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June 77

TO ALL EEO OFFICERS AND COUNSELORS

As part of an expanding effort to keep in touch with everyone who is performing specific EEO tasks and to help make the latest information available to you, occasionally I will send you copies of EEO regulations changes, discrimination case summaries, articles, and other items related to management of equal opportunity.

Attached are the four latest issues of The First Line -- a new bimonthly newsletter for supervisors and midmanagers. The newsletter grew out of a 1975 recommendation of an interagency work group. It has two purposes: (1) to keep readers up to date on important developments in laws, Executive orders, the FPM, and court decisions that affect Federal employees; and (2) to provide a series of articles on the personnel management responsibilities of Federal supervisors and midmanagers. Frequently it features articles specifically addressing equal employment opportunity.

The April - May 1977 issue describes the new class-action regulations. While the CIA version will be different in some of its detail, this article gives you a good snapshot of the general concept.

Please give me your comments and suggestions.

[Redacted]

EEO Specialist
Office of EEO
ext. [Redacted]

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The First Line

A Newsletter for Federal Supervisors and Midmanagers

Volume 1, Number 3

October-November 1976

Flexitime Can Be A Problem-Solver

Do you have problems with tardy employees?

Are too many employees using too much sick leave?

Would you like to expand your hours of service to the public, or maintain contact during more of the business day with other locations in the U.S. or overseas?

Many supervisors have found one answer to these and other problems is flexitime, according to Barbara L. Fiss, flexible work hours project officer for the U.S. Civil Service Commission.

Flexitime programs now affect more than 60,000 Federal employees in 50 organizations.

In flexitime, fixed times of arrival and departure are replaced by a working day with two different types of time: *core time* and *flexible time*.

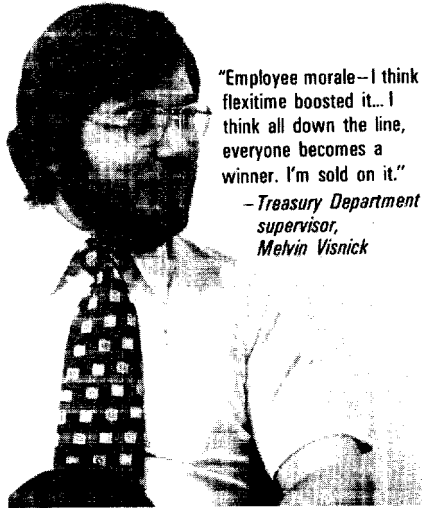
Core time is the part of the work day during which all employees in the work unit must be present.

Flexible time is the part of the work day when employees may choose the time they arrive and depart.

The two requirements of flexible work schedules are that (1) the employee must be present during the core time, and (2) Federal employees currently must work or otherwise account for eight hours of duty plus lunch period for each work day.

Flexitime is not for everyone, according to Fiss. "In some work units," she said, "the type of work does not permit flexible work hours. But the concept is workable for many other organizations."

For those organizations, Fiss pointed out, flexitime can offer



"Employee morale—I think flexitime boosted it... I think all down the line, everyone becomes a winner. I'm sold on it."

—Treasury Department supervisor, Melvin Visnick

many advantages: carpools, public transportation, and child-care arrangements are often more workable under flexitime than under fixed-hours. Many agencies find that flexitime has reduced tardiness and use of sick leave.

"Flexitime also has expanded the hours that customers may do business with the organization, and has provided some employees with more quiet time (when they arrive ahead of others or leave late in the day) to accomplish work requiring greater concentration."

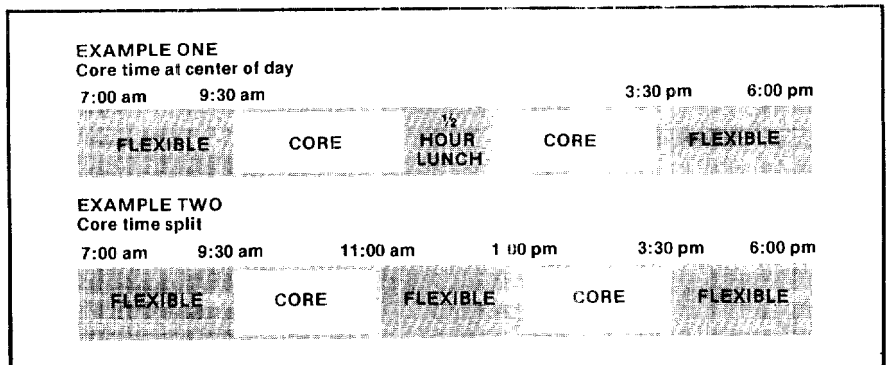
Fiss emphasized that a successful flexible hours program must be set up so that it supports an organization's mission or goals. Further, it must be based on ground rules that take the supervisor's needs and concerns into account.

"For example, individual supervisors should retain authority to limit the flexibility available to a given employee due to work requirements," Fiss said.

Additional information on flexitime is available in *Flexitime*, a 16-page booklet that contains step-by-step guidance on starting a flexible hours program. The booklet is available from the Superintendent of Documents; U.S. Government Printing Office; Washington, D.C. 20402; at 65¢ a copy (Stock No. 006-000-00809-7; Catalog No. CS 1.7/4:F63).

Also, a 26-minute film, designed for general orientation, is available for loan in 16-mm motion picture and ¾-in. video cassettes. For more information about the film, write:

U.S. Civil Service Commission
Pay and Leave Administration
Section
Washington, D.C. 20415



Supervisors' Workshop

On Position Classification

Position Classification—Help For Supervisors

If you're like many supervisors, you spend much of your time wrestling with personnel problems. One way to ease such problems is to become better acquainted with that seemingly formidable process—position classification.

To find out more about the process and how it can help you in hiring and promoting your employees, *The First Line* went directly to the source — the Standards Division of the Civil Service Commission's Bureau of Policies and Standards.

Two documents, according to Paul A. Katz, chief of the division, are the primary basis of Federal classification procedures: classification standards and position descriptions. They

are used by position classifiers to determine the grade level and qualification requirements of every Federal job.

A Position Description lists the duties, responsibilities and, usually, the essential qualifications for a specific job. Before a position description is classified, or given a numerical grade, you, as supervisor, must sign it, certifying that it is an accurate statement of the work. If an employee's duties and responsibilities increase or decrease, the position description should be changed.

Classification Standards describe the typical duties and responsibilities at the various grade levels in the various occupations found in government

such as accountant or clerk-typist.

