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EMPLOYMENT INSTRUCTION

PERSONNEL

DEPARTMENT OF AGENCY PERSONNEL

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1. GENERAL

This Instruction governs the separation of Agency employees for all reasons except reduction in force, entry into military service and separation based on adverse findings of the Loyalty Review Board or the Employment Review Board.

2. POLICY

- a. It is essential that each member of the Agency contribute his full share toward the accomplishment of the Agency's mission. Although every effort will be made to minimize the loss of competent personnel, prompt action must be taken to release those individuals who fail to perform effectively, who demonstrate undesirable personal characteristics, or who do not meet security or loyalty requirements.
- b. Separations will be effected in a uniform and equitable manner with due regard for the needs of the Agency, the welfare of individual employees and the requirements of law and regulations. Employees will be informed of the reasons for all actions taken to separate them. Those who have completed their trial period will not be separated for unsatisfactory performance unless there is a prior notice informing the person concerned in what respect his services are unsatisfactory, and he has been given a reasonable opportunity to improve or to correct objectionable traits or performance.

3. TYPES OF SEPARATION ACTIONS

This section describes each type of separation action and prescribes special principles or procedural requirements applicable in each case. General principles and procedures are prescribed in sections 5 and 6 of this Instruction.

a. Actions Based on Employee's Request or Loss of Eligibility

This group of actions includes those which are taken in response to requests by employees and those which the Agency is required to take because the employee concerned has lost eligibility for continued employment.

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(1) Resignation

- (a) "Resignation" is separation at the employee's request, either verbal or written.
- (b) Careful consideration will be given to the reasons offered by an employee for his proposed resignation. Unless the employee is unavailable, he will be interviewed by his supervisor initially and the Personnel Office subsequently to determine whether one of the following steps is appropriate:
 - (1) If the proposed resignation is the result of failure of a potentially valuable employee to adjust himself to a specific work situation, appropriate action should be taken to improve such adjustment by in-service placement, counselling or other means.
 - (2) If the reason offered is ill health, the employee's eligibility for separation because of disability should be determined. If this action is proper, the employee will be advised that he may withdraw his resignation and safeguard his interests through separation action based on disability.
- (c) An employee will not be requested or advised to submit a resignation in lieu of another more appropriate action. He will, however, be advised of his right to resign prior to the completion of another type of separation and, if he chooses to resign, his resignation will be accepted. The Agency will not refuse the resignation of an employee nor will it take any action to compel him to remain in the service beyond the date he has specified.
- (d) When an individual contemplates voluntary separation from the Agency, he should give one month's advance notice of this fact, if possible, or at least two weeks' notice. However, failure to furnish such notice will not affect the personnel action involved in any way and, although it may reflect unfavorably on the individual's employment record, it is not ordinarily regarded as a basis for barring him from further Federal employment.
 - (1) Oral notice constitutes a valid resignation but effort will be made to obtain written confirmation whenever possible.

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- (2) Letters of resignation from absent employees should be addressed to the Personnel Director. However, when such letters are received by other Agency officials, they will be forwarded immediately to the Personnel Office for action.
- (2) When an employee absent on maternity, educational or other extended leave fails either to return to duty or to send notice at the end of the period of authorized absence, the Personnel Office will send a letter to the employee's last known address requesting that he notify the Personnel Director whether he intends to return or resign. The letter will request reply within a specified reasonable period (not less than 5 calendar days) and will inform the employee that, if he does not return, the Agency will be compelled to consider him as resigned. (An employee eligible for veteran preference will also be advised that the letter constitutes 30 days' advance notice of proposed action in compliance with the provisions of Section 14 of the Veterans Preference Act.)
- (a) The effective date of a resignation will be the close of business on the last day the employee is present for duty except in the following circumstances:
 - (1) When an employee resigns during, or at the expiration of an approved leave period, the date of separation will be fixed as the closing date of the pay period during which his resignation is received by the Personnel Office and the intervening period will be covered by leave with or without pay.
 - (2) When an employee resigns in circumstances under which it is proper to grant any accrued sick leave to his credit, the date of resignation will be extended to permit granting unused sick leave. Such cases require the special approval of the Assistant Director (Personnel) or his designee.
- (2) Separation to Accept Other Federal Employment
 - (a) The action to be taken to allow appointment of an employee by another Federal agency without a break in service of one workday is "Separation", unless the employee elects to resign or is eligible for "Separation (Transfer)".

