or when headquarters became aware of it has occurred within the past year, the employee is not eligible for the award.

If the date of offense or when headquarters became aware of it has occurred within the past two years, this information will be referred to the Director. At the discretion of the Director, the employee may be deemed ineligible for the award based on the nature or severity of the offense.

D. Procedures:

1. **Approval Authority for Cash Awards:** Awards in excess of \$7,500, as well as cash awards for Schedule C employees, must be approved by the Attorney General. The Director has authority to approve cash awards up to \$7,500. This authority may be redelegated. Accordingly, authority to approve cash awards that total more than \$2,500 per employee, per fiscal year, is delegated to the Deputy Director. This total includes awards from other offices, but does not include Director's Awards, Attorney General's Awards, or sustained superior performance awards.

Authority to approve cash awards that total no more than \$2,500 per employee, per fiscal year, is delegated to USMs, Assistant Directors, and all Staff Officers, and may be redelegated to a lower supervisory level. The approving official must be a supervisor at a higher grade level than the award recipient. Each office must keep a written record of the delegation identifying who may approve awards. This total includes awards from other offices, but does not include Director's Awards, Attorney General's Awards, or sustained superior performance awards.

The awarding of a cash sustained superior performance award of up to \$2,500 does not impact the limit for cash special act awards for the fiscal year. For example, an employee may be given a \$2,500 sustained superior performance award. The employee may still receive up to a total \$2,500 in cash special act awards per fiscal year before the approval of the Deputy Director is required for any additional cash special act awards.

2. **Approval Authority for Time Off Awards:** Authority to approve awards that total no more than 80 hours per employee, per leave year, is delegated to USMs, Assistant Directors and all Staff Officers. Approval authority for time off awards totalling 24 hours or less may be redelegated to a lower supervisory level. The approving official must be a supervisor at a higher grade level than the award recipient. Each office must keep a written record of the delegation identifying who may approve awards.

Time off awards totalling more than 24 hours, and up to 80 hours, per employee, per leave year, must be approved at the level of the USMs, Assistant Directors and all Staff Officers, and may not be redelegated.

Time off awards totalling more than 80 hours per employee, per leave year, must be approved by the Deputy Director.

Award amounts and limitations: The minimum time off award is four hours. The maximum time that can be given for one time off award is 40 hours. The maximum per employee, per leave year, is a total of 120 hours. Totals include all awards from all offices, Director's awards and any time off awarded for sustained superior performance.

- 3. Nominating employees from other offices:** When nominating an employee from a different office for a cash, time off, or honor award, including the Director's and Attorney General's Awards, the nominating office must contact the employee's USM, Assistant Director, or Staff Officer, to receive their concurrence on the award. This is to ensure that the employee has not already received an award for the same contribution and that there are no other considerations that would prevent the award. The award form must include a statement of who was contacted for concurrence. Do not advise the employee of the award until after all approvals are received.

In addition, nominating office Administrative Officers must contact the nominee's employing office Administrative Officer to ensure that they will not exceed the authorized limits.

- 4. Funding for Cash Performance Awards:** The Assistant Attorney General for Administration will issue guidance on the designated component award reserve for each fiscal year.
- 5. Submission of Awards:** Administrative Officers should be assigned to submit award forms. Any office that does not have an Administrative Officer should designate an appropriate employee to handle awards. Approving officials forward the forms to the Administrative Officer or designated employee, who is responsible for the complete accuracy of the forms and attachments. The Administrative Officer submits awards to the Awards Program Manager, or the Deputy Director, based on the amount of the award.

Time off awards and cash awards that can be approved below the level of the Deputy Director are submitted to the Awards Program Manager. Cash awards that total over \$2,500 per employee, per fiscal year, and time off awards that total more than 80 hours per employee, per leave year, must be submitted directly to the Deputy Director with a memo requesting that the award be forwarded to the Office of Employee Relations after the Deputy Director's review.

- 6. Specific Instructions for Submitting Awards:** Instructions are attached to the award nomination forms, [USM-196](#), *Request for Cash Awards*, and [USM-200](#), *Request for Time Off Awards*. The procedures for the submission of cash or time off sustained superior performance awards may be different from year to year, and managers will be advised of any updated procedures.
- 7. Point of Contact for Employees and Supervisors:** Employees and supervisors who have questions about specific awards should contact their Administrative Officer or the designated employee in their office. That individual will keep records of the awards and when they were submitted to the Office of Employee Relations or the Deputy Director.



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3.3 DISCIPLINE DELEGATION

- A. Purpose:** This policy directive concerns the delegation of disciplinary actions within the U.S. Marshals Service (USMS).
- B. Authority:** The Director's authority to supervise the USMS is set forth in [28 U.S.C. § 561\(g\)](#) and [28 C.F.R. § 0.111](#).
- C. Policy:**
- 1. Informal Discipline:** Minor corrective actions—i.e., oral admonishments, letters of instruction, letters of caution, and leave-restriction notices—will be issued at the lowest appropriate level.
 - 2. Performance-based Actions:** The Chief Deputy U.S. Marshal, or appropriate counterpart for non-district cases, will be the proposing official for performance-based actions and the deciding official for within-grade increase denials. The U.S. Marshal, or appropriate counterpart for non-district cases, will be the deciding official in performance-based actions and reconsideration of within-grade increase denials.
 - 3. Disciplinary Actions of 14 Days or Less and Letters of Reprimand:** The Chief Deputy U.S. Marshal, or appropriate counterpart for non-district cases, will be the proposing official for all disciplinary actions warranting a suspension of 14 days or less and letters of reprimand. The U.S. Marshal, or appropriate counterpart for non-district cases, will be the deciding official in these instances.
 - 4. Disciplinary Actions Greater Than 14 Days:** A panel comprising supervisory/managerial employees will propose all disciplinary actions warranting a suspension of more than 14 days. In addition, a supervisory administrative employee will serve on the panel for cases involving administrative employees. An alternate will be appointed to serve in the absence of one of the members. The Director or designee will appoint panel members as well as a senior official, who will decide all disciplinary actions the panel proposes. Panel members and the senior official will normally serve two-year terms.
 - 5. Probationary Employees:** All discipline involving employees serving an initial probationary period must be referred to the Employee Relations Team (ERT), after which these cases will be handled at the local level.
 - 6. Procedures:** The ERT will determine where each case gets routed (i.e., district or appropriate counterpart or panel). Generally, cases warranting a suspension of 14 days or less will be routed to the district (or appropriate counterpart) and those involving longer suspensions will be routed to the panel. A case will be referred to the panel if a district believes it should be rerouted there and the ERT leader agrees, or if the latter believes a case should go the panel after speaking with a district about it. The panel has the authority to take any actions it deems appropriate.
- D. Procedures:**

1. **Proposing Officials:** Before issuing a proposal, proposing officials must consider all relevant factors and obtain a review from the ERT.
2. **Deciding Officials:** Before issuing a decision, deciding officials must consider all relevant factors, including those in *Douglas v. Veterans Administration*. For example, under this decision, if a deciding official determines that an employee's actions show the need for training, he or she will ensure that training is provided.

E. Definitions:

1. **Adverse Actions:** This policy incorporates the principal statutory requirements in Chapter 75 of the Title 5 United States Code, Subchapter I, for suspensions of 14 days or less, and Subchapter II for suspensions of more than 14 days, removals, reductions in grade or pay, or furloughs for 30 days or less.
2. **Suspension:** placing an employee, for disciplinary reasons, in a temporary status without duties and pay.



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3.3 PERSONAL APPEARANCE STANDARDS

- A. Purpose:** This policy directive sets forth standards of dress and grooming for U.S. Marshals Service (USMS) employees.
- B. Authority:** The Director's authority to issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561 \(g\)](#)
- C. Policy:** Employees will dress and groom in good taste, conforming to standards generally accepted in the business, court and law enforcement community. Dress and grooming must make a positive contribution to the public's acceptance of USMS employees. Duties in hazardous situations require dress and grooming that will not be a liability to the employee's safety.
- D. Procedures:**
1. U.S. Marshals and division chiefs will maintain reasonable and consistent personal appearance standards within their districts and divisions, respectively. They may designate a day as "casual dress" in keeping with the accepted business standards of their communities.
 - a. Employees who are sent on special assignments are responsible for determining the personal appearance standards for the assignment areas and complying with them.
 - b. Standards for duty uniforms are described in USMS [Duty Uniform](#) directive.
- F. Responsibilities:**
1. **U.S. Marshals and Division Chiefs:** maintain personal appearance standards within their districts and divisions.
 - a. **USMS Employees:** comply with the personal appearance standards set forth by their supervisors.



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3.3 GRIEVANCE PROCEDURES

A. General:

1. This section establishes procedures for non-bargaining-unit employees (referred here throughout as employees) to use in filing or processing grievances under the USMS Grievance Procedure. These employees consist of management officials, supervisors, criminal investigators, confidential employees, nonclerical personnel workers, professional employees and others excluded from bargaining-unit coverage by executive order.
2. The Office of Personnel Management provides criteria for the establishment of an administrative grievance system by each agency and bureau and defines the employees and actions that may be addressed under the system in [5 C.F.R. § 771](#).
3. In addition, Department of Justice Human Resource [Order 1200.1](#) establishes policies, procedures, authorities and responsibilities that must be adhered to in the attempted resolution of employee grievances within the Department of Justice (DOJ).
4. It is the policy of the USMS to provide employees with a simple, expeditious, orderly method whereby they may bring complaints over matters that are under management control. Grievances presented under this section will be resolved as close to their source and as promptly and economically as possible.

B. Responsibilities and Rights:

1. **Director, USMS:** The Director has delegated to the Human Resources Division the responsibility for implementing the provisions of this section and for providing technical review and guidance to management officials, supervisors, fact-finders and employees when processing and reviewing grievances originating within the USMS under the grievance procedure.
2. **Human Resources Division** is responsible for the development, interpretation, administration, review and evaluation of the USMS grievance system. The team provides technical review and guidance to management officials, employees and fact-finders when processing grievances under the USMS grievance procedure.
3. **Management Officials and Supervisors:** Management officials and supervisors are required to recognize and correct the courses of legitimate grievances and make efforts to adjust employee complaints informally whenever possible. These officials must process grievances in a timely fashion in accordance with the provisions set forth in this section and DOJ Human Resources [Order 1200.1](#). They will perform their duties in a manner that promotes confidence and teamwork and assures employees that their rights and concerns receive fair consideration.
4. **Employees:** Are responsible for promptly bringing matters of concern or dissatisfaction to the attention of management and supervisory officials and for making the maximum

effort to achieve informal resolution of their issues. They must know this section as well as DOJ Human Resources [Order 1200.1](#) and follow the procedures described herein. Employees are required to comply with the time limits for submission of a grievance set forth here when filing grievances. When filing a grievance, an employee or group of employees is assured:

- a. Freedom from restraint, interference, coercion, discrimination or reprisal.
 - b. The right to be accompanied represented and advised by a representative of their choice except when the USMS rejects the representative selected.
 - c. A reasonable amount of administrative time, not to exceed eight hours, to present the grievance if the employee is in a duty status.
 - d. The right to communicate with the Human Resources Division and other counselors, including Employee Relations Specialists, Personnel Management Specialists, and the Equal Employment Opportunity Officer and counselors designated under the DOJ Equal Opportunity and Treatment Procedures. (Employees are strongly encouraged to discuss work-related concerns with their supervisors and use the chain of command before contacting a headquarters office.)
5. Designated employee representatives will be permitted to discharge their representational duties without restraint, interference, coercion, discrimination or reprisal, and will have a reasonable amount of administrative time (not to exceed eight hours) to present grievances if they are USMS employees in a duty status.

C. Definitions:

1. **Personal Relief:** A specific remedy directly benefiting the grievant(s) that does not include a request for disciplinary or other action affecting another employee.
2. **Computation of Time for Filing a Grievance:** To compute the number of days for filing a grievance at the informal and formal stage of the USMS grievance procedure, count the days after the event giving rise to the grievance and include the last day for filing the grievance at each level of the computation. For instance, if the grievant receives a decision on an informal grievance on November 3, the 15 days for filing a formal grievance begin November 4. The grievance must then be filed at the formal stage by November 18 (if that is the employee's day off, it must be filed on the next workday).

D. Matters Excluded from Coverage: The following actions are excluded from coverage under the USMS grievance procedure:

1. The content of published agency regulations and policy, though an employee's dissatisfaction or concern with the application or impact of a regulation or policy is covered.
2. A decision that may be appealed to the Merit Systems Protection Board (MSPB) or is subject to final administrative review by the Office of Personnel Management or the Equal Employment Opportunity Commission. This does not include actions appealable to the Special Counsel of the MSPB for prohibited personnel practices, which would be covered.
3. Not being selected for promotion as a member of a group of properly ranked and certified candidates or not receiving a noncompetitive promotion. However, allegations of improper ranking or failure to promote in a career-ladder position are covered.

4. A preliminary warning notice of an action that, if effected, would be covered by the grievance system or excluded under this directive. This includes performance or misconduct counselings or warnings, or a proposed adverse action where no decision has been issued.
5. A return of an SES career appointee to the general schedule or other pay system during the one-year probationary period or for less than fully successful executive performance under [5 U.S.C. § 3592](#).
6. Reassignment of an SES appointee after he or she has received an unsatisfactory rating under [5 U.S.C. § 4314](#).
7. The termination of a temporary promotion within two years and the return of the employee(s) to his or her former position, or the reassignment or demotion of the employee to a position that is not at a lower grade or pay than the individual's former position.
8. The termination of a term promotion after a project or specified period is over or at the end of a rotational assignment of between two and five years, and the return of the employee to the position from which he or she was promoted or to a position of equivalent grade and pay in accordance with 5 CFR 335.102(g).
9. The substance of the critical elements and performance standards of an employee's position that have been established in accordance with the requirements of [5 U.S.C. §§ 4301-4315](#) and [5 C.F.R. §§ 430.101-430.405](#).
10. The granting of or failure to grant or the amount of a performance award, or the adoption of or failure to adopt an employee suggestion or invention under [5 U.S.C. § 4503-4505](#), or the granting of or failure to grant an award of the rank of meritorious or distinguished executive under [5 U.S.C. § 4507](#). Decisions to give or not give awards, suggestions and awards of rank are not grievable.
11. The receipt of or failure to receive a performance award under [5 U.S.C. § 5384](#) or a quality-step increase under [5 U.S.C. § 5336](#). Decisions to give or not give awards are not grievable.
12. A decision to grant or not grant a general increase, merit increase or performance award, or a decision concerning the granting of or failure to grant cash awards or honorary recognition under [5 U.S.C. §§ 5401-5408](#), and 5 CFR 540.
13. The termination under [5 C.F.R. § 315.801-315.806](#) of a probationary employee for unsatisfactory performance or misconduct.
14. The termination under [5 C.F.R. § 359.401-359.407](#) of an SES career appointee during probation for unsatisfactory performance.
15. A performance evaluation under [5 U.S.C. §§ 4301-4315](#). This refers to SES performance evaluations, which are not covered.
16. An action taken under the terms of a formal agreement voluntarily entered into by an employee that changes the employee's geographic location or returns an employee from an overseas assignment.

17. A return of an employee from an initial appointment as a supervisor or manager to a non-supervisory or non-managerial position for failure to satisfactorily complete a probationary period under 5 USC 3231 and [5 C.F.R. §§ 315.901-315.909](#).
18. Any matter subject to the negotiated grievance procedure.
19. Actions that are or have been the subject of an unfair labor practice complaint.
20. Actions that are or have been the subject of a complaint under the Department of Justice Equal Employment Opportunities procedures.
21. A diminished penalty or other lesser action resulting from a decision issued by an outside authority or a grievance appeal under this section.
22. Any aspect of a removal, separation, termination, suspension of more than 14 days, reduction in grade and/or pay, or furlough.

E. Cancellation of Grievance: A grievance under this section may be canceled in the following circumstances:

1. At the grievant's request.
2. Upon termination of the grievant's employment with the USMS, unless the personal relief sought by the employee may be granted after the termination.
3. Upon the death of an employee, unless the grievance involves a question of pay.
4. For failure to prosecute if the employee does not furnish required information or unduly inhibits the advancement of the grievance. This includes noncompliance with time limits, insufficient identification of the grievance at both stages of the procedure, and failure to specify the personal relief requested.

F. Employee Representation under the USMS Grievance Procedure:

1. Designation of a Representative:

- a. An employee, in pursuing a grievance, has the right to be accompanied, represented and advised by a representative of his or her choice; however, any employee excluded from bargaining-unit coverage in accordance with [5 U.S.C. §§ 7101-7135](#) for reasons other than Executive Orders [12171](#) and 12546 may not be represented by a labor organization or the officers, agents or representatives of an organization that represents USMS bargaining-unit employees. Therefore, professional employees, confidential employees, supervisors and management officials may not be represented by an official of a labor organization.
- b. The employee must notify, in writing, the official to whom the grievance is presented of his or her choice of representative. Failure to do so will delay the processing of the grievance and may prevent a representative from being admitted to the proceedings.

2. Representation Challenges:

- a. The USMS has the right to reject the representative of an employee or group of employees when the choice:

- Conflicts with priority needs of the government.
 - Would bring an unreasonable cost to the government.
 - Would result in a conflict of interest or position.
- b. A decision to reject a designated representative may be made at any time during the processing of a grievance, but normally should be made before a merit consideration of the grievance and after consultation with the Human Resources Division. The Human Resources Division will establish controls and procedures necessary to ensure that uniform standards are applied in the approval and disapproval of a grievant's representative.
 - c. When an employee elects to appeal the deciding official's decision to reject his or her representative, the employee must submit a written challenge to the Deputy Director within 10 days of being notified of the decision. But if the Deputy Director has been involved in the decision, the employee's challenge will be decided by the Director.
 - d. The Deputy Director will normally issue a written decision to the employee within 10 days of receiving the appeal.
3. **Effect of Disallowance Decision on Processing a Grievance:** The processing of the grievance will be held in abeyance pending a final decision on the representative issue, after which the processing times outlined in this section will again be followed.

G. Presentation of an Informal Grievance:

1. **Time Limits:** These time limits may be extended by the agency for good cause shown by the employee.

An employee may file a grievance about a particular act within 15 days of it or within 15 days of becoming aware of it.
2. **Form of Grievance:** At the informal stage the employee should submit a grievance, in writing, with the date.
3. **Official Who Receives the Grievance:**
 - c. An employee will present the grievance at the informal stage to the immediate supervisor or other management official who has the authority to resolve the matter. If the complaint raised is outside the authority of the immediate supervisor, it will be submitted to the official having authority to adjust the grievance at the informal stage.
 - d. If the employee doesn't know who the proper official is, he or she should present the grievance to the immediate supervisor.

H. Mandatory Use of the Informal Procedure: In general, a complaint must be responded to at the informal stage before it can be submitted at the formal stage of the USMS grievance procedure. But performance appraisals and disciplinary actions involving penalties of 14 days or less should be submitted initially at the formal level, as set forth below.

I. Processing the Informal Grievance:

1. **Mandatory Consideration and Response:**

- a. The official who acts on an employee grievance must provide the employee with a written response. If the grievance is not timely or is non-grievable, the employee should be so advised; however, the employee must be allowed to file the grievance at the formal stage, since it cannot be rejected for any reason at the informal stage unless the issue relates to excluded matters.
- b. The official hearing a complaint at the informal stage will attempt to resolve the matter according to the prescribed time standards described below. Efforts to resolve a grievance may include oral discussions with the employee or his or her co-workers, interviews, file reviews and taking written statements.

2. The Written Response:

- a. If the grievance is resolved informally, a written decision should be given to the employee.
- b. If it is not resolved, the employee will be advised in writing by the management official who handled the grievance. The response must be issued within 10 days of when the employee presented or filed the informal grievance. Failure to adhere to this time limit means the employee may submit the grievance at the formal stage. The written response to the informal grievance will:
 - c.
 - Advise the grievant that the response constitutes completion of the informal grievance procedure.
 - State briefly what action has been taken by the management official in an attempt to informally resolve the grievance.
 - Inform the employee that he or she has the right to submit a formal grievance in writing within five days.
 - Specify the designated management official to whom the formal grievance should be submitted.
 - Advise the employee of the items that must be addressed in the formal grievance.

J. Formal Grievance Procedure:

1. Presenting the Formal Grievance:

- d. An employee is entitled to present a grievance at the formal stage of the procedure if:
 - The employee has already submitted it at the informal stage or there has been no response within the time limits.
 - It is presented by the employee or his or her designated representative within five days of receiving the written response to the informal grievance. In the absence of a written response, the formal grievance must be presented within five days of the expiration date for responding at the informal stage.
 - The grievance is in writing, dated, contains sufficient detail about the issues, specifies the personal relief requested by the employee, and identifies the official who signed the informal grievance decision. If the management official who heard the informal grievance attempted to

resolve the issues raised, the employee should explain why the solution is unacceptable.

2. Processing the Formal Grievance:

- a. The deciding official will normally accept the fact-finder's recommendations and the USMS will issue the final administrative decision for the DOJ.
- b. The deciding official must first determine whether the complaint is timely, covered by the grievance system and, if required, has been through the informal stage. He or she may reject the grievance if it was not filed within the specified deadline or if it consists wholly of a matter excluded from coverage under the grievance system. A written notice of rejection with the reasons will be sent to the grievant. If the grievant failed to complete the informal stage, the deciding official must return the complaint to him or her, advising that the informal procedure must first be used before the time limit expires.
- c. The deciding official will issue a written formal grievance decision within 15 days of receiving the complaint. A record will be made of the grievance file.
- d. If the employee is not satisfied with the response and believes that material facts are still at issue, he or she may request that the deciding official appoint a fact-finder. If the official determines that the essential facts of the matter are not at issue, the grievance is referred to the next higher level supervisor who, in consultation with the Assistant Director for Human Resources, will make a final decision.
- e. If the deciding official determines that material facts are still at issue, he or she will refer the matter to the Assistant Director for Human Resources, who will forward a memorandum to the Assistant Director for Labor-Management Relations, DOJ, requesting the assignment of a fact-finder. All costs associated with the fact-finder's activities are charged to the USMS.
- f. The fact-finder may administer oaths and takes sworn testimony in hearings. The grievant and management may be represented during hearings and may cross-examine witnesses with the fact-finder's permission. The fact-finder will prepare a formal report with recommendations, which will be provided to the deciding official.
- g. If the deciding official determines that the fact-finder's recommendations are unacceptable, he or she will transmit the file with a detailed statement regarding that determination to the next higher management official, providing copies of these documents to the employee. The next higher management official will then issue the final administrative decision on the grievance.

K. Avoidance of Delay:

1. Each grievance will be given full, impartial and prompt consideration, with the final decision normally issued within 90 days of the date of the occurrence.
2. The following are suggested time limits for each stage of the USMS grievance procedure.
3. The filing date at any stage of the grievance procedure is defined as the day the grievance is delivered or postmarked. Time limits may be extended by the Human Resources Division if a party to the grievance, including the fact-finder, can show good cause. For example, witnesses or parties to the grievance may be unavailable to provide

statements to the fact-finder regarding the issue being grieved because they are on leave.

Time Limits	Action not to Exceed
a. Employee submits informal grievance after the incident.	15 days
b. Issuance of written response to employee's grievance, marking end of informal stage of procedure.	10 days
c. Employee submits grievance at the formal stage of the procedure.	5 days
d. Deciding official resolves grievance or submits it to a fact-finder, rejects grievance as untimely or non-grievable, or refers it to next higher level for final decision, in which case the final decision is issued within omitting action 5, below.	15 days
e. Fact-finder submits report to official after completing inquiry.	30 days
f. Final decision is made on the formal grievance (includes submission to higher authority where deciding official disagrees with fact-finder's recommendation).	15 days
Total:	90 Days

L. Expedited Grievance Procedure for Performance Appraisals and Discipline: Grievances concerning performance appraisals or disciplinary actions covered by this process should be filed at the formal level within 30 days of the disciplinary action or receipt of the performance appraisal.

M. Adverse Actions Involving Suspensions of 14 Days or less and Other Lesser Disciplinary Actions:

1. The merits of and procedures concerning suspensions of employees for 14 days or less for disciplinary reasons are grievable under the USMS grievance procedure. However, if an employee alleges that such a suspension was taken for prohibited personnel reasons, the action could be appealed to the Special Counsel of the Merit Systems Protection Board.

2. **Presentation of Grievance:**

- a. Compliance with the proposal/decision process for disciplinary actions (suspension/reprimand) satisfies the requirements for the informal grievance procedure; therefore, an employee may file a grievance directly at the formal stage of the grievance procedure.
- b. The formal grievance will be submitted to the management official directly above the one who effected the suspension. Except when the Director effected the suspension, the formal grievance will be submitted to the Assistant Attorney General for Administration, Department of Justice.
- c. The grievance must be submitted within 30 days after the effective date of the action.

N. Performance-Rating Grievances:

1. Performance-rating grievances should be submitted initially at the formal stage of the USMS grievance procedure. The Deputy Director will be the deciding official at the formal stage for all such grievances. Formal grievances concerning performance ratings should be sent to the Human Resources Division, after which they are forwarded to the Director or his or her designee within 30 days of receiving the official, reviewed rating. This performance-rating grievance process applies to non-attorney positions only. Attorneys must file their grievances with the Director.
2. Presentation of a grievance will not delay any proposed action stemming from unacceptable performance.
3. When a rating is increased as a result of a successfully pursued grievance, the amended rating will be placed in the employee performance file.
4. Any administrative actions that were based on the original rating will be reconsidered and, insofar as possible under law and regulations, be modified to conform to the amended rating.
5. Corrective administrative actions, as a result of a successfully pursued grievance, will be completed by the Human Resources Division.

O. Appeal of Grievance Decisions: Grievance decisions under this section are final and are not appealable outside the USMS/DOJ.

P. Facilities, Clerical Support, Cost and Files: The Human Resources Division will arrange the necessary facilities and clerical support, including preparation and cost of the required fact-finder's report, and if necessary, reimburse travel and per diem expenses if the parties, including the fact-finders, are DOJ employees. However, if the above clerical support provisions are not report, the fact-finder is responsible for obtaining other clerical assistance.

Q. Records: A grievance file must be established by the Human Resources Division. When a fact-finder is appointed, the file must be made available to the grievant and the grievant's representative. The grievance file should contain investigative reports, statements of witnesses, records or copies of records, reports of personal interviews or group meetings, the record of the hearing, and the fact-finder's report and decision.



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3.3 ALTERNATIVE DISPUTE RESOLUTION PROGRAM

A. Purpose: This policy directive establishes the Alternative Dispute Resolution (ADR) program in the U.S. Marshals Service (USMS). The program provides employees and managers an opportunity to use alternative, informal methods to effectively resolve disputes in a timely manner.

B. Authority: The Director's authority to implement the ADR program is set forth in [29 C.F.R. § 1614.105 \(f\)](#); Administrative Dispute Resolution Act of 1990; Public Law 101-522, Stat. 2736-37; [Executive Order 12871](#); U.S. Department of Justice [Order 1160.1](#); National Performance Review Recommendations HRMO-08-02.

C. Policy:

1. The USMS is committed to ensuring that all employees and managers have adequate processes available to address concerns over work conditions and practices. It encourages the use of ADR procedures to provide an informal process for the timely resolution of disputes.
2. Employees may opt to use ADR procedures before, or in addition to, existing formal dispute resolution procedures. When an employee decides to use ADR, managers are required to participate.

D. Procedures:

Refer to *Alternative Dispute Resolution Handbook*, [USMS Publication 95](#)

E. Responsibilities:

1. **ADR Ombudsman:** The ADR Ombudsman serves as a neutral, third-party facilitator. The Ombudsman directs program activities and manages the cost accountability of the ADR program. After a thorough compliance review, the Ombudsman has full authority to institute agreements arising out of ADR processes. He or she may make general managerial recommendations as well as decline and/or discontinue any ADR case, prior to agreement, when this action is in the best interest of the USMS.
2. **Managers, Respondents and Technical Representatives:** These parties participate in the ADR process and make good faith efforts to meet, share information and work to resolve disputes while ensuring that the interests of the USMS are well served. Managers should attempt to reach appropriate settlements that promote USMS mission accomplishment. At any time during the ADR process, including the ADR meeting, managers and employees are free to consult with representatives, technical specialists or other appropriate individuals on issues related to the dispute or possible resolutions.
3. **Employee Complainants:** If a complainant requests ADR, he or she fully participates in the ADR process and makes a good faith effort to meet, share information and work to resolve disputes.

4. **Facilitators:** Official facilitators schedule ADR conferences and facilitate the resolution of work-related disputes. During the ADR process, they maintain fairness and confidentiality in accordance with ADR business rules and practices.

