

# MARKETING & REGULATORY PROGRAMS HR BROADCAST

Quarter 1 – FY20 Issue

## DIRECTOR'S CORNER

Greetings Everyone –

As I write my final HR Broadcast message to all of you, I first would like to say thank you for the tremendous support each and everyone of you provided me in support of my position as HR Director. Over the past 30 days, I have had an opportunity to do some reflecting on all of the great work and challenges presented to each of our serviced agencies. We started out fiscal year 2019 with developing the 2019 hiring plans and things have not slowed down since. We went into the holidays to face the record-setting Government shutdown, transitioned to a new staffing solution, and then set up the first ever Hiring Emergency Incident Command. Shortly after that, we worked to support our USDA colleagues as they underwent the Career Transition Assistance Plan process as part of their transition from Washington, DC to Kansas City, Kansas. We have worked this year in collaboration with the APHIS Talent Management Board to develop our hiring strategy, work on communicating that strategy, and provide key regular and consistent updates on the various initiatives that we have had. One of the things that I have grown to appreciate within this organization is our intentional strategic venues to communicate and keep leadership aware of the emerging issues that arise. The APHIS Management Team weekly and monthly meetings and the Program Leaders and Senior Leaders town hall meetings, ensure that all oars are rowing in the same direction to support the approved plans and approaches. Thank you for the opportunity to be a part of these discussions; I will miss them. Additionally, I would like to thank the Agricultural Marketing Service, the Foreign Agricultural Service, and the Merit Systems Protection Board for their renewed commitment to engage with HR as we have worked to strengthen these partnerships for future successes.

As I depart and in line with the USDA's Chief Human Capital Officers vision, we bring you HR with HEART. HR with HEART stands for Helpful, Empowered, Accountable, Reliable, and Trusted. I believe that is how I led HRD - an HR office with HEART. I believe the HRD employees are in the business to be helpful, empowered to do a great job, accountable to one's self and our customers, reliable in everything they do, and trusted to do things right. I would like to personally thank Christina Furnkranz for developing our HR branding theme art as you see at the top of this page. To the HRD employees, thank you for being and personifying HR with Heart in all that you do everyday with each encounter, with each other, and our customers. My hope is that you will continue to let this resonate with you as we continue to provide stellar customer service and meet or exceed our customers' expectations. YOU ARE Human Resources with Heart and know that I will carry each of you in my heart as I move to embrace the new chapter of my life.

Thank you and God Bless!

*Beverly Ledford*

Beverly Ledford, HRD Director



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**BEVERLY,**  
We'll  
**MISS  
YOU!**

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 301-851-2884 or at [Christina.S.Furnkranz@usda.gov](mailto:Christina.S.Furnkranz@usda.gov)

Quarter 1 – FY20 Issue

## **IMPORTANT NOTICE** From the HUMAN RESOURCES DIVISION

### CBD OILS AND HEMP-INFUSED PRODUCTS

By the Labor Management & Employee Relations Branch

**BOTTOM LINE UP FRONT:** Federal employees should steer clear of using and/or touching any products that contain Tetrahydrocannabinol (THC), as doing so may cause them to fail a required illegal substance test. Failing a required illegal substance test will result in suspension or revocation of security clearance and/or disciplinary action up to and including removal from Federal service.



#### **Did you know?**

Did you know that consuming hemp or hemp-derived products that contain THC) could result in you failing an illegal substance test? This includes “legal” Cannabidiol (CBD) products, such as hemp oil, CBD oil, CBD or hemp-infused beverages, foods, lotions, creams, etc. Furthermore, studies have shown that the labels on hemp products may not be accurate or reliable.

#### **Why are you telling me this?**

It is important that we all remain cognizant of what is and what is not acceptable in the Federal workplace. CBD oils and/or hemp-infused products contain both CBD and THC. Using such hemp-derived products which contain THC could lead to a “failed” illegal substance test.

Consuming any CBD oils and/or hemp-infused products that contain THC could constitute “known use of an illegal substance” even though the product being consumed is “legal.” This is despite the passage of the Agriculture Improvement Act, or what has been commonly referred to as the “Farm Bill” which contains Federal funding for the processing of hemp and CBD.

