

Marketing & Regulatory Programs HR BROADCAST

Quarter 1 – FY 2019 Issue

DIRECTOR'S CORNER

Greetings - As we recently entered into the new Fiscal Year, I have been reflective on what I have had the pleasure of being a part of since my arrival to APHIS in July. I am excited about what is ahead in the coming year and all of the wonderful changes/advancements that are in store. In my short time with APHIS, I have met with the leadership teams for APHIS, AMS, FAS, and the Merit Systems Protection Board to learn more about their customer experience and ways that we can continue to strengthen our key partnerships. I am pleased to share that while we are working on filling vacancies throughout our customer base, HR has recently filled two key leadership positions on the HR Management Team. Philip Brown has joined APHIS as the Deputy Director for Employee and Management Services Directorate (EMSD) to provide leadership and oversight of five branches: Workplace Resolutions and Wellness, Employee and Management Relations, Administrative Investigative and Compliance, Employment Law and Hearings Branch, and Labor Relations. Dan Whittacre has joined APHIS as the Human Resources Administrative Officer. I hope you'll join me in welcoming both Phil and Dan.

HRD is gearing up to transition our staffing tool to USAStaffing from eRecruit with a completion date by January 2019.

I am pleased to announce that on October 11, 2018, the U.S. Office of Personnel Management has authorized new direct hire appointing authorities for a variety of Scientific, Technical, Engineering, and Mathematics (STEM) positions, as well as Cybersecurity and related positions where we have identified severe shortages of candidates and/or critical hiring needs.

Covered Positions – Scientific, Technical, Engineering, Mathematics

Position Title	Occupational Series	Grade Levels
Economist	GS-0110	11-15
Biological Science	GS-0401	11-15
Fishery Biologist	GS-0482	11-15
General Engineer	GS-0801	11-15
Civil Engineer	GS-0810	11-15
Physical Sciences	GS-1301, 1306, 1310, 1320 only	11-15
Actuary	GS-1510	11-15
Mathematics	GS-1520	11-15
Mathematical Statistician & Statistician	GS-1529, 1530	11-15
Acquisitions	GS-1102	11-15

Covered Positions – Cybersecurity and Related

Position Title	Occupational Series	Grade Levels
Computer Engineers (Cybersecurity)	GS-0854	12-15
Computer Scientists (Cybersecurity)	GS-1550	12-15
Electronics Engineers (Cybersecurity)	GS-0855	12-15
IT Cybersecurity Specialist**	GS-2210	12-15

It is my pleasure to share that from October 24th-26th, the HR Directors for APHIS and FSIS will host a joint inaugural visit from USDA's Chief Human Capital Officer (CHCO), Mary Pletcher Rice. As our CHCO, Ms. Pletcher Rice is committed to visiting field locations across USDA to share her vision as they align to the Secretary's goals. She has expressed an interest to meet employees where they are as they carry out the HR mission in support of our customers each and every day. Minneapolis, MN is one of her very first stops on this journey!

Thank you for all that you do to change and support the
Federal workforce each day, one person at a time.

Beverly Ledford

Beverly Ledford, HRD Director

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We hope that the HR Broadcast is meeting your needs and communicating topics of interest, but if there are items you would like to see included in future issues, please contact our HR Broadcast Layout Editor, Christina Furnkranz, at Christina.S.Furnkranz@usda.gov



Intern Support Office Hosts 2018 Intern Cohort Teambuilding Event

by **Melissa Barbour** (*Melissa.L.Barbour@usda.gov*, 301-851-2932)

In late July, the Intern Support Office hosted the 2018 Pathways Intern Cohort at APHIS Headquarters in Riverdale, MD, for a 3 ½ day teambuilding and training event.

In addition to the 15 interns located in Riverdale, 13 traveled in from various APHIS programs and offices in Guam, Puerto Rico, Washington, Arizona, Texas, Minnesota, Florida, Massachusetts, and New Jersey.

During their time together, the interns not only strengthened the cohort connection and experience, but also had the opportunity to network with many employees and leaders throughout the Agency to learn all about the vast and exciting work of APHIS, providing a sense of what opportunities are available here.



Through several field trips and tours, the cohort learned about the work that Animal Care does enforcing the Animal Welfare Act at the National Zoo and Plant Protection and Quarantine's (PPQ) work at the Port of Baltimore. They received a tour of the USDA Headquarters building and even saw Secretary Purdue as he was coming out of his office! They learned about how APHIS works with Congress through training facilitated by Legislative and Public Affairs (LPA), which was followed by a guided tour of the U.S. Capitol.



The students had a unique opportunity to sit down with several inspiring APHIS leaders to learn more about them, their leadership philosophies, and their journey through APHIS. They also talked to a panel of past APHIS Interns to ask questions and gain insight on how they navigated their internship and developed their APHIS career path. We wrapped up the week with training and discussion on their strengths, through the results of a StrengthsFinder assessment, and how to leverage them in the workplace, home, and in school to be more successful.



