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PART I

SECTION 20. MISCELLANEOUS PERSONNEL MATTERS

20-1 PERSONNEL STATUS AND SECURITY QUESTIONNAIRE - FD-28520-1.1 Submission of FD-285

The FBI Personnel Status and Security Questionnaire, FD-285, must be completed by employees upon entering on duty. Thereafter, it is to be executed every 2 1/2 years, beginning February 1, 1979, for Special Agents and those employees having the title, Special Employee, and beginning February 1, 1981, for all other employees. Any employee entering on duty within 90 days prior to the respective dates of submission need not execute another copy of the form at the time of the 2 1/2 year submission, unless a change has occurred in the information submitted when entering on duty. FBIHQ personnel should execute only one form. Field employees must execute the form in duplicate. The original is forwarded to [FBI Security Programs Manager, FBIHQ, Washington, D.C., Attention: Security Programs Unit,] and the duplicate is retained in the field personnel file just beneath the top item, FD-189. Originals will be retained in the employee's personnel file at FBIHQ until completion of the five-year security review of each employee's personnel file when all except the most recent completed FD-285 will be destroyed. The FD-285 in field personnel files should be destroyed upon receipt of a new submission. It should not be serialized.

20-1.2 Data Required on FD-285

Data required on the FBI Personnel Status and Security Questionnaire, FD-285, is solicited to enable the FBI to comply with Federal Personnel Manual regulations pertaining to required reinvestigations of incumbents holding critical-sensitive positions (all FBI positions are considered critical-sensitive). These regulations require that the submitted questionnaire(s) together with the employee's personnel file and any previous reports of investigation concerning the employee shall be reviewed at least once every five years. Following this five-year security review of an employee's personnel file, a determination shall be made regarding whether any further action is appropriate to determine employee's continued suitability to hold a critical-sensitive position.

20-2 CHANGES IN STATUS

Changes in status are to be reported to FBIHQ immediately as set out below. In reporting a marriage, birth, illness, accident, death, or any similar situation, include the employee's residence address. In instances in which the employee is called out of town, set out length of anticipated absence and the address where employee will be located along with the permanent residence address.

20-2.1 Address and Telephone Number

Report to FBIHQ each change in address of an employee (separations from Bureau excluded) on Form FD-310. In addition, changes in address or telephone number of SAC, ASAC, or above must be reported to FBIHQ on Form FD-207.

20-2.2 Births

Report births on Form FD-207.

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20-2.3 Deaths20-2.3.1 Deaths of Relatives

Submit Form FD-208 in cases of death of a close relative of an employee. The deaths of other relatives need not be reported unless there is a particular reason why FBIHQ should be advised. If the employee is temporarily assigned elsewhere, as in cases where on an inspection assignment, the official to whom he/she is then assigned should notify FBIHQ in addition to notifying the employee's office of assignment.

20-2.3.2 Death of Bureau Employee

When a Bureau employee dies, promptly notify FBIHQ of death and surrounding circumstances. Render all assistance possible to relatives. Promptly advise FBIHQ of funeral details as soon as available since this information is disseminated throughout FBIHQ and the field. FBIHQ will then issue instructions separately regarding handling of certain aspects of the deceased's estate which pertain to employment.

20-2.4 Illnesses

Submit Form FD-208 in all cases of employee illness (except minor ones) and in all cases in which an employee is hospitalized for surgery or treatment. In cases in which an employee leaves the area of his/her local address for surgery and/or returns to another address after surgery, it is the responsibility of each division head and SAC to ensure that the employee expeditiously informs the office of the date surgery occurred and of his/her postoperative condition. This information should be immediately provided to FBIHQ.

20-2.4.1 Return to Duty

(1) In those instances in which FBIHQ has been advised of an employee's absence for illness, Form FD-277 must be submitted upon return to duty with the following items executed for Agent personnel:

(a) Physician's statement indicating employee's qualification for duty;

(b) "Employee returned to active duty _____";

(c) "Employee's physical condition is _____."

(2) Only items (b) and (c) need be executed for support employees. If condition warrants an Agent being placed in limited duty, indicate on Form FD-277 that this is being done UACB.

20-2.5 Change in Marital Status - Payroll Name20-2.5.1 Marital Status

Form FD-292, ["Change in Marital Status"] form, must be executed by all employees [sixty] days prior to the contemplated marriage date, if [practicable.] If marriage is to take place between two Bureau employees, submission of this form is not necessary. Upon receipt of this form, office indices must be checked on the intended spouse, as well as their close

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relatives. Check name of intended spouse through all files of local law enforcement agencies covering residences, places of employment, and/or schooling for the five years preceding contemplated marriage, but not before intended spouse reached age 15.

[(1) If the intended spouse is not a native citizen of the United States, verify naturalization through Immigration and Naturalization Service (INS) records or court records. When setting forth leads to have naturalization verified, it is imperative that sufficient information be furnished, such as date and place of entry into the United States, date and place of naturalization, and naturalization number.]

[(2) If the intended spouse is not a U.S. citizen, review files of INS and report any pertinent information. If record is not located in local INS Office, determine where it is located and set forth lead to have record reviewed.]

[(3) If the intended spouse presently resides or is known to have resided in a foreign country, the files of the Central Intelligence Agency (CIA) are to be checked, except when the intended spouse's foreign residence occurred while serving in the armed forces of the United States. CIA checks are to be set out for the Alexandria Office with sufficient identifying data to establish the intended spouse's identity.]

[(4)] Any derogatory data should be immediately furnished to FBIHQ. The office where the employee is assigned should set forth any necessary leads to any other offices in whose territory the intended spouse resided during the pertinent period. Such leads are to be set forth by Form FD-388, with an information copy to FBIHQ enclosing the original of Form FD-292. A five-day deadline should be set in this type of case.