Although the standards are basic working aids for classification specialists, Katz said, they also can serve as informative guidelines for you to follow in analyzing jobs and in writing or revising position descriptions.

"Look over the standards," he said. "If you can't understand them, ask a classification specialist for help. He or she also can point out what should be emphasized in a position description."

Although being familiar with classification procedures is helpful, the real advantages are gained when you use the knowledge properly, he said.

"Consider hiring to fill a vacancy. If an up-to-date position description is used as a guide for writing the vacancy announcement, applicants will have a good understanding of the job. After the personnel staffing specialists screen the applications, they will be able to refer the best

FES—A New Position Classification System

A new system for classifying positions has been developed and will be phased-in in more than 300 occupations, Civil Service Commission classification experts report.

This system, known as the Factor Evaluation System or FES, is designed to help both supervisors and employees get a clearer picture of how non-supervisory positions in the General Schedule are classified in grades GS-1 through GS-15.

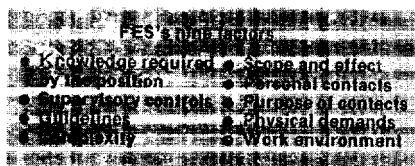
Transition from the current classification system to the FES will take several years, because of the more than 300 occupations involved and the need to rewrite standards to fit specific aspects of each one.

The first five FES classification standards to be issued will be for Mail and File Clerks, Nurses, Accounting Technicians, Mechanical Engineers, and Dental Therapy Technicians.

This very likely could affect you directly, whether you supervise employees in these job classifications or not.

During the phasing-in of FES, you may be asked to help your agency's classification specialists rewrite position descriptions for your employees in these and other job categories as FES expands to include them.

Under FES, all position descriptions will be written to include a short introductory paragraph covering the job's major duties, followed by a description of the position in terms of the nine FES job evaluation factors:



Every position has all nine factors. The position description

explains how important each factor is in a particular job.

FES classification standards have two parts that are used in determining the grade of a position: *factor-level descriptions* and *benchmarks*.

Factor-level descriptions show levels of each of the nine factors as they apply to an occupation.

Benchmarks show the duties of typical positions and the levels of the nine factors for those positions.

Because benchmarks are similar to position descriptions written with FES factors, the classification experts point out, it will be easy to compare one to the other, factor by factor. Hence, it will be easier and quicker to understand the classification of the position.

For specific answers on how the FES will change your procedures, talk with a classification specialist in your personnel office.

people to you. By keeping position descriptions current, you simplify and streamline the hiring process."

Classification standards can help you in other ways, too, when you have a vacancy to fill, Katz said. "The standards help explain how differences in the work account for differences in grade. By referring to these standards you can get a good idea of how your rearranging duties and responsibilities can influence a position's grade. By efficient rearrangement, you can control the number of high grade positions and help keep the cost of government down."

Understanding classification procedures also can give you insight into the "how" and "why" of promotions, he said. This in turn helps you to better answer your staff's questions on promotions.

By comparing a position description to the right classification standard, you can deter-

mine the proper grade level of the position. You also can find out what more difficult duties might justify promotion to a higher grade.

"Remember," he said, "promotions are not based on the amount of work produced by an employee. Instead, the type of work assigned and the amount of responsibility shouldered are the major factors."

As a supervisor, the work you assign employees influences their promotion potential. Before certifying a position description, you should be satisfied that it accurately states the major duties of the job. If the description is out-dated, you should revise it to show the current requirements of the position. "Remember, though," he added, "that most promotions should be competitive; you can't just arbitrarily assign higher grade duties to employees and thereby give them promotions."

One of the best times to update position descriptions, he said, is during your agency's annual classification survey. The main purposes of this survey are to make sure established positions are still needed and to see that position descriptions are correct. Your classification specialists should contact you to verify changes in your staff's duties.

The annual survey allows you to bring revisions or corrections to the attention of your classifiers. It can also help you to gain a better insight into classification processes and how they affect you and your employees.

"Although position classification is a big job in all government personnel offices," Katz said, "it has many uses for all supervisors too.

"By taking an active part in related classification actions," he said, "you can apply your ideas and knowledge to influence a personnel program designed to help you."

Handbook Answers Counseling Questions

Genuine interest and concern in their careers is one of the most valuable things you can offer your employees.

Your personal encouragement and help is a major key to successful career counseling. With it, much is possible; without it little is gained.

But how do you translate your knowledge of career development and your desire to assist an employee, into a helping, counseling relationship?

The *Career Counseling Handbook** provides some answers. Here are excerpts.

You can help most by asking stimulating questions, providing relevant information, and helping the employee to think through the alternatives, but only the employee can determine what suits him or her as an individual.

Setting and Structure

Conduct your counseling in a private, quiet place. If you can-

not guarantee an uninterrupted 20 or 30 minutes, postpone the interview until you can.

Opening the interview well is a good beginning for the counseling relationship. Assuming the employee — a woman, for example — has come to you, it is usually best to let her begin by telling you what she wants to talk about. Don't try to second



guess her or verbally anticipate what she will say. Let her take the lead; you listen. Nor should you assume she has a problem by saying, "Tell me what your problem is." Perhaps she has simply come for information.

In your first interview, you will probably find it desirable to make a few explanatory remarks.

You should clarify your role and offer your assistance.

Some people will undoubtedly come to you in a crisis—upset, unhappy, disappointed, or confused. Very often this person's primary need is to "ventilate" and explain his or her situation to a sympathetic listener. Somewhat into the conversation however, you should clarify your role. For example:

"I see that you're very upset about your job and I'd like to help you find some answers to

See **Counseling**, p. 4

* More information is available in the publication, *Career Counseling for Women in the Federal Government, A Handbook*, from which this article was extracted.

The handbook is useful as a resource in counseling men and women. It provides information about women in the work force, vocational development needs, and suggested materials and methods for career counseling.

Copies may be ordered from Superintendent of Documents; U.S. Government Printing Office; Washington, D.C. 20402, at \$1.65. Stock Number is 006-000-00894-1.

Counseling

continued from p. 3

your problem." Then (because he or she came to your office unexpectedly): "I have an appointment in 20 minutes, but let's talk now for 10 minutes and then, if you like, we can schedule a longer meeting later."

This example points to another condition for career counselors to decide: time structure. It is usually a good idea at the beginning of the interview to state the time limits. In this way both you and the employee know how much time you have for your discussion.

Another consideration is taking notes. If you want to make notes during the discussion, explain to the employee why, and ask if he or she objects. Notes can be helpful, but don't let them come between you and the employee. Some counselors use note taking to *hide* from the employee, writing copiously and thereby avoiding a direct, open discussion.