F. Definitions:

1. **Alternative Dispute Resolution (ADR):** A nontraditional and non-adversarial method of resolving workplace conflicts between two or more parties, with mutually acceptable results.
2. **ADR Ombudsman:** an agency official empowered to receive, process (i.e., personally conduct or assign an ADR facilitator for fact-finding) and suggest resolutions to ADR disputes. The USMS operates with a single national ombudsman who also coordinates the efforts of USMS facilitators.
3. **Complainant:** the employee or manager who brings the dispute, grievance or concern forward for resolution.
4. **Compliance Review:** an administrative review of all proposed ADR agreements that is required before any agreement becomes final. This review ensures that the proposed agreement or decision does not conflict with laws, rules or regulations.
5. **Dispute:** any matter of conflict that is within the discretion of the employee or an agency official to resolve.
6. **Facilitator:** a trained individual, appointed by the ADR Ombudsman, who helps disputants reach a satisfactory resolution.
7. **Respondent:** the employee or agency official designated to resolve the dispute.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 FLEXIBLE WORK SCHEDULE

- A. Purpose:** This policy directive establishes a formal flexible work schedule (FWS) for United States Marshals Service (USMS) employees.
- B. Authority:** The authority to manage the flexible work schedule program is set forth in [5 U.S.C. §§ 6121, 6122](#), and [5 U.S.C. §§ 5546\(a\), \(b\)](#). This policy directive does not supersede Article 37 of the 1996 Master Agreement.
- C. Policy:**
1. **Management Discretion:** USMS managers may decide whether to allow voluntary flexible work schedules for their employees.
 2. **Basic Work Requirement:** Flexible work schedules are designed to assist employees in being more readily available to face the daily challenges of balancing family and work demands, volunteer activities and educational opportunities, as long as they meet the basic work requirement.
 - a. The basic work requirement for a full-time employee is 80 hours in a biweekly pay period.
 - b. Part-time employees have a 32- to 64-hour biweekly work requirement.
 - c. FWS Options: There are three work schedule options that employees, with their managers' approval, may select from:
 - **Flexitour:** This flexible work schedule allows an employee to select start and stop times within the flexible hours. Once selected, the hours are fixed until the agency provides an opportunity to select different starting and stopping times.
 - **Gliding Schedule:** For this option an employee has a basic work requirement of eight hours a day and 40 hours a week. The employee may select start and stop times each day within the established flexible hours.
 - **Maxiflex Schedule:** This option contains core hours on fewer than 10 workdays in the biweekly pay period, but the employee still has a basic work requirement of 80 hours during the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours worked each week during the pay period, within the limits established for the USMS, in order to accrue the required 80 hours.
 3. **Procedures:**
 - a. **Application:** Employees must submit [USM-398, Flexible Work Options Request Form](#) to be considered for the Flexible Work Schedule Program.

- b. **Temporary Duty Station Schedule:** When an employee who is covered by an FWS program is assigned to a temporary duty station using a different schedule—either traditional or alternate work schedule (AWS)—the USMS may either allow the employee to continue to use his or her regular flexible schedule or require the employee to change the schedule for that assignment site.
- c. **Overtime:** Overtime work in a flexible work schedule consists of hours that are officially ordered in advance and that exceed the basic work requirement for a workday or workweek.
- Overtime compensation applies to employees in law enforcement positions, who are covered under Law Enforcement Availability Pay (LEAP), and to employees who are not covered under LEAP.
 - The USMS may grant compensatory time off in lieu of overtime pay at the request of the employee under an FWS. Compensatory time may be granted for overtime hours that are regularly scheduled, irregular or occasional.
- d. **Night Pay:** Employees must receive night pay for hours they work between 6 p.m. and 6 a.m. to complete an eight-hour daily tour of duty. However, if an employee's regular work schedule includes eight or more hours during the day (between 6 a.m. and 6 p.m.) and he or she chooses to work at night (between 6 p.m. and 6 a.m.), that employee is not entitled to night pay.
- e. **Pay for Sunday Work:** An employee may not earn Sunday premium pay if he or she elects to work flexible hours on a Sunday. A full-time employee who performs regularly scheduled non-overtime work, a part of which is performed on Sunday, is entitled to Sunday premium pay for the entire daily tour of duty (not to exceed eight hours). A part-time employ employee is not entitled to Sunday premium pay for Sunday work.
- f. **Pay for Holiday Work**
- **No Work Performed:** Under an FWS program, a full-time employee who is not required to work an official holiday is entitled to his or her rate of basic pay for eight hours that day.
 - **Holiday Work**
 - 1) **Basic Pay:** On holidays a full-time Flexible Work Schedule (FWS) employee is limited to 8 hours of basic pay. A part-time FWS employee is entitled to basic pay for the number of hours scheduled for the holiday, not to exceed 8 hours. A full-time employee under an FWS program who performs non-overtime work
 - 2) **Holiday Premium Pay:** Holiday Premium Pay (equal to 100 percent of the rate of basic pay) is limited to not-overtime hours worked, not to exceed a maximum of 8 non-overtime hours per holiday.
- g. **Pay During Travel:**

- Time spent in a travel status is considered to be hours of work only as provided in [5 C.F.R. § 550.112\(g\)](#) or [5 U.S.C. § 5544](#) for FLSA exempt employees, and as provided in [5 C.F.R. § 550.112\(g\)](#) or [5 U.S.C. § 5544](#) and [5 C.F.R. § 551.422](#) for nonexempt employees.
- Time spent traveling outside of regularly scheduled hours is not compensable in many cases. Therefore, agencies must determine what constitutes regularly scheduled work for employees covered by an FWS program when they travel as well as the number of corresponding hours for an employee on a non-workday.
- The USMS may require an employee to follow a traditional fixed schedule (eight hours a day, 40 hours a week) during pay periods within which he or she is traveling.

- h. **Excused Absence:** For employees on a flexible work schedule, the number of excused hours is equal to the number of hours regularly scheduled for a given workday.
- i. **Leave:** If an employee is absent from work during core hours on a regularly scheduled. Additionally, time off during an employee's basic work requirement must be charged to the appropriate leave category, compensated time off or to excused absence if warranted.
- j. **Tracking:** Tracking of Flexible Work Schedule employees will be done using computerized reports and tracking methods.

4. **Approval:**

- a. Approving Officials will make a decision on requests for Flexible Work Schedule and inform the employee within 30 days.
- b. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.

D. Responsibility:

1. **Employee or Supervisor:**

- a. Submit proposal for flexible work schedule.
- b. Complete and sign a [USM-398](#), *Flexible Work Options Request Form*.

2. **United States Marshals (USM) Chief Deputy U.S. Marshals (CDUSM) Assistant Directors and General Counsel:**

- a. Determine whether employee participation in the Flexible Work Schedule Program is conducive to accomplishment of the mission of the U.S. Marshals Service.
- b. Approve employee requests for participation in the program.
- c. Submit a completed [Standard Form-52](#), Request for Personnel Action (SF-52) , to indicate the change to a flexible work schedule to the district or division staffing specialist in the Human Resources Division.

E. Definitions:

1. **Alternate Work Schedule (AWS):** any work schedule with hours outside of the basic administrative workweek. This may include shift schedules, compressed workweek and flextime.
2. **Basic Work Requirement:** the number of hours, excluding overtime hours, an employee is required to work, or to account for, by charging leave, excused absence, holiday hours, compensatory time off or time off as an award.
3. **Compensatory Time Off:** time off to compensate for overtime work on an hour-for-hour basis in lieu of overtime pay. Compensatory time off derives from entitlement to pay for overtime work.
4. **Core Hours:** established hours within a specified tour of duty that an employee is required to work.
5. **Flexible Work Schedule:** schedule by which an employee can select and alter non-core work hours to better balance work, personal and family responsibilities.
6. **Full Time:** work schedule of 80 hours per pay period.
7. **Part Time:** work schedule that includes between 32 and 64 hours per pay period.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 TELEWORK

- A. Proponent:** Human Resources Division (HRD), Telephone (202) 307-5199, Fax (703) 603-2036.
- B. Purpose:** This policy directive updates the telework program for United States Marshals Service (USMS) employees.
- C. Authority:** The Director's authority to supervise the USMS and establish personnel standards with approving authorities for the personnel actions set forth in [5 U.S.C. § 3401](#); [28 U.S.C. § 561\(g\)](#); and [5 C.F.R. § 340](#).
- D. Policy:** This policy directive establishes a formal telework program for all eligible employees of the USMS. It is an additional method the USMS may approve to accomplish work. Telework is a vital tool for enhancing the continuation of the USMS essential functions through the Continuity of Operations Planning (COOP). It further enables the USMS to be better prepared for other emergencies such as a pandemic incident and/or office closures. The telework program is strictly voluntary. The telework program is not an employee entitlement. It is subject to approval by management; however, the USMS expects managers to make reasonable decisions. A successful telework arrangement should not be suspended, except for clearly defined concerns such as performance/conduct issues or mission related needs.

1. Eligible Employees:

- a. This program applies to all eligible employees of the USMS. Eligible employees must have a current performance rating of at least successful to participate in the telework program. Factors such as documented prior discipline, substantiated leave abuse, and/or substantiated performance issues may prohibit participation in the program.
- b. Eligible Job Positions: The employee's position must not require the removal of sensitive documents or case files from the USMS-controlled office space in order to perform the duties in a telework environment. For purposes of this directive, telework can be conducted from the employee's home or from another remote worksite approved by the supervisor.
- c. Telework and non-telework employees are treated the same for purposes of periodic appraisals of job performance of employees; training, rewarding, reassignment, promoting, reducing in grade, retraining, and removing employees; work requirements; or other acts involving managerial discretion.
- d. An employee with a disability (permanent or temporary) may request to telework under this policy or as a reasonable accommodation. Employees and supervisors are encouraged to contact the Equal Employment Opportunity (EEO) Office for more information about reasonable accommodation.
- e. Telework arrangements for contractors should be negotiated with both the contractor's own employer and the appropriate USMS Contracting Officer, so

policies and procedures are in close alignment and all concerned parties are in agreement. Telework language may also be integrated into the contract itself.

2. **Restricted Employees:** The following categories are not authorized to telework:

- a. Students
- b. Administrative Interns

3. **Exceptions:**

Law Enforcement Officers (LEOs) are considered a mobile workforce and are excluded from the telework program. This determination is based upon guidance provided by the Office of Personnel Management (OPM) and Department of Justice (DOJ) that specifies mobile work force personnel are exempt for reporting purposes to Congress.

4. **Duty Hours:**

- a. Employees who conduct telework duties at least three days a week are considered to be teleworking on a full time basis and employees who conduct telework duties two days a week are considered to be teleworking on a part time basis.
- b. Employees requesting participation in telework must be available to work during the assigned duty hours and only conduct work related business during those hours.
- d. The policies and procedures on pay and for requesting leave (i.e., annual leave, sick leave, or leave without pay (LWOP)) remain unchanged. Employees are required to request approval for leave when unavailable for work during scheduled duty hours and to keep the timekeeper informed of leave usage.
- e. Telework is not a substitute for dependent care. Telework arrangements can provide valuable assistance in the management of work/family schedules, but family responsibilities and personal business must not interfere with the performance of official duties at the alternative worksite.
- f. For the duration of the agreement period, the employee will work the hours of duty specified unless a change is scheduled and is approved by a supervisor.
- g. Under the telework program, all telework duty hours and telework days must be identified in the telework agreement, approved by the supervisor, and must be documented on the [USM-399](#) *Telework Request Form*.
- h. Employees who telework as Situational are only authorized to do so with the agreement of the immediate supervisor.
- i. For record keeping purposes, the employee must properly document his or her telework duty hours in the time and attendance system.

E. Procedures:

1. **Approval Process:**

- a. Form [USM-399](#), *Telework Request* must be completed by the employee and forwarded for approval to the immediate supervisor and approving official.
- b. All requests must be recommended for approval by the first line supervisor and approved by the approving official before an employee may telework.
- c. United States Marshals (USMs), Chief Deputy United States Marshals (CDUSMs), Assistant Directors (ADs), and Staff Office Heads are designated as approving officials.
- d. The granting of telework is at management discretion.
- e. If a telework request is denied, the employee has the right to address the denial through the USMS grievance process.
- f. All employees new to telework must complete the following one-time training prior to participating in the USMS telework program:
http://www.telework.gov/tools_and_resources/training/employees/index.aspx.
- g. All new supervisors must complete the following one-time training:
http://www.telework.gov/tools_and_resources/training/managers/index.aspx.
- h. Once an employee and supervisor have completed the online training, a certificate must be provided to a District/Division Telework Point of Contact within five days of completion to ensure compliance.

2. **Security, Equipment and Support Services:**

- a. All USMS employees must be in compliance with rules and regulations of Policy Directive, 12.2, [The Management, Use, Allocation, Deployment, and Accountability of USMS Information Technology \(IT\) Resources and Systems](#) and Policy Directive, 12.7, [Information Technology \(IT\) Security](#).
- b. All employees must only use USMS-owned equipment when teleworking. The USMS-owned equipment must only be used for official purposes. The employee is responsible for properly maintaining, protecting, and securing the USMS-owned equipment at all times. The USMS is responsible for providing the employee with all necessary office supplies. The USMS is not liable for damages to employee's personal or real property while the employee is working at the approved alternate worksite.
- c. All USMS employees must comply with property accountability in regards to telework. Form [USM-325](#), *Hand Receipt*, must be present with the employee when he or she teleworks to maintain accountability of USMS-owned equipment (i.e., laptop). The supervisor of the telework employee also must maintain a copy of Form [USM-325](#).

3. **Personal Safety:**

- a. All USMS employees are covered under the Federal Employee's Compensation Act if injured while performing official duties at the official duty station or at an approved designated worksite.

- b. Any accident or injury occurring at the designated worksite must be reported immediately to the supervisor. The supervisor of the injured employee must report and investigate the incident immediately.

4. **Administrative Management:**

- a. A representative from the Human Resources Division (HRD) serves as the Telework Coordinator for the USMS on all telework matters and as a liaison on all telework matters with DOJ.
- b. A representative from each District and Division serves as the Telework Point of Contact for the District or Division in order to assist the Telework Coordinator in documenting and reporting telework participation.
- c. The employee's regular office remains as the official duty station as it relates to pay, leave, and travel entitlements.
- d. Telework employees are eligible for overtime pay, provided that the hours worked were pre-approved by the supervisor.
- e. With regards to dismissal and emergency closings, the following applies:
 - 1) Approved telework employees who are scheduled to work when the USMS closes are expected to begin telework on time or request unscheduled leave.
 - 2) Approved telework employees who are working when an early dismissal occurs are expected to continue working.
 - 3) Supervisors may excuse a telework employee from duty during an emergency situation if the emergency adversely affects the telework site (i.e., disruption of electricity, loss of heat, etc.); if the telework employee faces a personal hardship (childcare, eldercare, etc.) that prevents him or her from working successfully at the telework site; if the telework employee does not have the means or the technology to work successfully at telework; or if the telework employee's duties are such that he or she cannot continue to work without contact with the regular worksite.
 - 4) Approved telework employees who are not scheduled to telework during an office closure must notify their supervisor of their intent to use unscheduled leave or unscheduled telework.
 - 5) Employees who are required to work during their regular tour of duty on a day when the USMS is closed or when other employees are dismissed early are not entitled to receive overtime pay or compensatory time off for performing work during their regularly scheduled hours.
 - 6) Additional guidance on dismissal and emergency closings is available on the OPM website in the publication [Washington, DC, Area Dismissal and Closure Procedures](#) and at http://www.telework.gov/policies_and_procedures/closure_dismissal/index.aspx.
- f. Supervisors and employees must revisit, revise (if needed), and re-sign Form [USM-399, Telework Request](#) no less frequently than once every two years.

F. Responsibilities:

1. Employee:

- a. Employees must properly adjust their compensation benefits if enrolled in the Employee Transit Program (ETP) when conducting telework. All USMS employees must follow the guidelines and be in compliance with Policy Directive, 7.2, [Employee Transit Program \(ETP\)](#).
- b. Employee must demonstrate self-motivation, independence, and dependability in accomplishing work assignments while conducting telework.
- c. Employee must be in compliance with the Privacy Act while conducting telework duties as stated in Policy Directive 1.2 Legal, [Freedom of Information Act \(FOIA\)/Privacy Act \(PA\)](#)
- d. Employee must use the appropriate security safeguards such as passwords or locking devices, to ensure that unauthorized users do not have access to government material.
- e. Employee must ensure Internet connection is secure and should not telework from non-secure areas. (i.e. wireless internet at a coffee shop or restaurant)
- f. Employee may be required to attend meetings, conferences, or training or to otherwise come to the official duty station on days or hours normally scheduled for the alternative worksite.
- g. Employee must have a back-up plan if the telework site needs to change and must have supervisor's approval prior to executing.
- h. Employee must maintain communication with co-workers and supervisor in order to conduct all job functions and duty requirements.
- i. Employee will meet with the supervisor to receive assignments and to review any work as necessary or appropriate.
- j. Employee is responsible for recording the hours in the time and attendance system.
- k. As stated in E(4)(f), employee must revisit, revise (if needed), and re-sign his or her Forms [USM-399, Telework Request](#) no less frequently than once every two years.

2. Supervisor:

- a. In accordance with Section 6502(a)(2), under the [Telework Enhancement Act of 2010](#), the supervisor shall terminate any telework agreement at any given notice if a telework employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year or the employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.

- b. The supervisor has the right to terminate or suspend any telework agreement at any given notice if the telework employee's performance declines or if the arrangement fails to support organizational needs.
- c. The supervisor must contact HRD, Employee Relations, when terminating a telework agreement for reasons stated under item a. and b. above.
- d. The supervisor must monitor all work conducted by a telework employee to ensure the employee is working productively.
- e. The supervisor must maintain communication with telework employee and is responsible for the employee's actions while working from another worksite.
- f. The supervisor must maintain accountability of all government property that is being used by telework employees.
- g. The supervisor must ensure that a telework employee has conducted all the security measures and completed all the correct USMS forms before the employee begins work at an alternative worksite.
- h. The supervisor must ensure the telework employee is conducting duties in a safe and suitable work atmosphere and meeting all work requirements.
- i. As stated in E(4)(f), supervisor must revisit, revise (if needed), and re-sign employees' Forms [USM-399, Telework Request](#) no less frequently than once every two years.

3. **District/Division/Staff Office:**

- a. The District/Division/Staff Office will provide, as available, the employee with government-owned equipment in order to perform his or her duty.
- b. The District/Division/Staff Office must provide maintenance and repair for all government-owned equipment that is being provided to the employee.
- c. The District/Division/Staff Office must ensure that Limited Official Use (LOU) information is protected and safeguarded if an employee has been approved to telework.
- d. The District/Division/Staff Office is responsible for any USMS employee who teleworks from a remote worksite.
- e. The District/Division/Staff Office is responsible for assigning an employee within its area to serve as a Telework Point of Contact.

G. Definitions:

- 1. **Telework:** A work arrangement that allows employees to perform work at an alternative worksite (work or another remote worksite approved by the supervisor).
- 2. **Continuity of Operations Planning (COOP):** Effective continuity planning and programs facilitate the performance of essential functions during hazardous emergencies or other various situations that may disrupt other than normal operations.

3. **Situational:** An employee who does not telework full time or part time but is authorized to do so when requirements are needed to accomplish work; not to exceed 1 day per week or 4 days per month.
4. **Telework Coordinator:** A USMS HRD employee who serves as an agency point of contact for the USMS on all telework matters.
5. **Telework Point of Contact:** An employee assigned by the District or Division to serve as liaison between the telework employee and the Telework Coordinator for documenting, record keeping, and reporting purposes.
6. **Employee Transit Program (ETP):** The program by which an employee is eligible to receive compensation benefits to use public transportation for their daily commute to and from work.
7. **Limited Official Use (LOU):** Limited Official Use information is unclassified information of a sensitive proprietary or personally private nature which must be protected against release to unauthorized individuals.

H. Cancellation Clause: This policy directive supersedes Policy Directive 3.4, Employee Benefits and Programs, *Telecommuting Program*.

I. Authorization and Date of Approval:

By Order of:

Effective Date:

_____/S/_____
 Stacia A. Hylton
 Director
 U.S. Marshals Service

 5/20/11



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 LEAVE ADMINISTRATION

- A. Proponent:** Human Resources Division, Telephone (202) 307-5199, Fax (202) 353-8374.
- B. Purpose:** This policy directive provides United States Marshals Service (USMS) employees with basic regulatory and policy guidance on the various leave programs available.
- C. Authority:** The authority to administer leave for federal government employees is set forth in [5 U.S.C. § 6301-6391](#); [5 U.S.C. § 6101-6133](#); [5 U.S.C. § 5501-5597](#); [5 C.F.R. §§ 550.1001-550.1002](#); [5 C.F.R. § 630](#); [20 C.F.R. § 10](#); and [DOJ Order 1630.1B](#).
- D. Policy:** It is the policy of the Employee Relations Branch (ERB), Human Resources Division, to ensure that the USMS administers leave in a fair and consistent manner in accordance with the law, the rules and regulations of the U.S. Office of Personnel Management (OPM), and the provisions of this directive.
- E. Procedures:** See the sections below or the click on the following links:
1. [Annual Leave](#)
 2. [Sick Leave](#)
 3. [Leave Without Pay \(LWOP\)](#)
 4. [Military Leave](#)
 5. [Court Leave](#)
 6. [Family and Medical Leave](#)
 7. [Sick Leave for Family Care](#)
 8. [Compensatory Leave](#)
 9. [Continuation of Pay for Work Injuries](#)
 10. [Home Leave](#)
 11. [Excused Absence \(Administrative Leave\)](#)
 12. [Funeral Leave](#)
- F. Responsibilities:** All leave must be approved or disapproved by an employee at the next highest managerial level. For example, U.S. Marshals and Assistant Directors have leave approved by the Deputy Director.
1. **Supervisors and Managers**
 - a. Ensure that leave is approved, disapproved, or canceled in accordance with the laws and regulations governing the administration of leave and the provisions of this directive.

- b. Ensure that leave taken by employees is properly charged.
- c. Plan and schedule annual leave with employees so as to avoid the forfeiture of such leave.

2. **Employees**

- a. Request leave in accordance with the provisions of this directive and any procedures established by their supervisors and managers.
- b. Come to work at their scheduled starting time unless leave has been approved.
- c. Submit requests for leave as far in advance as possible.
- d. Notify their supervisors and request leave as soon as possible when it is needed because of illness, injury or other personal emergency. This should be done before the beginning of the regularly scheduled tour of duty or within the first half-hour of it.
- e. Work with their supervisors to plan and schedule their annual leave throughout the year to avoid excessive amounts of use-or-lose leave at the end of the leave year.

G. **Definitions**

- 1. **Administrative Workweek:** a period of seven consecutive days with the hours employees are scheduled to work. The administrative workweek for USMS employees is normally Sunday through Saturday.
- 2. **Contagious Disease:** a disease that is ruled as subject to quarantine, requires isolation of the patient, or requires that the patient's movements be restricted for a specified period prescribed by local health authorities.
- 3. **Family Member Under Sick Leave for Family Care Purposes Provisions:**
 - a. Spouse and parents thereof
 - b. Children, including adopted children and spouses thereof
 - c. Parents
 - d. Brothers and sisters and spouses thereof
 - e. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship
- 4. **Family Member Under the Family and Medical Leave Act:** includes spouse, son or daughter (including adopted or foster children, stepchildren or a legal ward), and parent. In-laws, brothers, sisters and any other individual related by blood or affinity are **not** included.
- 5. **Medical Certificate:** a written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination or treatment and to the period of disability while the patient was receiving professional treatment.
- 6. **Serious Health Condition:** Examples of a "serious health condition" include heart attacks, heart conditions requiring heart bypass or valve operations, cancers, back conditions requiring extensive therapy or surgical procedures, kidney dialysis, physical therapy, strokes, severe respiratory conditions, appendicitis, pneumonia, emphysema, severe arthritis, depression,

recovery from major surgery, final stages of a terminal illness, and Alzheimer’s disease. A serious health condition also includes complications or illnesses related to pregnancy.

H. Annual Leave

An employee whose entry-on-duty date begins after the start of a pay period (Sunday) or separates before the end of one (Saturday) does not earn leave for that pay period. The amount of annual leave employees earn depends on their length of federal service (including military service) and the number of hours in their scheduled tours of duty. Employees are assigned to leave-earning categories and earn leave as follows (based on a full-time, 80-hour, two-week tour of duty):

1. Full-Time Employees

Years of Service	Earning Rates
Less than 3	4 hours of annual leave for each full biweekly pay period or 13 days per leave year
At least 3, but less than 15	6 hours of annual leave for each full biweekly pay period plus 4 hours for the last full biweekly pay period of the leave year
15 or more	8 hours of annual leave for each full biweekly pay period or 26 days per leave year

2. Part-Time Employees

Years of Service	Earning Rates
Less than 3	1 hour of annual leave for every 20 hours in a pay status
At least 3, but less than 15	1 hour of annual leave for every 13 hours in a pay status
15 or more	1 hour of annual leave for every 10 hours in a pay status

3. Approval of Annual Leave

- a. Denials of leave will be based upon factors that are reasonable, equitable and nondiscriminatory. The employee's desires and personal convenience as well as the work situation are to be considered when granting leave. Supervisors must not make arbitrary decisions to deny leave. Except in emergencies, annual leave must be requested by the employee and approved by the supervisor in advance. Whenever annual leave cannot be approved as initially requested, the employee and supervisor or manager concerned are responsible for scheduling the leave at a time which is mutually agreeable to both parties.
- b. Annual leave is provided and used to afford employees the opportunity to take an annual vacation, periods of extended leave for rest or recreation, or to attend to personal, family or emergency matters. The supervisor decides the scheduling and amount of annual leave granted at any time. An exception occurs when the employee requests to substitute annual leave for leave without pay (LWOP) after invoking his/her entitlement under the Family and Medical Leave Act (FMLA) (See attachment F).

- c. An employee with a zero annual leave balance may, at the discretion of the supervisor, be advanced annual leave to be earned during the pay period. At the end of the pay period, the annual leave accrued will automatically be applied toward liquidation of the advanced annual leave.
4. **Maximum Annual Leave Accumulation**
- a. A maximum of 240 hours (30 days) may carry over from one leave year to another.
 - b. Employees serving abroad may carry over 360 hours (45 days) from one leave year to the next.
 - c. An employee appointed to the Senior Executive Service may carry over no more than 720 hours (90 days) from one leave year to the next.
5. **Restoration of Annual Leave:** Leave that exceeds the maximum carryover amount allowed will be forfeited at the end of the leave year, but it may be restored under certain circumstances. There are strict criteria and documentation requirements which must be met before annual leave that is forfeited is eligible for restoration. Specifically, leave regulations found at 5 C.F.R. 630.308 require that, before forfeited annual leave may be considered for restoration, use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. Evidence the leave had been scheduled and approved in the official USMS time and attendance system at least three full pay periods before the end of the leave year must be provided by the supervisor. The supervisor can provide this evidence by printing a copy of the leave request from the official USMS time and attendance system in accordance with guidance provided by HRD.
6. **Advanced Annual Leave**
- a. Employees are not automatically entitled to advanced annual leave.
 - b. Annual leave must not be advanced when it is likely the employee will retire or separate from the service before earning the leave to repay the advance.
 - c. Annual leave that may be advanced is limited to the amount of annual leave an employee would accrue in the remainder of the leave year.
 - d. An employee who is separated while indebted for advanced annual leave must refund the amount due or have it deducted from any monies due him/her.
 - e. If the employee separates because of disability or illness (whether by retirement or resignation), the service cannot require repayment of the amount paid to the employee for advance leave.
 - f. Employees must submit advanced annual leave requests through their first- and second-line supervisors. If approved, management will forward the application to the ERB to ensure compliance with USMS policies. If district/division management turns down the employee's request, the employee is informed and no further action is taken.
7. **Annual Leave During Active Military Duty:** An employee performing military service must be permitted to use any accrued annual leave. The employee is entitled to use annual leave or military leave intermittently with leave without pay while on active duty or active/inactive duty training.
8. **Substitution of Annual Leave for Sick Leave**

- a. Annual leave may be applied to retroactively liquidate a sick leave advance but cannot be applied retroactively for regular sick leave.
 - b. Annual leave may be substituted for sick leave for a period of illness for which the employee does not have a sufficient sick leave balance.
- I. **Sick Leave:** An employee whose duty entrance date begins after the start of a pay period (Sunday), or separates before the end of one (Saturday), does not earn leave for that pay period.
- 1. All full-time employees accrue four hours of sick leave each pay period. Part-time employees earn sick leave on a prorated basis: one hour for every 20 hours worked.
 - 2. There is no limit on the amount of accumulated sick leave that may be carried forward from one year to another.
 - 3. Sick leave may be used:
 - a. When the employee is incapacitated due to physical or mental illness, injury, pregnancy or childbirth.
 - b. When an employee is a disabled veteran who must undergo a medical exam or treatment for the disability.
 - c. When the employee receives medical, dental or vision exams or treatment.
 - d. When the employee provides care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental or vision treatment. (See section N.)
 - e. When the employee makes arrangements for or attends the funeral of a family member. (See section S.)
 - f. When an employee, as determined by appropriate health authorities or a health care provider, has a contagious disease.
 - g. When the employee must be absent for any reason relating to a child adoption.
 - 4. Sick leave for prearranged medical appointments or care of a family member must be requested in advance and may be denied if the employee's services are needed.
 - 5. An emergency request for sick leave for any reason must be requested as soon as possible after the beginning of the absence (normally within the first-half hour of the scheduled workday) unless otherwise instructed by the supervisor. Immediately upon return to the office, the employee must submit a leave request via the official USMS time and attendance system to the supervisor.
 - 6. Absences of three consecutive days or less for which sick leave is requested do not require medical documentation unless the employee has been otherwise advised by the supervisor/manager.
 - 7. Sick leave of more than three consecutive workdays may require medical documentation. Sick leave of 10 or more consecutive workdays **requires** medical documentation. Required medical documentation must be signed by a health care provider and be sufficiently specific for the supervisor to make a reasonable decision concerning whether or not the employee was incapable of performing his or her duties and/or was receiving medical treatment. It must specifically identify the dates of the incapacitation and/or treatment and, if appropriate, provide an estimated date of full or partial recovery. **If the employee has been placed on a Letter of Leave Restriction,**

more specific requirements may be imposed.