"By getting a chance to network with interns from different programs, going to the Port of Baltimore to see what PPQ does, talking to LPA, and so much more, I gained a more concrete understanding of all the programs within APHIS," said Sydney Hart, Financial Management Student Trainee in MRPBS. "This experience put in perspective how even though each program has their own goals and objectives, we are all still working to support the mission of APHIS as a whole."



There are 28 Pathways students participating in the Agency's Intern Career Development Program this year. The new cross-APHIS program is aimed at attracting, hiring, training, and retaining high-caliber students interested in pursuing a public service career in a science-based organization.

A special thank you to everyone who helped the ISO make this week a success, especially:

- Mike Watson (OA)
- Mike Gregoire (OA)
- Beth Jones (LPA)
- Tanika Whittington (LPA)
- Chris Needham (LPA)
- Jessica Mahalingappa (IS)
- Matt Rhoads (PPQ)
- Matt Travis (PPQ)
- John Young (PPQ)
- Kelsey Branch (PPQ)
- Daryl Watson (PPQ)
- Josiah Manning (PPQ)
- Bernadette Juarez (AC)
- Gloria McFadden (AC)
- Ibrahim Shaqir (BRS)
- Rahsaan Wilson (BRS)
- Adrian Villalobos (PPD)
- Melissa Tharp (MRPBS)
- Sarah Blasko (MRPBS)
- Ayanna Hook (MRPBS)
- Mirdza Fernandez (MRPBS)
- Tina Furnkranz (MRPBS)
- Carol Roller (MRPBS)
- Kahla Davis (MRPBS)
- Susan Murphy (MRPBS)
- Tiara Dunn (MRPBS)
- Dwayne Davis (MRPBS)
- Nancy Bradford (MRPBS)
- Jill Pravatiner (MRPBS)
- Tracy Greene (MRPBS)



Goodbye FY2018, Hello FY2019 Performance Cycle!

by Gwen Montgomery (Gwen.Montgomery@usda.gov, 301-851-2928)

From
The
Policy
Branch

The FY2018 performance cycle ended on **September 30, 2018**. Managers and supervisors are required to conduct performance appraisals for all eligible employees no later than October 30, 2018.

Per the USDA Performance Management Directive, managers and supervisors are reminded that written narratives must be prepared by Rating Officials and accompany the performance appraisals. Narratives describe performance in relation to each assigned element rating or describe performance in relation to the overall rating. A copy of the narrative and rating sheet must be given to employee and a copy placed in the Employee Performance File maintained by the Rating Official.

All FY2018 performance rating sheets signed by Rating and Reviewing Officials and employees must be submitted to the MRPBS HRD Appraisals mailbox and Gwen Montgomery, HR Policy Branch, no later than **November 2, 2018** for entry in the National Finance Center system. Timely submission of signed performance ratings will ensure MRP compliance with the established departmental deadlines.

FY2019 performance plans must be prepared and given to employees no later than **November 30, 2018**. The USDA Office of Human Resource Management (OHRM) and MRP have developed mandatory language for inclusion in the plans and have populated the language directly on the new performance appraisal forms (AD-435-E and AD-435S). The forms were revised to include new requirements as well as improve the functionality of the forms. Please see the [MRP Performance Management webpage](#) for links to the FY2018 closeout guidance and new appraisal forms.



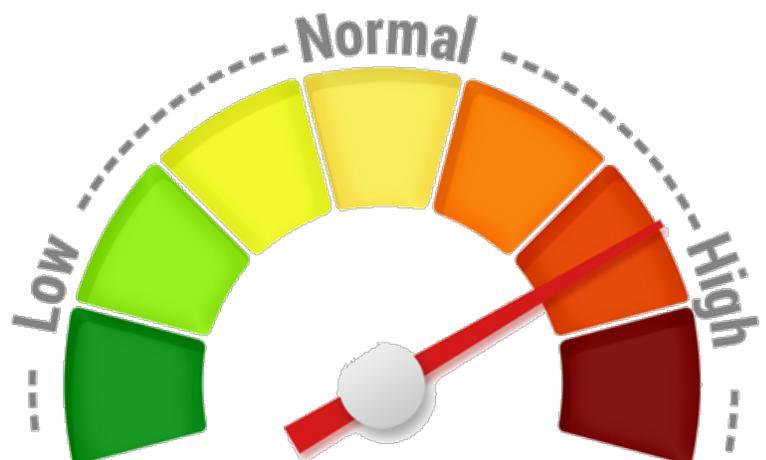
For questions, please contact Gwen Montgomery at (301) 851-2928 or via email at Gwen.Montgomery@usda.gov.

NEW

New USDA Performance Management Directive

by Gwen Montgomery (Gwen.Montgomery@usda.gov, 301-851-2928)

OHRM has approved the new Performance Management Directive (DR-4040-430), effective **October 1, 2018**. The Directive has been revised to incorporate recent Governmentwide requirements regarding employee performance management. Additions to the Directive include preparation of quarterly progress reviews for all employees, mandatory requirement for all employees to prepare accomplishment reports at the end of every performance cycle, and streamlining the opportunity period for poor performers to demonstrate acceptable performance. The link to the Directive is available on the [MRP Performance Management webpage](#).