With some employees, the fact that you are a supervisor may mean that an effective counseling relationship cannot be established. As a supervisor you must be alert to this possibility and, when you feel it operating, you should refer the person to someone else. For example:

Employee: I know I haven't been turning out very good work lately but I just can't tell you all the reasons why. You probably wouldn't want to discuss my problems anyway. I think they're really caused by frustrations.

Supervisor: I know how hard it is to keep your mind on a job when you're unhappy and I can see how you'd wonder whether I'd be interested or whether it's smart to tell me about your dissatisfactions. It's true I'm your supervisor but I am concerned about you, not just your work. If you think it might help to talk some of these things over, we can try to do that.

Closing the interview can be awkward. Usually the counselor or the employee feels that there hasn't been enough time. One guiding principle is to adhere to the interview length which you had planned.

Supervisor: Well, I see we have only five more minutes. Would you like to spend them summarizing some of the alternatives we have talked about?

Supervisor: (Interrupting) I don't like to break in on this but our time is up. Certainly these issues you mentioned are complicated and we can't hope to settle them all today but I feel we made a good start. Would you like to come back next week?

Supervisor: I can see you're pretty worried about these things and I would like to help you. Since your time is up today, perhaps we could both think more about them and get together next week.

Listening

Listening is one of the most important principles of counseling. You should let the employee take the lead and you listen. Sometimes this is difficult. For one thing, the urge to give advice immediately is great. Or, the employee may ask for an answer, for advice, for your opinion. How can you be quiet?

The crucial thing to remember is that you are not meeting with the employee — a man, for example — to give him answers or solutions. You are meeting with him to help him find his own answers and make his own decisions. Your role is to get him to do the talking and thinking and acting. Developing a career is not unlike learning to drive: you can help and assist and encourage, but you cannot do it for him. If you take over the wheel by doing all the talking, he will never learn how to drive himself.

Sometimes you will want to direct employees to other sources of information. This is good, because it involves the employee in active exploration. Avoid

sending him or her on wild goose chases; try to direct the employee to good, reliable sources of information. For example:

Counselor: The agency library has a collection of college catalogs for schools in this area. I think you'll be able to find some of the answers there.

Counselor: Mrs. Smith attended that course last month. Perhaps she could give you a personal opinion.

Counselor: Let's see, Ann Jones is our personnel specialist. Maybe you'd want to call her for an official answer.

Usually you will be able to refer her or him to someone who can help. But do not bluff. An employee won't mind that you are not perfect; he or she knows that you are human.

Good counseling pays off. It helps employees develop to their full potential — to your advantage *and* theirs. It also assists you in meeting your equal employment opportunity responsibilities.

Third Issue Delayed

Before this third issue was produced, *The First Line* learned that nearly half of those expecting to receive the issue were no longer on the distribution list. This was caused by administrative problems beyond our control. Production of the third issue was delayed while we investigated the problem.

The situation has now been resolved, and future issues of *The First Line* will be published on a regular bimonthly schedule.

The First Line

The First Line is published bimonthly by the U.S. Civil Service Commission. Editorial inquiries should be sent to the U.S. Civil Service Commission, First Line Editor, Don Dillin; Office of Public Affairs, Room 5351; 1900 E Street N.W.; Washington, D.C. 20415. Telephone (202) 632-5496.

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U.S. Civil Service
Commission

The First Line

A Newsletter for Federal Supervisors and Midmanagers

Volume 1, Number 4

December 1976-January 1977

Setting Standards to Evaluate Performance

"This past month, Gordon, the claims processor I've been supervising for the past two years, handled about half as many cases as he usually does. I wonder what's with him."

"Janet has been doing an outstanding job with the new assignment as division manager. I'm very happy that I selected her."

"I know it's rare, but I just do not feel that it would be correct to authorize Larry's within-grade increase when it comes due. His work is just not up to par."

Performance evaluations, every one. But not the kind that you have to sit down and contemplate once a year. These are day-to-day evaluations. You make them every time you see a work product. You make judgments each time you watch an employee work.

You can store away these impressions and bring them out when the formal occasion calls for it. . . when you have to decide on within-grade increases for white-collar employees, when you have to assign a performance rating, when you recommend an employee for an award.

Each time you make that mental evaluation of an employee's performance, you are judging the performance against some kind of standard.

It may be your general impression of how the employee has performed in the past.

Or it may be how you feel *you* would perform in the same position.

You may have different standards for different people, based

on their experience and grade level.

"But there is a real risk," according to Frederick Kistler, who heads the Civil Service Commission's Bureau of Policies and Standards, "when you don't bring these standards out in the open for your employees to see and understand.

"You can set up standards of performance in many different ways," he said. "The method you use may depend on how your agency wants it done or on your personal style of supervision.

"But when you don't keep your employees aware of what

you expect from them, you may, at the very least, uncomfortably surprise them when they see the formal personnel decisions that you make. And at worst you can leave yourself open to complaints, grievances, and lowered morale.

"It's a fact of life in employee relations that the employee is most comfortable when he or she knows exactly what you expect," he said. "So tell them."

Setting standards

Setting standards of performance can be a good opportunity
See **Standards**, p. 4.

Employee Surveys Reveal Attitudes

Nearly half of a sample group of Federal employees do not consider promotions fair.

And half of the same sample group said they were dissatisfied with career opportunities.

These are among the opinions and attitudes revealed in questionnaires given to nearly 100,000 Federal employees throughout the country during 1974 and 1975. Questionnaires are given to employees when the Civil Service Commission conducts personnel management audits in Federal agencies.

On the positive side, more than three-quarters of employees asked said that they:

- Were able to find out things about their job.
- Got needed advice on methods and problems.

- Had a clear idea of the quality of work they were expected to perform.

But only half said that they were kept informed of how they were doing.

One in every two questioned said they they received direction from more than one person.

Half of the employees surveyed said that supervisors did not solicit their comments or opinions.

Copies of the questionnaire, and information on questionnaire processing, are available from:

U.S. Civil Service Commission
Analysis and Development
Division BPME
Washington, D.C. 20415

Ford Budget Projects Possible Pay Hikes

The budget submitted to Congress by President Ford on January 17, 1977, contains provisions for possible white-collar pay increases of 6.5 percent in October 1977 and 6.25 percent in October 1978.

These increases are estimates only.

The estimates are based on information about the economy available at the time the budget was prepared.