The Farm Bill, however, states that the THC level in hemp-derived products must be no greater than 0.3% in order to satisfy the revised definition of “hemp.” If hemp-derived products exceed that THC threshold, they will not meet the definition of hemp, and therefore would be considered an “illegal substance.” To be clearer, cannabis-based products containing a THC level greater than 0.3% do not fall under the Farm Bill’s definition of hemp even if they are labeled as such. It is therefore important to note that an employee’s illegal substance test may return as “positive” for marijuana after consuming some legal CBD products.

Numerous studies have shown that some CBD products’ labeling does not accurately reflect their content with regard to THC. Employees must therefore be wary of trusting product labels detailing THC content. You should know that the Food and Drug Administration does not certify THC levels in CBD products. In one study, for example, the amount of THC in 69% of the tested products was inconsistent with the label, and some products, although labeled as 0.3%, contained THC amounts up to 6.4%!

**The use of some hemp-derived products has already resulted in dire consequences for Federal employees who have failed illegal substance tests.**

Continue reading on next page...



## CBD OILS AND HEMP-INFUSED PRODUCTS

Continued from page 2...

### What does this mean to Federal Employees?

As a matter of record, in *Bruhn v. Dept. of Agriculture* (November 2016), an employee argued that marijuana use was legal for medical treatment as permitted by California State law. Management and the Merit Systems Protection Board disagreed, stating that even though such activities were permitted by California law, the State's law "cannot insulate a Federal employee from the consequences of those actions...further, the Federal Government continues to designate marijuana as a dangerous drug notwithstanding State laws purporting to legalize its use."

In *Brickett v. Department of Homeland Security*, (July 2019), an employee failed a random drug test after exposing himself to CBD oil while massaging it onto his son's body as a therapeutic treatment. After failing a required random illegal substance test, the Agency proposed and removed the employee from his position as a Deportation Officer and from Federal service. This demonstrates how Federal employees must be vigilant in avoiding contact with substances (such as CBD oils containing THC) that could be absorbed into their body. Clearly, the "unaware consumer" defense is not a persuasive argument.

In summary, it is important that Federal employees understand what CBD oils and hemp-infused products contain so there is no confusion on what is and what is not permitted. While the Farm Bill does speak to hemp-derived products, it does not change the policy on marijuana use under the Drug-Free Workplace Program (see *USDA Departmental Regulation 4430-792-2 Drug-Free Workplace Program, April 14, 2011*). Management officials should therefore make every effort to inform employees of the risks that may be associated with CBD oils and/or hemp-derived products.

For more information on this topic, please contact your local Drug-Free Workplace Program and/or your servicing Human Resources Office.



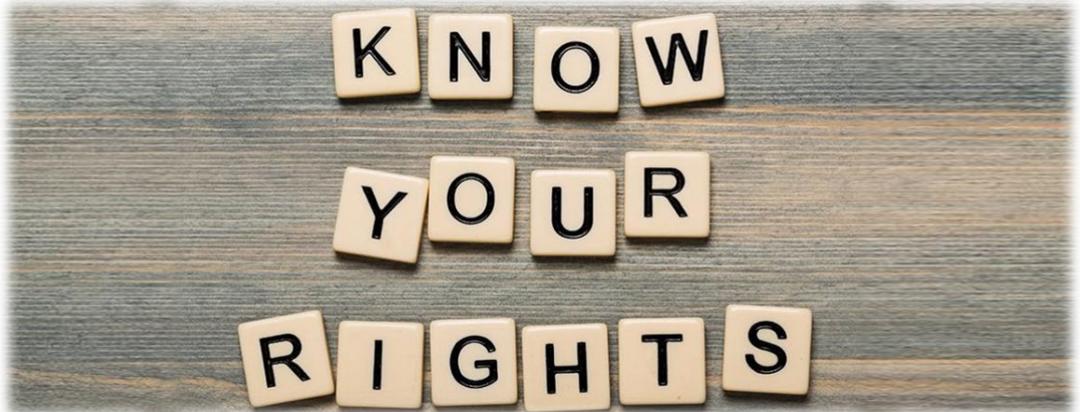


## FEDERAL SECTOR LABOR RELATIONS – MANAGEMENT'S RIGHTS

By **Mary Wurster** ([Mary.J.Wurster@usda.gov](mailto:Mary.J.Wurster@usda.gov), 970-494-7420)

### **Did you Know....**

Specific functions and decisions have been reserved for management by Section 7106(a) of the Federal Service Labor-Management Relations Statute, otherwise referred to as Management's Rights. These include an agency's determination of its mission, budget, and organization,



as well as the overall number of employees it will employ and its internal security practices.