Leave Usage Order

by Nella Roberts (Nella.H.Roberts@usda.gov, 301-851-2910)

From
The
Policy
Branch

The MRP Directive and Human Resources Desk Guide Subchapter 4630, Absence and Leave, Section B – Annual Leave, has been updated to reflect MRP policy on the order of leave usage. Employees should use leave in the following order:



1. Use or lose annual leave,
2. Compensatory time off in lieu of overtime pay,
3. Compensatory time off for travel,
4. Time-off award and
5. Any other accrued time, e.g., credit hours, annual leave.

Always use sick leave as appropriate. Using use or lose annual leave first prevents leave loss at the end of the leave year. If you choose to use earned time off in a different order and it results in the loss of annual leave at the end of the leave year, then leave restoration will not be an option and the leave will be permanently lost. Your RMS/AO staffs have been advised of the policy and are available to answer questions as well as HRO, Minneapolis. As you are planning your fall leave, please remember the leave usage order policy.

Scheduling Use or Lose Annual Leave

by Nella Roberts (Nella.H.Roberts@usda.gov, 301-851-2910)

While the end of the leave year is not here yet, it is fast approaching! Now is the time to plan ahead and schedule your use/lose annual leave. Here are some important policy points to keep in mind:

- The 2018 leave year ends on January 05, 2019 (pay period 26).
- Use or lose annual leave must be scheduled by November 24, 2018, the end of pay period 23. Leave must either be scheduled electronically, (email or WebTA), or in writing. If the leave is not properly scheduled and it is lost at the end of the leave year, it cannot be considered for restoration because it did not meet the scheduling requirement.
- Follow the recommended leave usage order. Choosing to do otherwise means lost leave will not be restored.
- While the leave must be scheduled by the end of pay period 23, you have until the end of pay period 26 to use it.
- Lost leave may not be considered for restoration until pay period 1, 2019.



Remember to pay particular attention to your leave balances and work closely with your supervisor to schedule and use any use/lose annual leave.

The 2018 Annual Reminder Concerning Use or Lose Annual Leave has also been posted to assist you. And lastly, if you have any questions, contact your servicing Leave and Compensation Team Specialist or me.



Persons with disabilities who need program information in alternate formats (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TTY).



BENEFITS BUZZ

2018 Benefits

Open Season

By The Benefits Team



Open season is your annual opportunity to review and change your enrollment in the Federal Employees' Health Benefits (FEHB) program, the Federal Employees Dental and Vision Insurance Programs (FEDVIP), and to enroll in the Federal Flexible Spending Accounts (FSAFEDS) for health care and/or dependent care for 2019. The 2018 Open Season will run from November 12, 2018 to December 10, 2018. Premiums for 2019 can be found at our website:

<https://www.aphis.usda.gov/aphis/ourfocus/business-services/HRD/Benefits>

Watch for all-employee emails and check our website for more information as Open Season draws near.

Are You Planning to Retire Soon?

By The Benefits Team

The end of the year is the most popular time to retire, so plan ahead. Keep your retirement plans on track by checking out our website where you can follow our retirement planning checklist, get a copy of what retirement paperwork you will need to submit, and just get some general information on retirement. You can find this at:

<https://www.aphis.usda.gov/aphis/ourfocus/business-services/HRD/Benefits/Retirement>

In addition, the Benefits Team has put together three presentations on retirement planning that are now available on AgLearn for you to view at your convenience. Each Power Point presentation includes a script for your reference.

The presentations are:

1. ***CSRS Retirement Planning***, for employees who are covered under the Civil Service Retirement System,
2. ***FERS Retirement Planning***, for employees who are going to be retiring under the Federal Employee Retirement System, and
3. ***Insurance Information for Retirement***, which outlines how your insurance (health, life, dental, etc.) will work in retirement and what your choices are when heading into retirement. This information is for employees under **both** retirement systems.

If you have any questions about your retirement or benefits, please contact your servicing Benefits Specialist:

http://www.aphis.usda.gov/mrpbs/contact_us/downloads/benefits.pdf



Contracting Officer Representatives (COR) to Automatically File OGE Form 450 Confidential Financial Disclosure Report

By The Classification Team

WHO NEEDS TO FILE?

All persons designated as Contracting Officer Representatives (COR) by an official Contracting Officer.

A Delegation of COR Memo must be on file and the COR must complete and/or be current on the appropriate Federal Acquisition Certification(s).

HOW ARE POSITIONS MONITORED & CODED?

If the COR responsibilities appear in the official position description (PD), the AD-332 coversheet will automatically be coded as a required financial disclosure filer. Since CORs are often appointed on a project basis, the requirement is not always reflected in the official PD. The Classification Section of HRO is working with the Acquisition and Asset Management Division to obtain monthly reports of employees who have been appointed as CORs in order to quality check the associated codes and make necessary changes.

Any questions may be directed to Tom Lehner, Lead Classification Specialist, at 612-336-3291; or Mandy Olson, Classification Supervisor, at 612-336-3295.