Actual increases in October 1977 and October 1978 may be higher or lower than the percentages indicated in the budget proposal, according to Raymond W. Rosenborn, chief of the Civil Service Commission's Pay Policy Division.

The actual increases will depend on the findings of the survey now being made by the Bureau of Labor Statistics, he said.

The white-collar pay adjustment process is detailed below.

Supervisors' Workshop on Complaints and Grievances

Fair Treatment Can Reduce Complaints

Successful handling of complaints and grievances can be one of the strongest building blocks in good human relations. The following article, taken from *The Supervisor's Guide to Labor Relations in the Federal Government*, provides information on how you can deal with complaints from your employees.

Reducing Employee Complaints

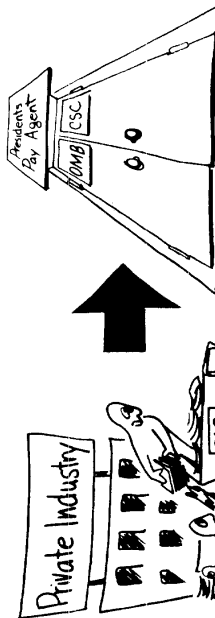
While there is no magic formula for eliminating complaints and grievances, fair treatment and common sense can make your relationship with your employees more productive and cooperative. Here are some suggestions.

- Be alert to the usual causes of complaints and grievances. Do not knowingly violate your agency's rules or the labor contract. For example, distributing overtime
- Assign work impartially to employees with equal skill and ability.
- Give reasons for your orders unless they are obvious.
- Be consistent unless there is an obvious reason for change.
- Explain change.
- Act as soon as possible on requests.
- Avoid showing favoritism.
- If corrective action has to be taken, do not make a public display of the disciplinary talk or action.

time unequally in violation of a contract is an open invitation to a grievance.

- Keep the workers informed regarding the quality of their work.
- Correct minor irritations promptly.
- Encourage constructive suggestions.
- Keep promises.

How White-Collar Pay is Adjusted



Bureau of Labor Statistics employees gather data on Private Sector salary changes.

In short, use common sense and, until proven wrong, assume that fair treatment will pay off in cooperation.

First Discussion—Get the Story

Many "gripes" are not strictly "grievances" because they relate to a complaint about some situation not covered by the negotiated grievance procedure. While it is quite true that in such a case the grievance should fail, nevertheless, the worker or steward should be heard on the subject. If you take a "legalistic" attitude at this stage and dismiss the gripe you'll encourage irritations and hard feelings.

Other procedures available to the employee in addition to negotiated and agency grievance procedures include:

- Equal Employment Opportunity Complaints
- Classification Appeals
- Adverse Action Appeals

Listen and get your employee's story. Let him or her talk without interruption—then ask questions. If you don't show enough interest to define the

problem exactly, you are open to the charge of pre-judging the matter. Sometimes hearing the complaint out is all that is desired.

EDITOR'S NOTE: More than half of all Federal employees are covered by "negotiated grievance procedures" contained in labor contracts. These provide a formal means to settle employee complaints.

Don't Guess—Investigate

If you are absolutely certain of the proper answer and feel that a quick factual response will resolve the matter, make an immediate reply. However, if you are (a) not sure of the facts, (b) not sure of the pertinent contract interpretation or management policy, or (c) doubtful that the atmosphere is right for resolution—then a delay may be necessary.

A hasty decision under any of these three conditions can be disastrous.

In analyzing a grievance, the key word is *investigate*. Assuming the complaint is a grievance under an agreement, review the

limits of the grievance procedure.

Weigh all the facts and review any relevant records such as payroll, attendance, overtime, sick leave, safety, etc. Review personnel files of the employees involved, overtime, sick leave, safety, etc. Review personnel files of the employees involved. Your personnel or labor relations officer can help in this phase of your inquiry.

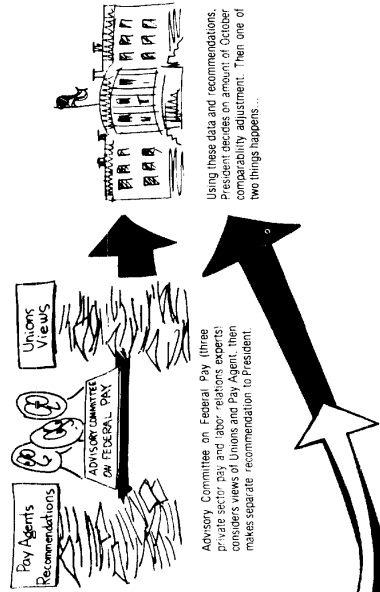
Arbitrators invariably ask for evidence of what precedents have been established, how similar problems have been solved, the practice of the supervisor in the past.

Many a supervisor has found to his or her dismay, that a hasty or careless decision in the past concerning a relatively minor occurrence comes back to haunt the supervisor later when a similar occurrence involves more serious consequences.

Preparing the Answer—Your Decision

Decide on a solution after analyzing all the facts developed in your investigation. Discuss. See **Complaints**, p.

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Complaints

continued from p. 3
your answer with others—your supervisor, your personnel or labor relations officer, other supervisors.

Frame your answer carefully. Policy differs concerning the most effective answer. Check your response with the personnel or labor relations officer.

If the grievance is to be settled or granted, do it promptly. If the decision is that the grievance has merit, do not detract from the satisfactory resolution by a begrudging delay.

Make a written record. No matter whether the grievance is denied, granted or settled by compromise, prepare a complete statement of all that occurred. If the grievance is denied, the statement of facts will be useful on appeal. If the grievance is granted in whole or in part, it constitutes precedent or past practice which will become important in the future.

The Supervisor's Guide to Labor Relations is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 006-000-00907-7; price, 80 cents each.

Court Leave OK'd For Non-Official Witnesses

Federal workers are now granted official, paid court leave to appear in court as non-official witnesses on behalf of private parties—if the United States, the District of Columbia, or a State or local government is a party to the proceeding. Any fees paid a witness on court leave must be turned in to the employing agency.

New Civil Service Commission instructions on court leave became effective on October 1, 1976, and implement Public Law 94-310.

Standards

continued from p. 1
to develop common understanding between you and your employees, Kistler said.

A very basic first question is "performance for what?" What is the purpose of the job? Even more fundamentally, what is the purpose of the organization, and how does an employee's work tie into that purpose?

Without the big picture, without a clear goal for the work being done, work can be meaningless. So the first step in setting standards is to define the objectives of the work: what do you want accomplished and why?