In accordance with applicable laws, the agency also has the right to hire, assign, direct, lay-off, and retain employees; to suspend and remove employees; and to take other disciplinary actions. The agency retains the right to assign work, to determine the personnel needed to conduct operations, and to make decisions regarding the contracting out of work. The right to make selections is also exclusive to the agency. Finally, an agency has the right to take whatever actions are necessary in cases of emergency.

The above actions are often referred to as prohibited subjects of bargaining, and generally, they may not be waived. However, Section 7106 (b) provides that the procedures for exercising management rights are negotiable, as are appropriate arrangements proposed by a union. Subsection (b)(1) provides that an agency may, at its discretion, negotiate some matters that are normally viewed as management's rights. Commonly referred to as the permissive scope of bargaining, these are the numbers, types, and grades of employees assigned to an organizational subdivision; and the technology, methods, and means of performing work.

On May 25, 2018, President Trump signed [Executive Order \(EO\) 13836: Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining](#), to assist agencies "in developing efficient, effective, and cost-reducing collective bargaining agreements." The EO states that the Federal Government must do more to apply the statute in a manner consistent with effective and efficient Government, and that agencies should not bargain over permissive subjects. The EO also states that before conducting mid-term bargaining, agencies must evaluate whether any appropriate arrangements or negotiable procedures are already "covered by" the current collective bargaining agreement. There is currently litigation pending in Federal court regarding the validity of the EO. Therefore, agencies should coordinate with the Labor Management and Employee Relations (LMER) Branch prior to exercising these rights.

If you have questions about Management's Rights or the agency's obligation to bargain, please send an email to: [MRPBS.HRD.EMSD.LMER@USDA.GOV](mailto:MRPBS.HRD.EMSD.LMER@USDA.GOV) for assistance.





## SCHEDULING USE OR LOSE ANNUAL LEAVE

By **Nella Roberts** ([Nella.H.Roberts@usda.gov](mailto: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 2019 leave year ends on January 04, 2020 (pay period 26).
- Use or lose annual leave must be scheduled by November 23, 2019, 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 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, 2020.

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 [2019 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.

## DETERMINING THE LIMITS OF THE OFFICIAL DUTY STATION (ODS) FOR PREMIUM PAY/CTOT PURPOSES

By **Nella Roberts** ([Nella.H.Roberts@usda.gov](mailto:Nella.H.Roberts@usda.gov), 301-851-2910)

The Human Resources Desk Guide Subchapter 4550, [Premium Pay](#), provides guidance on determining premium pay and travel comp (CTOT) entitlements when traveling within and outside of the ODS on official business. Within that document, readers are referred to the [Agricultural Travel Regulation D \(ATR\) M2300-001](#) to determine the limits of the ODS. The ATR defines the radius for APHIS employees as 50 miles.

For pay purposes, this generally means that:

Determining compensable travel in APHIS is based on a 50-mile radius of the employee's ODS.

Travel premium pay/CTOT determinations are not based on an employee's actual residence except when the residence is the ODS or in certain teleworking scenarios.

- Home-to-Work commute deductions are required while at the ODS or when on TDY.
- Premium pay and CTOT may not be granted to employees traveling from a TDY site within the limits of the ODS to home unless the TDY site is greater than 50 miles from the ODS. In such a case, the excess time is granted.
- For additional information, please see the above referenced HRDG subchapter or contact your servicing Leave and Compensation Team Specialist, HRO, Minneapolis, MN.