[(5)] If the intended spouse has served in the military service during the past five years or is currently a member of the armed forces, set out a lead to have complete military record reviewed. Also check records of the intelligence and criminal investigative divisions of the appropriate branch of the armed forces.

[(6)] Investigative results are not to be maintained in field office files; immediately after submitting information to FBIHQ, the field office communications containing the investigative results are to be destroyed. Such matters should be captioned with the employee's name, followed by "Change in Marital Status, Personnel Matter." Form FD-207 should be executed and submitted to FBIHQ immediately upon confirmation of the marriage. Any change in payroll name, including those as a result of

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marriage, should be forwarded on this form. Employees who return to active duty from service in the armed forces shall execute Form FD-224, and FBIHQ will set out any leads necessitated by the marriage of an employee during their absence in the military service.

20-2.5.2 Divorces, Annulments or Separations

Advise FBIHQ promptly of any divorce or annulment action involving an employee or of any permanent separation of an employee from spouse. Furnish pertinent details in all instances.

[[20-2.5.3 Name Changes

(1) The general rule on the use of a name on an employee's record is consistency. Employee's name should be shown the same way on all Government records. Submit Form FD-207 when an employee's name changes as a result of marriage or a court action, such as divorce or a legal name change. Copies of the court action should be attached to the FD-207.

(2) Requests received which reflect a nickname, enclosed in parentheses or quotation marks, will not be considered part of the employee's official Bureau name.

(3) Employees may hyphenate their last name providing the last name does not exceed 15 spaces with the total name not to exceed 20 spaces.

(4) Personnel documents that require a middle name or initial and employee has no middle name or initial, "NMN" should be indicated.

(5) The Bureau must accept and process any request of an employee's name change which results from marriage or a court action. The Bureau is under no obligation to process a name change which is not the result of one of the above actions.

(6) The Bureau will accept a request that is not the result of marriage or a court action, when the following three conditions are met:

(a) The laws of the employee's state of residence do not expressly provide that name changes can be accomplished only by court action.

(b) The agency has no reason to believe that the name change is being made by the employee with the intention of fraud or deceit.

(c) The employee expects to continue to use the new name in all employment and employment-related records.]

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20-2.6 Name of Parent, Foster Parent, Stepparent, Guardian, etc.

Advise FBIHQ of change by letter using FBI memorandum paper. Communication must set out name, address, age, place of birth, occupation, and, if pertinent, date and place of naturalization.

20-2.7 Emergency Notification Designee

Advise FBIHQ of change in information regarding person to be notified in case of emergency by letter on FBI memorandum paper.

20-2.8 Office of Preference

(1) Advise FBIHQ of change by Form FD-314. (Support employees see Part I, 11-12, of this manual.) When listing Washington, D.C., as office of preference, employee should specify "FBIHQ" if this is their preference, otherwise preference will be recorded as being Washington Field Office. Office of preference records are designed to record specific cities where field offices are located in which employees prefer assignment. Not included are resident agency cities and general areas, such as East, South, etc. Form FD-314 is to be used by Special Agents, Special Employees, and Electronics Technician personnel only.

(2) Office of preference listing must be kept current not only to cover the wishes of the employee but his/her current personal status. Listing of an office of preference creates the assumption that the individual not only desires consideration for assignment to that office but is also available for such assignment. If a situation exists which would preclude compliance with an office of preference transfer and make it desirable for the employee to remain in his/her present assignment, the office of preference listing should be adjusted accordingly. When the situation has been resolved, it can then be restated to show the personal wishes of the employee. Such action does not have an adverse effect on the relative standing for any office of preference which may be designated.

(3) Each Agent must maintain their office of preference list so that it is current and accurately reflects their personal situation. Because of the administrative work involved in connection with such transfers, no request for cancellation of transfers which have been made under the office of preference program will be approved.

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20-3 FBI SKILLS BANK

The FBI Skills Survey Form, X422, must be completed by all employees entering on duty. [Thereafter, forms will be updated annually on a preprinted form. Each employee will receive the preprinted form in October or November.] The Skills Form will be used to maintain an automated data base from which all personnel information, including skills data, can be obtained. The data is used for a variety of functions, including resource management projections, staffing, crisis management, and for further development and implementation of other automated systems. Data obtainable includes, but is not limited to, employees' hobbies, interests, abilities, and experience; educational levels; special Bureau qualifications; and personnel information, such as age, assignment(s), grade(s), etc. Data can be obtained or manipulated depending upon information needed.

20-4 PERSONNEL FILES - FIELD

(1) One field personnel file is to be maintained for each employee and kept in the sole possession of the SAC. The file should contain memos or other documents bearing on the employee's health or efficiency, or on such matters as authorizing an Agent to carry a personal firearm. There should only be one copy of each document and it should be serialized, stamped with the office stamp, and initialed for filing. The only unserialized mail in the file should be Form FD-189, which is always the top item, and the most recent personnel status form, FD-285, which is the second item. When an employee is transferred to a new office their personnel file is sent there and becomes serial number 1 in [their] personnel file in that office. Kept in the same folder but separate from personnel files are investigative files on the employee and

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employee's relatives. The index must be searched to locate such files when an employee reports to an office. Also kept in the same folder in an envelope are electrocardiogram (EKG) tracings and reports of medical history (SF-93).

(2) When an employee transfers to FBIHQ or becomes an SAC, the personnel file is sent to FBIHQ. The file of an employee who resigns or retires should be retained for 90 days and then sent to FBIHQ for final disposition. The file of a permanent or temporary indefinite employee leaving for military service is maintained in the field office inasmuch as employees have certain mandatory restoration rights and may return to that office, and because, in their absence, they have a right to be considered for promotions that arise. The file should thus be available for review for qualifications. Upon notification from FBIHQ that an employee no longer has restoration rights, the file is to be forwarded to FBIHQ.