8. Employees must submit required medical documentation within the pay period after return to duty. Failure to do so may result in the employee's absence being charged to absence without leave (AWOL) and may result in disciplinary action.
9. In cases of extended illness, medical documentation may be periodically required to support the employee's continued incapacity.
10. Law enforcement employees must provide medical certification of their ability to return to work after taking medical leave for their own serious health conditions.
11. If illness occurs during a period of annual leave, an employee may substitute sick leave if supporting evidence acceptable to the supervisor is submitted.
12. **Advanced Sick Leave**
 - a. Advanced sick leave is a privilege that may be extended to employees regardless of their annual leave balance. It is generally reserved for serious disability, illness, incapacitation, or confinement for and after childbirth.
 - b. Most employees may be advanced up to 240 hours of sick leave for personal medical conditions. They may be advanced up to 40 hours of sick leave for family medical emergencies. (See attachment N. for advanced sick leave to care for a family member.)
 - c. Advanced sick leave requests must be in writing and supported by medical documentation.
 - d. Advanced sick leave will not be granted if it is likely that the employee will not return to duty for a sufficient period of time to repay it.
 - e. Advanced sick leave is liquidated automatically as sick leave is accrued each pay period.
 - f. Unliquidated advanced sick leave is carried forward from one leave year to the next.
 - g. If the employee separates because of disability or illness, the service cannot require repayment of the amount paid to the employee for advance leave.
 - h. Employees must submit advanced sick leave requests through their first- and second-line supervisors. If approved, management will forward the application to the EBR to ensure compliance with service policies. If the request is not approved, management will inform the employee.
 - i. If an employee has a zero sick leave balance at the beginning of the pay period, the supervisor may advance the employee the sick-leave that would be earned during the pay period. At the end of the pay period, the sick leave earned will automatically liquidate the advance sick leave.

J. Leave Without Pay (LWOP)

1. LWOP is a temporary, non-pay status and an authorized absence from duty granted at the employee's request and at management's discretion.
2. An employee does not have to exhaust annual leave or sick leave before requesting LWOP.
3. LWOP may be granted when the employee has insufficient annual or sick leave to cover an

approved absence or for family and medical purposes under the FMLA.

4. LWOP may be granted in order to avoid a break in service for career or career-conditional employees who are dependents of a transferred military or federal civilian employee.
5. The maximum LWOP that may be granted initially is 12 months, but the efficiency of the service must be considered before approving any extended period of LWOP. LWOP in excess of one year must be approved by the Director.
6. **Effects of LWOP (or Other Nonpay Status) on Federal Benefits and Programs:** The amount of LWOP (or other nonpay status) that is considered creditable service for purposes of determining an employee's eligibility for the following federal benefits and programs is as follows:
 - a. **Career Tenure:** The first 30 days of each nonpay period is creditable service.
 - b. **Completion of Probation:** A total of 22 workdays in a nonpay status is creditable service.
 - c. **Time-in-grade Requirements (Requirements for Promotion):** Any nonpay status is creditable service.
 - d. **Retirement Benefits:** A total of six months in a nonpay status per year is creditable service. Coverage continues at no cost to the employee while in a nonpay status. When employees are in a nonpay status for only a portion of a pay period, their contributions are adjusted in proportion to their basic pay.
 - e. **Health Benefits:** Enrollment continues for no more than a year in a nonpay status. The nonpay status may be continuous or broken by periods of less than four consecutive months in a pay status. The government contribution continues while employees are in a nonpay status. The government also is responsible for advancing from salary the employee share. The employee may choose between paying the agency directly on a current basis or having the premiums accumulate and withheld from his or her pay upon returning to duty.
 - f. **Life Insurance:** Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or to the agency. The nonpay status may be continuous or broken by a return to duty for periods of less than four consecutive months.
 - g. **Within-grade Increases:** A total of two workweeks in a nonpay status in a waiting period is creditable service for advancement to steps two, three and four of the general schedule; four workweeks for advancement to steps five, six and seven; and six workweeks for advancement to steps eight, nine and 10. For prevailing rate employees (WG, WL, and WS schedules), a total of one workweek in a nonpay status is creditable service for advancement to step two; three workweeks for advancement to step three; and four workweeks for advancement to steps four and five.
 - h. **Accrual of Annual and Sick Leave:** When a full-time employee accumulates 80 hours of LWOP during a pay period, the employee does not earn annual leave or sick leave during that period. The employee earns leave in the next pay period until he or she again accumulates 80 hours of LWOP during a pay period. When a part-time employee is in a nonpay status, he or she will accrue less annual leave and sick leave, since part-time employees earn leave on a pro-rata basis (i.e., based on hours in a pay status). For purposes of computing accrual rates for annual leave (i.e., four, six, eight hours each pay period), six months of nonpay status in a year is creditable service.
 - i. **Reduction in Force (Determining Years of Service):** A total of six months of nonpay

status per year is creditable service.

- j. **Severance Pay:** Nonpay status time is fully creditable for the 12-month continuous employment period to qualify for severance pay. But for purposes of computing an employee's actual severance payment, no more than six months of nonpay status in a year is creditable service
- k. **Thrift Savings Plan (TSP):** Agencies should refer to the Thrift Savings Plan Bulletin No. 97-43, dated December 18, 1997, for Agency TSP representatives. For additional information, agency representatives may contact the Federal Retirement Thrift Investment Board at (202) 942-1460. Employees should refer to the TSP Fact Sheet, *Effect of Nonpay Status on TSP Participation*. Both issuances are available from the TSP Web site at www.tsp.gov.
- l. **Military Duty or Workers' Compensation:** Nonpay status for employees who are performing military duty or being paid workers' compensation counts as a continuation of federal employment for all purposes upon the employee's return to duty.

K. Military Leave

1. Military leave is an authorized absence to perform active military duty, active duty for training, or military law enforcement. An employee may be granted up to 120 hours (15 workdays per fiscal year, October 1 through September 30) for active duty or active duty for training with the National Guard or an armed forces reserve unit. A copy of the orders should be provided when requesting military leave.
2. A maximum of 120 hours (15 workdays) of unused military leave may be carried over from one fiscal year to the next.
3. An additional 176 hours (22 workdays) of military leave a year may be granted when an employee is ordered into service to provide military aid to enforce the law during periods of civil disturbance, domestic violence, etc. Under [5 U.S.C. § 5519](#), military pay received by an individual who has been activated to support civil authorities in the protection of life and property must be credited against any Federal civilian pay the employee received during the 22 workdays of military leave. An employee is entitled to the greater of his or her civilian or military pay, not both. Before recording the use of, or as soon as possible, these 22 days, the employee must forward a copy of their military orders and copy of their most current military leave and earnings statement to the Human Resources Division, ERB, Attention: Military Liaison/Leave Administration.
4. The minimum charge for military leave is one hour. An employee may be charged military leave only for hours that he or she would otherwise have worked and received pay.
5. Based on Public Law 106-554, dated December 20, 2000, weekends and holidays that occur within the period of military service will not be charged against military leave.
6. Employees entitled to military leave must meet the following criteria:
 - a. Be a member of a Reserve or National Guard component.
 - b. Have a full- or part-time (16 to 32 hours a week) permanent appointment.
 - c. Be able to present official military orders calling the Reservist or National Guardsman to duty.
7. Those who have temporary appointments with one-year, not-to-exceed dates are not eligible for military leave. Employees whose appointments are intermittent tours of duty are not eligible for

military leave, but they may be allowed to use earned annual leave for military duty.

L. Court Leave

1. Court leave is an authorized absence without loss of pay or charge to annual leave to perform jury service, or to attend judicial proceedings in a nonofficial capacity as a witness on behalf of a state or local government or private party in connection with any judicial proceeding to which the United States, the District of Columbia, or a state or local government is a party.
2. A permanent or temporary employee with a regularly scheduled tour of duty (part time or full time) is eligible to use court leave for a military court proceeding.
3. Court leave can be granted only for those days and hours the employee would otherwise be in a pay status. Therefore, an employee serving court duty on a compressed work schedule day off may not charge that day as court leave.
4. An employee serving as a witness in a case between private individuals or companies in which the federal, state or local government is not an involved party is not eligible for court leave.
5. Unless this would be impractical, an employee must return to duty during periods when he or she is excused from court or jury duty and would normally be scheduled to work, including weekends and/or holidays. As a general rule, if there are at least two hours remaining in the employee's workday, exclusive of reasonable travel time, the employee should report for duty. If the employee fails to report for duty as directed, annual leave, LWOP or AWOL is charged for the excess time.
6. An employee serving as a juror in a federal court may not receive a fee from the court for jury services. If serving as a juror for a state or local court, the employee must turn into his or her district/division any fees received for jury or witness service for which court leave is granted. The employee may keep any payments that are designated as "expenses."

M. Family and Medical Leave Act of 1993 (FMLA) & Leave for Other Parental and Family Responsibilities

1. Basic provisions of the FMLA of 1993 entitle an employee to receive up to 12 workweeks of LWOP, and allow him or her to substitute available paid annual and/or sick leave during any 12-month period for one or more of the following reasons:
 - a. Birth of a son or daughter of the employee and the care of the newborn child (within one year of birth)
 - b. Placement of a son or daughter with the employee for adoption or foster care (within one year of placement)
 - c. Care for a family member of the employee with a serious health condition
 - d. A serious health condition of employee that makes him or her unable to perform one or more essential duties.
2. OPM, in accordance with a White House memorandum dated April 11, 2001, has set forth guidance regarding leave for other parental and family responsibilities. Specifically, OPM authorizes an additional 24 hours of LWOP each year for the following purposes:
 - a. To allow employees to participate in school activities that contribute to a child's educational advancement, such as parent-teacher conferences or meetings with child-care providers and interviews for a new school or child-care facility. School refers to an

elementary school, secondary school, Head Start program or child-care facility.

- b. To allow parents to accompany children to routine medical or dental appointments.
 - c. To allow employees to accompany an elderly family member to routine medical or dental appointments or to arrange for professional services, such as housing, meals, phones and banking services.
 - d. Supervisors shall grant employees' requests to substitute paid time off for these family activities. Leave for the above purposes should be scheduled in advance whenever possible.
3. This leave is in addition to any paid leave that is authorized and available to all employees. An employee must invoke his or her entitlement to family and medical leave. In addition, employees must provide medical certification of the serious health condition when applicable and may be required to provide other supporting documents. An employee may not retroactively invoke entitlement to family and medical leave or retroactively substitute paid leave for any previous unpaid absence from work.

N. Sick Leave for Family Care Purposes

1. Most employees may use up to 104 hours of sick leave each year for the following:
 - a. To attend to a family member with an illness, injury or other condition (including medical, dental, or optical examination or treatment)
 - b. For purposes relating to the death of a family member
2. Full-time employees are entitled to use 40 hours of their accrued sick leave per year for the purposes described above. If the employee does not have 40 hours of sick leave to his/her credit, the 40 hours may be advanced by the employee's supervisor or manager. An additional 64 hours may be used by employees who maintain a sick leave balance of at least 80 hours while using the additional hours. Leave-approving officials may require the employee to provide medical documentation after three consecutive days or for fewer days off. Employees are required to use sick leave available under this entitlement to care for a family member before becoming eligible for donated leave under the Voluntary Leave Sharing Programs.
3. Federal employees may use up to **12 weeks**, which includes the aforementioned 13 workdays (104 hours), of their accrued sick leave to care for a family member with a "**serious health condition.**" Employees are required to use sick leave available under this entitlement to care for a family member with a serious health condition before becoming eligible for donated leave under the Voluntary Leave Sharing Programs.

O. Compensatory Leave

1. At the employee's request, a supervisor/manager may grant compensatory time off instead of payment for overtime. The approval to use compensatory time must be granted in advance. Compensatory time must be used within the leave year it was earned or in the following leave year. Criminal Investigators (1811s) should not be compensated for overtime work with compensatory time off.

Employees whose basic pay is that of a GS-10/step 10 and below receive overtime compensation or compensatory time off by choice. Employees whose pay exceeds that of a GS-10/step 10 are exempt from the Fair Labor Standards Act and may be required to take compensatory time off in lieu of overtime.

2. **Compensatory Time Off for Religious Observances** may be scheduled and approved by a supervisor so that an employee doesn't have to charge the time off to leave. This time is earned by performing approved overtime work and requesting religious compensatory time in lieu of premium pay. The overtime work should be performed within six pay periods **before or after** the requested religious compensatory time off. Time off not repaid within this time frame will be charged to annual leave or LWOP. If not used during the above time limit, the compensatory time will be forfeited. Religious compensatory time will be granted unless the adjustment of the work schedule interferes with the efficient accomplishment of the district/division's mission.
3. **Compensatory Time Off for Travel** may be earned by an employee for time spent in a travel status away from the employee's official duty station when such time is not otherwise compensable.

P. Continuation of Pay for Work Injuries (COP)

1. Continuation of Pay (COP) is a special leave category that entitles employees to have their regular pay continued with no charge to their own leave for up to 45 days (including weekends, holidays, and non-workdays) for a traumatic injury sustained on the job and for disability and/or medical treatment following it.
2. For COP to be used, a Form CA-1, *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, must be filed within 30 days of the injury.
3. Employees filing for a job-related illness should use Form CA-2, *Notice of Occupational Disease and Compensation*, and are not entitled to COP.
4. The 45-day COP period commences the day after the injury. Absence during the day of the injury is charged to excused absence (administrative leave).
5. COP is charged in one-day increments. Days that are part work and part treatment or disability are charged as COP for the entire day.
6. Initially, COP should be granted, but it may be stopped if the employee does not provide medical documentation within 10 workdays of the COP request or when the disability begins (whichever is later). There are specific instances where COP can be denied by the agency. The OWCP coordinator can advise supervisors regarding the denial of COP. The agency may recover COP from the employee if the claim is denied.

Q. Home Leave: Home leave is a separate type of leave earned by employees who have been recruited or transferred from the continental United States (CONUS) or outside the employee's place of residence (if the place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the U.S.) to a duty station outside CONUS. Home leave is granted at the discretion of the agency and may be used with other forms of approved leave. Based on the employee's overseas duty post, an employee accrues home leave for each 12 months of service abroad at the following rate:

1. **Fifteen Days**
 - a. An employee who occupies a position that requires him or her to accept assignments anywhere in the world. (This applies primarily to positions where an employee's whole career is subject to reassignment from one location to another, with much of his or her time to be spent overseas.)
 - b. An employee serving at a post for which a 20 percent or higher foreign or non-foreign (but not tropical) pay differential is authorized.
2. **Ten Days:** An employee not included in the above who is serving at a post for which payment of

a foreign or non-foreign (but not a tropical) differential of at least 10 percent but less than 20 percent is authorized.

3. **Five Days:**

- a. An employee working abroad who is not included above.

4. **Other Home Leave Provisions:**

- a. Home leave may be granted only for use in the United States, the Commonwealth of Puerto Rico, or a territory or possession of the United States.
- b. Home Leave should ordinarily be taken in the location from which the employee was recruited or transferred. Home leave should not be used by the employee at their current duty station.
- c. Home leave to return to the United States may be granted only after the employee has completed an initial continuous period of 24 months abroad **and** the employee will return to duty abroad to serve an additional 24 months after using this leave.
- d. Home leave may accumulate without limit but cannot be used as terminal leave, nor can a lump-sum payment be made thereof.
- e. Home leave not used during a previous grant of home leave may be granted only after the employee has completed an additional 24 months of service abroad.
- f. Employee must repay home leave if he/she fails to return to service abroad after using it.

R. Excused Absence: Excused absence is administratively authorized time off without charge to leave or loss of pay. These excused absences are sometimes referred to as administrative leave. Because excused absence is not a leave category or entitlement, a supervisor should grant it only if the employee would have otherwise been in a **duty status**. Following is a list of circumstances when granting excused absence applies:

- 1. Tardiness and absences of less than 60 minutes when there is an acceptable explanation to the employee's supervisor/manager.
- 2. Voting and voter registration in a government election. As a general rule, if the polls are not open at least three hours either before or after an employee's regular tour of duty, he/she may be permitted to report for work up to three hours after the polls open or leave work up to three hours before they close, whichever requires less time off.
- 3. Formal conflict resolution preparation (e.g., grievance, EEO complaint, Alternative Dispute Resolution): **up to 8 hours**
- 4. Employee Assistance Program counseling: Contact Employee Assistance Program to coordinate.
- 5. Removal from a shooting incident: Contact Employee Assistance Program to coordinate.
- 6. Removal from work site due to allegations of serious misconduct: Contact ERB to coordinate.

All administrative leave that may extend beyond 10 work days must be coordinated with the ERB. The ERB will review the request for compliance with the Department of Justice, Human Resources [Order 1200.1 Discipline, and Adverse Actions](#). If it is determined that the administrative leave is appropriate, the request will be forwarded to the AAG/A for final determination. The request must include a written statement as to the circumstances surrounding

the issue and a justification as to why the employee should not remain in the workplace. In addition, this same process is required for administrative leave that is less than 10 work days when the situation is not covered by the provisions of the Department of Justice [Order 1630.1B](#), Leave Administration.

7. Critical Incident recuperation period (for peer-support participants): **up to 16 hours**
8. Blood Donation: **up to four hours** for donation and recovery if needed
9. Medically supported absence on the day of a job-related injury
10. Required physical examination (e.g., fitness for duty, physical exam incidental to entry into armed forces or membership in the reserves, occupational health programs or in connection with an application for disability retirement)
11. Federal civil service examinations and job interviews when it is in the service's interest
12. Local holidays or events: **The United States Marshal must provide a written request to the Deputy Director for approval to close an office for an upcoming local holiday or event.**
13. Employees are **entitled** to up to seven days with pay, recorded as excused absence, per year (in addition to sick or annual leave) to serve as a bone-marrow donor.
14. Employees are **entitled** to up to 30 days with pay, recorded as excused absence, per year to donate organs for transplant.
15. Federal law enforcement officers or firefighters may be excused from duty to attend the funeral of a fellow law enforcement officer or firefighter.
16. Excused absence may be granted for relocation within the service. If no house-hunting trip is taken, up to 40 hours may be granted; excused absence is limited to 16 hours when a house-hunting trip was taken or when government quarters are available. Such an absence may be used before, during or after reporting to the new duty station.
17. Employees with fewer than 80 hours of sick leave to their credit are eligible to use up to four hours of excused absence each leave year for preventive health screenings.
18. **Adverse Weather Conditions:** Whether employees should be charged leave or excused absence when adverse weather conditions develop before or during the workday depends upon whether the employee is on duty, scheduled to report for duty, or on leave at that time.

Early Dismissals: The USMS Director will give the notice to dismiss employees under an "Adjusted Work Dismissal" in the Washington, D.C., metropolitan area. For other USMS employees, early dismissal decisions should be made after consultation between the United States Marshal and Chief Judge.

- Employees who are on duty at the time an adjusted work dismissal is announced should not be charged leave.
- If an employee leaves after receiving word of an adjusted work dismissal but before the time has been set for it (with supervisory approval), he or she is charged leave for the period before the set dismissal time.

- If an employee leaves before receiving official word of an adjusted work dismissal, he or she should be charged leave for the remainder of the day.
 - When an employee is absent on previously approved annual leave, sick leave or Leave Without Pay (LWOP) for the entire workday, the employee continues to be charged that leave for the entire workday.
 - When an employee is scheduled to report for work before an authorized adjusted work dismissal time but fails to do so, the employee must be charged annual leave, sick-leave or LWOP for the entire workday.
19. **Delayed Arrival:** For employees in the Washington, D.C., metropolitan area the Office of Personnel Management will make an **“Adjusted Home Departure”** announcement through the media. Employees may, after 6 a.m., check the [OPM Web page](#) for the D.C. Area Federal Government Operating Status announcement for that day. For other USMS employees, the following procedures should be followed when the district or division announces a delayed arrival or closure status:
- a. **Emergencies Before the Workday Begins:**
 - 1) Government agencies are **OPEN**: Employees are expected to report for work on time.
 - 2) Government agencies are operating under an **UNSCHEDULED LEAVE** policy: Employees may take leave without prior approval. Employees must inform their supervisors of their intentions to take unscheduled leave.
 - 3) Government agencies are operating under an **ADJUSTED HOME DEPARTURE** policy: Employees are requested to leave home later than their normal departure time.
 - 4) Government agencies are operating under an **ADJUSTED HOME DEPARTURE/UNSCHEDULED LEAVE** policy: Employees are requested to leave home later than their normal departure time and employees may take leave without prior approval. Employees must inform their supervisors of their intentions to take unscheduled leave. Employees designated as "emergency employees" are expected to report to work on time.
 - 5) Government agencies are **CLOSED** and non-emergency employees are excused from duty without loss of pay or charge to leave: Employees designated as "emergency" are expected to report to work on time.
 - b. Workdays on which the government is closed are non-workdays for leave purposes. Because leave cannot be charged for non-workdays, employees who are on approved leave before the closure must also be granted excused absence. Granting excused absence does not apply to employees on leave without pay, military leave, suspension or in a non-pay status immediately before and after the closure. Employees working an alternate work schedule whose normal day off is a closure day will not be given an additional day off.
 - c. Emergency employees whose presence on the job is required regardless of an adjusted work dismissal, closure or unscheduled leave/adjusted home departure must be notified annually, in writing, that they are “emergency personnel.” OPM has stated that for a one-time event requiring a non-emergency employee, oral notification is sufficient.

- S. Funeral Leave:** Funeral leave is an authorized absence from duty without loss of pay or charge to leave that a supervisor may grant to an employee whose **immediate relative dies as a result of wounds, disease, or injury incurred as a member of the armed forces in a combat zone.** This leave may not exceed three workdays. Employees may request sick leave, annual leave or LWOP to attend other funerals.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 JOB SHARING

- A. Purpose:** This policy directive provides guidance to employees on the job-sharing program.
- B. Authority:** The Director's authority to supervise the United States Marshals Service (USMS) and establish personnel standards with approving authorities for personnel actions is set forth in [5 U.S.C. § 3401](#); [28 U.S.C. § 561\(g\)](#); and [5 C.F.R. § 340](#).
- C. Policy:** The USMS has a formal job-sharing program for part-time employees.
1. **Approval:**
 - a. U.S. Marshals (USM), Chief Deputy U.S. Marshals (CDUSM), Assistant Directors and General Counsel are designated as approving officials.
 - b. Job sharing is permitted at management's discretion.
 - c. Approving Officials will make a decision on requests to Job Share and inform the employee within 30 workdays.
 - d. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.
 2. **Eligibility:**
 - a. This program applies to all permanent USMS employees.
 - b. Supervisors and managers are excluded from participating in the program.
 - c. Employees must have completed at least 12 continuous months of service with the USMS at their full performance level, thereby demonstrating the ability to handle all duties of their positions.
 - d. Employees must demonstrate the ability to work independently and with minimal supervision.
 - e. Employees must have an acceptable rating for the past two rating cycles. Factors such as documented prior discipline, substantiated leave abuse and/or substantiated performance issues may prohibit participation in the program.
 - f. **Employment Status:**
 - Participants accept permanent part-time employment in accordance with the provisions of Department of Justice (DOJ) Order 1200.1 and share the duties of a full-time position. They will be considered part-time employees.

- Employees in job-sharing positions will not be able to return to full-time positions, but they are eligible to compete for full-time openings in their district/division or another district/division.

3. Procedures:

a. Initiating Job Sharing:

- A proposal to job-share can come from a full-time employee, a part-time employee, two part-time employees or a supervisor who wants to consider filling a vacancy this way.
- Employees must complete and sign the USM-398, [Flexible Work Options Request Form](#).
- The employee's supervisor must submit Standard Form-52, [Request for Personnel Action](#) (SF-52), indicating the change to job-sharing (part-time) status to the district/division staffing specialist in the Human Resources Division.

b. Assignment and Evaluation:

- **Standards:** A job-sharing/part-time employee must meet the same firearms-qualification and fitness-assessment standards as a full-time operational employee.
- **Work Assignment:** A job-sharing/part-time employee should not be given work that can only be completed in full-time hours. DUSMs must continue to be assigned law enforcement duties to support their series.
- **Special Assignments:** Job-sharing/part-time employees will not be included in special assignment rotations.
- **Performance Goals:** Job-sharing/part-time employees will be given performance goals consistent with their assigned duties and will be evaluated according to the USMS performance evaluation process.
- **Use of Government Vehicle:** Job-sharing/part-time operational employees will not be assigned a government vehicle for home-to-work use.
- **Voluntary Reassignment for DUSMs:** Deputy U.S. Marshals (DUSM) are eligible for voluntary reassignment while in the program, but this does not guarantee that they will remain in a job-sharing/part-time status.
- **Promotions:** Employees are eligible to apply for promotions through the merit-promotion process while in the program. The employee must be aware that promotion does not guarantee continuation in a job-sharing/part-time status.

c. Work Schedule:

- Each job-sharing team member will have a set tour of duty. For law enforcement employees, the schedule will consist of time in the office as well as time outside for field work.

- Participants will work 16-32 hours per week, with the difference from the required 40 hours to be completed by the sharing participant. Overtime rates apply only after eight hours a day for exempt employees or 40 hours a week for nonexempt employees. Non-overtime hours above those normally scheduled are paid at the basic rate.

d. **Employee Compensation:**

- **Regular Pay:** Job-sharing/part-time employees will be paid on an hourly basis computed at the hourly rate for their grade and step. Job-sharing/part-time employees will continue to receive any applicable locality pay rate or special-pay adjustments for law enforcement officers.
- **Overtime:** Generally, if the job-sharing/part-time employee is required to work hours beyond those scheduled during a given week, the employee will be compensated at his/her regular hourly rate. If the hours exceed 40 per week or 80 per pay period, the part-time employee will receive overtime.
- **Law Enforcement Availability Pay (LEAP):** By signing a LEAP agreement, the job sharing/part-time DUSM is also confirming that he/she understands that LEAP will not be payable during the time that he/she works part time. When the job-sharing/part-time DUSM returns to full-time status, the DUSM's supervisor must ensure that the employee is certified to receive LEAP within the first pay period.
- **Night-differential and Holiday Pay:** Job-sharing/part-time employees are eligible for night-differential pay for any portion of their scheduled tours of duty that occur between 6 p.m. and 6 a.m. Job-sharing/part-time employees are also eligible for holiday pay if they work a holiday that falls on a regularly scheduled workday. Part-time employees are not eligible for Sunday premium pay due to federal part-time employment regulations.
- **Within-grade Increases:** Job-sharing/part-time employment has no effect on the waiting period for within-grade increases.

e. **Benefits:**

- **Savings and Retirement:**

Retirement: Job-sharing/part-time employees will accrue prorated retirement credit under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). Job-sharing/part-time employment will not affect an employee's retirement eligibility, only the computation of his/her annuity.

Thrift Savings Plan: Job-sharing/part-time employees may contribute to the thrift savings plan under the same rules as full-time employees. Contributions are based on actual earnings.

- **Insurance**

Medicare: Job-sharing/part-time CSRS employees will pay current rate based on their actual earnings for Medicare. Job-sharing/part-time FERS employees will pay the current rate based on their actual earnings for Medicare, Old Age, Survivors and Disability Insurance tax.