Threats & Workplace Violence

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)



We begin this month with **Threats & Workplace Violence**. In some cases, threatening or violent situations develop slowly. In the beginning, you may notice changes in an employee’s behavior that causes concern but are not obviously threatening or violent. Here’s an example:

Jim has worked for you for several years. He has generally been a good worker, and hasn’t caused any problems until recently. Lately, however, all he seems to do is complain about his workload, his coworkers, management, and so on. You have also noticed other changes in his behavior, such as frequent arguing with coworkers, and attendance issues that concern you. When you try to talk to him, he becomes defensive.



So far Jim has not behaved in a manner that would cause immediate alarm. For example, he has not displayed a weapon, struck a coworker, or made any overt verbal threats. All you know is that his behavior is changing, and not for the better. Perhaps it’s just a passing problem, but it could possibly be something more serious. Whatever it is, this is the time to start dealing with it, before it gets worse. Your servicing employee relations specialist (ERS) can help you identify options and strategies. If you are concerned about possible workplace violence, your Workplace Violence Program (WVP) coordinator can help you identify the kind of behavior that may be indicative of an emerging problem, and can help you identify and implement prevention strategies.

Despite your efforts, you have noticed that Jim’s tone has become increasingly strident and belligerent. Some of your employees have come to you with concerns about his comments and actions that they believe are threatening. You were informed that Jim recently told a coworker, “If things don’t get better soon, I might have to take matters into my own hands.”

It is now becoming clearer that a threatening situation is emerging. If you have not done so already, it is now time to contact your agency WVP coordinator or your servicing ERS. The ERS and the WVP coordinator will normally work together in such circumstances. Generally speaking, the ERS will be involved with disciplinary issues, and the WVP coordinator with issues directly related to investigating the threatening situation.

Each MRP agency has a workplace violence program. The following is a brief review of these programs.

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AMS Workplace Violence Prevention Program

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)

EMPLOYEE &
MANAGEMENT
RELATIONS



The Agricultural Marketing Service has defined workplace violence as any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site. In AMS Directive 4790.1 (Prevention of Workplace Violence, Including Assaults or Intimidation of AMS Employees) we have established a very simple, very clear policy on prevention of workplace violence, as outlined below:

- ⌚ Violence of any kind; aggression; threats; and intimidating, belligerent, or disruptive behavior, will not be tolerated.
- ⌚ Any employee who genuinely believes that he/she is in danger must get out of harm's way, even if it means leaving the work site, and immediately report the danger to his/her supervisor and appropriate law enforcement authorities.
- ⌚ All employees, especially supervisors and managers, must be sensitive to the warning signs of potential workplace violence.
- ⌚ Any employee who observes a situation which has some of the warning signs of potential workplace violence, must report it to his/her supervisor.
- ⌚ Our servicing Employee Relations office serves as the focal point for workplace violence issues. Supervisors should report all situations of actual or potential workplace violence to Employee Relations. The Employee Relations office will provide advice, and bring in additional professionals, as needed, from the following resources: senior program management, the Employee Assistance Program (EAP), Civil Rights program, local police or the Federal Protective Service, the Office of Inspector General, the AMS Compliance Office, and the AMS Office of Safety and Security.



Any individual who is experiencing a personal problem and any manager or supervisor who is trying to determine how to help an employee with a problem may take advantage of the (EAP). Counselors are available to provide professional help in dealing with problems occurring both on and off the job. The service is free, confidential within the limits of the law, and voluntary. EAP counselors are prepared to assist with virtually any issue or problem that may arise, including emotional problems, relationship problems, family issues, alcohol/other drug abuse, job issues, and financial crisis situations. EAP services are provided through Federal Occupational Health, a part of the U.S. Public Health Service. Employees can obtain EAP services by calling 1-800-222-0364 for information or assistance, 24 hours a day, 7 days a week, 365 days a year. Calls to EAP are automatically routed to counselors in the area the employee is calling from.





APHIS Workplace Violence Prevention and Response Program

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)

EMPLOYEE &
MANAGEMENT
RELATIONS



The APHIS Workplace Violence Prevention and Response Program (WVPRP) responds to and investigates reports of workplace violence throughout APHIS. Further, the APHIS Workplace Violence Prevention and Response Program aids in the prevention of workplace violence by providing training to APHIS employees and managers to enhance their understanding of workplace violence, how to prevent it, and how to carry out their duties and responsibilities in reporting workplace violence incidents.

APHIS policy, in accordance with the USDA Handbook on Workplace Violence Prevention and Response, states:

“Threats or acts of violence against persons or property will not be tolerated. This includes acts of intimidation or harassment, or other inappropriate behavior which causes fear for personal safety. These can be cause for serious disciplinary action and possible criminal charges. Federal law prohibits the knowing possession of firearms or other dangerous weapons in Federal facilities. This includes Government-owned and -leased space, Government-owned or -leased vehicles, and personal vehicles when used on official business, or parked in Government-owned or -leased areas. Exception may be made only if the possession of the weapon is an approved job requirement.”