Once objectives are clear both to you and to the employee, then you can establish the concrete things that the employee needs to do to meet the objectives.

- What specific tasks will help meet the objectives?
- How much work will be required in how much time?
- What quality do you expect in the work?

You will get the most commitment to work objectives from your employees, according to Kistler, if you:

- establish *concrete standards* that are measurable.

- set *realistic objectives*.
- establish *formal performance standards* between you and your subordinates (write them down!).
- when you can, arrive at *mutual agreement* on the standards (does the employee feel that they can really be accomplished?). Keep communication lines open.

Evaluating performance is a continuous process, Kistler said.

It can also be a constructive process, if it is based on concrete standards that are shared by you and your employees.

The Commission is now preparing, he added, more detailed information and guidance on performance evaluation for use by supervisors. Publication is planned for Spring 1977, and details will be announced in *The First Line*.

Vet Preference Out

The veteran preference benefit has been discontinued for those now entering into military service. Anyone who has already qualified for veteran preference is unaffected.

A new law restricts those eligible for this benefit to veterans who have served some part of their active duty time after January 31, 1955, and before October 15, 1976. Those who entered active duty after October 14, 1976, will no longer be entitled to veteran preference unless they sustain a service-connected disability or serve in a future campaign.

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U.S. Civil Service Commission

The First Line

A Newsletter for Federal Supervisors and Midmanagers

Volume 1, Number 5

February-March 1977

President Carter Meets with Federal Employees

Shortly after his inauguration, President Carter met with Federal employees during visits to Federal departments. Below are excerpts from his remarks.

"Presidents, as you know, come and go. Cabinet secretaries come and go. But the professional, competent civil servants are the ones who provide the stability, the integrity, the usefulness, and the accomplishments to government. And I want every change that is made to be designed to let your own professional careers be more effective, and to let the one life that you and I have to live on Earth be expended in a maximum, beneficial way toward others." (Department of Health, Education, and Welfare; February 16, 1977)

"In a democratic government, we ought to always remember that we are nobody's boss. We are servants. And to the extent that we can keep that consciousness in our minds, we can be better servants. . . .

"If something is there for the last 30 or 40 years, and can be improved, I would like for you to take the initiative to recommend the improvement, and to the extent that you aggressively and enthusiastically involve yourselves in searching for better ways to do things, you can be part of the process of change." (Department of Commerce, February 9, 1977)

"We need to have an aggressive, constant search for a better way to deliver those services and just because there has been some policy in effect for the last five or ten or fifty years is no reason why we should honor it unless it is the best policy.

"I want to be sure that there is always a willingness on your part to reach out and say I am here to give you a helping hand, not I am here to enforce a regulation that changes your life against your wishes." (Department of Labor, February 9, 1977)

CSC Invites Comments on Federal Health Insurance

For the first time, the Civil Service Commission is asking for comments and suggestions from employees and the public on Federal employee health insurance **before** it begins negotiations with health insurance carriers for 1978 rates and coverage.

The Commission contracts with carriers of various health benefit plans that participate in the Federal Employees Health Benefits Program. Each year, Commission and carriers renegotiate benefits, premiums, and other parts of the contract.

Before negotiations begin in May, the Commission wants to consider the views and suggestions of Federal employees, their organizations, Federal agencies, and the general public.

You or your employees or any other interested person may send comments to Mr. Thomas A. Tinsley, Director, Bureau of Retirement,

Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415. Send suggestions and comments before April 25, 1977. Although all comments will be considered, they cannot be individually acknowledged.

The following areas, among others, will be included in the May 1977 negotiations:

- Holding premiums to lowest possible level
- Cost control by the carrier
- Benefit changes
- Changes in open season (such as, extending open season from two to four weeks; holding general open seasons at 2-year or 3-year intervals, possibly with limited open seasons during the years in between; eliminating distribution of completely revised brochures every year; and revising size, format, and style of brochures.)

Supervisors' Workshop

on Adverse Action Appeals

continuous employment in a position outside the competitive service.

Appeals Procedures Protect Employee Rights

Although the overwhelming majority of relationships between employees and their supervisors are satisfactory, it would be unrealistic to assume that there aren't times when employees shouldn't be severely disciplined.

For those cases, there is Government-wide policy and procedures to protect employees' rights to defend themselves against arbitrary adverse actions and to appeal decisions they feel are unfair.

The extent to which you become involved in adverse action cases may depend on how authority is delegated in your

agency. But a clear understanding of the process will assist you should you ever have to take part in an adverse action.

The general description of appeals procedures in this article applies to appeals relating to removals, suspensions for more than 30 days, reductions in rank or pay, and furloughs without pay.

Also, the procedures described here apply only to competitive service employees who have completed their one-year probationary or trial period, and to employees who are entitled to veteran preference and have completed one year of current

If an agency official (you or someone else) is considering serious adverse action against an employee—for example, removal, suspension for more than 30 days, or reduction in rank or in pay—the employee must be given at least 30 days' notice in writing before the action can be taken. The notice must state specifically, in detail, why such action is being considered, and all materials used to support those reasons must be made available to the employee for his or her review.

The employee is entitled to a reasonable amount of official time to answer the notice, in writing or in person or both, to an official who has the authority to make a recommendation or final decision in the matter.

The employee's answer, including any affidavits or other evidence he or she submits,

Adverse Actions:

1 in 5 Appeals Reversed For Improper Procedures

More than one out of every five adverse action appeals decided by the Federal Employee Appeals Authority (FEAA) reversed the agency's original action because the agency failed to follow proper procedures when executing the action, according to Paul Mahoney, FEAA's Director.

In 1976, the FEAA decided 2,024 Government worker appeals involving firings, demotions, and suspensions in excess of 30 days. Most of the FEAA decisions which reversed agency actions were caused by "procedural error."

Procedural errors, Mahoney said, include such things as failure by the agency to give the employee an opportunity to

reply to the charges, or to consider his or her reply, or a lack of specific details in the charges. The most common error is not giving enough detail in the notice of proposed adverse action as to why the action is being considered. There must be sufficient detail presented to allow the employee to answer the charges and prepare a defense.

For example, there have been a large number of demotion actions resulting from applying new wage-grade job grading standards, he said. In many cases, the advance notice merely told the individual that new standards were issued by the Civil Service Commission and when applied, the result was a demotion.

But that does not go far enough, Mahoney said. A specific explanation is required of what changes in the standard resulted in a different job grading. In fact, the regulation itself requires agencies to spell out "any and all reasons, *specifically* and *in detail*, for the proposed action," Mahoney pointed out.