(3) The personnel file, together with any investigative files on the employee or employee's relatives, must be kept under lock and key under the SAC's supervision in such a manner that no employee will have access to his/her own file.

20-5 PHYSICAL PROGRAM20-5.1 Physical Examinations

Such examinations are required for all Special Agents, Electronics Technicians, and support employees assigned to all foreign offices and San Juan (Anchorage and Honolulu excluded). Such examinations are not to include routine chest X-rays. Additionally, each [Language Specialist, Interpreter, and Translator] will be afforded an annual audiometer examination [to ensure the hearing of each [Language Specialist, Interpreter, and Translator] is adequate for that position.]

20-5.1.1 Date and Frequency of Examinations

(1) Special Agents, Electronics Technicians (ET), and support employees assigned to all foreign offices and San Juan (Anchorage and Honolulu excluded) must receive fitness-for-duty physical examinations on a triennial basis up to age 33 and annually thereafter at a Government examining facility, or an approved private medical facility. On SF-88 "Report of Medical Examination," ensure that items 2 and 5 are properly executed. Item 2 should indicate SA, ET or support employee and item 5, for all categories listed above, should specify "fitness-for-duty." Maintain a tickler for July 1st of each year and submit a report to FBIHQ at that time, alphabetically listing names of those delinquent. Include dates when they have been scheduled for examination. Include in report an alphabetical list of those who had examinations but whose reports have not been received from the hospital or forwarded to FBIHQ. Report dates when those in the latter category received their examinations. At same time, certify that there is a tickler maintained for such employees in your office. A quarterly check of physical examination ticklers must be made to prevent such personnel from becoming delinquent.

(a) To obtain the services of a private facility, information must be submitted documenting the inadequacy of current physical examinations and recommending an alternative delivery of medical services.

(b) Requests for authorization for private medical examinations should include an estimate of the number of persons to be examined annually, the cost per examination and estimated total annual expenditures for all medical examinations. Such requests must be fully documented and include comparative cost estimates reasonable for the area. If extensive time and travel costs are incurred, physical examinations may be performed locally by a private physician when it is more efficient and

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economical to do so. All fitness-for-duty examinations must be performed under the supervision and direction of a qualified doctor of medicine.

(2) Each [Language Specialist, Interpreter, and Translator] will be afforded an audiometer examination on an annual basis. Results of these annual audiometer examinations are to be submitted to FBIHQ for review. SAC, or FBIHQ division head, and employee will be advised of any negative information developed as a result of the annual audiometer examination.

20-5.1.2 Employee Responsibility to Provide Information

Employees undergoing such examinations must, when interviewed by the medical examiner, advise examiner of pertinent physical symptoms, medical history, including any defects or injuries for which such employee may be receiving pensions or compensation awards from the Office of Workers' Compensation Programs, Veterans Administration, and the like, in order that the medical examiner may adequately consider this information as relating to the scope of the examination.

20-5.1.3 Employee Responsibility to Report Treatment

All investigative personnel, Electronics Technicians and [Language Specialists, Interpreters, and Translators] must promptly notify their SAC or division head when they receive treatment, care or attention from a private physician for a condition which might impair an employee's fitness for duty. These employees must also notify division head or SAC of any condition manifesting itself to the extent of impairment of fitness for full duty, even though such condition is not being treated by a physician. FBIHQ should be promptly advised of treatment for any serious condition. Colds and other minor illnesses need not be made a matter of record.

20-5.1.4 Provision of Information to Medical Examiner

The medical examiner must be furnished with a copy of the previous report of medical examination (SF-88), its attachment (FD-300), and SF-93, a report of medical history. Form SF-93 must be executed in advance of the physical examination and be reviewed by the SAC or division head to ensure it has been fully executed in respect to the listing of all significant medical history and current physical complaints. The medical examiner will, therefore, be fully informed at the time he/she renders his/her fitness-for-duty physical determination. In any case in which the nature and extent of physical defects indicate a serious question of fitness-for-duty, SAC or division head must not only advise the medical examiner of such conditions but also advise medical examiner of the nature of duties required of Special Agents and Electronics Technicians. SF-93 must be used for all fitness-for-duty examinations for all personnel mentioned above and for those support personnel required to undergo an examination whose foreign office assignment is contingent upon the satisfactory results of a physical examination. SF-93 should not be used in clerical applicant cases. SF-93 must not be placed in an official personnel folder. It should be retained permanently and separately, apart from field and FBIHQ personnel files, preferably with the electrocardiogram tracings. SF-93 should not be sent to FBIHQ with the SF-88 and its attachment, FD-300. Upon separation from the service SF-93 should then be sent to the Employee Benefits Unit, Personnel Section, with the electrocardiogram tracings for permanent retention.

20-5.1.5 Authority for Examinations and Related Follow-Up Actions

No physical examination is to be arranged for any individual without prior authority of FBIHQ except regular physical and annual audiometer examinations. Once a medical examiner has made a fitness-for-duty determination and has completed the medical report, any recommendation for

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additional examinations, repeat or follow-up tests or other medical action will be paid by the Bureau when such recommended action is for the purpose of determining whether such malady exists and is solely to determine the employee's fitness for duty. Once a determination of fitness for duty is made, any additional examination(s) is considered treatment and will not be recompensed. FBIHQ must be advised of such action taken by the employee.

[20-5.1.6 Requirements for [Electronics] Technicians

[[Electronics] Technicians who wear glasses while performing their duties must wear nonmetallic electrically safe eyeglasses.

20-5.2 Limited Duty20-5.2.1 Special Agents

(1) When any doctor recommends limited duty advise FBIHQ on UACB basis such action has been taken. Point out:

(a) Condition will be followed closely to effect removal from limited duty promptly upon resolution of medical condition;

(b) Nonarduous duties have been assigned;

(c) Employee will not be assigned work involving raids, arrests, or use of firearms.