APHIS defines workplace violence based on the definition contained in the USDA Handbook on Workplace Violence Prevention and Response, which states,

“Workplace violence can be any act of physical violence, threats of physical violence, harassment, intimidation, or other threatening, disruptive behavior that occurs at the work site. Workplace violence can affect or involve employees, visitors, contractors, and other non-Federal employees. A number of different actions in the work environment can trigger or cause workplace violence. It may even be the result of non-work-related situations such as domestic violence or ‘road rage.’ Workplace violence can be inflicted by an abusive employee, a manager, supervisor, coworker, customer, family member, or even a stranger. Whatever the cause or whoever the perpetrator, workplace violence is not to be accepted or tolerated.”

There are various methods by which reports of workplace violence incidents or threats of workplace violence are received. These can be via phone, email, fax, or word of mouth. If a verbal or telephonic report is received, the APHIS WVPRP Coordinator will request written confirmation containing the details of the complaint. The Coordinator will also act as investigator on the case or will assign another investigator to determine the facts of the case.

Some Things to Consider

1. **Document threatening/violent incidents as soon as possible.** When documenting an incident, it is particularly important that you note (1) the history of the problem, to the extent that you know it, and (2) any information that you have, including witness statements, which will help determine the severity and immediacy of the problem. This information will help your WVP coordinator and servicing ERS determine what needs to be done, and how quickly.
2. **Contact law enforcement personnel when a situation presents an immediate threat to safety.** Law enforcement personnel – including those of the Federal Protective Service (FPS) – are trained to deal with such situations, and, therefore, should be contacted before anyone else, including your servicing ERS or WVP coordinator. When the threat is immediate, your first consideration must always be the safety of your employees and other persons in the vicinity.
3. **Anticipate and plan for workplace violence.** Although it is not possible to predict and prevent every incident of workplace violence, there are some things you can do prior to the development of such problems that will increase your odds of dealing successfully with them if they do arise:
 - Encourage employees to report threats;
 - Inventory your work area to identify security strengths and weaknesses;
 - Have an emergency response plan; and,
 - Be aware of the early warning signs.



Are YOU in Compliance? APHIS Electronic Mail Use, Security, and Privacy Policy

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)

EMPLOYEE &
MANAGEMENT
RELATIONS



APHIS Directive 3140.2 (February 28, 2013) sets forth APHIS's policy on electronic messaging. This Directive applies to all APHIS employees and contractors. It also applies to other Federal agencies, State and local governments, and authorized private organizations or individuals who use APHIS information systems and electronic messaging capabilities to accomplish an APHIS business function. All of the aforementioned are considered users and are included wherever the words "user" or "users" are referenced within this Directive.

Specifically, this Directive addresses rules relating to recordkeeping of email messages, email deletion, and the appropriate use of the APHIS Enterprise Messaging Service (EMS).

1. When using EMS, users are doing so as associates and/or representatives of APHIS and the Federal Government. Users must at all times seek to promote a positive image for APHIS and the Federal Government. They must be careful about how they represent themselves, given that what they say or do could be interpreted as APHIS or Federal Government opinion. Users must be aware that their conduct could reflect on the reputation of APHIS, the Federal Government, and its associates. At all times, users must use font types and enhancements judiciously in emails.
2. All users have an obligation to be aware of computer security and privacy concerns and to guard against computer viruses. Users who load files brought in from outside sources on Federal Government computers, then send the files as email attachments, present a heightened risk in this area, unless users first virus-scan all outgoing attachments before the email is sent.
3. Users must always exercise caution when addressing email messages, as there are users of the Agency's services who are not Agency associates. This will help to avoid inadvertently sending a message meant for APHIS associates and authorized users to outsiders.
4. Users must exercise caution in conveying sensitive or non-public information. Such information will be treated with the same care as paper documents conveying the same information.
5. APHIS email resources exist to enhance business capabilities and must be protected against waste, fraud, unauthorized use, or abuse. Use of electronic messaging in ways that violate ethical standards, deprive Americans of rightful value for their tax dollars, or embarrass this Agency will not be tolerated.
6. APHIS is committed to protecting sensitive information from accidental or unauthorized release, transmission, display, or disclosure via electronic messaging.
7. Sensitive information includes key Agency information (Privacy Act, contractual, etc.) as well as proprietary information of customers and cooperators. It is the responsibility of each APHIS Program/Business Unit to ensure that users are confident that their information is protected and that such confidence is justified.
8. All email messages transmitted to or from or stored on APHIS computers are the property of APHIS. APHIS reserves the right to either randomly or systematically scan email for improper materials. APHIS users have no right to expect their messages to remain private. Users who wish to ensure privacy of their communication should use means other than APHIS email.

Continue reading on next page (page 10)



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9. APHIS employees are permitted limited personal use of email on an occasional basis, provided that the use involves minimal expense to the Government, does not interfere with official business, and takes place during personal time. Employees who have doubts about the meaning of “limited” or “occasional” should consult their supervisor. Employees must exercise good judgment in all use of email. Official Government business always takes precedence over personal use.

