



## HUMAN RESOURCES

### 3.1 Employment

#### 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.

#### PERSONNEL AUTHORITY AND ACTIONS

- A. **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.
- 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.

#### 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 Financial Services Division (FSD) serves as the central repository for workload and work-year information within the USMS. As such, FSD 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 USC 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.

### 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.

### 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

## Employment

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**

## Employment

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.

### 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 CFR 0.111 and 28 USC 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

## Employment

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.

**F. 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.	Affirmative Action Program Coordinator	1802, 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	1802, 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	1802, 0082, 1811 or administrative employee
10.	Freedom of Information Officer	0082, 1811 or administrative employee
11.	Motor Vehicle Officer	1802, 0082, 1811 or administrative employee
12.	Occupational Safety and Health Officer	1802, 0082, 1811 or administrative employee
13.	Public Information Officer	1811
14.	Records Management Coordinator	1802, 0082, 1811 or administrative employee
15.	Asset Forfeiture Coordinator	1811
16.	Seized Property Custodian	0082 or 1811
17.	Sexual Harassment Point of Contact	1802, 0082, 1811 or administrative employee
18.	Systems Administrator/Computer Security	1802, 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	1802, 0082, 1811 or administrative employee
24.	Workers' Compensation Coordinator	1802, 0082, 1811 or administrative employee
25.	Recruiting Officer	0082 or 1811
26.	Witness Security Liaison	1811
27.	Stunbelt Coordinator	1802, 0082 or 1811
28.	NCIC Coordinator	1802, 0082 or 1811
29.	OC Spray/Baton Coordinator	1802, 0082 or 1811
30.	CSO COTRs	0082 or 1811
31.	OCDETF Coordinator	1811

### G. 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

**SEPARATION OF EMPLOYEES AND CONTRACTORS (REVISED, 9/8/08)**

- A. **Proponent:** Human Resources Division (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:
  - 1. **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.
  - 2. **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.
  - 1. **Employee: Permanent Separation**
    - a. 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.
    - b. 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.
    - c. 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 Human Resources 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.

#### USE OF TEMPORARY AGENCIES

- A. **General:** USMS district and headquarters offices may contract for temporary services.
- B. **Authority:** 5 CFR 300(E) (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.

## Employment

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

Note: Minor changes completed on 3/09/09 - Per hardcopy on "Item 1" on file from HRD.

1. Staffing Actions, B.1 (added Asst. Director) and B.2 (omitted clerical).
2. Probationary Period for Supervisors and Managers, Sections A., B, C, D (1&2 omitted) (3 - sentence added regarding 2-yr trial period), E(1) and K(3)(f)

Archived/Suspended Policy: Employment