(2) Agents on limited duty are to be permitted to participate in firearms training, exclusive of defensive tactics, provided the Agent's private physician who is fully familiar with the Agent's condition and after having been made aware of the nature of the firearms training to be undertaken, furnishes a written statement that in physician's opinion such participation would not be injurious to the Agent's health or dangerous to others. The SAC or division head must also furnish a recommendation and state whether any condition exists, to official's knowledge, which should preclude the Agent from attending firearms training.

(3) In instances where the private physician does not certify the Agent to attend firearms training and the prospects for future approval are remote due to the Agent's condition, authority to carry a side arm is to be denied and the weapon turned in and forwarded to FBIHQ.

(4) When a doctor recommends removal take action UACB and support it with medical facts. Advise FBIHQ immediately.

20-5.2.2 Resident Agents

(1) No Agent who is in a limited duty status will be designated or continued as a Senior Resident Agent, Alternate Senior Resident Agent, or Resident Agent. This applies also to any Agent who has any physical disability of any kind or who is being treated for any disability. In considering a recommendation for designation of resident agency personnel, carefully evaluate physical qualifications and include a statement with your recommendation that there are no physical disabilities or there is no ongoing treatment for any disability. In each case you should receive assurance from the Agent involved that he/she has no physical disability of any kind and is not being treated for any physical disability nor has there been any manifestation of a disability. Ensure that FBIHQ is advised in each instance in which a Resident Agent becomes disabled, is being treated for a disability, or in which there is any question concerning this. When recommending retention, complete justification must be furnished, together with comments whether sufficient amount of

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nonardous work exists to keep such Agent fully occupied and that sufficient Agents are available to handle emergency assignments.

(2) FBIHQ should be advised at least once every sixty days of employee's condition unless the condition is such that more frequent correspondence is necessary.

(3) In forwarding any communication to FBIHQ pertaining to Resident Agents, caption should include appropriate designation. If the Agent has a disability or is under treatment, include complete information regarding prognosis, as well as specific date Agent will be restored to full-duty status. Such data must be substantiated by statements from a qualified medical examiner.

20-5.3 Weight Standard

All Special Agents, male and female, must comply at all times with the weight standards as contained on [Form]FD-300. It is the aim of the Bureau to apply weight standards which are reasonable for our Special Agent staff to maintain good health, an excellent businesslike appearance, and capacity to properly perform the work involved. Special Agents are to be weighed on the occasion of their Government physical examination. Agent personnel not receiving annual physicals should be weighed annually on or about the anniversary date of their triennial physical examination to ensure that Bureau weight standards are adhered to. No other regular weighing of Special Agents is necessary. Form FD-475 (Physical [Exam Card]) may be used for record purposes. Division heads, SACs, Inspectors, and other officials may weigh Special Agents any time circumstances indicate such action is desirable. FBIHQ is to be promptly advised of the identity of any overweight Special Agent. Thereafter, a communication is to be directed to reach the Personnel Section no later than the last day of each month recording new weight until the employee reduces to his/her maximum desirable weight limit. Exceptions to the weight standards set forth on FD-300 will be granted only where a Government medical examiner specifies the frame of a given individual exceeds Large and specifies a maximum weight for that individual which exceeds the maximum on the chart. Exceptions are to be granted only when medically proper in the evaluation of the examiner. FBIHQ expects the maintenance of proper weight standards by support employees also. In this regard, reliance will be placed on the evaluation of the interviewer concerning personal appearance of applicants and on the evaluation of the rating official as to personal appearance on performance rating reports of employees, where appropriate.

20-5.4 Physical Fitness Program

Special Agents are encouraged to establish and sustain a high level of physical fitness. Physical fitness enables Agents to cope more readily with the stresses of a law enforcement career and handle critical contingencies readily and confidently. The success of the program, in terms of benefits to the individual and the Bureau, depends on the professionalism of each Agent participant and on the management of the program by our SACs, ASACs, Field Supervisors and Field Fitness Advisors. Accordingly, the following guidelines have been established for the maintenance of the FBI Focus on Fitness Program:

(1) Each Special Agent will submit a memorandum indicating the nature of his/her program, location of workout, and projected periods of workout. This record will be maintained by the office in one central control file to provide rapid response of all Agents while they are participants in the program. Availability should be of paramount concern to each Agent.

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(2) Exercise periods will be included on the number three card and a code established to allow the Agent, via FM radio, to advise of his/her location.

(3) Three one-hour exercise periods per week have been authorized for Special Agents. These periods are not to be taken during the first or last hour of the official working day. AUO guidelines prohibit claiming exercise periods as overtime. Workouts may be coupled with lunch periods.

(4) Workouts are not to be conducted in a country club atmosphere. Recreational sports such as bowling, badminton, and golf are not authorized. Aerobic conditioning exercises, such as running, exercycling, weight training, handball, raquetball, and swimming are authorized in YMCA/health club settings under the discretion of the SAC. The SAC is responsible for the management and success of the program.

(5) Field fitness advisors are directed to publicize benefits of participation in the program to encourage maximum participation. These benefits include, but are not limited to, such areas as the following: decreasing the risk of coronary heart disease through the lowering of blood pressure, decreasing pulse rate and cholesterol levels, improving diet and weight control, reducing stress and tension, improving emotional and physical well being, and increasing energy, alertness, and productivity. Suggestions, recommendations, or requests of a specific nature should be directed to the Training Division, Attention: Physical Training Unit.]

20-6 OUTSIDE EMPLOYMENT20-6.1 Departmental Order 350-65

(1) No employee may engage in any outside employment that will interfere with proper performance of his or her official duties, create or appear to create a conflict of interest, or reflect adversely on the Department. A "conflict of interest" exists whenever the performance of the duties of an employee has or appears to have a direct or predictable effect on a financial interest of such employee or of their spouse, minor child, partner, or person or organization with which he or she is associated or is negotiating for future employment.