When the FEAA decides an appeal of an adverse action, it must first look to see if the proper procedures have been followed by the agency in taking the action. If they have not, the action is reversed regardless of the merits of the case.

"We don't look at the merits of the case," Mahoney said, "until *after* the procedural review is made."

must be considered before any adverse action is taken.

for more than 30 days, or a demotion. Employees may represent themselves or they may have the help of a representative of their choice.

At this point, the deciding official—who must be at a higher level than the one who originally proposed action against the employee—can recommend that the action be withdrawn or that the agency proceed.

Filing an appeal does not postpone the effective date of the adverse action, and the employee is responsible for any expenses involved in preparing the appeal.

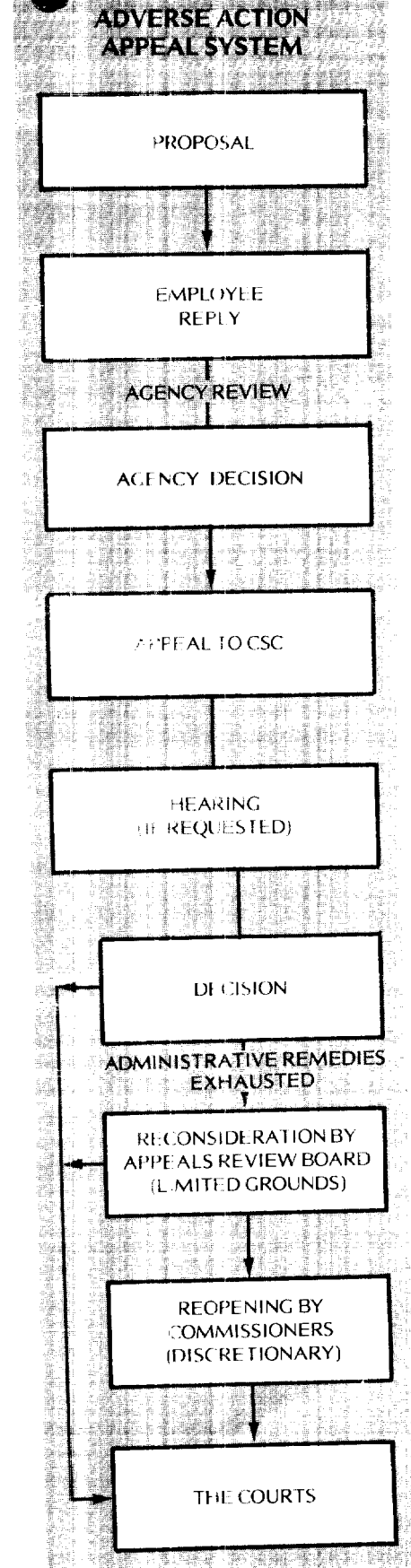
If the decision is to proceed, the employee must receive a notice stating the action and its effective date, and telling the employee which of the reasons given in the notice of proposed adverse action have been upheld and which have not. The employee must be notified of the right to appeal from the adverse action and of the time limit for filing an appeal.

The FFAA will issue a decision, requiring corrective action by the agency when appropriate. The decision is final, except for cases subsequently reopened by the Appeals Review Board, an office of the Civil Service Commission, in Washington, D.C. If the employee is not satisfied with the FFAA decision, the employee may go directly to Federal court.

After receiving a notice of decision to take adverse action, the employee may appeal to the Federal Employee Appeals Authority (FEAA), an independent organization within the Civil Service Commission.

The employee or agency may request a reopening of a case by the Appeals Review Board. The bases for review, however, are limited. The Appeals Review Board will reopen and consider a case only when it is shown, in writing, (1) that there is new and material evidence not available previously, (2) that the decision contains an erroneous interpretation of law or misapplication of established policy, or (3) that new or unsettled policy questions are involved.

Although a hearing is not required in connection with the appeal, the employee is entitled to a hearing if the appeal concerns a removal, a suspension



The First Line

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U.S. Civil Service Commission

Beyond that point, the Civil Service Commissioners, at their discretion, may reopen and reconsider any decision of the Appeals Review Board when it is shown that new or unsettled questions of policy of an exceptional nature are involved.

A general description of the appeals system is also contained in Fed Facts 11 on Employee Appeals from Adverse Actions.

Fed Facts 11 is one of 17 Fed Facts pamphlets published by the Civil Service Commission to inform Federal employees on a variety of personnel related topics.

Fed Facts pamphlets are distributed through many agency personnel offices.

IPA Mobility Program

Kicker Repealed

Adds to Staffing Options

How would you like to work for a State or local government for a while? Or have a college professor on your staff for a year or two?

Both of these things, and more, are possible through the IPA Mobility Program.

This is a program under the Intergovernmental Personnel Act of 1970 that allows for temporary exchange of personnel among Federal agencies, States, local governments, colleges and universities—even Indian tribal governments. Under the IPA these organizations can swap people for up to two years.

Nearly 4,000 people already have had "mobility assignments" since the program started in 1971—half of them Federal employees. Assignments have been in all areas, from accounting to zoology.

According to the director of the mobility program at the Civil Service Commission, the program benefits everyone involved: Employees gain knowledge and practical experience in other work situations. People in various government offices and universities get to understand each other's problems better. And, in the end, the public gets better service.

To find out more about the IPA mobility program, contact your agency personnel office, the CSC regional office in your area, or write:

Office of Faculty Fellows and Personnel Mobility
Bureau of Intergovernmental Personnel Programs
U.S. Civil Service Commission
Washington, D.C. 20415

4.8% Annuity Hike Due April 1

Public Law 94-440 repeals the so-called "one percent kicker" that has been added to retirement and survivor annuity increases in recent years. The law also changes the formula used for determining cost-of-living (COL) increases.

The "kicker" was a one-percent increase added to annuity adjustments to make up for the five month lag between the time the cost of living actually increased and the time the adjustment showed up in annuity checks.

The new method calls for the Civil Service Commission to make COL adjustments at six-month intervals.

At the start of each year, the Commission will compare December's Consumer Price Index

(CPI) with the previous June's CPI. An equivalent percentage change in annuity will become effective March 1 and will show up in annuity checks beginning April 1.

A similar process will occur in the second half of the year when June's CPI will be compared with that of the previous December. Changes will be effective September 1 and will be reflected in checks issued October 1.

To inaugurate this new method, a special comparison has been made between the December '76 CPI and the December '75 CPI. As a result, a 4.8 percent annuity increase will take effect March 1 and become payable on April 1. This will be the only time that the increase will be based on a 12-month comparison.