Health Insurance: Job-sharing/part-time employees will be eligible to continue in the Federal Employees Health Benefits Program (FEHBP) on a prorated basis. These employees will receive the same coverage as full-time employees but will pay a greater percentage of the premium because the government's share is prorated based on the number of hours the employee is scheduled to work each week. Even if the employee works additional hours during a pay period, the government's contribution will not increase in proportion to the additional hours worked unless the employee's scheduled work hours have been increased.

Life Insurance: Job-sharing/part-time employees are eligible to continue in the Federal Employees Group Life Insurance (FGLI). The government's contribution to the life insurance premium is the same for job-sharing/part-time employees as for full-time employees. The amount of coverage is based upon the job-sharing/part-time salary.

- **Leave**

Annual leave is earned as follows:

-Less than three years- one hour for every 20 hours in a pay status

-Three or more years, but less than 15 years of service one hour for every 13 hours in a pay status

-Fifteen or more years of service—one hour for every 10 hours in a pay status

Sick Leave: Sick leave is accrued at the rate of one hour for every 20 hours in a pay status.

- **Reduction in Force:** In a reduction in force, job-sharing/part-time employees compete separately from full-time employees. A job-sharing/part-time employee can compete only for other part-time jobs. Similarly, a full-time employee can be assigned only to a full-time position and cannot displace a job-sharing/part-time employee.

- **Use of Office Space:** Job-sharing participants share the same work space.

- f. **Reporting:** Tracking of Job Sharing employees will be done using the USM-398, [Flexible Work Options Request Form](#) completed by the employee. Reports will be based on the use of these forms as well as requests for information from offices with Job Sharing employees.

4. **Responsibility:**

a. **Employee:**

- Initiates the request for enrollment in the job-sharing program by completing the USM-398, [Flexible Work Options Request Form](#).
- Ensures compliance with all eligibility requirements
- Demonstrates the ability to work in an unstructured environment and with minimal supervision

b. **Supervisor:** ensures that employees selected for job sharing can effectively work together without being detrimental to other employees.

5. **Definitions:**

a. **Job Sharing:** A particular kind of permanent part-time work in which one full-time job is divided between two employees, each of whom works an agreed portion of the job and shares responsibility for the total workload.

b. **Tour of Duty:** The set hours an employee must complete each workday and workweek.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 TEMPORARY, PART-TIME EMPLOYMENT

- A. Purpose:** This policy directive establishes a formal part-time program for all employees of the USMS and defines the parameters of the program. The program is designed to assist employees who have a temporary need for part-time employment.
- B. Authority:** The Director's authority to supervise the United States Marshals Service (USMS) and establish personnel standards with approving authorities for the personnel actions is set forth in [5 U.S.C. § 3401](#); [28 U.S.C. § 561\(g\)](#); and [5 C.F.R. § 340](#).
- C. Policy:** The USMS hereby establishes a formal part-time program. Participation in part-time employment is voluntary.
1. **Approval:**
 - a. The granting of part-time employment is at management's discretion.
 - b. United States Marshals (USM), Chief Deputy United States Marshals (CDUSM.), Assistant Directors, and General Counsel are designated as approving officials.
 - c. Approving Officials will make a decision on requests for Temporary Part Time Employment and inform the employee within 30 workdays.
 - d. If a request is denied, the employee may address this through the U.S. Marshals Service Grievance process.
 2. **Eligibility Requirements:**
 - a. This program applies to all permanent full-time employees of the United States Marshals Service (USMS).
 - b. Supervisors and managers of the USMS are excluded from participating in the program.
 - c. Employees must have completed at least 12 continuous months of service with the USMS and be at their full performance level, thereby demonstrating the ability to function in all duties of their position.
 - d. Employees must also demonstrate the ability to work independently and with minimal supervision.
 - e. Employees must have an acceptable rating for the last two rating cycles. Factors such as documented prior discipline, substantiated leave abuse, and/or substantiated performance issues may prohibit participation in the program.
 3. **Initiating Enrollment in the Part-Time Program:**

- a. An employee requests participation in this program must complete and sign a USM-398, [Flexible Work Options Request Form](#). The completed form must be submitted to the CDUSM or the Branch Chief as a request to enter into the program. The application must state the reason(s) for entry into the program and demonstrate that the employee meets all the qualifications. The employee must indicate the number of hours per week he/she intends to work and describe a proposed biweekly schedule. The requesting employee should also indicate the manner in which current assignments will be accomplished and any impact that entry into the program may have on the office.
- b. Participation will be primarily based on the ability of the district or division to accommodate a request and the ability of the employee to meet each eligibility requirement. Upon final approval, the district/division must forward to its Staffing Specialist in the Human Resources Division a [Standard Form-52, Request for Personnel Action \(SF-52\)](#), indicating the change in the employee's work status.

4. **Assignment and Evaluation:**

- a. **Standards:** Part-time operational employees will be required to meet the same firearms qualification and fitness assessment standards that full-time operational employees are required to fulfill.
- b. **Work Assignment:** Sound management practice dictates that part-time employees receive work that does not require the employees to work full-time to achieve successful completion. It is the responsibility of district/division management to make assignments using creativity and resourcefulness. DUSMs must continue to be assigned law enforcement type duties to support their series.
- c. **Special Assignments:** Part-time employees will not be included in Special Assignments Rotations.
- d. **Performance Goals:** Part-time employees will be assigned performance goals consistent with their assigned duties and will be evaluated according to the current USMS performance evaluation process.
- e. **Use of Government Vehicle:** Part-time operational employees will not be assigned a government vehicle for home-to-work use.
- f. **Voluntary Reassignment for DUSMs:** Deputy U.S. Marshals (DUSM) are eligible for voluntary reassignment while in the program. Although a DUSM is eligible for reassignment, this does not guarantee that the employee will remain in a part-time status after the reassignment.
- g. **Promotions:** Employees are eligible to apply for promotions through the merit promotion process while in the program. The employee must be aware that promotion does not guarantee continuation in a part-time status.

5. **Employee Compensation:**

- a. **Regular Pay:** Part-time employees will be paid on an hourly basis computed at the hourly rate for their grade and step. Part-time employees will continue to receive any applicable locality pay rate or special pay adjustments for law enforcement officers.

- b. **Overtime:** Generally, if the part-time employee is required to work hours in addition to the hours scheduled during any given week, the employee will be compensated at his/her regular hourly rate. If the hours exceed 40 hours per week or 80 hours per pay period, the part-time employee will receive overtime pay.
- c. **Law Enforcement Availability Pay (LEAP):** By signing the [USM-398, Flexible Work Options Request Form](#), the part-time DUSM is also confirming that he/she understands that LEAP will not be payable during the time that he/she works part-time. When the part-time DUSM returns to full-time status, the DUSM's supervisor must ensure that the DUSM is again certified to receive LEAP within the first pay period.
- d. **Night Differential and Holiday Pay:** Part-time employees are eligible for night differential pay for any portion of their scheduled tour of duty which occurs between 6:00 p.m. and 6:00 a.m. Part-time employees are also eligible for holiday pay if the holiday falls on a regularly scheduled workday and the employee does perform work. Part-time employees are not eligible for Sunday premium pay due to federal part-time employment regulations.
- e. **Within-Grade Increases:** Part-time employment has no effect on the waiting period for within-grade increases

6. **Benefits:**

a. **Retirement and Thrift Savings Plan:**

- **Retirement:** Each year of part-time service counts as one full year toward the length of service requirement but is prorated for purposes of the annuity calculation. For the annuity calculations under Federal Employees Retirement System (FERS) rules, all part-time service is prorated. For the annuity calculations under Civil Service Retirement System (CSRS) rules, part-time service performed on or after April 7, 1986, is prorated.
- **Thrift Savings Plan:** Part-time employees may contribute to the Thrift-Savings Plan under the same rules as full-time employees. CSRS employees may contribute five percent of their salary, and FERS employees may contribute ten percent of their salary. Contributions are based on actual earnings.

b. **Insurance:**

- **Medicare:** Part-time CSRS employees will pay 1.45 percent (or current rate) of their actual earnings for Medicare tax. Part-time FERS employees will pay the current rate based on their actual earnings for Medicare tax, Old Age, Survivors and Disability Insurance tax.
- **Health Insurance:** Part-time employees will be eligible to continue participation in the Federal Employees Health Benefits Program (FEHBP) on a prorated basis. The part-time employee will receive the same coverage as full-time employees but will pay a greater percentage of the premium because the Government's share is prorated based on the number of hours the employee is scheduled to work each week. Note that even if the employee works additional hours during a pay period, the Government's contribution would not be increased in

proportion to the additional hours worked unless the employee's scheduled work hours have been increased.

- **Life Insurance:** Part-time employees are eligible to continue their enrollment in the Federal Employees Group Life Insurance (FEGLI). The Government's contribution to the life insurance premium is the same for part-time employees as for full-time employees. The amount of the life insurance coverage is based upon the part-time salary.

c. **Leave:**

- **Annual Leave:** Annual leave is earned as follows:
- Less than three years- one hour for every 20 hours in a pay status;
- Three or more years, but less than 15 years of service- one hour for every 13 hours in a pay status;
- Fifteen or more years of service-- one hour for every ten hours in a pay status.
- **Sick Leave:** Sick leave is earned at the rate of one hour for every 20 hours in a pay status.

d. **Reduction in Force:** In a reduction in force, part-time employees compete separately from full-time employees. A part-time employee can compete only for other part-time jobs and has no assignment right to a full-time position. Similarly, a full-time employee has an assignment right only to a full-time position and cannot displace a part-time employee.

e. **Length of Participation:** Employees must request entrance into the program for a minimum of three months. They are permitted to remain in the program for a maximum career total of five years. An employee is not restricted to one term in the program. After returning to full-time employment, an employee may reapply for acceptance into the program for another term of part-time employment.

f. **Cancellation of Program Participation:** Employees accepted into this program must realize that despite their circumstance, management may require the employee to return to work on a full-time basis. The employee must sign a stipulation acknowledging this possibility upon acceptance into the program. The change in status must be the result of a change in office resources and circumstances that necessitates the employee's services on a full-time basis. This includes immediate, temporary return to full-time status as a result of operational emergencies. Office circumstances that necessitate an indefinite return to full-time status will be conveyed to the employee at least 30 days in advance so that other arrangements may be made to deal with the situation that necessitated a request for part-time employment. The employee must be advised in writing of the reason(s) for the change in employment status. Appeals of this determination will be handled through the USMS grievance/EEO procedures.

g. **Outside Employment:** Requests for outside employment will be handled in accordance with current USMS policy.

h. **Complement:** A full-time equivalent (FTE) position is based on the number of hours worked in a week. One full-time employee is required to work at least 40

hours per week. If a district/division allows an employee to enter into part-time status, the district/division will be required to supplement the hours the employee is unavailable with existing workforce or through the use of contract employees hired with workplan funds. No additional funds will be given to supplement the part-time program. However, should the district/division choose to allow two employees to participate in the program, the district/division has the option to backfill a full-time position, thus creating a job-share position for the two employees.

7. **Responsibility:**

- a. **Employees:** Responsible for initiating a request for conversion to part-time status. The following steps must be completed to initiate the request:
 - Ensure that they meet eligibility requirements before requesting conversion to part-time status,
 - Complete a [USM-398](#), *Flexible Work Options Request Form*,
 - Propose their work schedule and indicate how their work will be accomplished.
- b. **District or Division Office:** Responsible for approving and implementing part-time status requests. The following measures comprise the responsibility:
 - Determine the District/Division's ability to accommodate the request,
 - Forward [SF-52](#), *Request for Personnel Action* to the district/division staffing specialist in the Human Resources Division;
 - Coordinate a job-share position if two employees participate to fill a single full-time equivalent position;
 - If necessary, supplement vacant hours when the employee is not available through use of existing workforce or use of contract employees.
- c. **CDUSM/Manager:** Responsible for requiring the employee to return to work full-time to respond to operational emergencies or to accommodate a change in office needs.

8. **Definitions:**

- a. **Full-time:** A work schedule of 80 hours per pay period.
- b. **Part-time:** A work schedule of 32-64 hours per pay period.

9. **Reporting:** Tracking of Temporary Part Time Employees will be done using the [USM-398](#), *Flexible Work Options Request Form* completed by the employee. Reports will be based on the use of these forms as well as requests for information from offices with Temporary Part Time employees.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 VOLUNTARY LEAVE TRANSFER PROGRAM

- A. Purpose:** This policy outlines the requirements and procedures of the Voluntary Leave Transfer Program (VLTP), including instructions for applying for the VLTP and donating annual leave under the VLTP.
- B. Authority:** The authority for the Voluntary Leave Transfer Program is set forth in [5 C.F.R. § 630](#), *Absence and Leave*, and [5 U.S.C. §§ 6301-6391](#).
- C. Policy:** It is the policy of the U.S. Marshals Service (USMS) to operate a Voluntary Leave Transfer Program (VLTP) that allows employees to donate annual leave to another employee who is in need of leave due to a medical emergency.
1. **Program Requirements:**
 - a. **Medical Emergency:** In order to receive leave under the VLTP, an employee must be in need of leave due to a medical emergency that is likely to require absence from duty for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty) and that results in a substantial loss of income to the employee because of the unavailability of paid leave. The 24 hours of unpaid absence need not be consecutive.
 - b. **Leave Balance Requirements for Recipients:** All approved leave recipients must have annual and sick leave balances of zero (or negative) prior to the official transfer of donated annual leave. Full-time employees whose medical emergency is that of a family member are also required to use 40 hours of their sick leave regardless of the remaining sick leave balance. In addition, they are required to use up to a total of 12 weeks of their sick leave. These amounts are prorated for part-time employees or employees with an uncommon tour of duty.
 - c. **Coercion:** No employee may directly or indirectly intimidate, threaten, coerce, or otherwise influence another employee's decision to donate (or not donate) leave.
 - d. **Donation of Annual Leave:** There is no provision for the donation of sick leave. Donated leave must be in full hour increments. An employee may donate whichever is the lesser of the following: the donor's accrued annual leave balance, one-half of the annual leave the donor will accrue during the current leave year, or the number of "use or lose" hours remaining in the leave year (as of the date of transfer) that the donor is scheduled to work and receive pay.
 - e. **Exceptions to Limitations:** The limitations above may be waived under the following circumstances with written documentation:
 - The donor is a member of the recipient's family;

- The donor has a leave balance of at least 150 hours prior to the donation;
 - The donor wishes to donate more than the limits and will still have at least 40 hours of annual leave after the donation; or
 - If acceptance of the donation furthers the purpose of the VLTP.
- f. Donations are Irrevocable: The decision to donate annual leave is irrevocable once the donation has been processed by the timekeeper.
- g. Interagency Donations: Donations from employees of other federal agencies will be accepted for a USMS recipient when: a family member wishes to donate to an approved leave recipient, the recipient does not have enough donated leave to cover the medical emergency, or acceptance of leave from other agencies would further the purpose of the VLTP.
- USMS employees may also donate to other federal agencies. Employees wishing to make a donation to another agency should contact the USMS Leave Sharing Program Coordinator for the required form, OPM Form 630-B, [Request To Donate Annual Leave to Leave Recipient Under The Leave Transfer Program \(Outside Agency\)](#). The donor must complete and send the 630-B to the USMS Leave Sharing Program Coordinator, who will coordinate the leave donation with the other agency. The donor must provide the name and phone number of the Leave Sharing Program Coordinator in the recipient's agency.
- h. Restriction on Donations to Supervisors: An employee may not donate leave to his or her immediate supervisor.
- i. Deadline for Use or Lose Leave: Donations of "use or lose" leave should be submitted to the Leave Sharing Program Coordinator no later than December 1 of the current year.

D. Procedures:

1. **Application for Donations:** The applicant (or a personal representative designated by the employee) completes a USM-562, [Voluntary Leave Transfer \(VLTP\) and Voluntary Leave Bank \(VLBP\) Recipient Application](#), and submits it to the Leave Sharing Program Coordinator with the required medical documentation. With the concurrence of the approved leave recipient, pertinent information will be publicized when necessary to obtain leave donations.
2. **Donations:** USM 563, [Voluntary Leave Transfer Program Donation Form](#), is completed by leave donors and submitted to the Leave Sharing Program Coordinator. Before submitting the form, the leave donor must provide the form to his or her timekeeper. The timekeeper must keep a copy of the form for donor's leave records, and lower the employee's annual leave balance by the number of hours donated. The timekeeper must sign the USM-563 to certify that the leave balance has been lowered. After the USM-563 is signed by the timekeeper, the donor is responsible for faxing or mailing it to the Leave Sharing Program Coordinator. However, if the form is faxed, do not mail the original. This causes duplication and the leave donation may be subtracted twice. A new donor form must be submitted each time a donor decides to donate additional leave.
3. **Termination of Application:** The recipient completes USM-564, [Termination of Medical Emergency Under the Voluntary Leave Transfer Program](#), and forwards to the Leave Sharing Program Coordinator at the end of the medical emergency.

4. **VLTP Records:**

- a. Districts/divisions with approved leave recipients and/or donors must maintain records documenting participation in the program. The timekeeper of a recipient or donor will maintain the memos from the Leave Sharing Program Coordinator concerning leave donations for the time and attendance records.
- b. The Employee Relations Branch will maintain records on the overall administration of the program including the number of applications approved for medical emergencies for employees and for an employee's family member, the grade/pay level of each leave recipient and donor, the gender of each leave recipient, and the total amount of donated annual leave used by each leave recipient.
- c. VLTP Records must be maintained and safeguarded in accordance with the Privacy Act.

5. **Use of Donated Leave:**

- a. Use of donated annual leave by approved recipients is subject to the conditions set forth below:
 - Donated annual leave may be used **only** in connection with the medical emergency for which it was approved.
 - Leave Without Pay (LWOP) may be used if approved by the recipient's supervisor for other reasons.
 - Donated annual leave may be substituted retroactively to repay periods of LWOP or advanced annual or sick leave granted on or after the date of the medical emergency. Repayments are possible only if the LWOP, or advanced annual or sick leave was used in connection with the approved medical emergency. Repayment is done in cases where the recipient has not used all the donated leave at the time the medical emergency terminates.
 - If a period of LWOP is repaid using donated leave remaining at the end of the medical emergency, the LWOP will be paid at the rate of basic pay in effect at the time the LWOP was used.

6. **Termination of the Medical Emergency:**

- a. An employee's eligibility for participation in the Voluntary Leave Transfer Program ceases under the following conditions:
 - The recipient's federal service is terminated.
 - At the end of the biweekly pay period in which written notice is received from the recipient or a personal representative that the recipient is no longer affected by a medical emergency.
 - At the end of the biweekly pay period in which the leave recipient's employing agency determines, after written notice to the recipient from the agency and an opportunity for the leave recipient or personal

representative to answer orally or in writing, that the leave recipient is no longer affected by a medical emergency.

- At the end of the biweekly pay period in which notice is received that the Office of Personnel Management has approved an application for disability retirement for the leave recipient.

E. Responsibilities:

1. USMS Leave Sharing Program Coordinator, Human Resources Division

- Ensures all application forms are correct and complete before providing them to the VLTP screening committee. Processes leave donation forms and all paperwork associated with the VLTP case.
- Notifies the recipient of the VLTP screening committee's decision within 10 work days after the receipt of the application. If the application has been disapproved, the letter will explain the reasons for disapproval.
- Establishes an appropriate follow-up system to ensure that an employee's medical emergency still exists. The supervisor and the Leave Sharing Program Coordinator will require the periodic submission of supporting documentation by the employee if his or her medical emergency continues longer than the original medical document indicates.
- Initiates action to inform leave recipients of termination in the program when their eligibility for program participation ceases.
- Provides guidance regarding the administration of the Voluntary Leave Transfer Program and applicable Federal and Department of Justice regulations.
- Maintains the records of the VLTP Program.

2. VLTP Screening Committee:

- Reviews requests for participation in the VLTP, ensuring that all criteria for program participation are met. Approves or disapproves requests and informs the Leave Sharing Program Coordinator of its determinations. Decisions of the VLTP screening committee will be based on a majority vote.
- In coordination with the recipient's supervisor, the VLTP screening committee may terminate a recipient's participation in the VLTP when it is determined from medical documentation that the affected employee will not be able to return to duty and disability retirement and/or Workers Compensation should be pursued.

3. Supervisors:

- May deny use of donated leave, provided that the denial is consistent with applicable law and regulations.
- Monitor and ensure the appropriate use of donated leave. Notify the Leave Sharing Program Coordinator of new circumstances or conditions that might impact employee eligibility for participation in the program. Coordinate with the VLTP screening committee to terminate a recipient's participation in the VLTP when it is determined from medical documentation that the affected employee

will not be able to return to duty and disability retirement and/or Workers Compensation should be pursued.

- c. Maintain accurate leave records.
4. **Donors:** Responsible for sending their USM-the [USM-563](#) donor forms directly to the Leave Sharing Program Coordinator. Before submitting the form, the leave donor must provide the form to his or her timekeeper. The timekeeper must keep a copy of the form for the donor's leave records, and lower the employee's annual leave balance by the number of hours donated. The timekeeper must sign the USM-563 to certify that the leave balance has been lowered. After the USM-563 is signed by the timekeeper, the donor is responsible for faxing or mailing it to the Leave Sharing Program Coordinator. However, if the form is faxed, do not mail the original. This causes duplication and the leave donation may be subtracted twice. A new donor form must be submitted each time a donor decides to donate additional leave.
5. **Leave Recipients:**
- a. Responsible for submitting complete application forms and medical documentation.
 - b. Keep the Leave Sharing Program Coordinator informed of changes in their medical situation, and submit updated medical documents if the medical emergency lasts longer than the original medical document indicates.
 - c. Complete USM-564, [Termination of Medical Emergency under the Voluntary Leave Transfer Program](#), and provide it to the Leave Sharing Program Coordinator when the medical emergency terminates.
6. **Timekeepers:** Timekeepers are responsible for lowering annual leave balances of donors, and for the day to day timekeeping for the leave recipients using the following time and attendance information.
- a. **Accruals of Annual and Sick Leave:** If a recipient uses donated leave for an entire pay period, he or she will accumulate annual and sick leave at the same rate as if in a paid leave status. Recipients can accumulate a maximum of 40 hours of annual leave and 40 hours of sick leave. A part-time employee or an employee with an uncommon tour of duty will accumulate leave up to the average number of hours of work in the recipient's weekly scheduled tour of duty. This accumulated leave will be credited for use by the employee after the medical emergency terminates.

In order to ensure that the 40-hour limits are not exceeded, the timekeeper must switch off the annual and sick leave accruals in the PC-TARE System and switch them back on after termination of the medical emergency. This is accomplished by entering a "0" in the leave accrual rates in the recipient's STAR Master Record. Separate manual records must be maintained by the timekeeper on accruals until the medical emergency is terminated, and then leave up to the limitations can be credited to the employee's regular annual and sick leave accounts. The limitation on sick leave accrual during transferred leave status applies even for cases where the recipient's medical emergency is a medical condition of his or her family member.
 - b. **Leave Adjustments:** The Leave Sharing Program Coordinator will send a memo to timekeepers to document leave adjustments when they receive donations. If an employee does not use all of the donated leave, and prorated leave must be

returned to donors, the Leave Sharing Program Coordinator will send a memo to explain how to return the leave. Upon receipt, timekeepers should follow the instructions in the memos for adjusting employee leave balances.

- c. **Timekeeper's Signature on USM-563:** When an employee donates leave under the VLTP, the donor will provide the timekeeper with the USM-563. The timekeeper will sign the USM-563 to show that he or she will lower the annual leave balance by the number of hours donated during the next time and attendance transmission. Make a copy of the form for the donor's leave records and return the original to the donor. The donor is responsible for sending the form to the Leave Sharing Program Coordinator.

F. Definitions:

1. **Medical Emergency:** A medical emergency could be a serious medical problem of the employee or a member of the employee's family (i.e., spouse and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship).
2. **Agency:** An executive agency as defined in [5 U.S.C. § 105](#); a military department, as defined in [5 U.S.C. § 102](#); or any other entity of the Federal Government that employs officers or employees to whom [5 U.S.C. §§ 6301-6391](#) applies.
3. **Employee:** An officer or individual who is appointed in the civil service in accordance with the provisions of [5 U.S.C. § 6301\(2\)](#), excluding an individual employed by the District of Columbia, and who is covered by [Chapter 63](#) of the leave regulations.
4. **Leave donor:** An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient has been approved by his or her own employing agency.
5. **Leave recipient:** A current employee for whom the USMS (or other employing agency) has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.
6. **Medical Emergency:** A medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part-time employee or an employee with an uncommon tour of duty, at least 30 percent of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A normal pregnancy without complications is covered by the program. However, only the period of incapacitation or recovery indicated in the doctor's letter may be covered by the VLTP. Additional time for bonding with the child is not covered.
7. **VLTP Screening Committee:** The committee responsible for reviewing and acting upon requests for approval of employees as leave recipients in cases of medical emergencies. It consists of three members, all of whom are USMS employees, to be appointed by the Employee Relations Branch Chief.

G. Restoration of Donated Annual Leave to Donors:

1. Any donated annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored to the leave donors by the Leave Sharing Program Coordinator.

2. **Minimum restorations:** The minimum amount of leave that can be restored to a leave donor is one (1) hour. Additional amounts will be in full hour increments.
3. **Formula for restorations:** The amount of unused donated annual leave to be restored to each leave donor who is still employed in a federal agency, and subject to Chapter 63 of the leave regulations, on the date of the leave restoration shall be determined as follows:
 - a. Divide the number of hours of unused donated annual leave by the total number of hours of annual leave donated to the leave recipient;
 - b. Multiply this ratio by the number of hours of annual leave donated by each leave donor eligible for restoration; and
 - c. Round the result to the nearest full hour.

If the total number of eligible leave donors exceeds the total number of hours of annual leave to be restored, no unused donated annual leave will be restored.

4. This calculation will be the responsibility of the Leave Sharing Program Coordinator, who will provide the information to the donors and timekeepers.
5. If the leave donor is no longer employed by a federal agency before the unused donated annual leave can be restored, the leave will not be restored to the donor.
6. If annual leave is to be restored, the leave donor may choose to have it restored in one of the following ways: crediting the restored annual leave to the donor's annual leave account in the current leave year or the following leave year; or donating the leave in whole or in part to another leave recipient.
7. If the leave donor chooses to donate only part of the restored leave to another leave recipient, the donor may choose to have the remaining leave restored to their annual leave account in the current or the following leave year.
8. Donated annual leave restored to a leave donor will be subject to the 240 hour maximum annual leave accumulation limitation at the end of the leave year in which the restored leave is recredited to their annual leave account.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 VOLUNTARY LEAVE BANK PROGRAM

- A. Purpose:** Sets forth procedures for employees to donate annual leave to other employees experiencing a medical emergency.
- B. Authority:** The authority for the Voluntary Leave Bank Program is set forth in [5 C.F.R. § 630](#), *Absence and Leave*, and [5 U.S.C. §§ 6301-6391](#).
- C. Policy:** It is the policy of the USMS to coordinate membership of its employees who wish to participate in the Leave Bank. The Voluntary Leave Bank Program is managed by the Department of Justice, but the contact point for all U.S. Marshals Service (USMS) employees is the USMS Leave Sharing Program Coordinator, Human Resources Division, Employee Relations Branch.
1. The Leave Bank provides income protection for employees who encounter a medical emergency for themselves or a family member which would cause them to be in a Leave Without Pay (LWOP) status. Membership in the Leave Bank does not automatically entitle an employee to leave from the Leave Bank. The Leave Bank Board makes their decisions based on the medical documentation provided. Employees may receive emergency leave through both the Leave Bank and the Voluntary Leave Transfer Program for the same medical emergency. Under the Leave Bank, members have a central bank of leave to draw upon in time of need. Donors can give annual leave either to the general fund or to specific recipients. The Leave Bank is administered by a three member Leave Bank Board at the Departmental level. The Leave Bank Board consists of two members designated by the Assistant Attorney General for Administration, and one member designated by a labor organization. All members of the Leave Bank Board have back-ups.
 2. **Leave Bank Members:**
 - a. To become a member of the Leave Bank, an employee must donate the minimum contribution of annual leave established each year by the Leave Bank during an open enrollment period. The Leave Bank Board will establish at least one open enrollment period each year. Usually the open enrollment period is at the end of the leave year, and will last at least 30 calendar days. Employees who wish to remain Leave Bank members must donate annual leave **each** year during the open enrollment period. It is not a one-time membership fee. Individual enrollment periods are established on an individual basis for employees who are unavailable during the open enrollment periods. Examples would be new employees who enter on duty, transfer in from other agencies, or current employees returning from extended leave following an open enrollment period.
 - b. The minimum contribution of annual leave required to become a Leave Bank member, and the maximum contribution within a leave year, depend on the contributing employee's years of service. The Leave Bank Board may raise or lower the minimum fee at its discretion to meet the needs of the Leave Bank

membership. All membership contributions will be deposited in the Leave Bank. They may not be designated to a recipient.