10. APHIS will comply with Federal and Departmental policies, regulations, and requirements on email use and ISS. Additionally, users have an obligation to be aware of computer security and privacy concerns and to guard against computer viruses.

11. APHIS email messages will be treated the same way as paper documents which serve the same purpose. Email is no more and no less important than other information used to transact business. Authorized users must apply the same decision-making process to email for record maintenance and disposition that they apply to other documentary materials, regardless of the media used to create them. Email may be archived to another server, copied to the user's workstation, or a printed copy may be made.

12. It establishes the requirement(s) for those who choose to use signature blocks in email. The part of an email message that contains the sender's contact information must include the following information:

- A. Name.
- B. Job Title.
- C. Organization.
- D. Office Address.
- E. Phone Number.
- F. Email Address.

Signature blocks are intended for use as a method of providing sender contact information to message recipients. While official APHIS/USDA website links may also be included in the signature block, **slogans, and/or quotes by celebrities, etc., are NOT permitted.** Signature blocks **must not include** graphics, quotes, sayings, or slogans that express any personal opinions, views, or religious themes.



13. When necessary, the confidentiality statement below will be included at the end of the email messages.

CONFIDENTIALITY NOTE: The preceding email message contains information that may be confidential, proprietary, or legally privileged, and may constitute non-public information. This message is intended to be conveyed only to the intended named recipient(s). If you are not an intended recipient of this message, do not read it; instead, please advise the sender by reply email, and delete this message and any attachments. Unauthorized individuals or entities are not permitted access to this information. Any disclosure, copying, distribution, or taking any action in reliance on the contents of this information, except its delivery to the sender, is strictly prohibited and may be unlawful.

em@il



10 Rules to Remember DO's and DON'Ts for GOVERNEMENT-OWNED or -LEASED VEHICLES

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)



Departmental Regulation 4070-735-001, Employee Responsibilities and Conduct

Section 4, Policy, states in pertinent part that it is USDA's policy that its employees:

- A. Maintain high standards of honesty, integrity, and impartiality;
- B. Adhere to the rules set forth in this Directive, as well as all directives referenced in section 2 of this Directive;
- C. Comply with lawful supervisory direction; and,
- D. Comply with work-related laws, regulations, and policies.

Section 14, Use of Government Vehicles, states in pertinent part:

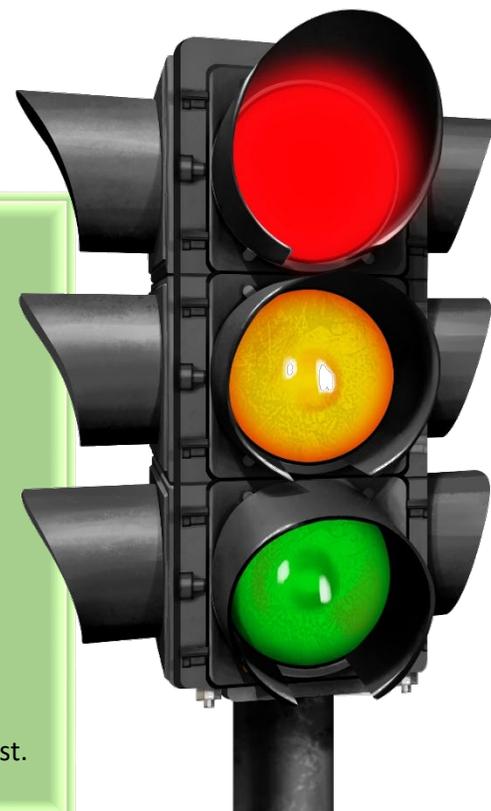
- A. Every employee is prohibited, unless specifically authorized by the agency in accordance with Departmental Regulation 5400-5, "Use of Government Vehicles for Home to Work", from storing Government-owned or Government-leased motor vehicles at or near their private residence or at other unauthorized locations including, but not limited to, homes of relatives or friends, or from using such vehicles for transportation between their residence and place of employment.
- B. No employee shall use Government-owned or Government-leased vehicles to transport unauthorized passengers.
- C. Every employee is required to wear seat belts whenever riding as an operator or as a passenger in a truck, automobile, or other passenger vehicle in the performance of official duties or while on official time.
- D. Unless authorized to do so in the performance of official duties, every employee is prohibited from using Government-owned or Government-leased vehicles to transport firearms or explosives.

Government-operated vehicles (GOVs) must be used for official Government business

– no limited personal use of any type is allowed. GOVs and related property may include, but is not limited to: trucks, cars, ATV's, trail-bikes, motorcycles, boats/water vehicles and campers/trailers of any kind, and rental cars and vehicles.

DO's

- ✓ Only employees who conduct official business in support of official Agency duties may operate a GOV.
- ✓ Only persons specifically traveling for the benefit of the mission may ride in GOV's.
- ✓ Do use your vehicle for official business only.
- ✓ Do wear your seat belt at all times.
- ✓ Do have a valid state-issued motor vehicle operator's license on you at all times of operation.
- ✓ Do obey all traffic laws and inform your supervisor of any tickets you receive.
- ✓ You are personally responsible for all fines and tickets.
- ✓ You must immediately report accidents to your supervisor.
- ✓ *Personal* GOV use is authorized only when in response to a highly unusual circumstance which presents a clear and present danger, or when emergencies exist.
- ✓ When in doubt, ask your manager.