(2) No professional employee may engage in the private practice of his or her profession, such as law, although the Deputy Attorney General may on request make a specific exception in unusual circumstances.

(3) Except in the proper discharge of his or her official duties, no employee may act as an attorney (a) for prosecuting any claim against the United States or receive any gratuity or interest in any such claim for his or her assistance in prosecution thereof or (b) for anyone before any department, court, office, or commission in any matter where the United States is a party or has a direct and substantial interest; or directly or indirectly receive or solicit any compensation for services rendered by himself or herself or another before any department, court, etc. Employee may if it is not otherwise inconsistent with proper performance of his or her duties, (a) act as attorney without pay for any person in a Federal personnel administration proceeding or, if FBIHQ approved, (b) act as attorney with or without pay for a member of his or her family or other person or estate for which he or she is executor or other personal fiduciary, except in matters he or she participated in personally and substantially as a Government employee through decision, recommendation, investigation, etc., or matters which are the subject of his or her official responsibility. This is not to say that an employee is prohibited from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

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(4) No one whose Government employment has ended may knowingly act as an attorney for anyone other than the United States in connection with any proceeding wherein the United States has a direct or substantial interest and wherein he or she participated personally and substantially while an employee.

(5) No former employee may within one year after his or her employment has ended appear personally before any court or Government office as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest, which was under his/her official responsibility as a Government employee at any time within a year preceding the termination of such responsibility.

(6) No partner of an employee may act as attorney for anyone other than the United States in connection with any matter wherein the United States has a direct or substantial interest in which matter such employee is participating or has participated personally and substantially as an employee, or which is the subject of his/her official responsibility.

(7) All employees have been furnished a copy of Departmental Order 360-65, and must comply with its provisions. The order and all revisions thereto shall be called to the attention of all employees when they enter on duty and thereafter at least annually. Employees should discuss with their superiors any problems arising in connection with the order so that they may be resolved. Executive Order 11222 is the general source of information concerning the above.

20-6.2 Bureau Authorization

(1) Prior FBIHQ authority must always be obtained for an employee to engage in other work, employment, occupation, profession, business, or partnership. This regulation applies to all personnel and includes self-employment and employment by a third person. Requests for authority to engage in outside employment should be submitted to FBIHQ on [Form] FD-331. The form shows information which should be submitted.

(2) A check of the field office indices is necessary where the prospective employer is not well known. The results of the check made on the name of the firm and on the name of the owner or manager if readily obtainable, should be shown on or as a supplement to [Form] FD-331. Where the name of the owner or manager is not readily obtainable and no reason exists to secure it, no effort, either through investigation or credit check should be made to obtain this information. The reason for not securing the name should be shown. If the prospective employer is, for example, a long-established and well-known department store, an indices check is not necessary, but the form should show this fact. With regard to employees at FBIHQ, Bureau indices on the prospective employer will be checked by the Personnel Section.

(3) FBIHQ must be advised in all cases in which an employee terminates his/her outside employment, including the reason if other than routine [(Form) FD-331a is used for this purpose]. FD-331a is also to be used to advise FBIHQ when an employee does not accept employment which FBIHQ has already approved.

(4) Each division must also advise FBIHQ by January 15th of each year that verification has been made that each employee authorized for outside employment is still so engaged. An administrative tickler is to be maintained to this effect. A copy of each FD-331 submitted to FBIHQ or some other tickler for following on authorization granted may be maintained.

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20-6.3 Bureau Policy

The Bureau desires wherever possible to grant requests for outside employment; however, in reviewing such requests the Bureau must consider the following factors:

- (1) Legal restrictions or statutes and departmental regulations
- (2) Conflict with or capitalization on Bureau employment
- (3) Whether compatible with position as employee of law enforcement agency
- (4) Nature of employment and employer
- (5) Interference with regular attendance or efficient performance of duties [(employee's current work performance should be no less than minimally acceptable)]
- (6) Interference with general availability of employee
- (7) Impairment of health or efficiency of employee

20-6.3.1 Special Factors

(1) Dual compensation - Federal employees are not entitled to receive basic compensation from more than one civilian Government job for more than an aggregate of forty hours of work in any calendar week. Bureau positions being typically full time, not part-time, the law thus prevents our employees from holding any other Federal job.

(2) The Bureau will not approve outside employment on the part of any of its employees in lines of work where the duties would be questionable or might reflect adversely on employee or the Bureau; employments involving forms of gambling, or evasions of the law are obviously employments that the Bureau will not approve.

(3) No employee will be allowed to work for any concern which has received unfavorable publicity regarding its merchandise, methods, or general reputation of its employees.

(4) If a Bureau employee has been approved to engage in outside employment and a situation occurs wherein it is questionable to allow the continuation of such employment, FBIHQ should be immediately advised with appropriate recommendations.

(5) An employee on sick leave undoubtedly will by the same token be unable to engage in an outside job. If he/she desires to do so on any day for which sick leave has been requested, he/she must secure prior Bureau approval.

(6) Security reasons dictate that no employee should submit to a polygraph examination as a prerequisite for outside employment.

(7) Wives of Legal Attaches and other personnel assigned abroad are not to accept outside employment in the country to which they are stationed without FBIHQ approval.

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[[20-6.3.2] Outside Employment of Special Agents

(1) Special Agents shall not engage in any outside employment which will create or appear to create a conflict of interest, reflect adversely upon the Department of Justice, or in any manner interfere with complete availability or the proper and effective performance of the duties of the position. It has been determined that outside employment in most instances will conflict with one or more of the above restrictions and accordingly is prohibited by law and the Code of Federal Regulations (CFR).