Federal Holidays

Each year, Federal employees are entitled to the following nine holidays:

- New Year's Day, January 1
- Washington's Birthday, 3rd Monday in February
- Memorial Day, last Monday in May
- Independence Day, July 4
- Labor Day, 1st Monday in September
- Columbus Day, 2nd Monday in October
- Veterans Day, in 1977: October 24; in 1978 and following years: November 11.
- Thanksgiving Day, 4th Thursday in November
- Christmas Day, December 25th

If your regular work week is Monday through Friday, and a holiday falls on a Saturday, the Friday immediately before is a holiday. If the holiday falls on a Sunday, the following Monday is a holiday.

If your basic work week is *not* Monday through Friday, you may check with your personnel office to see how holidays affect you.

Regardless of how your work week is arranged, if a holiday falls on one of your work days, then that work day is your holiday.

Of course, an agency may require any employee to work at any time, including holidays. Generally, employees who work holidays are entitled to holiday premium pay.

The First Line

A Newsletter for Federal Supervisors and Midmanagers

Volume 1, Number 6

April-May 1977

District Court Ruling

Picketing is OK—Sometimes

A Federal district court has ruled that a total ban on all picketing of a Federal agency in a labor-management dispute is unconstitutional. Following the court decision, the Federal Labor Relations Council announced that it will review whether specific instances of picketing are allowable on a case-by-case basis.

Executive Order 11491—the order that governs the Federal labor-management relations program—makes it an unfair labor practice for a union to picket an agency in a labor-management dispute. But now the Federal District Court for the District of Columbia has decided that the Executive Order's ban on *all* picketing places too much of a restriction on the right of free expression.

The court acknowledged that the Executive order "can constitutionally prohibit any picketing . . . that actually interferes or reasonably threatens to interfere" with agency operations. The Federal Labor Relations Council will review each case of picketing to decide if it interferes with agency operations and—based on that—whether the picketing is allowable. According to the Council:

"Clearly, only when picketing of an agency by a labor organization in a labor-management dispute actually interferes or reasonably threatens to interfere with the operation of the

affected Government agency will that picketing be found nonpermissible. . . . If picketing of an agency by a labor organization in a labor-management dispute does not actually interfere or reasonably threaten to interfere with the operation of the affected Government agency, that picketing will be found permissible."



Looks at System, Not Individuals

New Procedure Handles "Institutional Discrimination"

Starting in April, a new procedure will handle "class" complaints of discrimination. It will supplement the existing procedures for individual complaints.

Eight years ago, civil service regulations set up a system to give every Federal employee and applicant an opportunity to present an individual complaint of discrimination to management and to carry that complaint further, if need be, even to Federal court.

"We are now formally recognizing in the complaint process that discrimination can be an institutional kind of thing," according to Civil Service Commission Assistant Executive Director Joseph W. Lowell, Jr. "It can show up in personnel policies and procedures, even though it was not built in inten-

tionally. But it may be there nevertheless, whenever a practice or procedure has the effect of treating one group of employees differently from another.

"Society recognizes this, the courts have begun to recognize it, and now—starting April 18, 1977—the Federal civil service takes it into account through a new procedure for processing 'class' complaints of discrimination," Lowell said.

The new procedure is an addition to, rather than a substitute for, the existing system for processing individual complaints, Lowell added. That system is presently undergoing intensive review and proposed changes will be announced in the near future.

See "Class" Complaints, p. 4.

Class Complaints Process Summarized

Informal counseling stage

The employee or applicant who wants to represent a class contacts an EEO counselor within 90 days after the action he or she claims was discriminatory.

The counselor has 30 days to try to resolve the class issue informally, finish counseling, and provide a written report to the EEO Officer and to the person who brought the matter to the counselor.

Formal complaint stage

If the situation is not cleared up informally, the employee or applicant has 15 days after the final interview with the EEO counselor to file a complaint of discrimination. The complaint must be filed with the head of the agency, a person who the agency head has designated to receive those complaints, or the agency's director of EEO.

Within 10 days from the time the complaint is received, the agency must ask the Civil Service Commission to assign a complaints examiner to the case.

The complaints examiner reviews the file in light of civil service regulations and then recommends to the agency that

the complaint be accepted for further processing or rejected.

If agency rejects complaint. . .

If the agency rejects the class complaint, the person who complained has 15 days to appeal to the Civil Service Commission's Appeals Review Board. Or the complainant may take the matter directly to the U.S. District Court within 30 days after the agency rejects the complaint.

If agency accepts complaint. . .

If the agency accepts the class complaint for processing, it must notify all class members about the complaint within 15 days. Then members of the class have 30 days from the date this notice was issued to tell the agency in writing that they do not want to be included in the class. Otherwise, they are bound by the outcome of this procedure.

When the agency accepts the complaint, the agency head must appoint a person to represent the agency in the complaint process.

The complaints examiner notifies the agent of the class (the person who brought the

complaint), and the representative of the agency, that they have 60 days to develop evidence and prepare their cases for hearing.

Hearing

After the period for preparation, the complaints examiner schedules and conducts a hearing. At the end of the hearing, the examiner sends the agency head the record of the hearing, along with an analysis, and a recommended decision on the complaint.

The agency head has 30 days to accept, reject, or modify the recommendations of the complaints examiner. If the agency doesn't act within 30 days, the complaints examiner's recommendations become the final agency decision.

Before the period for agency action runs out, the agency has to do two things:

- agency must send its final decision and the record of the hearing to the agent of the class, including information on appeal rights and the right to file civil action, and
- agency must notify all members of the class of its deci-

"Supervisors are. . ."

Peter F. Drucker (in *The Practice of Management*) says that "Supervisors are . . . the ligaments, the tendons and sinews of an organization. They provide the articulation. Without them no joint can move. It is the supervisor's job to be in the middle."

Federal supervisors do more than get the work out. They are in the main, managers of personnel. They "set the tone" in their offices and shops. Along

the way, they play crucial roles in the success of special initiatives. In labor-management relations; in equal employment opportunity; in incentive systems; and in many other areas, their finesse and understanding are essential to carrying out both the spirit and the letter of major programs.

Although the supervisor deals with higher management, on the one hand, and with employees, on the other, the link with

employees may be the more clear-cut. Handing on and interpreting management policy directives, then eliciting a response in the form of on-the-job conduct and work products, makes up the supervisor's daily agenda. The supervisor must ensure that both the work product and the atmosphere of the work place reflect these policy directives.