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DON'T's

- You may not transport or consume alcohol or illegal drugs in any GOV at any time.
- You may not smoke in a GOV at any time.
- You may not have animals in a GOV *unless* the presence of an animal is work-related or approved for use as an authorized assistance animal.
- While driving a GOV, you may not use a cellular telephone to talk or text.
- You may not use GOVs as transportation to breakfast, lunch, or dinner when working in an office.
- You may not use a GOV for doctor's appointments, personal shopping, or running personal errands, unless on TDY (refer to Travel Regulations).
- You may not transport friends or family members in GOVs.
- You may not at any time transport children in a GOV, even if during an APHIS activity. This also means you may not drop them off or pick them up from school, day care, or other activities even if it is on your way to or from work.
- You may not transport firearms or explosives in a Government-owned or -leased vehicle. The only exception to this rule is for those employees authorized to use these items in the performance of official duties.



The very bad accident!

Two men got out of their cars after they collided at an intersection. One took a flask from his pocket and said to the other, "Here, maybe you'd like a nip to calm your nerves." "Thanks," he said, and took a long pull from the container. "Here, you have one, too," he added, handing back the whiskey. "Well, I'd rather not," said the first. "At least not until after the police have been here."



Weingarten Rights

By Dave Root (*Dave.M.Root@usda.gov*, 301-851-2610)

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Based on the Supreme Court Decision, National Labor Relations Board (NLRB) v. J. Weingarten, Inc., 420 U.S. 251 (1975).

The Supreme Court decision established an employee's "Weingarten rights" or the right to union representation, when requested, in a meeting that the employee reasonably believes could lead to discipline.

The United States Department of Agriculture is covered by the Federal Service Labor-Management Relations Statute, 5 U.S.C. Chapter 71 (commonly referred to as the Statute). The Statute protects the rights of employees to organize, bargain collectively, and participate through labor organizations of their own choosing in decisions which affect them. Later, we will talk about some of those specific rights. The Statute also empowers the Federal Labor Relations Authority (Authority) with specific powers and duties in providing leadership in establishing policies and guidance relating to matters under the Statute. All issues concerning representational rights and duties would be brought before the Authority.

The Authority has recognized and referred to "Weingarten rights" since this pivotal decision. The Statute, Section 7114(a)(2)(B) provides the union the opportunity to be present at any examination of an employee, by a representative of the agency, if in connection with an investigation; the employee reasonably believes that the examination may result in disciplinary action against the employee; and the employee requests representation.

The employee must request representation. In other words, the employee may forgo his/her guaranteed right and, if he/she prefers, participate in an interview unaccompanied by his/her union representative. *Fed. Bureau of Prison, OIA, Wash., D. C., Fed. Bureau of Prisons, OIA, Aurora, Colo., Fed. Bureau of Prison, OIA, Littleton, Colo., 54 FLRA 1502 (1998)*. Weingarten rights are not the same as Miranda rights given to criminal suspects prior to questioning. It is important to note that USDA is required to post or distribute the annual Weingarten Notice to all bargaining unit employees.

The employee's right to request representation as a condition of participating in the interview is limited to situations where the employee reasonably believes the investigation will result in disciplinary action. Some of the exclusions from this rule would be meetings solely to discuss an employee's performance evaluation, meetings called to counsel an employee, or meetings limited to informing an employee of a decision already reached. *IRS, Detroit, Mich., 5 FLRA 421 (1981), Dep't of Treasury, IRS, 15 FLRA 360 (1984); and U.S. Air Force, 2750 Air Base Wing Hdqtrs., Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, 9 FLRA 871 (1982), respectively.*

If a union representative is not available, Management may offer the employee the choice between continuing the interview unaccompanied by a union representative, or, having no interview at all. *Norfolk Naval Shipyard, Portsmouth, Va., 35 FLRA 1069.*

Finally, the union representative is present to assist the employee, and may attempt to clarify the facts or suggest other employees who may have knowledge of them, but the manager is free to insist that he/she is only interested, at that time, in hearing the employee's own account of the matter.

Hard to believe, but all of these legal precedents began with a \$1.00 box of fried chicken.



Stress Management

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)

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While attending a lecture recently, the speaker explained stress management to us by raising a glass of water and asking the question, “How heavy is this glass of water?” The answers that were called out ranged from 20g to 500g. The lecturer replied, “The absolute weight doesn't matter. What does matter is how long you try to hold it. If I hold it for a minute, it's not a problem. If I hold it for an hour, I'll have an ache in my arm. If I hold it for a day, you'll have to call an ambulance. In each case, it's the same weight; but the longer I hold it, the heavier it becomes.”

The speaker continued, “And, that's the way it is with stress management. If we carry our burdens all the time, sooner or later, as the burden becomes increasingly heavy, we won't be able to carry on. As with the glass of water, you have to put it down for a while and rest before holding it again. When we're refreshed, we can carry on with the burden.”