(2) Remuneration for services is not the sole determination of whether or not an activity should be considered employment. The nature of the involvement and the activity itself should be the determining factors. Participation in civic, religious or charitable activities or organizations would not normally be considered employment. Special Agents obviously should be permitted to make outside investments but not to operate businesses or engage in outside employment if such businesses or employment will create or appear to create a conflict of interest, reflect adversely upon the Department of Justice, or in any manner interfere with complete availability or the proper and effective performance of the duties of the position. Self-employment should also be considered as outside employment. Departmental Order 350-65 specifically prohibits any professional employee of the Department of Justice from engaging in private practice of his or her profession, such as law.

[[20-7] FLEXIBLE WORK SCHEDULES

(1) A flexible work schedule or flexitime is any schedule which provides employees a measure of control over their own working hours. Flexitime breaks the workday into two distinct kinds of time: core time is the portion of the day when all employees must be at work, and flexible time is the portion of the workday when the employee has the option of choosing a starting and quitting time, within prescribed limits. This represents an alternative to the traditional fixed, rigidly controlled work schedules, but is not meant to replace the traditional work schedules nor the odd-hour shifts.

(2) The two requirements of any flexible work schedule are:

(a) The employee must be at work during core time, except for leave and other authorized absences.

(b) The employee must account for the total number of hours scheduled for work each day.

(3) Each SAC or division head must ensure the availability of sufficient personnel to adequately discharge the FBI's responsibilities. Therefore, the granting of flexible work schedules, as with the granting of leave, must have the approval of designated supervisory personnel.

(4) The utilization of a flexible work schedule within each division will be at the discretion of each SAC or division head. The most extensive flexible work schedule will permit the flexible bands to start at 6:00 a.m. and end at 6:00 p.m. at 15 minute increments with provisions for a mid-day flex and core time deviation. The SAC or division head may institute more restrictive use of flexible work schedules at any time, consistent with work requirements within each office.

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(5) Employees on flexible work schedules should neither receive favored treatment nor be penalized as a result of flexitime, but rather, they should be treated in an equitable manner with employees working on a standard nonflexible work schedule.

20-8 ODD-HOUR SHIFTS

(1) Odd-hour shifts, i.e., any scheduled working hours different from the regular Monday-through-Friday day shifts, may not be established without prior authority of the SAC or division head. Such shifts are to be authorized only where factual justification is shown that these shifts will enhance the operation of an office, and/or such shifts will provide necessary services at a time beneficial to employees with no interference in the efficient operation of the office. It is the responsibility of each division head to select the best qualified and most deserving employees for assignment to any odd-hour shifts.

(2) Odd-hour shifts may be approved at the discretion of the SAC or division head for employees who desire same for justifiable reasons. If the shift is established solely at the request of/and benefit for an employee, premium pay will not be paid for work performed on a day or hour of the day for which premium pay would ordinarily be authorized.

(3) Support personnel may be assigned Saturday duty on a rotating basis to provide for essential services. Employees should be assigned a Tuesday through Saturday workweek for the week they have Saturday duty. When scheduling an employee for a Tuesday through Saturday workweek, the employee must be advised of his/her new shift at least one week in advance.

(4) The general policy on work schedules is to economize on night differential pay, and to achieve the utmost standardization in the working hours consistent with work requirements of each office and consideration to specific employees needs.

20-9 WORK PERMITS (FBIHQ)

(1) Bureau employees under the age of 18 years, with the exception of those who will reach their 18th birthday within a month after they enter on duty, must secure work permits. The names of new employees in this category are automatically tabulated by the [Personnel] Section of the Administrative Services Division. A schedule is set up for the employee to be

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interviewed, and a written request for a work permit is furnished to the employee to be presented personally to the Department of School Attendance and Work Permits of the District of Columbia. An employee applying for a work permit must have in his/her possession a birth certificate or attested transcript issued by a registrar of vital statistics or other officer charged with the duty of recording births. In the absence of such a birth certificate, suggestions as to other acceptable proof of birth can be found in Public Law 618-70th Congress, an act to regulate the employment of minors within the District of Columbia.

(2) The Bureau follows the policy of restricting the assignment of employees under 18 years of age to the regular day shifts. In addition, employees under 18 years of age may not work more than 8 hours in any one day, nor more than 6 days in any one week. Therefore, any hours worked beyond the regular 40-hour workweek must be performed on the sixth day rather than on the employee's regular workdays.

20-10 TOURS OF DUTY OF WOMEN AND MINORS

Each field office must comply with the provisions of any applicable child labor laws governing the territories under its jurisdiction. Although this Bureau and other Federal agencies are not legally bound by state regulations regarding the employment of females, it is desirable that efforts be made to comply with the provisions of such regulations. Accordingly, the provisions of such regulations should be ascertained and every possible effort should be made toward general compliance. Such compliance should be consistent with the Bureau's best interests. If any conflict with state regulations appears imminent, FBIHQ should be contacted.

20-11 LIST OF AVAILABLE UNASSIGNED STENOGRAPHERS (FBIHQ)

The Personnel Section of the Administrative Services Division maintains a list of all available unassigned stenographers at FBIHQ. The available unassigned stenographers are listed under the date they pass the qualifying examinations for the position of stenographer. It also sets forth their entrance-on-duty date, grade, and division. They are selected for assignment on this basis as stenographic vacancies occur, provided they are otherwise qualified. This list is updated each month.

20-12 COMPUTATION OF CLERK-AGENT RATIO

In computing the clerk-Agent ratio, personnel are separated into two categories. All Special Agents, including supervisors, ASACs and SACs, comprise one group, and all non-Agent personnel, including clerks, stenographers, special employees, [Electronics Technicians,] etc., the other. Divide the number of Special Agent personnel into the number of clerical personnel and the result is the clerk-Agent ratio. No personnel assigned to an office may be excluded from this computation. Personnel under transfer to an office must be counted in the computation of the office to which they have been transferred after the orders of transfer have been received, even if they have not yet reported; and they should be excluded from computation of the office from which transferred, even though they may not have departed on transfer. Personnel resigning or entering on absence for maternity reasons must not be computed in the ratio once their letters indicating such action have been forwarded to FBIHQ and acknowledged. Involuntary separations are not computed in the clerk-Agent ratio after written notification has been approved by FBIHQ and forwarded.