The maximums are shown in the table below for reference. The minimum contribution may be changed by the Leave Bank Board as needed. It is usually the amount earned in one or two pay periods.

Years of Service	Maximum Yearly Contribution (Without waiver)
0-3	52
3-15	80
15+	104

3. Leave Bank Recipients:

- a. Only a Leave Bank member experiencing a medical emergency may apply to become a Leave Bank recipient. An applicant must be a member of the Leave Bank at the time of the medical emergency in order to apply to become a Leave Bank recipient.
- b. If an employee is incapable of making application, a personal representative may make written application on his or her behalf. To the extent possible, information in each application will be treated confidentially by those involved in administering the program.
- c. The completed application may be submitted to the USMS Leave Sharing Program Coordinator at any time during a medical emergency, or before an absence that is expected to occur as a result of a medical emergency (e.g., surgery scheduled after a physical examination that will require an extended recuperative period). However, completed applications must be received no later than 45 working days following the termination of a medical emergency. The applicant must be a Leave Bank member, or must qualify for an individual enrollment period, at the time the application is submitted.
- d. These time limits may be waived in individual cases, provided the applicant or his or her representative requests a waiver in writing. The request must describe the situation which prevented the timely submission of the application and why it was beyond the applicant's control. The final decision on such requests rests solely with the Leave Bank Board.
- e. Applicants will receive written notification of the action taken on the application within 10 working days following receipt of the completed application.

4. Program Requirements:

- a. **Medical Emergency:** In order to request emergency leave from the Leave Bank, a Leave Bank member must have a medical emergency. A medical emergency is limited to a medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. The 24 hours of unpaid absence need not be consecutive.

A medical emergency could be a serious medical problem of the employee or a member of the employee's family (i.e., spouse, and parents thereof; children, including adopted children, and spouses thereof; parents; brothers and sisters, and spouses thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship).

b. Leave Balance Requirements for Recipients

For an approved leave recipient whose medical emergency is a medical condition of his or her own, the annual and sick leave balances must be zero (or negative) prior to the official transfer of emergency leave.

For an approved leave recipient whose medical emergency is a medical condition of a family member, the annual leave balance must be zero (or negative) prior to the official transfer of emergency leave. A full time employee is also required to use up to a total of 12 weeks of his or her sick leave. For a part time employee or an employee with an uncommon tour of duty, these amounts are prorated.

D. Procedures:

1. Application for Membership:

- a. The OPM-71, [Request for Leave or Approved Absence](#), is used as the application for membership for the Leave Bank. The membership fee for one year is set by the Leave Bank Board each year.
- b. Submit the [OPM-71](#) to the USMS Leave Sharing Program Coordinator during an open enrollment period.
- c. Employees may contribute extra hours beyond the basic membership fee to the Leave Bank. This type of contribution may be made at any time during the year. However, if contributions are outside an open or individual enrollment period, the contribution will not entitle the employee to membership in the Leave Bank.
- d. Employees may contribute regular annual leave or restored annual leave to join the Leave Bank, and either type of annual leave may be contributed to a specific recipient. Use the "Remarks" section of the [OPM-71](#) to request that the contribution be deducted from the restored leave account and/or to designate the donation to a specific recipient. If the employee to whom leave is designated no longer has a medical emergency, the unused leave is restored to the Bank, not to the donor.

2. Limitations on Contributions:

- a. Employees may contribute annual leave to any approved leave recipient, except his or her immediate supervisor.
- b. Annual leave may not be contributed before it is earned.
- c. The maximum amount of annual leave that can be contributed in one leave year is the lesser of the following:
 - The donor's accrued annual leave balance.

- One half of the annual leave the donor will accrue during the current leave year. (52 hours for employees earning 4 hours of annual leave a pay period, 80 hours for employees earning 6 hours, and 104 hours for employees earning 8 hours.)
- Or for “use or lose” leave, the number of hours remaining in the leave year (as of the date of the contribution) for which the leave contributor is scheduled to work and receive pay. For example, if an employee is projected to forfeit 80 hours and there are only 5 working days left in the leave year, the maximum number of hours he or she can contribute is 40. The other 40 hours will be forfeited. This constraint only becomes a problem when employees wait until very late in the leave year to make a contribution.

Employees may request a waiver of the limitation on contributing annual leave. Any such request must be documented in writing and submitted to the USMS Leave Sharing Program Coordinator.

3. **Application for Emergency Leave:** Submit a USM-562, [Voluntary Leave Transfer \(VLTP\) and Voluntary Leave Bank \(VLBP\) Recipient Application](#), to the USMS Leave Sharing Program Coordinator. The application must include the required medical documentation.
4. **Leave Bank Procedures:**
 - a. All Leave Bank contributions, whether contributed for individual membership or to a specific leave recipient, will be deposited into the Leave Bank. The Leave Bank Board will not return a contribution to a contributor once it has been received by the Leave Bank support staff.
 - b. Approved leave recipients may apply emergency leave to current and future absences that are a direct result of the medical emergency. The Bank will also consider repaying advanced leave or leave without pay used for the medical emergency.
 - c. The approval and use of emergency leave is subject to all of the conditions and requirements stipulated in the Department’s leave administration order, [DOJ 1630.1b](#).
5. **Maximum Amount of Leave a Recipient Can Receive From the Leave Bank:** Leave received by approved recipients under the Leave Bank is dependent upon the level of leave in the Bank. The Leave Bank Board will constantly monitor the quantity of leave in the Leave Bank in order to ensure that a sufficient quantity is available to meet the projected needs. If, as result of the Leave Bank Board’s monitoring of the Leave Bank, it is determined that there is an inadequate supply of leave in the Bank, the Leave Bank Board may schedule an emergency open enrollment period or increase the minimum contribution to the Leave Bank for the following year.
6. **Limitations on Leave Accruals While in a Shared Leave Status:** While a recipient is using emergency leave, he or she may not accrue more than 40 hours of annual leave and 40 hours of sick leave. The accrued leave is placed in separate accounts and is released when the medical emergency ends. If all the emergency leave is exhausted, the accrued annual and sick leave held in the separate accounts will be made available for the use of the recipient.

7. **Use of Emergency Leave from the Leave Bank**

- a. A leave recipient may use emergency leave only for the purpose of the approved medical emergency. Even though an employee may qualify as a leave recipient, the absence from work must still be approved by the supervisor. It is important to keep the supervisor informed about the status of the medical emergency. The supervisor is responsible for advising the USMS Leave Sharing Program Coordinator about any changes in the medical situation that may impact the use of emergency leave. When the medical emergency ends, the accrued annual and sick leave will be released from the separate accounts and transferred to the regular annual and sick leave accounts of the recipient, up to a maximum of 40 hours of sick and 40 hours of annual leave. Any remaining emergency leave will be returned to the Leave Bank.

If leave is needed for anything other than the approved medical emergency, leave from the Leave Bank cannot be used. Leave Without Pay may be used if approved by the recipient's supervisor.

- b. Additional rules pertaining to Emergency Leave from the Leave Bank:
- Annual leave contributed to the Leave Bank cannot be re-credited if an employee leaves the government and later returns;
 - Emergency leave cannot be included in a lump-sum annual leave payment;
 - Emergency leave cannot be given by one leave recipient to another leave recipient;
 - When the medical emergency ends, any unused emergency leave in the recipient's account is returned to the Leave Bank, not to the donor; and
 - Emergency leave cannot be used once the medical emergency has terminated.

E. Responsibilities:

1. **USMS Leave Sharing Program Coordinator, Human Resources Division, Employee Relations Branch:**

- a. Serves as the contact point between USMS and the Leave Bank.
- b. Accepts employee membership applications OPM-71, [Request for Leave or Approved Absence](#) during open enrollment periods and forwards them to the Leave Bank. Coordinates all memos and information passing between Leave Bank members and the Leave Bank.
- c. Reviews employees' applications for emergency leave, and forwards them to the Leave Bank after ensuring that the application is complete.
- d. Provides guidance and assistance to USMS employees concerning the Leave Bank.

6. **Employees:**

- a. Employees who wish to join the Leave Bank, or request leave in the event of a medical emergency, must submit the required forms to the USMS Leave Sharing Program Coordinator.
- b. Leave recipients must keep the USMS Leave Sharing Program Coordinator informed of changes in their medical situation, and provide updated medical documentation if the emergency exceeds the date on the original medical document. They must also inform the Leave Sharing Program Coordinator when the medical emergency has terminated.

7. **Supervisors:**

- a. Monitor and ensure the appropriate use of emergency leave and notify the USMS Leave Sharing Program Coordinator of new circumstances or conditions that might impact employee eligibility for participation in the program.

F. **Definitions:**

1. **Employee:** An active, on-board employee of the Department of Justice. Participating employees may be full time or part time. Intermittent employees do not qualify for participation as Leave Bank members or as leave recipients because they do not earn or accrue annual leave.
2. **Medical Emergency:** A medical condition of an employee or a family member that is likely to require an employee's absence from duty for at least 24 hours (or in the case of a part time employee or an employee with an uncommon tour of duty, at least 30% of the average number of hours of work in the employee's biweekly scheduled tour of duty) and to result in a substantial loss of income to the employee because of the unavailability of paid leave. A normal pregnancy without complications is covered by the program; however, Leave Bank leave may only be used for the period of incapacitation or recovery indicated in the doctor's letter. Additional time for bonding with the child is not covered.
3. **Emergency Leave:** Leave provided to an approved leave recipient from the Leave Bank to use for his or her medical emergency.
4. **Family Member:** A person related to the employee as follows: spouse, parents of the spouse, children and their spouses, parents, brothers and sisters and their spouses, and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
5. **Leave Bank:** A pooled fund of annual leave established by the Department of Justice under [5 C.F.R. § 630.1003](#)
6. **Open Enrollment Period:** A nationwide campaign (at least 30 calendar days) scheduled by the Leave Bank Board for the purpose of providing employees the opportunity to become Leave Bank members.
7. **Leave Bank Member:** A leave contributor who has contributed at least the minimum amount of annual leave established by the Leave Bank Board, **during an open enrollment period** (or individual enrollment period, as applicable), for the designated leave year.
8. **Leave Contributor:** An employee who contributes annual leave to the Leave Bank. Such contributions may be made at any time during the leave year within the established limitations, and do not entitle the employee to membership in the Leave Bank.

9. **Leave Recipient:** A member whose application to receive emergency leave from the Leave Bank has been approved. All members who are approved leave recipients will be considered to be members of the Leave Bank for the duration of the leave year in which their medical emergency terminates.
10. **Leave Sharing Program Coordinator:** An agency representative responsible for the day-to-day operations of the Leave Bank for their organization within the Department of Justice. Leave Sharing Program Coordinators provide information, advice, guidance, and assistance, and distribute forms to employees.
11. **OPM-71: [Request for Leave or Approved Absence](#).** This is the form used for annual leave contributions to the Leave Bank.
12. **Completed Application:** The application of an employee to become a leave recipient which includes all the necessary information.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 THRIFT SAVINGS PLAN

The [Thrift Savings Plan](#) (TSP) is a retirement savings plan and investment plan for civilians who are employed by the United States Government and for members of the uniformed services. The TSP offers Federal employees the same type of savings and tax benefits that many private corporations offer their employees under "401(k)" plans. Federal employees covered by the Federal Employees' Retirement System (FERS) and the Civil Service Retirement System (CSRS) can contribute to the TSP. The participation rules are different for FERS and CSRS employees. The website for the TSP can be found at, <http://www.tsp.gov/> and contains a detailed overview of the plan and its options.

RETIREMENT:

Please refer to the following website links for retirement information.

A. [Office of Personnel Management \(OPM\) web site](#)

[General Federal Retirement Services](#)

[Civil Service Retirement System \(CSRS\) Publications](#)

[Federal Employees Retirement System \(FERS\) Publications](#)

B. [Social Security Administration](#) website

C. [Ballpark Estimate Retirement Planning Worksheet](#) (to estimate how much you may need to save for retirement)



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 EMPLOYEE ASSISTANCE PROGRAM

- A. Proponent:** Human Resources Division. Telephone: 202-353-8338, Fax: 202-307-9461.
- B. Purpose:** This directive establishes policies and procedures for the Employee Assistance Program.
- C. Authority:** Executive Order [12564](#); DOJ Order 1792.1B; [42 U.S.C. § 290dd-1](#), 290ee-1; [5 CFR 792](#); [5 U.S.C. § 7901](#); [5 U.S.C. § 3301](#); [5 U.S.C. § 7904](#); [5 U.S.C. § 7361](#); [5 U.S.C. § 7362](#), [44 U.S.C. § 3101](#). References: PL 91-616, Title II, Section 201 (c)(2); PL 92-255 Title IV, Section 413 (2)(b) and FPM 732 Sub-Chapter 2-2-2(4).
- D. Policy:** It is the policy of the USMS to assist its employees in maintaining satisfactory job performance by providing appropriate Employee Assistance Program (EAP) services to employees and their family members. The USMS EAP provides professional, confidential assistance to help employees restore or maintain their performance at a satisfactory level. Services are available through the Employee Assistance Program at no cost to the employee for dealing with the impact of medical conditions and medical-behavioral problems, including alcohol abuse, drug abuse, generic mental health problems, marital and family distress, job stress and financial problems that could significantly impair job performance.
- 1. Job Performance:** Employees with job-performance and/or conduct problems are responsible for restoring their performance/conduct to an acceptable level whether or not they utilize the EAP.
 - 2. Job Security:** Employees who request assistance from the EAP will not have their job security and/or promotional opportunities jeopardized except as is limited by public laws relating to sensitive positions.
 - 3. Critical Incident Response:** The USMS will respond to critical incidents that could impact USMS employees and their families in order to assist employees in maintaining high job-performance levels. See USMS Directive 17.4, [Peer Support Program and Critical Incident Response Team](#).
- E. Procedures:** The USMS retains a nationwide Employee Assistance Program as its general EAP contractor. The services provided include professional consultation, diagnostic and referral counseling. Benefits and telephone numbers for the services may be obtained by calling the EAP. Employees may obtain professional assistance through the EAP by self-referral, management referral, medical referral or other support service referral.
- 1. Self-referral:** Employees or family members who desire assistance with a work-related and/or personal problem may call EAP staff or a contractor for a telephone consultation or individual appointment. All communication between employees or family members and the EAP staff is confidential. As a practical matter, an employee may want to advise the supervisor that he or she is accessing EAP services, especially if extensive or recurring sick leave or other leave is required to attend counseling sessions during duty hours or to enter a hospital for treatment. Upon notifying management, the employee may request an excused absence to attend six EAP counseling/assessment sessions per

fiscal year. Managers should record EAP visits as regular work hours on time and attendance sheets to protect confidentiality.

2. **Management Referral:** After becoming aware of a personal or family problem that is affecting an employee's conduct or work performance, a manager should make the necessary referral to the Employee Assistance Program, who will in turn refer the employee to professional, licensed counselors for diagnosis and treatment. The EAP policy should be used in conjunction with management's right to take disciplinary or adverse actions based upon an employee's job performance. However, when appropriate, management may take into consideration an employee's use of program services and hold off on final disciplinary action until the employee has had a reasonable amount of time to address issues of concern and resolve performance problem.
 - a. **Basis for Management Referral:** A manager may refer an employee to the EAP as a result of documented unsatisfactory or deteriorating work performance and/or behavior or conduct that indicates the presence of a personal problem.
 - b. **Procedure for Management Referral:** When a manager suspects a problem, he or she should follow these steps:
 - 1) Document all specific instances when an employee's work performance and/or conduct fails to meet performance or other appropriate standards.
 - 2) Contact the Employee Assistance Program to discuss referring the employee to the EAP.
 - 3) Conduct a corrective interview with the employee when unsatisfactory job performance warrants action. If misconduct is involved, it may be necessary to refer the matter to the Office of Internal Affairs. The manager should remind the employee about the EAP, provide the EAP phone number and recommend that the employee call the program within a certain time frame. The manager may also write a letter referring the employee to the EAP. The EAP Administrator will talk in confidence with the employee. If the employee agrees to enter the program, final disciplinary action may, at the discretion of management, be postponed until the employee has had a reasonable amount of time (generally several months) to become rehabilitated, either through hospitalization or other professional treatment. If the employee refuses to enter the EAP or denies there is a problem, the manager may proceed with disciplinary and/or other appropriate action.
 - 4) If there is no change in work performance, management may contact the EAP to discuss the situation and to explore other options.
 - 5) If an employee enters the EAP, the manager may grant him or her administrative leave, sick leave, annual leave, LWOP or a combination of these. Decisions to grant advanced sick leave or LWOP will be made in accordance with USMS policy.
 - 6) After making a referral, a manager should continue to document the problem if it persists.
 - 7) If an employee does not improve his or her job performance after entering the EAP, the manager, in consultation with superiors and the appropriate offices, must decide on appropriate corrective action.

- c. **Law Enforcement Duties:** If an employee is unable to perform law enforcement duties, he or she should be relieved of any weapons and credentials and, when appropriate, assigned administrative duties, district or division workload permitting. The U.S. Marshal or Assistant Director may take this step. The EAP Administrator is available for consultation on these matters.
- 3. **Medical Referral:** The basis for a medical referral to the EAP should be either the identification of physical symptoms or disorders that are commonly associated with emotional-behavioral problems, or a request from the employee for advice or assistance with a personal or emotional-behavioral problem he or she or a family member is experiencing.
 - a. Based on required USMS medical exams, medical personnel who have diagnosed an employee's physical symptoms and disorders associated with underlying emotional problems will discuss those findings with the employee. The employee will be advised of the EAP and, if appropriate, a referral will be made. The medical staff should advise the employee that the referral is part of a prescribed treatment plan and will be included in his or her medical records. The employee's decision to accept assistance through the EAP is voluntary.
 - b. The employee should be advised that the same high standards of confidentiality accorded other medical procedures apply to the EAP. A report will not be made to the employee's supervisor about a referral unless the employee provides written consent.
 - c. If an employee is unable to perform law enforcement duties, he or she should be relieved of any weapons and credentials and, when appropriate, assigned administrative duties, district or division workload permitting. The U.S. Marshal or Assistant Director should take this step after consulting with the Medical Program.
- 4. **Other Support Service Program Referral:** Personnel within Equal Employment Opportunity, Affirmative Action, Employee Relations and Alternative Dispute Resolution programs, through the course of their duties, occasionally become aware of emotional and/or behavioral problems of employees. The identification of a personal or emotional-behavioral problem by these personnel is a basis for referring the employee to EAP. The following steps are suggested for support service program referrals to the EAP:
 - a. Advise the employee (orally, in writing or both) of the existence of EAP services and provide the name and telephone number of the EAP Administrator and the contractor counseling services.
 - b. Advise the requesting manager that the EAP can provide consultation and guidance in managing employees with personal and emotional-behavioral problems.
 - c. All EAP referrals are considered self-referrals unless the supervisor reports a work-performance or attendance problem.
 - d. If an employee is unable to perform law enforcement duties, he or she should be relieved of any weapons and credentials and, when appropriate, assigned administrative duties, district or division workload permitting. The U.S. Marshal or Assistant Director should take this step after consulting with the EAP Administrator.

5. **Confidentiality:** A key provision of the EAP is the confidentiality afforded to employees who choose to enter the program or are referred to the program by management. If an employee "self-refers," no information will be released to anyone unless the individual indicates the possibility of any type of domestic abuse or other criminal conduct, or if failure to release information would be life threatening. EAP counselors are required to report cases of child abuse, elder abuse and spousal abuse where required by state law; however, only information that is necessary to ensure the safety of all involved parties may be released. With self-referrals, EAP staff responding to phone or other inquiries regarding an employee's former or current EAP status must state that they can neither confirm nor deny an employee's participation in the EAP without an EAP-executed release. In management referrals, the EAP Administrator will acknowledge whether or not the referred employee contacted the EAP; no additional information will be released without the employee's written permission. Information shared between the USMS EAP staff and the USMS EAP contractor staff is not considered a disclosure and does not require a release. The EAP staff will encourage the employee to release information that may assist in the resolution of the problem, such as the employee's participation in the program, program reports from a licensed therapist, and necessary information to permit the supervisor to grant leave for counseling or treatment.
 - a. The EAP records of employees referred for assistance will be preserved with the same confidentiality as all other medical records. Information concerning a participant's status with the EAP may not be divulged without the express written consent of the employee or as otherwise permitted by law. Records or notes of those voluntarily seeking assistance are privileged and will not be referred to or made a part of an employee's official personnel folder. While employee's substance abuse records may be part of the EAP's filing system, such records must be handled in accordance with 42 CFR 2 and the requirements of 42 USC 290ee-3. EAP counseling records of employees with alcoholism will be preserved in accordance with the requirements of [42 U.S.C. § 290dd-2](#).
 - b. **Management officials who release information concerning an employee in the EAP to a third party without the employee's permission are subject to possible criminal penalties or fines and discipline.**
 - c. An employee may have a representative present at meetings with management officials related to the EAP.
6. **Disciplinary Procedures:** The EAP supplements, but does not replace, existing procedures for dealing with problem employees.
 - a. An employee's understanding that he or she may be subject to discipline for unsatisfactory job performance unless the problem is identified and corrected provides motivation to utilize the program and improve performance. The USMS may apply disciplinary procedures appropriate to the conduct while referring the employee to the EAP.
 - b. Referral assistance will not affect the processing of a disciplinary action, including removal, for the employee's misconduct or criminal activities if the nature of the offense and the nature of the employee's duties warrant that action.
7. **Health Insurance:** The Federal Employee Health Benefits Program may provide financial assistance to employees who are enrolled in one of its plans and seeking treatment for health problems. Employees are encouraged to check with individual carriers to ensure adequate coverage for themselves and their families.

8. **Disability Retirement:** An employee who participates in the EAP may still receive disability retirement benefits if his or her condition warrants it. Information regarding eligibility requirements and filing procedures may be obtained from the Retirement and Benefits Branch, HRD.
9. **Critical Incident Stress Situations:** This refers to any event an employee experiences on or off the job that is outside the realm of normal human experience and that could produce significant emotional, behavioral, or physical reactions. Special support and educational services have been established under the EAP to deal with potential reactions to critical incident stress situations. See USMS Directive 17.4, [Peer Support Program and Critical Incident Response Team](#).

F. Responsibilities:

1. **EAP Program Administrator:**
 - a. Develops and maintains a list of local community resources for the referral of employees seeking assistance.
 - b. Refers employees to appropriate treatment.
 - c. Ensures that all necessary training for supervisors and counselors is provided.
 - d. Monitors and evaluates the EAP.
 - e. Maintains necessary records and filing reports.
 - f. Adheres to confidentiality requirements.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 DEATH AND DISABILITY

A. Proponent: Human Resources Division. Telephone: 202-307-5250.

B. General: The "Death and Disability in the Service" handbook is designed as a guide to management when confronted with critical incidents. The Service will respond to critical incidents which could impact our employees and their family members. For this reason, special support and education services have been established under the Employee Assistance Program (EAP) to deal with these potential reactions.

1. A "Critical Incident" is any event we experience on or off the job that is outside the realm of normal human experience and that could be expected to produce significant emotional and/or physical reactions. These stressful events may generate intense stress reactions which briefly interfere with a person's coping mechanisms. Additional considerations need to be made for the emotional well-being of personnel and their families involved in these critical incidents.
2. The Marshals Service has organized a handbook for management's use to respond to critical incident problems. The handbook contains the Critical Incident Response policy, preplanning checklists and specific information to assist management in addressing these urgent events when the Employee Assistance Branch may be unavailable (i.e., holiday, off duty hours, etc.).



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.4 PROTOCOLS REGARDING OFFICERS/AGENTS KILLED IN THE LINE OF DUTY

A. Purpose: This policy directive outlines U.S. Marshals Service (USMS) policy and procedures for line-of-duty deaths of federal, state or local law enforcement officers and agents.

B. Policy: Attendance at a funeral for a deceased federal, state or local law enforcement officer is not normally considered official business. Accordingly, the USMS may not pay an employee's travel expenses to attend the funeral, nor may a USMS employee use a Government-owned vehicle (GOV) to attend the funeral. If a USMS employee chooses to attend the funeral, he or she must use annual leave. Additionally, appropriated funds may not be used to purchase expressions of sympathy.

C. Death of a Federal Law Enforcement Officer:

1. When a federal law enforcement officer or agent dies in the line of duty, the U.S. Marshal in the district where the death occurred shall notify the Director's office as soon as practical. When the Director of the USMS (or the Deputy Director, in the Director's absence) specifically determines that there are circumstances relating to significant USMS activities that justify the designation of an employee as an **official agency representative** to attend a funeral, that employee may be reimbursed travel expenses from USMS funds, may use the GOV to attend the funeral, and is not required to use annual leave to attend the funeral.
2. The USMS will ensure that the Service is represented by a senior official(s) at any public memorial or funeral service held in honor of the deceased, and that written condolences are conveyed to the agency which has lost the officer. At the direction of the Director, the Service shall also provide an appropriate expression of sympathy.

D. Death of State or Local Law Enforcement Officer: In the case of a state or local law enforcement line-of-duty death, the U.S. Marshal for the district where the death occurs shall notify the Director's office as soon as practical of the death. The Marshal will determine whether the Director or Deputy Director wishes to direct the USMS response. If not, the Marshal or Chief Deputy in the Marshal's absence, may take such responsive action as the Director or Deputy Director could take under this directive (e.g., designate USMS personnel to attend, send an appropriate expression of sympathy, etc.)

E. Responsibilities:

1. **Office of the Deputy Director:**
 - a. Determines if an expression of sympathy (e.g., floral arrangement) is appropriate and, if so, arranges for it to be delivered to site of the memorial or funeral service.
 - b. Arranges for condolence correspondence.

- c. Determines if the Director's schedule will permit attendance at the memorial or funeral service.
- d. Decides how many headquarters employees should represent the USMS at the memorial or funeral service.
- e. Designates a U.S. Marshal or Assistant Director to represent the agency at the memorial or funeral service if the Director, Deputy Director or Associate Director cannot attend.
- f. Determines whether the USMS will be represented in the funeral or service by a marked vehicle and approves district requests to use USMS marked vehicles.

2. **Executive Services/Office of Public Affairs:**

- a. After obtaining the necessary information from the agency that lost the officer or agent, drafts a condolence letter from the Director to the head of the agency and one to the family if appropriate, then arranges for mailing or personal delivery.
- b. If appropriate, drafts message to district offices and headquarters divisions regarding the USMS response to the death, including agency representation at ceremonies. The memo should include instructions for wearing memorial black ribbons, memorial badges, etc.
- c. Provide support when requested by the Director and Deputy Director.



HUMAN RESOURCES

3.5 FITNESS FOR DUTY MEDICAL EXAMINATION PROGRAM

- A. Purpose:** This directive sets forth the procedures and standards for medical examinations for U.S. Marshals Service (USMS) operational employees and applicants. Medical examinations ensure that employees are able to meet the medical standards of the USMS and are medically able to carry out the job requirements in a manner that is safe for themselves and their coworkers.
- B. Authority:** [5 C.F.R. § 339](#) defines the circumstances under which periodic medical examinations may be required and examinations and evaluations may be conducted to determine the nature of a medical condition which may affect safe and efficient performance.
- C. Policy:** It is the policy of the USMS to ensure a law enforcement work force that is medically able to safely perform the required job functions.
1. Operational employees are required to meet medical standards and physical requirements and are classified as either qualified or unqualified based on review of periodic medical examination (PME) results.
 - a. **Operational employees will adhere to the following schedule for medical examinations:**
 - 1) Ages 45 and over: exam every year, within 30 days of month of birth and not more than 13 months from prior exam;
 - 2) Ages 35 through 44: exam every other year, within 30 days of month of birth and not more than 25 months from prior exam;
 - 3) Ages 34 and under: exam every 3 years, within 30 days of month of birth and not more than 37 months from prior exam.
 - b. Employee PMEs must be conducted at a USMS contract medical facility
 - c. Employees are on official time traveling to and from the examination facility and during the time it takes to complete the examination.
 - d. The Office of Employee Medical Programs may initiate an unscheduled medical examination for law enforcement employees who are unable to perform the full range of duties of the position due to a medical or physical condition.
 2. All applicants for law enforcement positions must have pre-employment physical examinations. The USMS provides and pays for applicant medical examinations at the district contract medical facility. The components of the medical examination and the criteria for medical clearance are the same as for USMS operational employees.