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- (1) An employee will not be refused release for the purpose of accepting a position in another Federal agency.
- (2) The effective date of separation will be determined by negotiation between the Personnel Office and the other agency concerned. Every effort will be made to arrange a date agreeable to the employee's supervisor.
- (3) Failure to Meet Minimum Eligibility Standards for Appointment
 - (a) An employee will be separated by the action "Separation (Disqualification)" upon a determination that he was ineligible under the minimum standards of eligibility prescribed at the time of his appointment. This determination may result from information obtained by the Agency or, in appropriate cases, by the U. S. Civil Service Commission.
 - (b) This action will not be used to separate trial period employees who fail to demonstrate their qualifications or otherwise manifest unsuitability for Agency employment. It will not be used to effect separation as a result of action by the Loyalty Review Board or the Employment Review Board, or when the employee's application contains misrepresentations not concerning minimum eligibility standards.
 - (c) The Assistant Director (Personnel) or his designee will determine the appropriate action to be taken in these cases in accordance with applicable laws, regulations and Agency policy.
- (4) Separation Upon Determination of Legal Incompetence
 - (a) An employee who has been declared mentally incompetent by a court of competent jurisdiction will be separated by the action "Separation (Legal Incompetence)". This action is to be distinguished from "Separation (Disability)" which may be taken upon an administrative determination that the employee is mentally incapable of performing the duties of his position.
 - (b) No employee will be separated for legal incompetence until authoritative evidence is received which supports this action. Upon receipt of such evidence, the Assistant Director (Personnel) or his designee will determine whether the employee is eligible for disability retirement.

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and, if so, will promptly advise the legal guardian appointed by the court of such eligibility. If application for disability retirement is made, action will be taken in accordance with paragraph 3-a(5) below.

- (c) The effective date of the separation will be the date of receipt by the Agency of court action as extended by any unused sick leave to the employee's credit. The Personnel Office will advise the legal guardian to submit a claim for unpaid salary since payments cannot be made to the employee after the date of the court action declaring him incompetent.

(5) Disability Retirement

- (a) An employee who is eligible for "Retirement (Disability)" will be separated by this action upon approval of his application by the U. S. Civil Service Commission. Application for disability retirement may be submitted by the employee, his guardian or other interested party (if he is mentally incompetent), or by the Agency. The Personnel Office will furnish advice and assistance as to eligibility requirements and necessary steps in processing the application.
- (b) An employee who is physically or mentally disqualified for further productive effort will be continued on the roll on sick leave, or leave without pay if necessary, pending approval of his application for disability retirement. In the event he is not eligible for retirement, he should be separated by the action "Separation (Disability)", described in paragraph 3-b(5) below.

(6) Optional Retirement

Employees meeting certain age and length of service requirements may elect to retire even though they are not eligible for mandatory age retirement (paragraph 3-a(7) below). The Personnel Office will furnish advice and assistance as to eligibility requirements and necessary steps in processing the application.

(7) Age Retirement

When an employee has reached age 70 and has completed 15 or more years of creditable service, the Agency has no option but to separate him by the action "Retirement (Age)". The Personnel

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Office will assure that the employee has sufficient advance notice of retirement (not less than 60 calendar days) and will assist him in planning for retirement. The action becomes effective at the end of the calendar month during which the employee has met both age and length of service requirements. This date may be extended if necessary to provide the minimum 60 days' advance notice required in these actions.