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20-13 PENDING TRANSCRIPTION WORKLOAD AND DELINQUENCY

(1) [The Pending Transcription Workload and Delinquency Report, FD-703, is used as a tool in determining the ability of one office to be of assistance to another; as a tracking system to monitor worldwide workload and production statistics; and as a means of projecting manpower needs and justifying them through the budget process. The original of this form should be submitted to FBIHQ, Administrative Services Division, Attention: Pay and Position Management Unit, Room 6057, for the biweekly period ending the 15th and last day of each month. The deadline for submission is five working days after the end of the biweekly period. This form is to be executed by all field offices. Complete instructions for completion can be found on the reverse side of the form.]

(2) [The transcription workload is considered delinquent when dictation or rough drafts remain untranscribed for more than five working days. To compute the five working days, the day work was received is counted as the first day. If it is not completed that day, it becomes two-day work. It is essential that dictation and rough drafts be promptly transcribed. If the workload becomes excessive, contact should be made with FBIHQ, Administrative Services Division, Pay and Position Management Unit, or one of the Regional Typing Pools located at the Norfolk Office; Northeastern Regional Computer Support Center, Ft. Monmouth, New Jersey; or the Western Regional Computer Support Center, Pocatello, Idaho.]

20-14 FIREARMS TRAINING OF NONINVESTIGATIVE EMPLOYEES

As a rule only Special Agents receive firearms training from the Bureau. Exceptions are: Electronics Technicians and Security Patrol Clerks on the night and midnight shifts at San Juan, Puerto Rico, and the Security Guard Force at the FBI Academy, Quantico, Virginia.

20-15 SERVICE RECORDS, CREDIT INQUIRIES AND INQUIRIES DIRECTED TO EMPLOYEES20-15.1 Service Record Inquiries

Inquiries for service records on present or former employees and inquiries concerning indebtedness of in-service employees are handled at FBIHQ. Employees must refrain from expressing either orally or in writing, except to official superiors, any opinion bearing upon the efficiency or standing of former or present employees. Individuals making oral inquiries should be referred to FBIHQ for such information and FBIHQ should be advised of the request. Written communications received by the field containing requests for such information should be transmitted to FBIHQ as an enclosure to FD-438a, which is a copy of FD-438 to be used by field to advise the inquirer his/her request has been forwarded to FBIHQ, Washington, D.C., for handling.

20-15.2 Credit Inquiries

The field may verify employment in routine credit inquiries ensuring inquiry is for legitimate reasons. Data supplied should be confined to entrance-on-duty date, salary, and whether support personnel or Agent. Notation that information was provided should be made in personnel file.

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[20-15.3 [Other]Inquiries Directed to Employees

[[For Bureau policy concerning employees providing information or
[opinions based on personal association with present or former FBI employees
[and non-FBI acquaintances, see Part I, 1-15.3, and Part II, 10-17.11.2, of
[this manual.]

20-16 REST PERIODS - VENDING MACHINES

(1) Vending machines are permissible if the SAC considers them desirable. Proceeds from vending machines may be retained by the division where they are located and utilized by the office recreation or welfare association. If reports from any office indicate abuses in the use of the machines, consideration will be given to removing them.

(2) A 10-minute rest period may be taken by noninvestigative employees during each 4-hour work period. This rest period is to be limited to employees working within the FBI office. Rest periods may not be taken at the beginning or the end of the workday but should be taken, for example, at midmorning and at midafternoon. They should be so scheduled as to ensure an adequate staff is on duty in the office at all times.

20-17 DESIGNATION OF BENEFICIARY

20-17.1 Purpose

During Government employment employees will establish and build up valuable monetary benefits, the disposition of which in the event of death can be controlled by execution of certain beneficiary forms.

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20-17.2 Items Involved

These items may involve considerable amounts of money and accordingly employees should clearly understand the effect of the execution of the various beneficiary forms. The things of value referred to relate to:

- (1) Money owed to employee in the form of unpaid compensation, such as accrued annual leave, unpaid salary, and expense vouchers, etc.
- (2) Money accrued in the Civil Service Retirement System.
- (3) Money payable through coverage under the Federal Employees' Group Life Insurance Act.

20-17.3 Execution of Forms

Each of the items listed in 20-17.2 above requires the execution of a separate beneficiary form (SF-1152, SF-2808, and SF-2823 respectively), if it is desired that the money be paid in a way which is other than the order set forth by existing legislation. A designation, change, or cancellation of beneficiary in a will or other document will have no effect.

20-17.4 Undesignated Beneficiary

It is not necessary that these beneficiary forms be executed, if it is satisfactory for the payment to be made in the prescribed order set forth below:

- (1) To the widow or widower
- (2) If neither of the above, to the child or children in equal shares, with the share of any deceased child distributed among the descendants of that child
- (3) If none of the above, to the parents in equal shares or the entire amount to the surviving parent
- (4) If there be none of the above, to the duly appointed legal representative of the estate of the deceased, or if there be none, to the person or persons determined to be entitled thereto under the laws of the domicile of the insured

20-17.5 Annual Reminders

This matter should be a topic discussed annually at Agent and clerical conferences.

20-18 LOST GOVERNMENT CHECKS

(1) In reporting the loss of a Government check by an employee of the Bureau, obtain a letter from the payee addressed to the Department of the Treasury, Washington Disbursing Center, Washington, D.C. 20013, setting forth the circumstances surrounding the loss of the check. This letter must show whether the check was endorsed, the payee's home address, and must be signed by the payee.