## GUIDANCE FOR WEATHER EMERGENCIES

By **Tara Abramowitz** ([Tara.Abramowitz@usda.gov](mailto:Tara.Abramowitz@usda.gov), 301-851-2883) and  
**Nella Roberts** ([Nella.H.Roberts@usda.gov](mailto:Nella.H.Roberts@usda.gov), 301-851-2910)

Winter weather has arrived in many parts of the USA! No matter what the weather emergency, it is important to be prepared to continue carrying out the Agency's mission. Being prepared means knowing what the emergency weather announcements, such as "Federal Offices are OPEN under Unscheduled Leave / Unscheduled Telework" or "Federal Offices are CLOSED to the Public," mean and how they apply to you. For MRP employees, a "Federal Offices are **OPEN** under Unscheduled Leave / Unscheduled Telework" announcement means that you may either take leave or telework instead of reporting to the office. This type of announcement covers regularly scheduled and ad hoc employees with telework agreements. If you opt for unscheduled telework under this scenario and your power goes out, you must either report to the office or take leave for the remainder of your workday.



An announcement of "Federal Offices are **CLOSED** to the Public" means that all employees who have approved telework agreements must telework. This includes regularly scheduled telework, ad hoc telework, etc. Due to the new law on Weather and Safety Leave, employees will **no** longer receive up to 2 hours of administrative leave on the day of a closure to take care of personal needs related to the closure, such as pumping water from flooded areas, etc. Leave must be used for these purposes. If the office is closed and your power goes out while teleworking, you will be granted administrative leave. However, if your power returns during your regularly scheduled workday, you are required to resume work.

In any of the above scenarios, please adhere to the following:

- Contact your supervisor to tell him/her that you are safe;
- Advise your supervisor of your choice to telework or take leave;
- Ensure you have your laptop and any other necessary equipment, paperwork, etc. at home with you. If you are out of the office, e.g., on leave, or it is your day off prior to one of the above announcements, you may need to go to the office to pick up your equipment in order to be able to telework when bad weather is affecting your area.
- If you are not prepared to telework, i.e., you do not have your laptop or other necessary equipment or supplies, you must take leave.

For more information about operations during a weather-related emergency, either within the DC metro area or in the field, please see:

[https://www.aphis.usda.gov/aphis/ourfocus/business-services/forms\\_publications/hr\\_desk\\_guide/hrdg\\_4630/4630\\_sub\\_d\\_sec\\_b#weather](https://www.aphis.usda.gov/aphis/ourfocus/business-services/forms_publications/hr_desk_guide/hrdg_4630/4630_sub_d_sec_b#weather)



## WORK LIFE WELLNESS PROGRAM: MANAGING HOLIDAY STRESS

By **Tara Abramowitz** ([Tara.Abramowitz@usda.gov](mailto:Tara.Abramowitz@usda.gov), 301-851-2883) and  
**Lisa Mason** ([LisaM.Mason@usda.gov](mailto:LisaM.Mason@usda.gov), 301-851-2880)



Have you ever wondered how to have a hassle-free holiday season? Here are some tips that may make it a bit easier to enjoy the holiday season without feeling stressed out.

- Manage holiday stress by getting organized early. Make and use a “to-do” list. Be careful not to overcommit your time or your money. Use down time to your advantage. Simplify tasks as much as possible, and don't be afraid to ask for help. Most importantly, enjoy time with your loved ones.
- Holiday travel can be a hassle. Make travel plans early. Allow plenty of travel time and anticipate traffic jams.
- Don't let holiday shopping and gift giving take away your holiday spirit. Shop early and wrap gifts as you buy them. Write out holiday cards in advance, and mail presents and cards early. Be creative and stay within your budget.
- Take care of yourself by getting plenty of sleep. Strive to be healthy by sticking to your normal diet and exercise routines. Eat well. (Ok, let's be realistic... you can have the goodies, just in moderation.)

Learn to recognize your stress signals and try to alleviate contributors. If stress turns into severe anxiety and/or depression, seek professional help immediately. The Employee Assistance Program (EAP) is a professional counseling and referral service that can help employees with personal and professional problems such as emotional, family, marital, alcohol or drug use/abuse, relationship problems, and other issues. It is free, confidential within the limits of the law, and voluntary. EAP is available 24 hours a day, 7 days a week, and they can be reached at 1-800-222-0364.