(8) Death

- (a) When an employee dies or becomes seriously ill on the job, the Personnel Office will be immediately advised and will notify, by the most expeditious means available, the emergency addressee designated by the employee. If the emergency addressee is located at a distance, he will be notified whether the employee is on or off the job at the time.
- (b) When death occurs in the performance of duty, the Personnel Office will take action to preserve all the employee's rights under the Federal Employees' Compensation Act.
- (c) An employee will not be separated by the Agency while he is in the status of a missing person as defined in Agency Regulations. In unusual cases, when proof of death cannot be obtained, the employee may be removed from the rolls by the action "Death (Presumed)".
- (d) The Personnel Office will provide all possible assistance to the deceased employee's next of kin, or emergency addressee, in preparing claim for final salary and lump-sum leave payments and in filing a claim for any survivorship benefits for which he may be eligible under the Civil Service Retirement Act. He will also be advised to make claim for any Social Security benefits which may be due.

9. Actions Based on Conduct or Qualifications

This group of actions includes those which are initiated by Agency officials on the basis of the employee's conduct or qualifications. They are distinguished from similar actions described above primarily in that they require advance notice and, usually but not invariably, the right of the employee to reply before they may be properly effected.

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(1) Principles Governing Actions

- (a) Removal is required by statute for certain offenses, including among others, political, subversive, fraudulent or criminal activities. Discretionary authority to separate an employee may be exercised when such action will promote the efficiency of the service.
- (b) Determination to separate an employee will be based on consideration of the following factors:
 - (1) The employee's service history and his explanation (intent, mitigating circumstances, etc.) and the frequency of the occurrence for which separation is proposed;
 - (2) Previous supervisory attempts to rectify the difficulty;
 - (3) Whether the situation is remediable by admonition or reprimand or other less drastic action.
- (c) Action will not be taken in reprisal for petition or testimony to Governmental authorities.
- (d) To the extent authorized by existing legislation and governing regulations, employees will be paid retroactively for periods of enforced absence upon restoration and determination that their separation was unjustified or unwarranted. (This does not apply to restorations effected to correct purely procedural errors.) Adverse action must, therefore, be well supported factually and the utmost care exercised in selecting appropriate action on the grounds provided.
- (e) The effective date of action will not be established prior to the expiration of the advance notice prescribed in section 5 of this Instruction or, if applicable, to the date the employee has received notice of the adverse decision.

(2) Failure to Qualify During Trial Period

- (a) The trial period should be fully utilized as a final weeding-out period to determine the capacity of a new employee. Supervisors should pay particular attention to the employee's performance, progress and growth potential during

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his period and report these items in detail on the personnel evaluation report prepared prior to completion of the trial period. An employee who fails to demonstrate qualifications for his position or otherwise manifests unsuitability for agency employment during his trial period will be separated by the action "Separation (Disqualification)".

- (3) An employee who is eligible for veteran preference and who has already completed a probationary or trial period in current continuous Federal service will be separated by the action "Separation (Inefficiency)", paragraph 3-b(3) below, even though he has not completed the uniform 12 months' trial period in this Agency.

(2) Separation for Unsatisfactory Performance

- (a) "Separation (Inefficiency)" is separation action based on unsatisfactory performance of an employee who has completed his trial period. This action may be taken when deficiencies in performance warrant even though the employee's last Personnel Evaluation Report indicates satisfactory performance. However, it may be taken only after the employee has been officially notified in writing of the deficiencies in his performance and has been given a specified reasonable period of time (generally not less than 90 calendar days) with proper supervision and on-job training in which to improve.

- (b) In cases where a conscientious employee occupies a position beyond his actual or potential capacity, he should be re-assigned to duties commensurate with his abilities. When, however, the supervisor's efforts to bring about more satisfactory performance have been unavailing and less drastic action is not possible or desirable, he will recommend separation action. His recommendation, containing pertinent facts concerning the individual's unsatisfactory performance and summarizing the supervisor's efforts to bring about improvement, will be forwarded to the Personnel Office through appropriate administrative channels.

(4) Removal

"Removal" is the action taken to separate an employee on charges of delinquency or misconduct. Written charges must be preferred against the offending member with an opportunity for reply. This action is appropriate for use when the grounds are based on an employee's willful actions or upon carelessness or

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negligence beyond reasonable excuse. It should be used when warranted whether or not the employee has completed a trial period. Removal action is not appropriate for separation on grounds of unsatisfactory performance unless there has been gross negligence or carelessness on the part of the employee nor is it appropriate for separation for physical or mental deficiencies.