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(2) If the check is received in the office but lost before the employee receives it, a letter from the division head, SAC, or ASAC addressed to the [Department of the Treasury, Washington Disbursing Center, Washington, D.C. 20013,] relating information pertinent to the receipt and the handling of the check in the office, must be prepared and forwarded to the Voucher and Payroll Section, FBIHQ, with the letter from the employee whose check was lost.

(3) If a check has been mailed by FBIHQ but the field office has no record of its receipt, a letter from the SAC or ASAC is all that is necessary.

(4) All letters should be forwarded to the Voucher and Payroll Section, FBIHQ, at the earliest possible date. No action can be taken by FBIHQ to place a stop on a lost check or to have a substitute check issued until receipt of the above-described letters.

20-19 INVENTIONS

Whenever any invention is developed by an employee arising out of the latter's official duties or connected in any way with Bureau operations, FBIHQ is to be advised, attention of the headquarters' division most closely concerned or associated with the invention in question.

20-20 PERSONAL APPEARANCE, DRESS AND GROOMING STANDARDS FOR BUREAU EMPLOYEES20-20.1 Policy

The traditional policy of the FBI is that all employees should have the appearance of business people, both as to dress and grooming. FBI employees should dress in the typical mode of the business and professional communities while on official duty. All male employees, except those who are specifically exempt due to the nature of their duties, should be dressed in business shirts, ties, and trousers suitable for office wear. During certain climatic conditions, SACs of the various field offices and the division heads at FBIHQ, may issue instructions that employees, who have no exposure to the public, are permitted to wear other attire as a substitute to the above mentioned attire. The SAC, as well as division heads, must insure that sufficient restraints are exercised so that employees will not become relaxed to the point where it will be necessary to make adjustments to bring about conformance to the business-professional appearance.

20-20.2 Appearance Standards

(1) The manner and style of one's clothing or the manner in which a person wears his or her hair is a matter of individual pride and self-respect. Employees of both sexes are expected to maintain a neat appearance, and to keep their hair clean and well groomed at all times.

(2) The American people trust and are confident that the FBI will continue to perform in their behalf in an exemplary manner. That degree of trust and confidence was achieved by our outstanding performance of our duties and by the neat, well-groomed appearance we have presented to the American people.

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(3) Although performance can never be estimated or judged by appearance alone, the standards of neatness and grooming adhered to by the men and women of the FBI have created in the minds of the American people an image of faithful and professional performance of duty.

(4) Accordingly, our appearance has, and will, contribute to the efficiency of our service in behalf of the American people. Therefore, extremes in clothing and in hair length or style are to be avoided.

20-20.3 Regulations

The "Handbook for FBI Employees, Support and Service Personnel," under grooming and demeanor, outlines the standards expected of support and service personnel of the FBI. Memoranda to all SACs, titled "Personal Appearance of Bureau Employees," 25-75(A) dated June 10, 1975; 38-74(A) dated August 6, 1974, and 47-73(A) dated November 6, 1973, set out the Bureau's traditional posture that all employees should present a businesslike appearance, both as to dress and grooming, while in duty status.

20-21 PART-TIME EMPLOYMENT

Employees who are authorized to work on a part-time basis are subject to the following rules:

(1) The employee must have a prearranged regularly scheduled tour of duty consisting of an equal or varied number of hours per day.

[(2) [The employee's work schedule must be from 16 hours to 32 hours per week, with no more than 8-hours a day.]

(3) Part-time employees will be covered under the Civil Service Retirement System.

(4) Employees will be eligible for both regular and optional coverage under Federal Employees' Group Life Insurance (FEGLI).

Part-time employees with salary under \$8,000 will be covered for \$10,000 under FEGLI regular. Coverage is automatic if there is no waiver in effect from previous employment.

(5) Employees will be eligible for coverage under the Federal Employees Health Benefits Program (FEHBP). The part-time employee will not receive the full Government contribution but a prorated share of the Government contribution and the employee must pay the difference of the Government contribution. Full-time employees changing to part-time will be eligible to change their enrollment from one health benefit plan to another and must also pay the prorated share of the Government contribution.

A part-time employee who is in receipt of compensation from the Office of Workers' Compensation Program will be entitled to the full Government contribution for FEHBP.

(6) The annual and sick leave of an employee will be prorated.

(7) Part-time employees will be entitled to military leave. The rate at which such leave accrues is a percentage of the rate prescribed by Title 5, USC, § 6323, as amended by P.L. 96-431. The amount of leave is determined by dividing 40 into the number of hours in the regularly scheduled

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workweek of that employee during the fiscal year. No more than 15 days of accrued, unused military leave may be carried over into any fiscal year.

(8) Part-time employees will be paid for a holiday if it falls on a day of employees' prearranged tour of duty.

(9) Part-time employees will receive the 10 percent night differential for any portion of their regularly scheduled tour of duty which occurs between 6 p.m. and 6 a.m.

(10) Part-time employees should not work overtime without prior Bureau approval. Overtime is any work performed in excess of 8 hours a day or 40 hours a week.

(11) Requests from high grade professionals (above GS 9) to work part-time will be considered on an individual basis when special circumstances exist, or when permitting this would be in the best interest of the Bureau.

[[20-22 LUNCH/DINNER PERIODS

[(1) Employees are entitled to a lunch/dinner period which is to
[be scheduled during the middle portion of the employee's tour of duty. This
[period is not considered a work period for pay purposes but is added to the
[number of hours actually worked to become their scheduled tour of duty. The
[purpose of a lunch/dinner period is to provide the opportunity for nourishment
[and a deviation from work activities; therefore, lunch/dinner periods should
[not be scheduled at the end of the workshift.

[(2) Part-time employees should also schedule a lunch/dinner break
[if they work in excess of four hours a day.

[(3) It is not necessary that an employee be permitted to leave
[the premises during the meal period.]