D. Procedures:

1. The district/division will appoint an employee (usually Administrative Officer or assistant or Safety and Health Officer) as a medical point of contact who will communicate with the contract medical facility as necessary and ensure law enforcement employees adhere to the PME schedule. The U.S. Marshal/Division Chief must be notified in cases of non-compliance.
2. All exams will be performed by the contractor, U.S. Public Health Service/Federal Occupational Health (USPHS/FOH), or other approved USMS contract facilities. Where FOH facilities are not available to a district office or suboffice, private providers will be contracted by the USPHS/FOH.
3. Cost of PMEs at USMS contract medical facilities will be billed by USPHS to USMS Employee Medical Programs Office, Employee Health Programs Branch, Human Resources Division.
4. Employees and applicants will take the following documents with them to the medical facility.

These forms are available on the USMS Intranet:

- a. Form USM-522, [Certificate of Medical Examination for USMS Employees](#);
 - b. Form USM-522C, [USMS Report to Tuberculosis Test Results](#) (for all applicants and those employees whose TB testing is due at the same time as their medical exam); and
 - c. Form USM-522D, *Memorandum to the Examining Physician*.
5. **Employees and applicants must:**
- a. Arrive at the medical facility on time with Parts I, III, and IV, of the [USM-522](#) completed. If appointments cannot be kept, the employee/applicant must call the facility and cancel the appointment. USMS is billed for missed uncancelled appointments.
 - b. Bring vision correction lenses,
 - c. Avoid loud noises for at least 12 hours before the hearing screening,
 - d. Fast (water only) for 12 hours prior to appointment.

The contract medical facility will complete the exam reports and return them to Federal Occupational Health, Law Enforcement Medical Programs, Atlanta Federal Center, 100 Alabama St., Suite 3R10, Atlanta GA, 30303.

6. The USMS Reviewing Medical Officer (RMO), a physician with USPHS/FOH Law Enforcement Medical Programs, will evaluate the results of the exam, review the findings of the examining physician and determine medical status. The Office of Employee Medical Programs will notify each employee and the appropriate Marshal or Assistant Director of duty status (qualified or unqualified) and of any temporary restrictions to full duty.
7. Individuals with temporary or minor physical problems remain in the qualified group while under the care of a private physician for the anticipated duration of necessary treatment

and correction (not to exceed 6 months) and until a determination of medically unqualified is made.

- a. The employee must immediately seek necessary treatment from his/her personal physician.
 - b. The U.S. Marshal/Division Chief will grant the necessary sick or annual leave. Leave without pay may be authorized if the employee does not have sufficient accrued leave to cover the period of treatment. The Employee Relations Team, Human Resources Division is able to offer assistance in this area.
 - c. The employee must submit a *Physical Requirements of USMS Operational Employees*, form [USM-522A](#), (2 pages) available on the USMS intranet completed by the treating physician which includes diagnosis, treatment, job restrictions and prognosis for recovery to the Office of Employee Medical Programs. Job restrictions must be provided to the appropriate U.S. Marshal/Division Chief. Cost incurred in procuring this medical information is the responsibility of the employee.
 - d. When work restrictions are recommended by a treating specialist or the USMS RMO, the employee will be placed on **temporary** limited duty if such work is available in the district/division. This can be done through consultation with or on the advice of the Employee Medical Programs Manager. See *Limited Duty for Operational Employees* directive
 - e. If the employee is still disabled after 6 months, the U.S. Marshal/Division Chief will submit a complete report and recommendation regarding the situation to the Employee Medical Programs Manager.
8. An Independent Medical Evaluation (IME) and/or Functional Capacity Evaluation (FCE) may be ordered by the Employee Medical Programs Manager on the recommendation of the USMS RMO. This would be done in an effort to resolve issues of fitness for duty and is paid by Employee Medical Programs.
 9. Employees who are found medically unqualified for duty will be retired or separated from their positions.

E. Responsibilities:

1. **Office of Employee Medical Programs:** Provides medical surveillance program for USMS law enforcement employees, maintains official Employee Medical Records, determines employees' duty status and notifies management of duty status.
2. **District/Division Medical Point of Contact:** Serves as liaison between USPHS/FOH medical facility or USPHS/FOH contract private provider and district/division offices, facilitates exams for employees and applicants, assures that necessary forms are available to employees, and monitors exam compliance within district/division.
3. **Operational Employee/Applicant:** Completes appropriate sections of forms and reports for exam as instructed, cancels and reschedules appointments which can't be met, maintains good physical and mental health in order to meet medical standards to remain qualified for duty, notifies proper supervisory personnel when medical issues arise which may interfere with safe work practices, and provides additional medical information as requested.

4. **U.S. Marshal (USM), Chief Deputy U.S. Marshal (CDUSM), or Assistant Director:** Monitors duty status of law enforcement workforce and ensures that employees who are not fully medically cleared provide medical documentation as required.
5. **Reviewing Medical Officer (RMO):** A licenced physician with a speciality in occupational medicine who is contracted by the agency to provide medical assessments following review of operational employee's required periodic medical examination, provide recommendations to the agency on job-related restrictions based on medical findings, and consultation with the agency on occupational medicine issues.

F. Definitions:

1. **Medically Qualified for Duty:** Employees found to have no permanent medical condition that interferes with their ability to perform the full range of law enforcement duties. Employees with physical problems of a temporary nature which may require temporary limited duty assignments are categorized as qualified while under the care of a physician for the duration of treatment and correction (usually not to exceed 6 months) while determination is made.
2. **Medically Unqualified for Duty:** Employees who have a medical condition or physical disability that prevents them from performing the full range of law enforcement duties and whose prognoses are expected to be permanent or to take longer than 6 months for recovery.
3. **Limited Duty:** A temporary work assignment requiring less than the full range of duties for the employee's position during a period of treatment, rehabilitation, or evaluation for illness, injury or other condition. Limited duty assignments assist in the accomplishments of the agency's missions. See *Limited Duty for Operational Employees* directive.
4. **Operational Employee:** A USMS employee whose job classification requires agency medical standards to be met (series 1811, 082 and 1802).

G. Authorization and Date of Approval:

By Order of:

Effective Date:

 / S /
 John F. Clark
 Director
 U.S. Marshals Service

 9/21/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 EXPOSURE CONTROL PLAN FOR OCCUPATIONAL EXPOSURE TO PATHOGENS Bloodborne and Airborne (Tuberculosis) Pathogens

- A. Proponent:** Health Services, Human Resources Division. Telephone: 202-307-9493, Fax: 202-307-9676.
- B. Purpose:** This directive establishes procedures for U.S. Marshals Service employees to follow in case of an occupational exposure incident concerning bloodborne or airborne pathogens.
- C. Authority:** *Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard*, [1910.1030](#), and *Occupational Exposure to Tuberculosis*, 1910.1035.
- D. Policy:**
1. The U.S. Marshals Service is committed to providing a safe working environment and has developed an [Exposure Control Plan for Occupational Exposure to Airborne Pathogens \(Tuberculosis\)](#), USMS Publication 53A, and [Exposure Control Plan for Occupational Exposure to Bloodborne Pathogens](#), USMS Publication 53B that all employees with a risk of occupational exposure must follow.
 2. U.S. Marshals Service employees will be advised of the hazards associated with exposure to bloodborne pathogens and/or airborne/TB pathogens and the procedures that should be followed to obtain medical assistance in case of exposure.
- E. Procedures:** In the event of an exposure to bloodborne or airborne pathogens, employees and their supervisors should follow the USMS *Exposure Control Plan for Occupational Exposure to Pathogens* protocols:
1. **BLOODBORNE** *Pathogen Exposure Incidents* and
 2. **AIRBORNE/TB** *Pathogen Exposure Incidents*.
- All bloodborne and airborne pathogen exposure incidents should be reported as soon as possible to the District/Division Safety and Health Officer, U.S. Marshal, Chief Deputy U.S. Marshal, and supervisor or senior official on duty.
- F. Responsibilities:**
1. **USMS Training Academy is responsible for:**
 - a. Developing a training program that covers all aspects of the *Occupational Safety and Health Administration (OSHA) Bloodborne Pathogen Standard*, the *Standard for Occupational Exposure to Tuberculosis*, and the U.S. Marshals Service [Exposure Control Plan for Occupational Exposure to Pathogens](#).
 - b. Ensuring that all new employees with a risk of occupational exposure are provided with the necessary training as described above.

2. **Employee Medical Programs Manager, Employee Health Programs Branch, Human Resources Division:** Is responsible for:
 - a. Maintaining official Employee Medical Records;
 - b. Maintaining and updating the Exposure Control Plans in coordination with USMS Occupational Safety and Health Program Manager;
 - c. Overseeing TB testing for employees with occupational risk;
 - d. Overseeing immunization program for employees with occupational risk; and
 - e. Providing medical surveillance for USMS employees.
3. **USMS Occupational Safety and Health Branch, Office of Courthouse Management (OCM), Management Support Division:** Is responsible for overseeing all District Safety and Health Officers and ensuring compliance with OSHA, National Institute of Occupational Safety and Health (NIOSH), and Center for Disease Control (CDC) standards.
4. **District/Division Safety and Health Officer:** Is responsible for the following for all employees and sites within his or her district/division:
 - a. Maintaining training records;
 - b. Ensuring that employees receive initial training and annual refresher courses;
 - c. Keeping OSHA log and making Exposure Control Plan available to employees;
 - d. Advising employees of protocol in case of exposure;
 - e. Assuring that appropriate personal protective equipment is available and that employees are properly trained in its use; and
 - f. Reporting exposures to the USMS Occupational Safety and Health Program Manager, Central Courthouse Management Group (CCMG), Judicial Services Division (JSD).
 - g. Establishing a MOU or MOA with GSA building manager or landlord for biohazard disposal.
5. **On-site Supervisor:** Ensures that all practices and equipment at his/her site are in compliance with OSHA guidelines including:
 - a. Ensuring that controls are in place to prevent exposure;
 - b. Ensuring that proper protective gear is available and properly used;
 - c. Maintaining and providing employees with documents needed in the case of an exposure; and
 - d. Completing supervisor statements in Exposure Control Packet in case of exposure.
6. **Employees (Including Contract Employees):** Are responsible for using safe work practices to avoid exposure incidents as outlined in the Exposure Control Plan,

completing training programs provided, and immediately informing supervisor of suspected exposure.

7. **U.S. Public Health Service Division of Federal Occupational Health (PHS/FOH):** Is responsible for providing immunizations, maintaining records immunizations and TB testing, and keeping records of bloodborne pathogens exposure incidents.

G. Definitions:

1. **Airborne Pathogens:** Pathogenic microorganisms that are transmitted through the air including, but not limited to, mycobacterium tuberculosis (m. tuberculosis) which causes tuberculosis.
2. **Occupational Risk of Exposure to Airborne Pathogens:** Reasonably anticipated contact to an individual(s) with suspected or confirmed infectious tuberculosis (or other disease that can be transmitted through the air) or air suspected of containing tuberculosis bacteria (or other airborne pathogens) that results from the performance of an employee's duties.
3. **Airborne Pathogen Exposure Incident:** An employee has been exposed to a individual with confirmed infectious TB or to air containing tuberculosis bacteria or other airborne disease microorganisms.
4. **Bloodborne Pathogens:** Pathogenic microorganisms present in human blood and other body fluids that can cause disease in humans. These bloodborne pathogens include, but are not limited to hepatitis B virus, hepatitis C virus (which cause damage to the liver), and human immunodeficiency virus (HIV) (which causes damage to the immune system and Autoimmune Deficiency Syndrome [AIDS]).
5. **Occupational Risk of Exposure to Bloodborne Pathogens:** Reasonably anticipated eye, mouth, mucous membrane, non-intact skin, or skin-piercing (needlestick, bite, etc.) contact with blood or other potentially infectious material (body fluids, tissue, organs, etc.) that results from the performance of an employee's duties.
6. **Bloodborne Pathogen Exposure Incident:** Specific contact with blood (or other potentially infectious materials) that results from the performance of an employee's duties.
7. **Personal Protective Equipment:** Items an individual may use to prevent exposure to potentially infectious material; equipment includes gloves, eye protection or face shields, surgical masks covering the nose and mouth, and other protective clothing.

H. Protocol for Bloodborne Pathogen Exposure Incidents:

1. **Employee:** Employee will do the following in the case of a possible exposure to bloodborne pathogens:
 - a. Wash hands and any other exposed skin with soap and water, or flush mucous membranes with water immediately or as soon as possible.*
 - b. Small open wounds or puncture sites should be vigorously cleansed with warm water and soap. Dress wound with a dry, sterile dressing.
 - c. In the event of any cut or puncture resulting from contact with a potentially contaminated sharp, that sharp should be isolated in a safe manner for testing.

- d. Any garment or personal protective equipment that is penetrated by blood or other potentially infectious materials should be removed as soon as possible and placed in a red biohazard bag in a designated area for testing, decontamination, or disposal.
- e. Report the exposure immediately to supervisor or senior official on duty.
- f. Complete the **Employee's Statement** in the [Bloodborne Pathogen Exposure Incident Record](#) as instructed.
- g. Take a copy of the [Bloodborne Pathogen Exposure Incident Record](#) and the **Health Care Provider Packet** to an urgent care center or hospital emergency room for immediate treatment (**preventative treatment for HIV must begin a few hours after exposure**).
- h. If the exposure involved an injury (puncture, cut, etc.), complete an Office of Workers Compensation Programs (OWCP) Form CA-16, *Authorization for Treatment*, to take to the doctor and a OWCP Form [CA-1](#), *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, to file a report of the injury and exposure with the OWCP.
- i. If the exposure involved no injury that caused a break in the skin, complete a OWCP Form [CA-2](#), *Notice of Occupational Disease and Claim for Compensation*, to file a report of the exposure. Medical follow-up and evaluation in this case is pursued through private medical insurance and reimbursed by OWCP when claim is accepted (if employee is infected by bloodborne pathogens).

***Antibacterial hand cleaner is not a substitute for proper washing, but may be used as an immediate measure if water is not available.**

- 2. **Supervisor:** Supervisor will do the following when an employee reports an exposure to bloodborne pathogens:
 - a. Ensure that employee has flushed exposed mucous membranes with warm water and washed hands, exposed skin, and wounds properly.
 - b. Ensure that there is no danger of further exposure (i.e., all blood or potentially infectious materials, sharps, work areas, clothing etc. have been isolated for testing cleaned, and/or disposed of following protocol in [Bloodborne Pathogen Exposure Incident Record](#)).
 - c. Ensure that employee gets immediate (as soon as possible) medical attention. If indicated, preventative treatment for HIV must begin within 1 to 2 hours of exposure.
 - d. Report the exposure immediately to the USMS Occupational Safety and Health Program Manager, District/Division Safety and Health Officer, U.S. Marshal, and Chief Deputy U.S. Marshal.
 - e. Complete **Supervisor's Statement** in the [Bloodborne Pathogen Exposure Incident Record](#) to be given to doctor and keep a copy for records.
 - f. Complete **Investigation of Source** in the [Bloodborne Pathogen Exposure Incident Record](#) to be given to doctor and keep a copy for records.

- g. Give employee [Bloodborne Pathogen Exposure Incident Record](#) so **Employee Statement** can be completed. Prepare one copy to be given to the doctor and keep one for records.
- h. If the exposure involved an injury to employee (puncture, cut, etc.), provide employee with an Office of Workers Compensation Programs (OWCP) Form CA-16, *Authorization for Treatment*, to take to the doctor and an OWCP Form [CA-1](#), *Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation*, to file a report of the injury and exposure with the OWCP.
- i. If the exposure involved no injury that caused a break in the skin, provide employee with an OWCP Form [CA-2](#), *Notice of Occupational Disease and Claim for Compensation*, to file a report of the exposure. Medical follow-up and evaluation in this case is pursued through private medical insurance and reimbursed by OWCP when claim is accepted (if employee is infected by bloodborne pathogens).
- j. Fill in your name and address on the bottom of the Health Care Provider Report of Postexposure Evaluation.
- k. Give the employee the **Health Care Provider Packet** from the [Bloodborne Pathogen Exposure Incident Record](#) that contains 1) Health Care Provider Information, 2) Treatment Protocol Tables and Postexposure Prophylaxis HIV Protocol, 3) Consent/Declination Form: Hepatitis B Vaccination, 4) Information and Consent/Declination Form: HIV Testing, 5) Health Care Provider Report of Postexposure Evaluation, 6) OSHA Bloodborne Standard [29 C.F.R. § 1910.1030](#).
- l. Two weeks after incident ensure that you have received the Health Care Provider Report of Postexposure Evaluation from the doctor. Keep one copy and send another copy to USMS Employee Medical Programs, Human Resources Division. Ensure that a copy of the report was sent to the Federal Occupational Health central office as indicated on the form.

I. Protocol for Airborne Pathogen Exposure Incidents Test Protocol Following Known Exposure to Tuberculosis (TB):

- 1. Mantoux test using Purified Protein Derivative (PPD) is given unless routine testing has been done in the last 3 months and the employee's previous skin tests have been negative.*
- 2. Test needs to be read after 48-72 hours by a health care professional.
 - a. If test is determined positive by the medical officer, a chest x-ray is performed and patient is evaluated for preventative medication therapy. Form [USM-522C](#), USMS Report of Tuberculosis (TB) Test Results, should be completed by the physician and sent to Employee Medical Programs, Human Resources Division and to the District/Division Safety and Health Officer. An OWCP Form CA-16, *Authorization for Treatment*, should be taken to the medical facility where a positive PPD is evaluated for payment of charges for x-rays and any necessary preventative medications.
 - b. If test is determined negative by the medical officer, Form [USM-522C](#) should be provided to the District/Division Safety and Health Officer to hold until the 12-week follow-up testing.

3. Employees whose test reads negative after exposure must return for repeat testing 12 weeks after exposure.
 - a. If 12-week test is positive, follow steps listed for 2a (above).
 - b. If 12-week test is still negative, health care provider must fill out a new [USM-522C](#), *USMS Report of Tuberculosis (TB) test results*, and send it to the District/Division Safety and Health Officer who will forward both forms to the Employee Medical Programs Manager, Employee Health Programs Branch, HRD.

* Employees who have already tested positive for TB and suspect new exposure should discuss a course of action and signs and symptoms to monitor with a their health care professional.

J. Protocol for Employee and Supervisor Following Airborne Pathogen Exposure:

1. **Employee:** Employee will do the following in case of exposure to airborne pathogens (tuberculosis):
 - a. Attempt to control the exposure (if in the presence of a person who is showing symptoms of active tuberculosis) by immediately putting on approved respirator, providing the individual suspected of having tuberculosis with a surgical mask and isolating him/her (preferably in a negative pressure room), and alerting other employees in the immediate vicinity to put on approved respirator.
 - b. Report the exposure immediately to supervisor or senior official on duty. Complete the **Employee's Statement** in the [Airborne Exposure Incident Record](#) as instructed.
 - c. Take a copy of [Airborne Exposure Incident Record](#), the **Health Care Provider Instruction**, and any relevant medical records to the contract medical facility (USMS will pay for testing) or your personal physician for TB testing (follow testing protocol on the previous page) as soon as possible.* For evaluation of positive PPD, take an OWCP Form CA-16 to cover charges for chest x-ray and any preventative medication.
 - d. Complete OWCP Form [CA-2](#), *Notice of Occupational Disease and Claim for Compensation*, and give it to OWCP liaison in district/division.

* Employees who have already tested positive for TB and suspect new exposure should discuss a course of action and signs and symptoms to monitor with a their health care professional.

2. **Supervisor:** Supervisor will do the following when an employee reports an airborne exposure incident:
 - a. Ensure that efforts have been made to prevent further exposure (i.e., infected person(s) has been provided with a surgical mask, isolated in a negative pressure room if possible, and employees in the immediate vicinity are wearing approved respirators).
 - b. Report the exposure to the USMS Occupational Safety and Health Program Manager CCMG, JSD; District/Division Safety and Health Officer; U.S. Marshal; and Chief Deputy U.S. Marshal.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 TUBERCULOSIS SCREENING FOR USMS EMPLOYEES

- A. Purpose:** This policy establishes guidelines for tuberculosis (TB) screening for United States Marshals Service (USMS) employees.
- B. Authority:** [Occupational Safety and Health Administration](#) (OSHA), [Respiratory Protection Standard, 29 C.F.R. § 1910.134](#), and following recommendations of the [Centers for Disease Control and Prevention](#) (CDC), American Thoracic Society and, the Infections Disease Society of America.
- C. Policy:** All employees who handle prisoners or who work in the cellblock area are to have a Mantoux TB skin test using Purified Protein Derivative (PPD) with repeat screening on at least an annual basis following recommendations of the [Centers for Disease Control and Prevention](#) (CDC), American Thoracic Society and, the Infections Disease Society of America. (see [Exposure Control Plan for Occupational Exposure Airborne Pathogens](#) directive for testing protocol).
- D. Procedures:**
- Baseline Testing:** Baseline test results will be obtained on all new employees who will be handling prisoners or working in the cellblock and recorded on a [USM-522C](#), *USMS Report of Tuberculosis Test Results*. Those who have tested positive in the past will not receive another screening but will complete the appropriate section of the [USM-522C](#) and provide recent chest x-ray reports as requested.
 - Repeat Screening:** Employees with negative or non-reactive test results will have repeat TB skin tests done at least every year. Employees who work primarily in the cellblock area, or who are at increased risk of dealing with sick prisoners, will have repeat testing every 6 months. All test results will be recorded on a [USM-522C](#).
 - Test Results:** All [USM-522Cs](#) will be submitted to the Employee Medical Programs Manager within 2 weeks of the testing. A [USM-537](#), *USMS TB Screening Worksheet*, should be completed by the assigned Safety and Health Officer for each district/division as a means for overseeing testing status of employees.
 - Positive (Reactive) Tests:** Employees with a positive test result have been infected with the TB bacteria and **must be evaluated by their physician**. Evaluation of infections from occupation exposure will be covered by Office of Workers' Compensations Program (OWCP). This evaluation will include a chest x-ray to rule out communicable TB disease. If there is no active TB present, the person is not contagious and will be evaluated for a course of antibiotics as a preventative measure. No further skin tests are necessary. Instead, it is recommended that these employees have yearly evaluations from their personal health care provider. In cases of occupational exposure, refer to the USMS [Exposure Control Plan for Occupational Exposure to Pathogens, Exposure to Bloodborne and Airborne Pathogens](#) directive.
 - Location of Testing:** A national agreement is in effect with the United States Public Health Service/Federal Occupational Health (USPHS/FOH) to provide TB testing at FOH

facilities or at private providers set up by USPHS/FOH. Additionally, local county/state health departments can provide TB testing. In cases where there is no contract facility or where county/state health departments are used, reimbursement requests should be sent to the Employee Medical Programs by September 1 annually.

E. Responsibilities:

1. **District/Division Safety and Health Officer:** Contacts contract medical facilities for screening, oversees scheduling of screening tests, sends screening results to Employee Medical Programs Manager, and completes form [USM-537](#) for district records.
2. **Employee Medical Programs Manager:** Oversees TB testing for all employees who have an occupational risk of exposure, maintains official Employee Medical Records, maintains statistics of employee TB test results, and provides medical surveillance program for USMS employees.
3. **Occupational Safety and Health Program Manager:** Oversees the District/Division Safety and Health Officers and ensures compliance with OSHA, NIOSH, and CDC standards.
4. For information concerning prisoners see [Prisoner Tuberculosis Control](#) directive.

Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
John F. Clark
Director
U.S. Marshals Service

 9/21/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 LIMITED DUTY FOR OPERATIONAL EMPLOYEES MEDICALLY RESTRICTED FROM FULL DUTY

- A. Proponent:** Human Resources Division (HRD), as supported by the Office of Employee Health Programs. Telephone: 202-307-9493 or 202-307-9660, Fax: 202-307-9676.
- B. Purpose:** To establish policy and procedures for assigning work to United States Marshals Service (USMS) operational employees who are temporarily restricted from performing all of their duties due to injury or illness.
- C. Authority:** [5 U.S.C. § 7106](#) authorizes management officials to assign and direct the work of employees. [5 C.F.R. § 339](#) defines the circumstances when medical documentation may be required, and examinations and evaluations are conducted to determine the nature of a medical condition that may affect safe and efficient performance. [5 C.F.R. § 293](#) regulates the compilation, storage, and maintenance of official Employee Medical Folders, SF-66D. [5 CFR § 630.1204](#) determines the guidelines for intermittent leave or on a reduced leave schedule.
- D. Policy:** The USMS will provide, when available, temporary limited duty assignments for operational employees to assist in accomplishing the agency's missions. These assignments are not permanent accommodations for disabilities. Limited duty will be assigned during periods of treatment, rehabilitation, or medical evaluation, and will accommodate an employee's limitations. This directive pertains to leave situations requiring restrictions from full duty for longer than 80 consecutive hours.
- E. Procedures:**
1. Temporary limited duty assignments will be provided equitably and at the discretion of management based on the availability of work, an employee's medical limitations, the employee's safety, as well as that of their co-workers and the general public. For guidance, refer to Suggested Limited Duty Assignments for USMS Operational Employees.
 - a. Operational employees (GS-1811, GS-082 and GS-1802) who are restricted from performing the full range of duties due to work-related or non-work-related medical conditions, but are able to perform limited duties, may:
 - 1) Through their chain of command request temporary limited duty assignments during periods of treatment, rehabilitation or medical evaluation; Note: Pregnant employees refer to the [Pregnancy Policy for Operational Employees](#).
 - 2) Be directed to report for work in a limited duty capacity by their district/division managers;
 - b. Operational employees who are restricted from work assignments due to a medical condition shall be responsible for adhering to the USMS Employee Benefits and Programs, [Leave Administration Directive](#); and

- c. Prospective operational employees who attend initial basic training and who are impacted by medical issues are subject to Training Academy standards as set forth by the Training Standards/Curriculum for Operational Positions under Paragraph "F."
2. Limited duty assignments must be supported by medical documentation, to include diagnosis, prognosis, treatment (including dosage and frequency of relevant prescription medications and any side effects), work limitations and expected date of return to full duty capability. Questions regarding the acceptability of documentation will be answered by the [Office of Employee Health Programs](#).
 - a. [Physical Requirements of USMS Operational Employees](#), Form USM-522A, will be used to communicate medical conditions and support limited duty assignments. Alternatives to this form may be used if the same information is provided. On the form, the block AGGRESSIVE LAW ENFORCEMENT ACTIVITIES, refers to duties where there is an increased likelihood of physical confrontation with uncooperative or violent individuals. Unless otherwise directed by the Office of Employee Health Programs, duties involving prisoner contact, protective details, or the expectation of physical confrontation should not be allowed if restrictions are noted in this block. Any questions about restrictions can be discussed with the Office of Employee Health Programs staff.
 - b. Employee medical information is protected by the Privacy Act [5 U.S.C. § 552a](#) and must be handled accordingly. This information may only be accessed by those offices and employees with a supervisory/managerial need to know.
 - c. Employees may request that their medical information be sent directly to the Office of Employee Health Programs. District/division management will be advised of restrictions.
 - d. Managers will send copies of all medical documentation they receive to the Office of Employee Health Programs for review and inclusion in employees' medical files.
3. Restrictions on the use of weapons, Fitness in Total (FIT) testing, or the operation of motor vehicles will be determined by the limitations described in the medical documentation. The Office of Employee Health Programs will assist, as requested, or make medical determinations on medical issues that are not clear to district/division managers.
4. The medical conditions of employees restricted from full duty must be updated monthly and evaluated by the Reviewing Medical Officer (RMO) for duty status determination unless otherwise indicated by the Office of Employee Health Programs.
5. Employees returning to full-duty status after a period of being restricted from full duty will be subject to current USMS Directive 14.2, [FIT Program](#) requirements (with the exception of those who were hired prior to the January 1, 1984, date of the program's implementation, and GS-1802s hired under DEO/AEO MPA# 01-208 and 01-204 announcements), weapons qualifications and all other requirements of the position.
6. In those cases where the agency RMO is unable to determine an employee's Fitness for Duty status based on available medical documentation, the RMO may recommend that the employee participate in an agency provided Independent Medical Examination (IME). If medical clearance is not granted because the medical condition itself is disqualifying, recurrence cannot medically be ruled out and the duties of the position are such that a recurrence would pose a reasonable probability of substantial harm, the employee will be

declared medically disqualified for employment in an operational position. Refer to [5 C.F.R. § 339.206](#) for medical qualification determination guidelines.

7. When an employee is unable to return to his/her full duty and has been unavailable for duty for an extended period of time, and there is no expectation the employee will be able to return to full duty, the Office of Employee Health Programs will forward the case to the appropriate office within HRD.
8. Employees who are determined to be medically disqualified will be notified in writing by HRD. Options and guidelines will be provided to the employee including referral to the appropriate offices in HRD and the Office of Equal Employment Opportunity.
9. The Assistant Director for HRD, based on the recommendations of the Office of Employee Health Programs, will serve as the final authority on questions regarding employees' medical duty status.