(5) Separation for Disability

- (a) An employee who is physically or mentally incapable of satisfactorily performing the duties of his position and who is ineligible for disability retirement will be separated by the action "Separation (Disability)". In no case will an employee be requested or advised to resign in lieu of this action.
- (b) When it appears that an employee is physically or mentally incapable of performing his duties by reason of a continuing disability, his supervisor will be assisted by the Personnel Office in preparing a memorandum to the Medical Office stating the facts and circumstances. The Medical Office will promptly arrange with the employee, through his supervisor, for interview and examination. A written statement based upon the examination and observed facts and recommending separation or retention of the employee will be prepared by the Medical Office and forwarded to the Personnel Office. The Assistant Director (Personnel) or his designee will determine final action to be taken.
- (c) If the employee refuses to present himself for examination, the Assistant Director (Personnel) or his designee will reach a decision upon such facts as are otherwise available, with the advice of the Chief, Medical Office, and the appropriate supervisor.
- (d) Employees will be permitted to use sick leave to their credit prior to separation for disability.

(6) Abandonment of Position

- (a) Prompt action should be taken to determine the cause of any unauthorized absence from duty. If it has been impossible to contact the employee otherwise, the Personnel Office will send a letter by registered mail, return receipt requested, to the employee at his last known address after not less than 5 working days of unauthorized absence.

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This letter will state that, if the employee does not reply within a specified reasonable time (not less than 5 days) after receipt of the letter, action will be taken to separate him for abandonment of position. If the employee is eligible for veteran preference, the letter will state that he is being given 30 days' advance notice of proposed action in accordance with Section 14 of the Veterans Preference Act.

- (1) If the employee returns to duty or advises of his intention to return, the action will not be processed as abandonment of position. However, if he returns to duty and fails to provide satisfactory explanation for the absence, appropriate disciplinary action, including removal, may be taken.
- (2) If the employee fails to return to duty or to provide reason for his continued absence, action will be taken to separate him under the procedures for "Removal" (see paragraph 3-b(4) above.)
- (b) If subsequent to the processing of separation for abandonment of position, the employee notified the Personnel Office that he did not abandon his position and that he wishes to return to duty, he will be restored by the action "Restoration from Separation" and decision made as to whether the circumstances warrant removal action.
- (c) If subsequent to the processing of separation for abandonment of position, it is shown that the employee did in fact resign, the action will be amended to show "Resignation" as the nature of action.

4. AUTHORITIES AND RESPONSIBILITIES

- a. Supervisors bear primary responsibility for determining the adequacy of the performance and conduct of personnel under their jurisdiction and for initiating corrective action where necessary. While ultimate authority for taking personnel actions rests generally with the Assistant Director (Personnel), this fact does not relieve supervisory officials of their responsibility for discipline and proper management of personnel.
- b. The Assistant Director (Personnel) is responsible for rendering advice and assistance at all supervisory levels in these problems and for reviewing recommended actions to assure that they conform to

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regulatory and procedural requirements and are not unreasonable or arbitrary. Except as specifically provided elsewhere, the Assistant Director (Personnel) or his designee will take or recommend final action to separate an employee.

5. NOTICES, DECISIONS AND APPEALS

a. General

Separation actions initiated by the Agency require advance notice to the employee concerned and usually, if the action is based on his conduct or qualifications, his right to reply before final decision. It is advisable to give employees as much explanation and advance notice of impending separation as possible, even though this may be above and beyond the requirements of law and applicable regulations. The amount of notice and the form and contents of the notice depend upon the type of action, the circumstances of the individual case, the status of the employee and the type of appointment under which he is serving.

b. Amount of Notice - Right to Reply

Specific requirements for notice periods and right to reply are shown in Appendix A. Generally, employees serving in a trial period will receive two weeks' notice of proposed separation. In most cases, employees who have completed their trial periods will receive 30 days' notice. Important exceptions are as follows:

- (1) An employee who is eligible for veteran preference and who has completed a trial or probationary period in current continuous Federal service will be considered as having completed his trial period even though he may not have served the full 12 months' trial period in this Agency.
- (2) In removal cases, unless the employee concerned is eligible for veteran preference and must therefore be given 30 days' advance notice, the time allowed between the notice and final decision will be determined by the circumstances of the individual case but sufficient to allow for the reply period, consideration of reply and issuance of final decision.
- (3) Time requirements for advance notice and reply do not apply in the following cases, although the employee will be given such advance notice and opportunity to answer as will be reasonable under the circumstances:

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- (a) When the reasons or charges are of such nature that the law requires immediate removal if the charges are substantiated.
- (b) When there is reasonable cause to believe the employee guilty of a crime for which a sentence of imprisonment can be imposed.

c. Form of Notice

Notice of proposed separation will normally be issued in the form of a letter. However, notice of termination action which does not include the right to reply may be given in the form of a letter or as Standard Form 50, Notification of Personnel Action.

d. Computation of Notice Period

The amount of notice required for the various types of actions is given in Appendix A. In computing the notice period, only full calendar days will be counted. The count will start the day after the employee receives his notice. The separation will not be effected earlier than the close of the employee's regular hours of duty on the day on which the full notice period is completed. When two calendar days are included in the same work shift, the effective date will not be earlier than the completion of the work shift for the day after the notice period is completed.

e. Preparation of Notice

When separation for unsatisfactory conduct or performance of an employee who has completed his trial period is proposed, the notice will be prepared and signed by the supervisor, with assistance and concurrence of the Personnel Office. In other cases, the Personnel Office will prepare the notice for the signature of the Assistant Director (Personnel) or his designee. Supervisory officials will be requested to provide such information as may be necessary in individual cases.

f. Contents of Notice

- (1) All notices will specify the action proposed, the date of proposed action will become effective, and the reasons for the action, stated specifically and in detail. If appropriate to the action, the notice will also include a review of the administrative and supervisory actions which have been taken to correct the situation.

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- (2) All notices will specify whether the employee will remain in a work status and whether he will remain in his present position during the notice period. (See paragraph 5-h. below.)
- (3) A statement on the employee's right to reply will be included when it is applicable. (See Appendix A.) This statement will include the following information:
 - (a) That the employee has a right to reply, personally and in writing, and to furnish affidavits and evidence in support of his answer.
 - (b) That the employee must make any reply within the time specified in the notice. (See paragraph 5-i. below.)
 - (c) That the employee may mail or bring a written reply to the Personnel Office and that he may contact the individual designated in the letter to deliver a written reply or to make arrangements for an appearance before an Advisory Committee. (See paragraph 5-j. below.)
 - (d) That the employee may appear before an Advisory Committee to present an oral reply.
 - (e) That no final decision has been made or will be made until the employee's reply has been considered or, if he chooses not to reply, until the time specified for reply has passed.
 - (f) That the employee will be notified of the final decision as soon as practicable (normally within 10 calendar days) and prior to the effective date of action. (See paragraph 5-k. below.)

g. Delivery of Notice

- (1) If the employee is available, the notice will be delivered to him personally by a representative of the Personnel Office or by his supervisor, as appropriate, and he will be requested to sign a receipt therefor.
- (2) When the employee is not available for personal delivery, the notice will be sent to him by the Personnel Office to his last known address by registered mail, return receipt "signed by addressee only" requested. The return receipt or the envelope bearing the post office notation of non-delivery will be filed in the employee's official personnel folder as evidence of compliance with regulations.