At the same time, the supervisor is sending messages about

sion, including information on how to apply for "individual corrective action," if appropriate.

Individual corrective action

Although the agency decision will provide corrective action for the individual bringing the complaint on behalf of the class, other members of the class who believe they are entitled to corrective action under the decision reached in the case must file a claim with the agency.

The claim for individual corrective action must be filed within 30 days with the head of the agency or the director of EEO, must show that the individual is a class member, and must specify how the individual was personally and adversely affected by the discriminatory policy or practice within 135 days before the class complaint was filed.

The agency has 60 days to try to resolve the individual's claim. If not resolved, the claim for individual corrective action is referred to a complaints examiner for a hearing and recommended solution. After that, the procedures are identical to those followed in the class complaint process.

the work place to higher management—or should be. Work accomplished, employee attitudes, accident rates, turnover rates, problems—these are the topics which the supervisor reports on, or should. The supervisor can and should act as an "early warning system" in management. The information supervisors play back to higher management can be invaluable in setting mission objectives and administering program op-

Appeals

The agent of the class (the person who brought the original complaint) may appeal the agency's final decision on the complaint, and the individual with a claim for individual corrective action may appeal the agency's final decision on his/her claim. These appeals must be sent to the Commission's Appeals Review Board within 15 days after receiving the agency's final decision.

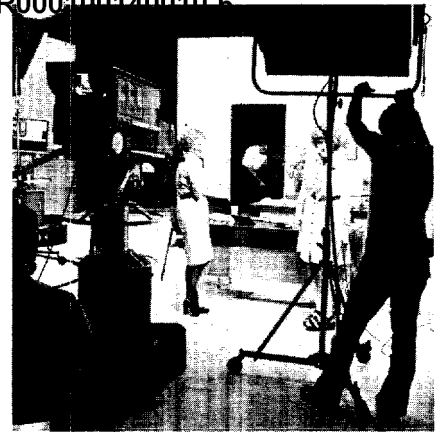
Going to Court

Anyone who has filed a formal discrimination complaint with his or her agency may take the issue to a U.S. District Court within 30 days after receiving the agency's final action on the complaint or claim. In addition, a civil action may be filed:

- 1) if the agency has not issued a final decision within 180 days after the complaint or claim was filed;
- 2) within 30 days after receiving a decision from the Appeals Review Board;
- 3) if the Appeals Review Board has not issued a final decision within 180 days after the appeal was filed. □

erations. But the supervisor needs a clear channel of communication and the assurance that the rest of management is indeed listening and considering. The supervisor needs to see where and how these messages are used. Top management's support and response are crucial here. Effective two-way communication is vital.

—From "Bringing Supervisors in From the Cold," by Ada R. Kimsey, in the January-March 1977 *Civil Service Journal*.



SETTING A SCENE for "Working for the United States"—a new series of five programs, on videotape and film, designed to orient new employees to Federal service.

The programs run from 15 to 25 minutes and cover general orientation, merit system, pay, training, rights, responsibilities, benefits, and other areas. If not yet available in your organization, see your personnel office.

Personnel offices may order ¾-in. videotapes or 16-mm films through the Order Section; National Audiovisual Center; General Services Administration; Washington, D.C. 20407. Phone (301) 763-1882.

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U.S. Civil Service Commission

answer line

Q. In your Aug-Sep 76 issue, you indicate that Aetna and the "Blues" cover alcoholism treatment. I wish that were true! We have several cases where the Blues had rejected coverage for alcoholism in the Metropolitan Detroit area. Please clarify your statement about alcohol and drug abuse coverage.

A Reader in Michigan.

A. Gordon F. Brown, Chief, Office of Governmentwide Plans, Bureau of Retirement, Insurance, and Occupational Health, responds:

"We recognize that benefits may not be applied uniformly nationwide, even in the same plan. We have pointed this out to Blue Cross, and they are working with the 74 different local Blue Cross plans to apply benefits of the Federal contract uniformly.

"In alcoholism cases, as in any other type of claim, the carrier decides whether the services given required hospital bedpatient treatment, or could have been provided in a lesser facility or as an outpatient. Room and board charges of an alcoholism rehabilitation center that is not a hospital are not covered, but neither are room and board charges of rehabilitation centers that treat other illnesses. Benefits for treating

alcoholism are the same as for other illnesses.

"The health benefits contracts give the carriers the responsibility to decide claims. Whether or not your doctor authorizes the service or the care, the carrier still has to make an independent decision on whether the treatment is covered by our contract.

"Any Federal employee may dispute denial of a claim by the carrier. (See the article on disputed claims in this issue.)"

Editor's Note: We welcome letters from readers. We will try to answer all letters individually, and will print selected letters in The First Line. If you feel there are topics that should be of general interest to supervisors, and would like us to cover them in a First Line article, write us.

Health Claim Turned Down? Here's What To Do. . .

If a health insurance claim filed by you or one of your employees is turned down, a review of the denial can be obtained by writing first to the insurance company and then to the U.S. Civil Service Commission.

According to CSC regulations, this is what you should do if the insurance company says it won't pay a particular doctor or hospital bill and you think it should:

- Write to the company. Ask them to reconsider the claim. You have to write within a year of the date the insurance company turned you down. They have to answer your letter within 30 days. If the company doesn't answer your letter or if it turns you down again, you can. . .

- Write to the Civil Service Commission. Ask them to review the denial of the claim. The address is:

U.S. Civil Service Commission
Bureau of Retirement, Insurance,
and Occupational Health
Washington, D.C. 20415.

You must write to the Commission within 90 days of the date the insurance company again turned you down. The Commission has to let you and the company know the final decision within 30 days after it gets all the necessary information.

These regulations apply to all claims filed under the Federal Employees Health Benefits Program since January 1, 1975. They also apply to claims filed by annuitants and survivors as well as employees. (Reference: Federal Personnel Manual Chapter 890, FPM Supplement 890-1.)

"Class" Complaints

continued from p. 1

The new procedures provide that an individual member of a class of employees may file a discrimination complaint on behalf of the class. This person is then called the "agent" of the class.

The regulations define a class as a group of current or former employees or applicants who feel they have been hurt by an agency policy that discriminates against the group on the basis of the race, color, religion, sex, national origin, or age they have in common.

The procedures for processing class complaints of discrimination are summarized on pages two and three.

Coming in **The First Line**...

- **Supervisor's Workshop on Employee Discipline**
- **Getting the Most Out of Training**
- **Supervisors Speak Out on Supervision**
- **Case Studies in Human Relations**