F. Definitions:

1. **District/Division Management:** Includes the United States Marshal (USM), Chief Deputy U.S. Marshal (CDUSM), Assistant Chief Deputy United States Marshal (ACDUSM), Assistant Director for headquarters offices, or the Associate Director for Operations or Administration.
2. **Operational Employee:** USMS employee (GS-1811, GS-082, GS-1802) whose job classification requires that he or she meet agency medical standards.
3. **Fitness for Duty Categories:**
 - a. **Cleared for Full Operational Duty:** Medically cleared to perform the full range of duties of the position as recommended by the RMO.
 - b. **Conditionally Cleared for Full Operational Duty:** Medically cleared to perform the full range of duties of the position, although a medical condition exists which may require specific monitoring by the Office of Employee Health Programs.
 - c. **Restricted from Full Operational Duty:** Medical documentation does not provide clearance to perform the full range of duties of the position.
 - d. **Medically Disqualified for Full Operational Duty:** Medical documentation does not provide clearance for performing the full range of duties of the position; the medical condition itself is disqualifying; recurrence cannot medically be ruled out; and the duties of the position are such that a recurrence would pose a reasonable probability of substantial harm.
4. **Limited Duty:** Temporary work assignment for operational employees who are restricted from performing the full range of duties while being treated, rehabilitated or evaluated for illness, injury, or other medical conditions.
5. **Temporary Disability:** Condition or injury that prevents an operational employee from performing his or her full range of duties, but is expected to improve in a short time.

6. **Medical Documentation:** Written information provided, usually by an employee's treating physician, describing diagnosis, prognosis, treatment, and duty limitations as well as subsequent follow-up information. The Form USM-522A, [Physical Requirements of USMS Operational Employees](#) or equivalent is used to communicate medical conditions and medical progress.

Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
John F. Clark
Director
U.S. Marshals Service

 9/21/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 PREGNANCY POLICY FOR OPERATIONAL EMPLOYEES

- A. Proponent:** Human Resources Division, Employee Medical Programs.
Telephone: 202-307-9493, Fax: 202-307-9676.
- B. Purpose:** This directive defines duty status and leave use for pregnant operational employees of the U.S. Marshals Service (USMS).
- C. Authority:** [5 U.S.C. § 7106](#) authorizes agency management officials to assign and direct the work of agency employees. Title 7, Civil Rights Act of 1964 amends [5 C.F.R. § 630](#); [5 C.F.R. § 630.401](#) and [5 C.F.R. § 630.1207](#), [5 C.F.R. § 339](#) defines the circumstances under which medical documentation may be acquired and examinations and evaluations conducted to determine the nature of a medical condition that may affect safe and efficient performance.
- D. Policy:** It is the policy of the USMS to ensure the safety of pregnant operational employees and to make accommodations in their assignments in order to meet, when possible, any physical limitations. Pregnancy may be a temporarily disabling condition for portions of its duration and recovery. Direction on leave and duties for pregnant operational employees is provided to ensure consistency, fairness, and compliance with existing law and regulation.
- E. Procedures:**
1. **Notification and Medical Documentation:**
 - a. After a physician has confirmed the pregnancy, or no later than the completion of the first trimester of pregnancy (the end of the 13th week), the operational employee shall notify her supervisor of her condition. The employee is responsible for securing a completed Form [USM-522A](#), *Physical Requirements of USMS Operational Employees*, or equivalent, from her physician as soon as possible. The employee's supervisor shall forward this information to the Employee Medical Programs, Human Resources Division (HRD).
 - b. The Form [USM-522A](#) shall contain a statement in the free text section (on the reverse side of the form) that the employee is pregnant and providing the expected date of delivery, along with the physician's certification of one of the following:
 - 1) The employee is able to safely perform the full range of duties associated with her current position.
 - 2) The employee is able to perform in a limited-duty status. The physician should also specify the duties the employee is no longer able to perform.
 - 3) The employee is temporarily unable to work, even limited duty, and for how long.
 - c. Medical documentation (Form [USM-522A](#) or equivalent) shall be submitted monthly throughout the course of the pregnancy and recovery. However, a Form

USM-522A or equivalent may be submitted any time there is a change in the employee's medical condition and/or ability to perform operational duties.

2. **Duty Status and Related Requirements:**

a. **Limited Duty:**

- 1) District/division management may assign an employee to limited-duty status based on the recommendation of the employee's physician. In cases where the physician's recommendation is unclear, clarification should be requested or guidance sought from the Employee Medical Programs.
- 2) The Employee Medical Programs follows the physician's recommendation and is the final administrative authority on duty status.
- 3) Limited-duty when available within the district/division, will be assigned during pregnancy when restrictions to full duty have been noted by physician.
- 4) Work assignments during the third trimester of pregnancy (beginning in the 27th week) will be restricted unless the employee's physician states that the employee is capable of performing the full range of duties and the USMS reviewing physician concurs with this opinion.
- 5) Limited-duty assignments for employees returning after a pregnancy-related absence will be based on management discretion as to the availability of work conforming to the medically supported limitations.
- 6) On Form [USM-522A](#) the block "AGGRESSIVE LAW ENFORCEMENT ACTIVITIES" refers to duties where there is an increased likelihood of physical confrontation with assaultive or uncooperative subjects. This block will usually be marked "Restricted" by submitting physicians. Unless otherwise directed by the Employee Medical Programs, duties involving prisoner contact should be eliminated if there is a marked restriction in this block. Further limitations can be determined by the other marked restrictions and by consulting with the Employee Medical Programs.

b. **Fitness-in-Total (FIT):** Pregnant employees will not be required to perform a FIT test, but may do so if approved by their physicians. Employees returning to full duties after a pregnancy-related absence shall be subject to current USMS FIT requirements.

c. **Weapons:** Due to the potential harm from the effects of loud noises and lead exposure on prenatal development, pregnant employees shall not participate in weapons qualification or practice unless specifically cleared to do so by their physician and noted in the above-referenced medical documentation. This restriction may require assignment of limited duties if weapons proficiency has not been checked. Employees returning to full duties after a pregnancy-related absence shall be subject to current USMS weapons requirements.

3. **Leave:**

- a. **Sick Leave:** Sick leave will be granted for the periodic medical examinations typically required throughout a pregnancy and for periods of physical incapacitation before and after childbirth. Any use of sick leave must be supported by medical documentation in accordance with regulations.
- b. **Annual Leave and/or Leave Without Pay (LWOP):** Annual leave and/or leave without pay (LWOP) may be requested by the parents after the birth of their child. The Family and Medical Leave Act (FMLA) entitles an employee to up to 12 administrative workweeks of unpaid leave (LWOP) for the birth of a child. LWOP used under the FMLA may be offset with the appropriate available accrued leave, advanced leave and/or leave from the leave-sharing programs. These 12 weeks do not prevent the service from allowing additional time.
- c. **Leave-sharing Programs:** Leave made available through the voluntary leave-sharing programs may be used for complications experienced during pregnancy and/or for recuperation post-delivery. The employee must provide medical documentation and exhaust all available accrued leave, and the absence from duty without available paid leave must be for at least 24 hours.

F. **Responsibilities:**

1. **Pregnant Operational Employees:** notify their supervisors or designee by providing the necessary medical documents after a physician has confirmed the pregnancy or no later than the completion of the first trimester of pregnancy (the end of the 13th week).
2. **Supervisors:** monitor the medical documentation requirements, distribute duty assignments commensurate with the medical limitations and approve leave as appropriate.
3. **Employee Medical Programs:** provide guidance and act as the final authority on questions of duty status.

G. **Definitions:**

1. **District/Division Management:** includes the USM or the CDUSM in district operations and the Assistant Director for headquarters offices.
2. **Duty Status:** the category of medical clearance that indicates operational employees' readiness to perform the full range of duties based on their meeting USMS medical standards.
3. **Limited Duty:** a temporary assignment requiring less than the full range of duties for the employee's position during a period of treatment, rehabilitation or evaluation from illness, injury or other condition.
4. **Operational Employee:** a USMS employee whose job classification requires agency medical standards to be met (series 1811, 082 and 1802).
5. **Medical Documentation:** written information provided by a physician or clinician describing diagnosis, prognosis, treatment and duty limitations as well as subsequent follow-up information. Form [USM-522A](#), *Physical Requirements of USMS Operational Employees*, or equivalent, will be used when possible for purposes of medical documentation.

6. **Temporary Disability:** a condition or injury that prevents the operational employee from performing his or her full range of duties. A temporary disability is a condition or injury that is expected to improve.

Authorization and Date of Approval:

By Order of:

Effective Date:

 /S/
John F. Clark
Director
U.S. Marshals Service

 9/21/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 DRUG-FREE WORKPLACE

A. General:

1. Due to the law enforcement responsibilities and the sensitive nature of its missions, the USMS has an obligation to create and maintain a drug free workplace and eliminate illegal drug use. Illegal drug use may lead employees to compromise sensitive information and threatens the successful performance of the USMS mission. Furthermore, illegally possessing, using and trafficking drugs are criminal offenses and are inconsistent with continued employment in any capacity with a federal law enforcement agency.
2. Under the provisions of Executive Order [12564](#) and the *Supplemental Appropriation Act of 1987* (Public Law 100-71), (hereinafter "The Act") codified at [5 U.S.C. § 7301](#). Note (1987), the USMS initiated the USMS Drug-Free Workplace Plan, which promotes a drug-free workplace through a coordinated system of information, education, identification of illicit drug use, appropriate counseling and disciplinary actions.

B. Policy:

1. All USMS employees, on or off duty, are required to refrain from unlawful possession, use or transfer of controlled substances included in Schedule I or II, as defined by [21 U.S.C. § 802\(6\)](#).
2. Employees will be tested for illicit use of drugs such as cocaine, opiates, amphetamines, marijuana and phencyclidine (PCP). Additional drugs may be added to this list with the approval of the Department of Health and Human Services.
3. Employees of the USMS may be required to travel to other countries in performance of their duties. Use of narcotics identified under this policy that are commercially available without a prescription in a foreign country, or are legally ingested in a foreign country, does not relieve the employee from the requirement to refrain from use of prohibited substances identified in USMS policy. Use or importation of substances that are commercially available in other countries but are illegal to possess or import into the United States will result in disciplinary and/or criminal sanctions.
4. Internet pharmacies often supply controlled substances from overseas, substances that are not intended for distribution in the United States, or substances that do not require a prescription in the country of origin for purchase. These substances may contain compounds that violate the requirements of this policy. The use of internet pharmacies to purchase controlled substances that require a prescription in the United States and use of substances purchased through such internet pharmacies may constitute a violation of the USMS drug policy and/or United States law.
5. Upon a finding of positive test results:
 - a. Applicants will be denied employment with the USMS.

- b. All employees, regardless of position, will be relieved of duty and appropriate disciplinary action will be initiated.
- 6. Refusal to take a drug test or unexcused delay in taking a drug test will result in appropriate disciplinary action up to and including removal. Employees who refuse to take a drug test may also have their duties restricted as in 5b above.
- 7. Employees may participate confidentially in the Employee Assistance Program (EAP), but those who are identified as illicit drug users through other processes will not be exempt from disciplinary action.
- 8. Managers have a key role in establishing and monitoring a drug-free workplace. Managers will be provided information on how to recognize and address illegal drug use and the procedures, documentation and prerequisites for reasonable suspicion drug testing.
- 9. All USMS employees will be provided information as to the types and effects of drugs, the symptoms of drug use, and their effects upon performance and conduct, and other relevant issues.

C. Testing Procedures:

- 1. Employees to be tested may be categorized as follows:
 - a. **Applicants:** All applicants will be required to take a drug test. Before a final offer is extended to an applicant, the Drug and Alcohol Program Manager will, after consulting with the Medical Review Officer (MRO), ensure that a drug test has been conducted and the results are negative. Applicants whose findings reflect "verified positive test results" will be refused employment with the USMS. **Notification:** Applicants will be required to take a drug test within 48 hours of notification.
 - b. **USMS Employees:** Employees will be subject to the following types of drug tests:
 - 1) **Random Testing:** Employees in Testing Designated Positions (TDPs) are subject to random sampling for illegal drug use at a rate the Director of the USMS determines. For purposes of this directive, employees in a TDP include:
 - a) An employee in a position that an agency head designates Special-Sensitive, Critical-Sensitive, or Noncritical-Sensitive;
 - b) Employees with clearances for access to classified information;
 - c) Individuals serving under Presidential appointments;
 - d) Law enforcement officers; and,
 - e) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health and safety, or other functions requiring a high degree of trust and confidence.
 - 2) **Reasonable Suspicion Testing:** All employees are subject to Reasonable Suspicion Testing regardless of whether or not they are in a

Testing Designated Position. Reasonable Suspicion testing may be derived from, but not limited to, one of the following factors:

- a) Those observed in possession of drugs;
 - b) Those exhibiting physical symptoms of drug use;
 - c) Those displaying a pattern of abnormal or erratic behavior;
 - d) Those arrested or convicted for a drug-related offense;
 - e) Those who are being investigated for drug possession or trafficking;
 - f) Those credibly accused of drug use or trafficking; and/or
 - g) Those who have tampered with previous drug tests.
- 3) **Accident or Unsafe Practice Testing:** Any employee who is, while on duty, involved in an accident or incident resulting in significant injury to self or others, death or the immediate hospitalization of a participant or which results in property damage in excess of \$5,500, or who discharges a firearm without proper authority may be directed to take a drug test.
 - 4) **Follow up Testing:** Any employee treated for substance abuse may be subject to follow up drug testing for drugs determined appropriate by the Treatment Facility and/or the USMS Employee Assistance Administrator.
 - 5) **Voluntary Testing:** An employee may volunteer to be tested under the Drug Free Workplace Program.
2. **Notification Requirement:** Persons who are to be subjected to Random Drug Testing will receive verbal notification of the test on the day of the test, and have two hours to report to the lab upon notification. Persons who are to be subjected to reasonable suspicion testing, or accident/unsafe practice testing must receive notice they will be tested and the reason(s) for it the day of the test.
 3. **Testing Guidelines:** Drug testing will conform to the scientific and technical guidelines for drug testing programs put forth by the Department of Health and Human Services, the provisions of Executive Order [12564](#), and Section 503 of The Act.
 4. **Privacy in Drug Testing:**
 - a. The applicant or employee to be tested will provide a sample in a restroom stall or similar enclosure so as not to be observed.
 - b. An employee or applicant may be required to provide a sample under direct observation if there is reason to believe that he or she may have altered or substituted the urine specimen or otherwise tampered with the drug test.

Observation may, for example, be required if the individual has previously tampered with or attempted to tamper with a drug test, if the collection site receives a negative dilute, or if the collection site receives a fatal flaw not due to shipment procedures (i.e., the specimen leaked during shipment).

5. Specimen Collection Procedures:

- a. Supervisors of employees selected for drug testing will notify them of the exact time and location of the test, the reason for the test, and the requirement that they bring photo identification. Supervisors will report problems, refusals to provide specimens, or requests for deferrals immediately through channels to the Human Resources Division (typically the Drug and Alcohol Program) and the Operations Support Division (typically the Office of Internal Investigations).
- b. Privacy may not be afforded for employees furnishing specimens in reasonable suspicion, follow up, and accident or unsafe practice cases.
- c. Employees will be provided specimen containers and asked to remain at the site for a short time after to fill out forms and complete the process. Employees unable to furnish a specimen may be kept at the test site for up to three hours to provide one. Inability to provide a specimen will be reported to the Drug and Alcohol Program Manager immediately for guidance or action. Employees unable to take the drug test must obtain approval from the Drug and Alcohol Program Manager before leaving the collection site.
- d. Immediately after collection, the collector will take the temperature and inspect the specimen to determine its color and look for signs of contaminants. Another specimen will be collected under direct observation if there is reason to believe the original was tampered with or altered. Once the employee provides the specimen, it will be kept in view at all times, by both the employee and the collector, until it is sealed with a tamper-proof seal and label. Employees will be asked to initial the seal, and to read and sign the chain of custody form statement certifying the urine in the bottle came from his or her body, and the time of testing. The collector will complete appropriate forms and prepare the specimen for shipment. A chain of custody will be maintained and documented at all times.
- e. Negative specimens will be discarded at the laboratory. Positive specimens will be kept at the laboratory in a frozen state for at least one year to assure availability of specimens for possible retesting during any administrative/disciplinary proceeding.

D. Opportunity to Justify a Positive Test Result:

1. Medical Review Officer (MRO):

- a. When a confirmed positive result has been returned by the laboratory to the Medical Review Officer, the MRO will perform the duties set forth in the Department of Health and Human Services guidelines. He or she may conduct employee medical interviews and review employee medical history or any other relevant biomedical factor. The MRO must review all medical records the employee provides when a confirmed positive test could have resulted from legally prescribed medication.
- b. Evidence to justify a positive result may include the following:
 - 1) A valid prescription;
 - 2) An affidavit from the employee's physician verifying a valid prescription.

- c. Employees are not entitled to present evidence to the MRO in a due-process administrative proceeding, though the MRO has the discretion to accept evidence in any manner he or she deems most efficient or necessary.
- d. Any positive result the MRO justifies, by explicit and appropriate medical or scientific documentation, to account for the result other than the intentional ingestion of an illegal drug, will be treated as a negative result and may not be released for purposes of identifying illegal drug use.

2. Privacy of Information:

- a. Test results will be protected under the provisions of the Privacy Act, [5 U.S.C. § 552a](#), and under the provisions of Section 503(e) of the Act, and may not be released in violation thereof.
- b. The results of a drug test may not be disclosed without the prior written consent of the employee unless the disclosure is:
 - 1) To the MRO;
 - 2) To any supervisory or management official or other personnel within the USMS having a need to know in order to take appropriate disciplinary action or make adjustments to duty assignments, or under the order of a court of competent jurisdiction or where required by the U.S. Government to defend against a challenge to adverse personnel action.
- c. If the MRO determines that the positive result cannot be justified, this finding will be reported to the Drug and Alcohol Program Manager, who will in turn refer the employee to the EAP and advise appropriate headquarters offices, e.g., Employee Relations, Internal Investigations, and other appropriate supervisory officials of the test results to ensure that appropriate disciplinary action is initiated.
- d. All drug-testing information specifically relating to individuals is confidential and should be treated as such by anyone authorized to review or compile program records or to participate in disciplinary actions.
- e. Any employee who is the subject of a drug test shall, upon written request, have access to the following:
 - 1) Records relating to his or her drug test;
 - 2) Records relating to the results of any relevant certification, review or revocation-of-certification proceedings, as referred to in Section 503 (a)(1)(A)(ii) (III) of the Act.
- f. Except as authorized by law, an applicant who is the subject of a drug test shall not be entitled to information resulting from the administration of a pre-employment drug test.

E. Refusal to Take Required Drug Test:

- 1. An employee who refuses to be tested when so required will be subject to disciplinary action up to and including removal.
- 2. An applicant who refuses to be tested will not be extended an offer of employment.

3. Attempts to alter or substitute the specimen provided shall be deemed a refusal to take the drug test and may require a direct observation drug test.
4. Unexcused delays for taking a required drug test will be considered on a case-by-case basis to determine if disciplinary action should be recommended.

F. Finding of Drug Use and Disciplinary Consequences:

1. **Drug Use Determination:** An employee may be found to use illegal drugs or controlled substances on the basis of any appropriate evidence, including the following:
 - a. direct observation;
 - b. evidence obtained from an arrest or criminal conviction;
 - c. a verified positive drug test result; and
 - d. an employee's voluntary admission.
2. **Duty Status:** USMS employees determined to be involved in the use, possession, or trafficking of illegal drugs or controlled substances will be relieved of duty and placed on leave, i.e., administrative leave, sick leave, or enforced leave as determined by the Chief, Employee & Labor Relations Branch. All USMS property will be removed (credentials, weapons, building access, etc.). Employees will not be allowed to perform any law enforcement duties or carry a weapon. An employee may not be placed on administrative leave for more than 10 days without the prior approval of the Assistant Attorney General for Administration or his/her designee in accordance with USMS DOJ policies and procedures. All administrative leave must be coordinated through the Human Resources Division, Employee Relations Branch.
3. **Weapons/Credentials:** Under no circumstances will employees determined to be involved in the use, possession or trafficking of illegal drugs or controlled substances be permitted to retain weapons or credentials.
4. **Reporting Requirements:** Supervisors/Managers will immediately report employees determined to be involved in the use, possession, or trafficking of illegal drugs or controlled substances to the appropriate Headquarters offices to include the Human Resources Division and Office of Internal Investigations.
5. **Sanctions:** Employees involved in illegal drugs or controlled substances in any manner will be subject to appropriate disciplinary action up to and including removal.

G. Drug Program Participant Responsibilities:

1. **Drug and Alcohol Program Manager**
 - a. The Drug and Alcohol Program Manager implements, administers and manages the drug and alcohol program within the USMS. The Drug and Alcohol Program Manager is the principal contact with the laboratory in assuring the effective operation of the testing portion of the program. In carrying out this responsibility, the Drug and Alcohol Program Manager shall, among other duties:
 - 1) Arrange for all testing authorized under this directive;

- 2) Oversee all aspects of Random Drug Testing (RDT). Ensure that the method of random selection in the random testing program remains confidential. Notify district management that their district has been selected for Random Drug Testing and provide the names of the employees selected. Order RDT kits, verify the kits are at the lab, and notify the district to send the selected employees for their RDT. Refer anyone not following procedures for RDT to the appropriate Headquarters offices, e.g., Internal Investigations;
 - 3) In coordination with the EAP Administrator, publicize and disseminate drug program educational materials and oversee any training and education sessions regarding drug use and rehabilitation;
 - 4) Coordinate all Drug and Alcohol Program field activities to conserve resources and to efficiently and speedily accomplish reliable and accurate testing objectives.
- b. The Drug and Alcohol Program Manager will maintain and update the USMS Drug-Free Workplace Plan and maintain all program records and authorized documents, including notices of verified positive test results referred by the MRO, written materials justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen, anonymous statistical reports necessary for the program, and such other documents as required by the Human Resources Division. All records and information on the personnel actions taken concerning employees with positive test results will be kept by the Drug and Alcohol Program Manager in locked combination containers, with access limited to authorized individuals.

2. Drug Program Officers (DPO):

- a. Drug Program Officers (DPOs) will be assigned to each district/division to coordinate the scheduling and administration of the USMS Drug and Alcohol Program for their district/division applicants (e.g., tentative employees, interns, co-ops, etc.) The applicant procedures are as follows:
 - 1) Schedule applicant drug test via the Electronic Drug Scheduling/Applicant Tracking System (edrug test system);
 - 2) Contact collection site to ensure test kit has arrived and/or schedule appointment for applicant to take drug test;
 - 3) Advise applicant donors immediately when kit has arrived to take test (upon notification, applicants must take the test within 48 hours);
 - 4) Review results of test in edrug test system and report all "positive results" to the Drug and Alcohol Program Manager.
- b. DPOs will be assigned to assist the USMS Drug and Alcohol Program Manager with the Random Drug Testing Program in their district/divisions. DPOs and district/division management will only discuss with employees with an official need to know that Random Drug Testing is taking place in their office.
- c.
 - 1) For Random Drug Tests, the DPO will provide a Donor Information Sheet to each employee selected for the Random Drug Test prior to the Employee taking the Random Drug Test. The Drug and Alcohol Program Manager will provide the DPO with a Donor Information

Sheet. Should the DPO be selected for Random Drug Testing, district/division management will be the designee for the DPO. Should the DPO be unavailable the day of Random Drug Testing, district management will be responsible for DPO duties.

- 2) Upon notification to employees that they have been selected for a Random Drug Test, DPOs and/or district management will insure that employees report to the collection site within two hours of notification. Employees failing to take their Random Drug Test within two hours of notification may be referred for disciplinary action.
- 3) Upon completion of the Random Drug Test, DPOs will collect a copy of the Federal Drug Testing and Control Form from each employee participating in the Random Drug Testing.
- 4) DPOs will contact the Drug and Alcohol Program Manager when the Random Drug Test is completed. The DPO and/or district management will report on the same day to the Drug and Alcohol Program Manager anyone who fails to take the required test and/or any other irregularity in the testing procedures.
- 5) Should there be any questions or problems with the Random Drug test, the DPO should immediately contact the Drug and Alcohol Program Manager.

3. **Employee Assistance Program (EAP) Administrator:**

- a. Among other duties, the EAP Administrator will:
 - 1) Provide counseling, referrals and treatment services to employees who, through self-referral or administrative channels, notify the Administrator of illegal drug use and/or alcohol abuse;
 - 2) Confer with the MRO and the employee's supervisors, as appropriate;
 - 3) Provide educational materials and training to managers, supervisors and employees on illegal drugs in the workplace;
 - 4) Assist supervisors with performance and/or personnel problems that may be related to illegal drug use;
 - 5) Ensure that EAP is not involved in the collection of urine samples;
 - 6) Ensure that confidentiality of test results and related medical treatment and rehabilitation records developed in the course of EAP activities are maintained in accordance with [42 U.S.C. § 290dd-2](#) and 42 CFR Part 2;
 - 7) Coordinate with the Drug and Alcohol Program Manager for any follow up testing required.
- b. In accordance with USMS policy, the EAP may provide counseling assistance to persons identified as illegal drug users until they are separated from USMS employment.

4. **Human Resources Division:**

- a. All vacancy announcements for TDPs will state “personnel selected for this position will be subjected to Random Drug Testing.”
- b. Applicants will not receive final offers until a drug test is completed and the agency receives the results.

5. **Managers:**

- a. Familiarize themselves on policies relating to illegal drug use in the workplace.
- b. With prior concurrence of the Human Resources Division, initiate requests for a reasonable suspicion test after making appropriate factual observations and documenting them.
- c. Report all on-duty incidents/accidents that result in significant injury to self or others, death or the immediate hospitalization of participants, damage to property in excess of \$5,500, or any unauthorized discharge of firearms to the Drug and Alcohol Program Manager so that accident/unsafe practice related testing may be conducted.
- d. Refer employee to the EAP for assistance in obtaining counseling and rehabilitation upon a finding of illegal drug use.
- e. Refer all positive drug tests to Office of Internal Investigations.
- f. Managers are required to report all employees who come forward to request assistance for drug dependency for the use of illegal drugs to Internal Investigation and to refer them to EAP.
- g. Managers are required to refer all employees to EAP who come forward to request assistance for drug dependency for use of authorized or prescribed prescription drugs. Managers are not required to refer such cases to Internal Investigations.
- h. Managers may confer with the EAP Administrator as appropriate.
- i. Random Drug Testing Procedures: Upon notification that Random Drug Testing will take place in your district/division, management has two working days to notify the Drug and Alcohol Program Manager of the availability of the employees who have been selected for Random Drug Testing.
 - 1) If employees are unavailable for a Random Drug Test, management will send in writing an explanation for the unavailability to the Drug and Alcohol Program Manager;
 - 2) Management will inform the Drug and Alcohol Program Manager if the lab location is not acceptable;
 - 3) Management will provided a five day advance notification that selected employees are to take a Random Drug Test. Managers may select, within the five day period, when they will order the employee to report to the collection site. Employees must report within the two hours of notification when the collection sites do not require an appointment;

- 4) When collection sites require an appointment for Random Drug Testing, employees must be notified 2 hours prior to the appointment and shall report to the collection site on time;
 - 5) Should an operational assignment interfere with the employee reporting to the collection site on time for an appointment, managers should immediately notify the Drug and Alcohol Program Manager and provide in writing why the employee will not be able to make the scheduled appointment;
 - 6) When operational assignments take priority over a scheduled random drug test, managers will not notify employees of the random drug test;
 - 7) While Random Drug Testing is taking place in the district/division, managers will only discuss Random Drug Testing with employees with an official need to know;
 - 8) Failure to follow Random Drug Testing procedures may result in disciplinary action.
6. **Disciplinary Proposing and Deciding Officials:** Receive all relevant evidence regarding verified positive test results and take appropriate disciplinary action consistent with the Executive Order and with DOJ Human Resource Order 1200.1, Chapter 3-1, Discipline and Adverse Actions; USMS Directive 3.3, [Discipline and Adverse Actions](#) and [Discipline Delegation](#).
7. **Employees:**
- a. Promote and abide by the Drug Free Workplace Program.
 - b. For employees who knowingly come in contact with a substance while on an assignment that may cause them to test positive under this policy, give an immediate written notification to their supervisors in order to protect their rights during review by the Medical Review Officer. Documentation as part of a closing arrest report or investigating report suffices as notification under this requirement. Supervisors shall keep these notifications on file for a minimum period of 60 days.