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h. Status of Employee During Notice Period

- (1) The employee will normally be retained in his position in a work status during the notice period. Upon recommendation of the Office Chief concerned, exception may be authorized by the Assistant Director (Personnel) or his designee when retention of the employee may be considered to result in damage to Government property, be detrimental to the interests of the Government, or be injurious to the employee, his fellow workers or the general public.
- (2) When one of the above conditions exists, the employee may be re-assigned to a position where the condition would not exist. Otherwise, he may be placed on:
 - (a) Annual leave, with or without his consent, provided he has sufficient leave to his credit to cover the required period.
 - (b) Leave without pay, with his consent.
 - (c) Sick leave, in appropriate cases.
- (3) If none of the above actions is possible to correct the condition, the employee may be suspended. Charges must be preferred and the employee given an opportunity to answer and submit affidavits thereto. The time to be allowed for answer may be not less than 24 hours in emergency cases. An employee eligible for veteran preference may not be suspended for more than 30 days under this emergency procedure.

i. Time Limit for Reply

- (1) The employee will be allowed a reasonable time in which to prepare his answer and obtain affidavits and evidence. The length of time allowed will depend upon the facts and circumstances of individual cases but will not be less than seven calendar days.
- (2) The employee's request for an extension of time within which to reply may be granted at the discretion of the Assistant Director (Personnel).

j. Consideration of Reply

- (1) Thorough consideration to any reply, written or oral, received from an employee will be given by an Advisory Committee appointed by the Assistant Director (Personnel).

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- (a) The Advisory Committee will be composed of three responsible and impartial officials of the Agency who are not members of the Office, or comparable organizational element, to which the employee is assigned. The Personnel Director or his designated representative will serve as non-voting chairman of the Committee.
 - (b) The Advisory Committee may secure the technical advice and guidance of appropriate specialists.
 - (c) The employee may request the appearance before the Committee of other Agency employees in possession of pertinent facts. Individuals who are not members of the Agency will not be permitted to participate in the Advisory Committee's activities.
- (2) After considering the individual's reply, the Advisory Committee will recommend final action to the Assistant Director (Personnel).
 - (3) If a written reply is received from an employee whose notice did not include a statement on right to reply, full consideration will be given the reply. The Assistant Director (Personnel) may in his discretion appoint an Advisory Committee for this purpose.

k. Notice of Decision

- (1) A notice of final decision, whether favorable or unfavorable, will be sent the employee at the earliest practicable date. This notice must be sent even though the advance notice was returned undelivered or the employee made no reply. The instructions in paragraph 5-h. above for delivery of advance notice apply.
- (2) If it is determined that the proposed action is not to be taken, the employee will be informed of the withdrawal and of the reasons therefor.
- (3) The notice must contain information on the following:
 - (a) Nature of action decided upon and the date on which it will become effective. (The effective date will be recomputed if for any reason the employee has not had the required length of notice.)
 - (b) Reference to the procedural authority if the action is taken under Part 22 or section 9.102(a)(1) of the Civil Service Regulations.

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- (c) Reference to the advance notice, including date of delivery or circumstances of non-delivery, and a brief statement of the reasons given in the advance notice.
- (d) Reference to any replies made by the employee, including dates, or to his failure to reply, and statement concerning consideration given the reply.
- (e) Information on appeal rights. (See paragraph 5-1. below.)
- (f) Name, title and location of individual in the Personnel Office to whom the employee may direct questions or requests for assistance.

1. Appeals

- (1) For employees generally, separation may be appealed on the record only to the Director of Central Intelligence within 30 days after the effective date of the separation. For other than employees eligible for veteran preference, the decision of the Director of Central Intelligence will be final.
- (2) An employee who is eligible for veteran preference and who has completed a trial or probationary period may appeal to the U. S. Civil Service Commission under section 14 of the Veterans' Preference Act not later than 10 days after the effective date of separation.
 - (a) If the employee's appeal is accepted by the Commission, action on any appeal under paragraph 5-1(1) above will cease and no future appeal of the separation may be made under this provision.
 - (b) The Personnel Office will assist the employee by furnishing him upon specific request information recorded in the Personnel Office which is not otherwise readily available to him.
 - (c) The Assistant Director (Personnel) or his designee will represent the Agency in connection with the appeal. He will be given necessary advice and assistance by appropriate Agency officials in developing the Agency's case and participating in the hearings, if any.