“So, before you return home tonight, put the burden of work down. Don't carry it home. You can pick it up tomorrow. Whatever burdens you're carrying now, put them down for a moment if you can. Don't pick them up again until after you've rested a while.”

The Importance of Effective Communication

By Dave Root (*Dave.M.Root@usda.gov, 301-851-2610*)

Ineffective communication is often at the root of conduct and performance problems, which is why we mention the subject so often in the Bulletin. The following is an example of what can go wrong when people don't communicate effectively. This is an excerpt from the transcript of a radio conversation between a U.S. naval ship and Canadian authorities off the coast of Newfoundland.

U.S. Ship: “Please divert your course 0.5 degrees to the south to avoid a collision.”

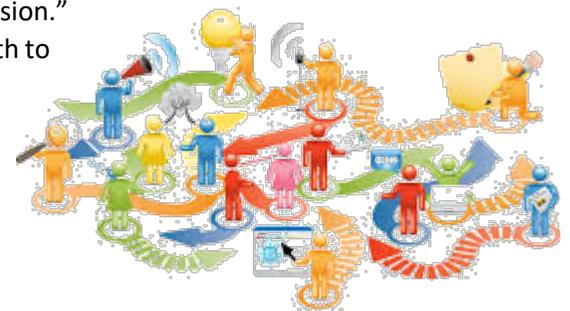
Canadian Reply: “Recommend you divert your course 15 degrees to the south to avoid a collision.”

U.S. Ship: “This is the captain of a U.S. Navy ship. I say again, divert your course.”

Canadian Reply: “No, I say again, you divert your course.”

U.S. Ship: “THIS IS THE AIRCRAFT CARRIER USS CORAL SEA. WE ARE A LARGE WARSHIP OF THE U.S. NAVY. DIVERT YOUR COURSE NOW!!”

Canadian Reply: “This is a lighthouse. Your call.”



OOPS!! Some of our conversations are not a whole lot more effective than this one. Fortunately in this case, the parties got to the lighthouse portion of the conversation before the USS Coral Sea got to the lighthouse. Often, when we have conversations with others, particularly when those conversations deal with sensitive or stressful subjects such as unsatisfactory performance or misconduct, we end up on a collision course because we don't listen to what the other person is saying. Developing good listening techniques is crucial to effective communication. Mediation is an effective method of communication because it is designed to get participants to listen to each other. So, before you hit the lighthouse in your own conversations, take time to listen to what your employee is saying. It can save you a lot of time and future problems.



Leave Your Emotions at the Door

By Dave Root (Dave.M.Root@usda.gov, 301-851-2610)

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As Employee Relations (ER) & Labor Relations (LR) specialists, we strive to give our customers the best advice possible. To do that, we must consider all of the mitigating and aggravating factors surrounding your specific situation, and consider all of the facts as you have presented them to us. In cases where you are requesting corrective action for one of your employees, before we advise you, ER must also consider how we can support that action in any or all of the forums of appeal. LR looks for the same factual information when preparing to defend a grievance or arbitration case. It is for that reason, you may have noticed, that when you contact one of us, we ask a lot of questions. The answers to those questions are very important and will directly impact the advice we give, as well as the action we recommend that you take. Therefore, we rely on you, the supervisor, to give us the most accurate, up-to-date, and objective information available at the time.

Now, we all understand that at the local level, the stress of the daily operation impacts your outlook. As personalities come into play and relationships develop, it is very easy to fall into the trap of allowing emotions to color your perception of the “big picture.” As specialists, it is easy for us to sit in our offices, hundreds of miles away, and advise you to ‘be calm;’ however, it is absolutely imperative when relaying the events of a situation for which you seek guidance that you **‘leave your emotions at the door!’**

Emotion distorts facts. Oftentimes, ER & LR specialists prepare corrective actions and grievance cases with information that has been *colored* by the supervisor’s or manager’s emotions as they describe the chain of events leading up to the incident. Needless to say, the factual circumstances will eventually come out. When that happens, we discover that we have given you something less than our best advice. You, on the other hand, may end up a little embarrassed, or even worse, left explaining to your boss how and why the Agency is in an undesirable situation. Allowing emotion to color your judgment makes “it” personal. Clichéd or not, it’s good to remember, “It isn’t personal, it’s business.”

We can tell you with absolute certainty that administrative judges look for the Joe Friday version of the events. For those of you too young to remember, the Joe Friday version consisted of **“the facts, just the facts.”** When emotions become a factor in how you portray your situation to ER, the chance to successfully defend grievances and appeals dwindles.

There is a time and place for emotions. Just don’t let your emotions cloud your judgment or ours. It is fine for you to express your displeasure, anger, frustration, or any other emotion with us. We do not want you to be emotionless, mind-numbed robots; we do want you to be successful. Our best advice to you is to calm down, exhale, and look at all the facts again; maybe even ask another supervisor to review the situation, and then call your servicing ER or LR specialist.