H. Drug Testing Applicants:

1. **General:** A contractor will provide drug testing services for USMS positions. Applicants for both Deputy U.S. Marshal and administrative positions are included.
2. **Required Drug Testing of Applicants:** The USMS requires applicants for all positions to be tested for drugs.
3. **Responsibilities:**
 - a. **Administrative Position Applicants:** District Drug Program Officers (DPOs) must schedule applicant drug tests (to include interns, co-ops, etc.) for their district via the edrug test system. The Drug and Alcohol Program Manager will schedule headquarters employees.
 - b. **Deputy U.S. Marshal Applicants:** The Human Resources Division will schedule Deputy U.S. Marshal applicants or any other operational applicants for a drug test via the edrug test system.

4. **Procedures:**

a. **Administrative Positions:**

- 1) District Drug Program Officers (DPOs) must schedule applicant drug tests (to include interns, co-ops, etc.) for their district via the edrug test system. To order a drug test the following information is needed for the potential donor:
 - a) Name;
 - b) Social Security Number (SSN);
 - c) Address;
 - d) City, State, Zip Code;
 - e) Contact phone number for the applicant. Because applicants may have more than one address (e.g., students with school and home addresses), provide the address where the applicant will actually take the drug test.
- 2) Enter the donor's information into the edrug test system.
- 3) Find a collection site in the edrug test system (using the donor's zip code). Call the collection site at the telephone number provided on the screen to ensure that they are administering Federal Drug Testing. The contractor requires at least two weeks from receipt of the applicant information to schedule a drug test. This excludes weekends and holidays.
- 4) Submit information in the edrug test system.
- 5) Print agency confirmation sheet from the edrug test system.
- 6) In one or two days, check the edrug test system for a status of the ordered kit. If the system states the kit has arrived, call the collection site to confirm.
- 7) If an appointment is required, schedule the appointment.
- 8) Contact the potential donor/applicant. The DPO is responsible to direct the applicant to take the drug test within the next 48 hours and further advise them that failure to take the drug test in the 48 hour period will remove them from consideration for employment. Upon notification to an applicant about taking a drug test, the applicant must report to the collection site within 48 hours or they will not be considered for employment. Take into account holidays and weekends when notifying applicants about drug tests.
- 9) Instruct donor to call you after they take the test.
- 10) Check the edrug test system every two to three days to see if the lab has reported the drug results on the edrug test system.

11) DPOs must review results of a test in the edrug test system and report all “positive results” to the Drug and Alcohol Program Manager.

b. **Deputy U.S. Marshals Positions:** The Human Resources Division coordinates the drug testing of all Deputy U.S. Marshal (DUSM) applicants. The Drug and Alcohol Program Manager and staffing components will coordinate the necessary information and timing of applicant tests to ensure DUSM classes are filled timely.

Cancellation Clause: A new section was added to Policy Directive 3.5, *Limited Duty for Operational Employees Medically Restricted from Full Duty*.

Authorization and Date of Approval:

By Order of:

Effective Date:

_____/S/
John F. Clark
Director
U.S. Marshals Service

9/21/09



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.5 OFFICE OF WORKERS' COMPENSATION PROGRAMS (OWCP)

- A. General:** This section addresses procedures and policies for USMS employees covered under the Federal Employees' Compensation Act (FECA). The U.S. Department of Labor, Office of Workers' Compensation Programs, is responsible for administering and adjudicating all claims filed by employees for work-related injury, illness, disease or death.
- B. Coverage and Benefits:**
1. The FECA provides compensation benefits for employees who are disabled due to injuries sustained while performing their duties or who contract a work-related illness or disease. These benefits include necessary medical care and compensation for lost wages resulting from the injury/illness/disease. Compensation is also made to certain family members if an employee's death is caused by an injury/illness/disease.
 2. Benefits may not be paid if the injury/illness/disease/death is caused by the employee's willful misconduct, by the employee's intention to bring about his/her injury or death or that of another person, or if intoxication caused the injury or death.
- C. Responsibilities:**
1. **Employees:** are required to file a [CA-1](#) within 30 days of an injury in order to be entitled to Continuation of Pay (COP).
 2. **Supervisors/OWCP Liaison:**
 - a. Ensure that employees receive the proper form and that they complete the appropriate portions of Forms CA-1, [Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation](#), along with Form CA-16, *Authorization for Examination and/or Treatment*, or CA-2, [Notice of Occupational Disease and Claim for Compensation](#).
 - b. Assist employees/survivors in preparing forms.
 - c. Complete the reverse side of the [CA-1](#) or [CA-2](#).
 - d. Immediately authorize examination and/or treatment via Form CA-16, *Authorization for Examination and/or Treatment*. The CA-16 must be executed by the Supervisor and/or OWCP Liaison and is used only for traumatic injury cases. It is used in conjunction with a [CA-2](#) **only** in TB-related cases.
 - e. Caution employees not to sign documents without obtaining legal advice in all third-party cases.
 - f. Provide employees with the receipt portion of the [CA-1](#) or [CA-2](#).

D. Distributions and Time Limits:

1. **Traumatic Injuries:** If the injury involves lost time, medical expenses or both, the original [CA-1](#) should be forwarded to the appropriate OWCP district office, with an information copy sent to the Health Programs Team, Human Resources Division.
2. If the traumatic injury did not result in lost time or medical expenses, the original [CA-1](#) should be filed in the district and the information copy sent to the Health Programs Team.
3. **Disease and Illness:** All [CA-2](#) forms should be forwarded to the appropriate OWCP district office within 10 workdays and an information copy sent to the Health Programs Team.
4. If an employee wishes to record the fact that he or she was exposed to a contagious disease or illness, the original [CA-2](#) should be completed and retained in the office, in the employee's OWCP file.

E. Forms to Report Injuries/Illnesses/Diseases:

1. There are several forms to be used for on-the-job injuries and work-related illnesses or diseases. There are two primary forms used to initiate OWCP claims.
2. The CA-1, [Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation](#), is used to report an injury.
3. The CA-2, [Notice of Occupational Disease and Claim for Compensation](#), is used to report an illness or disease.
4. In addition, the CA-16, [Authorization for Examination and/or Treatment](#), is a pertinent form for injuries in traumatic cases. The CA-16 should be provided to employees when a [CA-1](#) is issued and is given within 48 hours of the injury.

F. OWCP Agency Code, Type Codes and Source Codes:

1. The OWCP has established a coding system so that types of injuries can be computerized. The OWCP agency code for the USMS is 1507 plus the two-digit district number (e.g., 150704 for S/FL). The code should be used on all [CA-1](#)s and [CA-2](#)s.
2. **Type Codes:**

10 0 STRUCK	50 0 CONTACTED
11 0 Struck by	51 0 Contacted with (injured person moving)
11 1 Struck by object	52 0 Contacted by (object was moving)
12 0 Struck against	60 0 EXERTED
20 0 FELL, SLIPPED, TRIPPED	61 0 Lifted, strained by
21 0 Fell on same level	62 0 Stressed by (repeated action)
22 0 Fell on different level	70 0 EXPOSED
23 0 Slipped tripped (no fall)	71 0 Inhaled

30 0 CAUGHT	72 0 Ingested
31 0 Caught on	73 0 Absorbed
32 0 Caught in	80 0 TRAVELING IN
33 0 Caught between	90 0 FIT (Fitness-In-Total)
40 0 PUNCTURED, LACERATED	999 INSUFFICIENT DATA
41 0 Punctured by	
42 0 Cut by	
43 0 Stung by	
44 0 Bitten by	
c. Source Codes	
010 0 BUILDING, WORK AREA	060 0 DUST, VAPOR, ETC.
011 0 Walking/Working Surface (floor, street, sidewalk)	061 0 Dust (Silica, coal, etc.)
012 0 Stairs, Steps	062 0 Fibers
013 0 Ladder	062 1 Asbestos
014 0 Furniture, Furnishings, Office Equip	063 0 Gases
015 0 Boiler, Pressure Value	063 1 Carbon Monoxide
016 0 Equipment Layout (ergonomic)	064 0 Mist, Steam, Vapor, Fume
017 0 Window, Doors	065 0 Particles (unidentified)
108 0 Electricity	
020 0 ENVIRONMENTAL CONDITIONS	070 0 CHEMICAL, PLASTIC, ETC.
021 0 Temperature Extreme (indoor)	071 0 Dry Chemical
022 0 Weather (ice, rain, heat)	071 1 Corrosive
023 0 Fire, Flame, Smoke	071 2 Toxic
024 0 Noise	071 3 Explosive
025 0 Radiation	071 4 Flammable
026 0 Light	072 0 Liquid Chemical
027 0 Ventilation	072 1 Corrosive
027 1 Tobacco Smoke	072 2 Toxic
028 0 Stress (emotional)	072 3 Explosive
029 0 Confined Space	072 4 Flammable

	073 0 Plastic
	074 0 Water
030 0 MACHINE OR TOOL	075 0 Medicine
031 0 Hand Tool (power)	
032 0 Hand Tool (non-power)	080 0 INANIMATE OBJECT
033 0 Mechanical Power	081 0 Box, Barrel, etc.
034 0 Guard, Shield (fixed, movable)	082 0 Paper
035 0 Video Display Terminal	083 0 Metal Item, Mineral
036 0 Pump, Compressor, Air Pressure Tools	083 1 Needle
037 0 Heating Equipment	084 0 Glass
038 0 Welding Equipment	085 0 Scrap, Trash
	086 0 Wood
040 0 VEHICLE	087 0 Food
041 0 Privately Owned (includes rental)	088 0 Clothing, Apparel, Shoes
041 1 As Driver	
041 2 As Passenger	090 0 ANIMATE OBJECT
042 0 Government Owned	091 0 Animal
042 1 As Driver	091 1 Dog
042 2 As Passenger	091 2 Other
043 0 Common Carrier (airplane, etc.)	092 0 Plant
044 0 Aircraft (not commercial)	093 0 Insect
045 0 Boat, Ship, Barge	094 0 Human (violence)
	095 0 Human (communicable disease)
050 0 MATERIAL HANDLING EQUIPMENT	096 0 Bacteria, Virus (not human contact)
051 0 Earthmover (tractor, backhoe)	
053 0 Elevator, Escalator	100 0 PERSONAL PROTECTIVE
054 0 Hoist, Sling Chain, Jack	101 0 Protective clothing, shoes, glasses, goggles
055 0 Forklift, Crane	102 0 Respirator, Mask
056 0 Hand Truck, Dolly	103 0 Safety Belt, Harness
	104 0 Parachute
	999 9 INSUFFICIENT DATA

G. Workers' Compensation Liaison and Claims Handling: Each division and district will designate an OWCP liaison to work with the U.S. Department of Labor and ensure all OWCP forms and relevant documentation are completed and forwarded to the appropriate OWCP regional office. The workers' compensation liaison will complete a Form [USM-222](#), *Additional Duty Designation* and forward this form to USMS, OWCP Program Manager.

H. Responsibilities:

1. **District/Division:**

- a. Review OWCP forms for timeliness, completeness, code forms and send forms to appropriate OWCP district office and a copy to headquarters' OWCP liaison.
- b. Maintain district/division OWCP case files.
- c. Monitor employee progress and return to duty. Correspond to OWCP and employee regarding claim.
- d. Maintain contact with headquarters OWCP Program Manager and OWCP district office.
- e. Refer non-routine cases to headquarters' OWCP liaison.
- f. Process routine leave buy-back cases.
- g. Maintain supply of all OWCP claim forms.

2. **Headquarters:**

- a. Oversee USMS OWCP
- a. Advise and assist district/division OWCP liaison.
- b. Process all non-routine cases to ensure consistency.
- c. Maintain an OWCP database to monitor cases by type of injury, timely return to duty and, where appropriate, disability retirement, etc.
- d. Ensure all persons designated with OWCP responsibility receive appropriate training
- e. Enter claims data into OWCP database.



United States Marshals Service **POLICY DIRECTIVES**

HUMAN RESOURCES

3.6 1996 MASTER AGREEMENT

Between the United States Marshals Service and the American Federation of Government Employees, AFL-CIO International Council of U.S. Marshals Service Locals, C-210.

- ARTICLE 1, [RECOGNITION](#)
- ARTICLE 2, [PRECEDENCE OF LAWS AND REGULATIONS](#)
- ARTICLE 3, [PROCEDURES FOR MID-TERM BARGAINING](#)
- ARTICLE 4, [SUPPLEMENTAL LOCAL AGREEMENTS](#)
- ARTICLE 5, [LABOR MANAGEMENT PARTNERSHIP COMMITTEES](#)
- ARTICLE 6, [STATUS OF EMPLOYEE REPRESENTATIVES](#)
- ARTICLE 7, [EMPLOYEE RIGHTS](#)
- ARTICLE 8, [MANAGEMENT RIGHTS](#)
- ARTICLE 9, [UNION RIGHTS](#)
- ARTICLE 10, [OFFICIAL TIME, TRAVEL AND PER DIEM](#)
- ARTICLE 11, [USE OF OFFICIAL FACILITIES](#)
- ARTICLE 12, [TRAINING](#)
- ARTICLE 13, [POSITION DESCRIPTION AND REVIEW](#)
- ARTICLE 14, [PERFORMANCE EVALUATION AND PERFORMANCE STANDARDS](#)
- ARTICLE 15, [EQUAL PAY FOR EQUAL WORK](#)
- ARTICLE 16, [PARKING](#)
- ARTICLE 17, [LEAVE](#)
- ARTICLE 18, [COMPENSATORY OVERTIME](#)
- ARTICLE 19, [PAYROLL ALLOTMENT PROCEDURE FOR WITHHOLDING UNION DUES](#)
- ARTICLE 20, [GRIEVANCE PROCEDURE](#)
- ARTICLE 21, [ARBITRATION](#)
- ARTICLE 22, [REDUCTION IN FORCE/FURLOUGH](#)
- ARTICLE 23, [USE OF GOVERNMENT VEHICLES](#)
- ARTICLE 24, [CLOTHING](#)
- ARTICLE 25, [PHYSICAL/MEDICAL REQUIREMENTS](#)
- ARTICLE 26, [PAST PRACTICES](#)
- ARTICLE 27, [HEALTH AND SAFETY](#)
- ARTICLE 28, [FIREARMS](#)
- ARTICLE 29, [EQUAL EMPLOYMENT OPPORTUNITY](#)
- ARTICLE 30, [ASSIGNMENT OF PERSONNEL](#)
- ARTICLE 31, [EMPLOYEE ASSISTANCE PROGRAM](#)
- ARTICLE 32, [INVOLUNTARY REASSIGNMENT](#)
- ARTICLE 33, [VOLUNTARY REASSIGNMENT](#)
- ARTICLE 34, [REOPENER CLAUSE](#)
- ARTICLE 35, [CONTRACTING OUT](#)
- ARTICLE 36, [NEPOTISM](#)
- ARTICLE 37, [HOURS OF WORK](#)
- ARTICLE 38, [OVERTIME AND AVAILABILITY PAY](#)
- ARTICLE 39, [DISCIPLINARY ACTIONS](#)
- ARTICLE 40, [MERIT PROMOTION](#)
- ARTICLE 41, [AWARDS](#)
- ARTICLE 42, [DURATION OF AGREEMENT](#)



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.8 INTERRUPTION OF NORMAL OFFICE PROCEDURES

- A. Policy:** It is the policy of the USMS that USMS facilities and offices remain operational and capable of conducting the official business of the Federal Government during regular office hours. Participation in events that interrupt the normal operation of the facility or office must first be approved by USMS Headquarters. An exemption to the notification requirements is explained below in the event of an unexpected local emergency.
- B. Authority:** The closing of USMS activities, facilities, and offices for brief periods is within the administrative authority of the agency as outlined in [5 C.F.R. § 610.305](#) and Department Office of Justice (DOJ) [Order 1630.1B](#).
- C. Normal Operations:** USMS offices and facilities will operate during normal duty hours of the regular workweek. Official national holidays are excluded from the normal workweek (unless specific requirements mandate that offices or facilities continue to operate).
- D. Interruption of Normal Operations:** If interruption of normal operations of a USMS office or facility is caused by events beyond the control of management (i.e., inclement weather, building fire, flood, etc.), the U.S. Marshal or Assistant Director will make every effort to resume operation of the facility (even if on a limited basis) as quickly as possible. Each USMS district office and headquarters division is required to have a Continuity of Operations Plan (COOP) in place to ensure that USMS essential functions can be carried out under all circumstances. Headquarters and district COOP plans will be updated on an annual basis.
- E. Local Events:** If a local event occurs or is anticipated that could affect normal operations, and temporary closing of a USMS office or facility is being considered, advance authority must be granted by Headquarters.
- F. Procedures:**
1. To request authority to temporarily cease normal operation of a USMS facility or office because of a condition that is of a local nature, but not an emergency, the following steps will be followed by the requesting district / office:
 - a. Consult with the Human Resources Division on leave regulations.
 - b. Submit a written request to Headquarters, Attn: Deputy Director, that describes the situation or condition that would require or justify the closing.
 - c. Specify the date(s) and hour(s) for which the closing is requested and identify the arrangements which will be made to handle any emergency situation that may develop during the temporary closing of the facility.
 - d. Contact the Communications Center at 202-307-9100 or 1-800-336-0102 to request that the agency status line (1-877-365-8767) be updated with the closure information.

2. In the event of an emergency, the U.S. Marshal or Assistant Director may close local USMS facilities and is responsible for the following:
 - a. Immediate notification to the Communications Center, which will notify the Office of the Director
 - b. Implementation of COOP plan if closure is expected to be extended.
 3. Closures affecting the headquarters facility located in Arlington, VA will be requested by, and reported to the Communications Center by, personnel from the Human Resources Division in compliance with this directive and OPM guidelines.
- G. Notification:** The U.S. Marshal will be notified as to whether the request was approved or disapproved.
- H. Administrative Dismissals of Employees:** The provisions of DOJ [Order 1630.1B](#), Chapter 14 describe circumstances under which individual employees may be allowed to participate in authorized events and be excused administratively.



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.8 TRANSFER OF THE OFFICE OF U.S. MARSHAL

A. Purpose: This policy directive sets forth policy and procedure for the transfer of the Office of U.S. Marshal

B. Authority: The Director's authority to issue written directives is set forth in [28 C.F.R. § 0.111](#) and [28 U.S.C. § 561\(g\)](#).

C. Policy:

1. The Chief Deputy U.S. Marshal or senior district staff member is responsible for coordinating all actions related to the transfer of accountability from the outgoing U.S. Marshal to his or her successor, including activities which were interim to the appointment of a new U.S. Marshal.
2. The Headquarters staff will provide assistance in their respective areas of expertise.
3. The DOJ Order [2710.8C](#), *Removal and Maintenance of, and Access to Documents*, governs the removal of documentary materials from DOJ custody by departing employees.

D. Procedures:

1. **Documentation of Transfer Responsibility:** A checklist of required actions for the transfer of accountability to a new U.S. Marshal is attached.
 - a. In addition to specifying whether the incoming U.S. Marshal, outgoing U.S. Marshal, or both should complete an action, the checklist provides a cross-reference to relevant forms. When no specific form is indicated on the checklist, the district will determine the document format.
 - b. Both the incoming and outgoing U.S. Marshals must sign the checklist when all items are completed. The district will forward copies of the completed checklist to the Assistant Director, Financial Services Division, and to the Assistant Director, Human Resources Division, who will maintain the copies in the respective district's file. The original checklist will be retained in the district office files for a minimum of 3 years, and a copy will be placed in the financial records within the district.
2. **Briefing of Newly Appointed U.S. Marshals by District Personnel:** District personnel should prepare a briefing profile of the district and present it to the incoming U.S. Marshal. The briefing should include, but is not limited to the following:
 - a. A directory of district court and the U.S. Attorney's office personnel
 - b. A description of the physical characteristics of the district (square miles, population, number and location of suboffices, location of correctional facilities, etc.)

- c. An organizational chart and personnel directory of USMS district
- d. A review of the district workplan and current fiscal condition, including information pertaining to pending requests for additional funding, outstanding obligations, and fiscal projections
- e. An outline of district workload data for the current and previous fiscal years
- f. A status report on each of the collateral duty areas that identifies ongoing activities or problems, etc.
- g. Copies of past audits, risk assessments, corrective action plans, internal review reports on district operations, and various operational plans
- h. A copy of the most recent listing of the district's accountable personal property inventory

E. Responsibilities:

- 1. **Chief Deputy U.S. Marshal:** Coordinates all district actions related to the transfer
- 2. **Human Resources Division:** Maintains completed checklist in district file
- 3. **District Personnel:** Prepares briefing for the incoming U.S. Marshal
- 4. **U.S. Marshal:** Incoming and outgoing U.S. Marshals complete the attached checklist
- 5. **Financial Services Division:** Maintains completed checklist in district file

F. Checklist for Transfer of Office and Accountability Between U.S. Marshals

CHECKLIST FOR TRANSFER OF OFFICE AND ACCOUNTABILITY BETWEEN U.S. MARSHALS		
Outgoing USM	Incoming USM	Area/Function/Applicable Forms
ASSUMPTION OF OFFICE		
	[]	If not already completed, complete and return the in-processing forms to the Law Enforcement Human Resources Specialist servicing your district. You received these forms at the time you completed the Phase 1 training.
ACCOUNTING AND FINANCIAL MANAGEMENT		
[]		Complete a Certified Statement of Accountability for cash and collections on hand that have not been deposited.
[]		File outstanding vouchers for travel expenses.
[]		Repay outstanding travel advances.
[]		Cancel government-issued credit cards.

**CHECKLIST FOR TRANSFER OF OFFICE
AND ACCOUNTABILITY BETWEEN U.S. MARSHALS**

[]		Send memorandum to Financial Services Division with the following statement: "I acknowledge that remaining charges on government-issued credit cards are a personal liability between the credit card company and myself." Note: departing federal employment does not forgive or transfer debts.
[]		Cancel certifying and disbursing authority by doing the following: Submit a written request to cancel to the Office of Finance. Destroy Disbursing Officer's signature stamp Remove the following forms from the district's active file and place in closed file: USM-14 , Designation of Certifying/Assistant Disbursing Officer USM-377 , Designation of Certifying & Disbursing Officer USM-376 , Signature/Designation of Card for Certifying SF-210, Signature Card for Certifying Officer
	[]	Request certifying and disbursing authority by completing and sending the following forms to the Financial Services Division (Note: blank forms are available from the Office of Finance): USM-14 , Designation of Certifying/Assistant Disbursing Officer USM-377 , Designation of Certifying & Disbursing Officer USM-376 , Signature/Designation of Card for Certifying SF-210, Signature Card for Certifying Officer TFS-5583, Signature Card TFS-3023, Specimen Signatures
	[]	Review outstanding travel advances for employees.
[]	[]	For initial or last month, submit a full or partial month financial closeout report of the automated accounting system.
[]	[]	Complete an inventory of Deposit Fund Accounts (15X6876 & 15X6874).
[]	[]	Verify that report from completed forms USM-286 , <i>Receipt and Disbursement Record Folder</i> , from the Financial Management System match court case file maintained in the district.
[]	[]	Complete a Certified Statement of Transfer of unused U.S. Treasury Checks.
BUILDING & ADMINISTRATIVE SECURITY		
[]		Advise COMSEC custodian, Tactical Operations Division, to determine reassignment of the Secure Telephone Unit (STU-III) and STU keys and secure facsimile machine.
[]		Delete access alarm authorization (code number/card number) for access control systems for courthouse, district, and suboffices.

**CHECKLIST FOR TRANSFER OF OFFICE
AND ACCOUNTABILITY BETWEEN U.S. MARSHALS**

[]		Return badge, credentials and pocket badge with a completed Form USM-287 , <i>Request for Badge/Credential Action</i> , to the Badge and Credential Program, Tactical Operations Division.
[]		Return office keys, weapons, and all other government-issued property to the district with a completed Form USM-325 , <i>Hand Receipt</i> .
[]		Ensure users no longer have access to or use of USMS computer and telecommunication systems. Notify Information Technology Division with termination of access requests within 1 working day.
	[]	Add access alarm authorization (code number/card number) for access control systems for courthouse, district, and suboffices.
	[]	Change the following: District and suboffice perimeter entrance locks (only if all keys cannot be accounted for). Combinations of safes and vaults to which outgoing U.S. Marshal had access. Names authorized for entry to safety deposit boxes, etc. GSA Standard Form 700, <i>Security Container Information</i> GSA Standard Form 702, <i>Security Container Checklist</i>
	[]	Request issuance of credentials and badge by submitting completed Form USM-287 , <i>Request for Badge/Credential Action</i> , with two color photographs and a credential signature card signed in black ink to the Badge and Credential Program, Tactical Operations Division.
[]		Inventory any National Security Information (NSI) and transfer all classified materials to appropriately cleared district personnel until incoming U.S. Marshal is cleared for NSI access.
PROPERTY & INVENTORY		
[]		Withdraw SF-1402 , <i>Certification of Appointment</i> , and file in a closed file.
[]		Cancel hand receipts for all USMS property in your possession.
[]	[]	Inventory or transfer levies on realty held by outgoing U.S. Marshal.
[]	[]	Inventory and account for all seized property with the Seized Property Custodian.
[]	[]	File completed seized property inventory report in district file as the record of the transfer of custody to incoming U.S. Marshal.

**CHECKLIST FOR TRANSFER OF OFFICE
AND ACCOUNTABILITY BETWEEN U.S. MARSHALS**

[]		Execute the Request and Non-Disclosure Agreement under DOJ Order 2710.8C , <i>Removal and Maintenance of, and Access to, Documents</i> to request retention of copies of any materials worked on during tenure with DOJ.
SECURITY CLEARANCES		
[]		<p>Contact the appropriate member of the Personnel Security Branch (PSB) to arrange for the U.S. Marshal security debriefing.</p> <p>The PSB Contact will provide a national security debriefing and coordinate the signature needed in the debriefing section of the SF-312, <i>Nondisclosure Agreement</i>. PSB will also assist you if you have access to Sensitive Compartmented Information.</p> <p>The PSB will ensure the DOJ Special Security Center receives notification of your debriefing(s) and copies of the appropriate signs forms.</p> <p>If you anticipate staying with the USMS, you are not required to be debriefed.</p>
	[]	Send memo to Personnel Security Officer, USMS, requesting security clearance.
COURT OPERATIONS		
	[]	Review file of outstanding court orders pertaining to U.S. Marshal's operations.
[]		Transfer unserved process using Form USM-121 , <i>Register of Process/Process Assignment Record</i> , or a memorandum.
[]	[]	Complete inventory of outstanding jail bills on Form OBD-26, <i>Report of Unpaid Obligations</i> . (FMIS generated report)
[]		Transfer prisoners in custody by name and facility on last day of outgoing U.S. Marshal using Form USM-236, <i>Prisoner Status Register</i> .
ADMINISTRATION		
	[]	Review all current special deputations; Form USM-3, <i>Oath of Office-Special Deputation</i> , and Form USM-4 , <i>Oath of Office-Special Deputation</i> (for Contract Court Security Officer).

ALL ITEMS ON THE CHECKLIST HAVE BEEN COMPLETED

District: _____

Outgoing U.S. Marshal Date

Incoming U.S. Marshal Date



United States Marshals Service POLICY DIRECTIVES

HUMAN RESOURCES

3.9 Reduction In Force

- A. **Proponent:** Human Resources Division (HRD), 202-307-9317
- B. **Purpose:** This directive establishes policy for conducting a Reduction-in-Force (RIF), Transfer of Function (ToF), or furlough of United States Marshals Service (USMS) employees.
- C. **Authority:** [5 C.F.R. § 351](#) and [5 U.S.C. § 2105](#)
- D. **Policy:** It is the policy of the USMS that each organizational program and each District, to include suboffices within a local commuting area, will constitute a separate competitive area (e.g., HRD employees in Arlington, VA; Justice Prisoner and Alien Transportation System (JPATS) employees in Oklahoma City, OK; USMS employees in the District of Massachusetts) within which the employees compete for retention in a RIF, ToF, or furlough. A district suboffice outside the local commuting area will constitute its own competitive area.

The USMS will comply with [5 C.F.R. § 351](#) and [5 U.S.C. § 2105](#) when conducting RIF, ToF, or furlough actions.

- E. **Procedures:** Prior to conducting actions under these authorities, RIF Ground Rules will be established by management based on flexibilities contained within the CFR to include Performance Credit in RIF, Tie Breakers, Use of Vacant Positions, Abolishment of Positions, RIF Offers, Exceptions to Order of Release, Policy of Least Disruption, RIF Effective Date, and Records Retention.
- F. **Cancellation Clause:** This is a new policy directive.
- G. **Authorization and Date of Approval:**

By Order of:

 /S/
Stacia A. Hylton
Director
U.S. Marshals Service

Effective Date:

 2/3/2011