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6. PROGRESSIVE INSTRUCTIONS

a. Selection of Appropriate Action

Each of the actions described in this Instruction has distinguishing characteristics which materially affect the rights or interest of the Agency and the Government and of the employee. Careful consideration must be given to any proposed action to determine whether such action could be construed as adverse and whether it will in fact promote the efficiency of the service. After preliminary determination that the facts and circumstances in an individual case appear to warrant action, selection will be made of the specific type of personnel action most appropriate to the individual case.

b. Initiation

- (1) Standard Form 52, Request for Personnel Action, will be prepared by the appropriate operating office to initiate resignation or separation to accept other Federal employment.
- (2) Adverse actions initiated by supervisory officials will be initiated in the form of memoranda recommending separation action.
- (3) Standard Form 52, Request for Personnel Action, will be requested from the operating office concerned or initiated by the Personnel Office when required in other cases.

c. Effecting Action

Separation actions are consummated by the preparation of Standard Form 50, Notification of Personnel Action, (or Standard Form 52, Request for Personnel Action, when authorized for use in lieu of Standard Form 50). The action is not officially recognized until this instrument is executed and authenticated by an official to whom appointing authority has been delegated and, in certain cases specified in this Instruction, delivered to the employee.

d. Cancellations and Corrections

- (1) Once a separation becomes an accomplished fact, it cannot be rescinded by administrative action. The action does not, however become effective until the individual receives proper notice if required. Proposed separation may be cancelled at any time prior to the effective date of the action.
- (2) When subsequent review shows that separation was unjustified or unwarranted, the employee may be returned to duty by restoration or new appointment action. Under specified conditions, retroactive salary payments may be authorized.

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- (3) These provisions do not prohibit amending the form of a given notice to conform to established facts. For example, "Separation (Abandonment of Position)" should be changed to "Resignation" if it is later found that the employee did in fact resign.

e. Payment for Leave and Final Salary

Except as provided below, final salary payment and payment for all accumulated and accrued annual leave to the employee's credit at the time of his separation from the Government service will be made promptly. Payments will not be made in the following instances:

- (1) When the employee is separated to allow employment without a break in service of one workday in another Government agency under the same leave system;
- (2) When the employee concerned strikes, or asserts the right to strike, against the Government;
- (3) When the employee is separated because of an erroneous determination that he met all minimum requirements for his position at the time of appointment.

f. Refund of Retirement Deductions

An employee who is absolutely separated from the Government service or is transferred to a position not within the purview of the Civil Service Retirement Act is entitled to a refund of retirement deductions if he has less than 20 years of creditable service. The Personnel Office will advise the employee, or his beneficiaries or guardian as appropriate, of any rights to refund or annuity which he may have.

g. Return of Government Property and Money

A check will be made to see that the employee returns badges and credentials and any Government property which may have been issued to him, such as books, brief cases or typewriters. This is accomplished by the use of CIA Form 34-30, Final Payment Clearance Sheet. Prompt settlement of any indebtedness to the Government will be required before final salary payment is released.

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APPENDIX "A"

SEPARATION NOTICE REQUIREMENTS

Reference	Type of Action	During Trial Period	After Trial Period
Sec. 3-a:	Actions not initiated by administrative officials:		
(1)	Resignation		
(2)	To accept other Fed. employment		NO ADVANCE NOTICE BY AGENCY
(3)	Failure to meet minimum standards		AND NO RIGHT TO REPLY
(4)	Legal Incompetence		
(8)	Death		
(5)	Disability retirement	Action not applicable	
(6)	Optional retirement	Action not applicable	
(7)	Age retirement	Action not applicable	
Sec. 3-b:	Actions based on conduct or qualifications:		
(2)	Failure to qualify during trial period	2 weeks' notice; no right to reply	Action not applicable
(3)	Separation for unsatisfactory performance	Action not applicable	30 days' notice; right to reply
(4)	Removal	Sufficient notice to allow for preparation and consideration of reply	Veteran: 30 days' notice; right to reply. Non-veteran: sufficient notice to allow for preparation and consideration of reply
(5)	Separation for disability	2 weeks' notice; right to reply	30 days' notice; right to reply.
(6)	Abandonment of position	Use removal procedure	Use removal procedure

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