*Source: “Managing Holiday Stress.” Copyright LifeCare, Inc.*



# HR BROADCAST

## EMPLOYEE EXIT SURVEY

By **Patricia Flower** ([Patricia.A.Flower@usda.gov](mailto:Patricia.A.Flower@usda.gov), 202-799-7082)

As part of USDA's ongoing employee engagement effort, significant emphasis has been placed within MRP on gathering employee opinions through listening sessions, websites and portals, the Employee Viewpoint Survey, and various other methods. Information is also needed from employees who leave the MRP agencies, and because of that, a web-based process is in place for individuals to complete an online exit survey. The exit survey gives employees the opportunity to communicate their reasons for leaving, perceptions of the work environment, and overall satisfaction with their agency.

In order to ensure that departing employees are notified of the exit survey, HRD has an exit survey coordinator to facilitate the process. Pat Flower of the Human Resources Division, HR Systems and Reporting Branch, is the exit survey coordinator and can be reached at 202-799-7082, or by email at [Patricia.A.Flower@usda.gov](mailto:Patricia.A.Flower@usda.gov).

**The following procedures should be followed:** Supervisors, administrative officers, assigned designees, or departing employees should contact the exit survey coordinator to obtain the link to the exit survey website. If the departing employee does not have internet capabilities, a hard copy can also be requested from the exit survey coordinator.





## 2019 BENEFITS OPEN SEASON

By **Brian Fleming** ([Brian.B.Fleming@usda.gov](mailto:Brian.B.Fleming@usda.gov), 612-336-3621)

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 2020. The 2019 Open Season will run from November 11, 2019 to December 9, 2019. Premiums for 2020 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.

**November 11, 2019 –  
December 9, 2019**

It's that time ...  
**Benefits  
OPEN  
ENROLLMENT**



## ARE YOU PLANNING TO RETIRE SOON?

By **Brian Fleming** ([Brian.B.Fleming@usda.gov](mailto:Brian.B.Fleming@usda.gov), 612-336-3621)

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 PowerPoint presentation includes a script for your reference. The presentations are:

**CSRS Retirement Planning**, for employees who are covered under the Civil Service Retirement System, **FERS Retirement Planning**, for employees who are going to be retiring under the Federal Employee Retirement System, and **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](http://www.aphis.usda.gov/mrpbs/contact_us/downloads/benefits.pdf)





## WHAT IS YOUR PERSONAL BENEFITS STATEMENT?

By **Stephanie Niemi** ([Stephanie.M.Niemi@usda.gov](mailto:Stephanie.M.Niemi@usda.gov), 612-336-3403)

The Benefits Statements have been updated and posted on the Employee Personal Page!

Your Personal Benefits Statement is generated annually by the National Finance Center and is usually available in April of each year via the Employee Personal Page <https://www.nfc.usda.gov/epps/eplogin.aspx>. This year, due to the retroactive pay adjustment, agencies needed additional time to process all of the adjustments and make corrections to employees' pay to reflect the correct salary.

The Benefits Statement is an excellent source of information and provides you with an estimate of your benefits relating to your current position. Please review your Benefits Statement each year. It is full of great information such as:

- The estimated value of benefits available to you or your survivor(s) in the event of voluntary retirement, disability, or death in service.
- Your estimated annuity benefits and account balances from TSP.
- The elections made for Federal Employee Health Benefits (FEHB) and Life Insurance. Also included is the coverage and premiums that have been withheld. This helps you to ensure the accuracy of what was elected.
- Information regarding your eligibility for Social Security and/or Medicare, and directs you to Social Security benefits/Medicare benefits for the explanation.

If you are eligible to retire, please contact your servicing Benefits Specialist for a more accurate calculation of your CSRS/FERS Basic Annuity.

If you have any questions about your Personal Benefits Statement please contact your Benefits Team. [http://www.aphis.usda.gov/mrpbs/contact\\_us/downloads/benefits.pdf](http://www.aphis.usda.gov/mrpbs/contact_us/downloads/benefits.pdf)

