

# **CHAPTER 4**

# **EMPLOYMENT**

NOTE: This chapter should be read in conjunction with local activity instructions and with any negotiated agreements between your activity and an exclusively recognized labor organization. Contract language will take precedence over conflicting provisions in this manual. Areas of uncertainty should be discussed with the Human Resources Office.

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## SECURITY INVESTIGATIONS AND CLEARANCES

### 1. PURPOSE

This section addresses civilian employees whose work requires access to classified material and is required to have appropriate security clearance. However, the number of personnel shall be kept to a minimum and access limited to a need-to-know basis in order to reduce the possibility of compromise. Employees are required to have only the level of clearance appropriate for the level of security actually required of the position.

### 2. DEFINITIONS

#### **CRITICAL-SENSITIVE POSITIONS**

Includes positions involving any of the following:

- Access to Top secret defense information.
- Development or approval of: war plans, particulars of future, major or special operations of war, or critical and extremely important items of war.
- Development or approval of: plans, policies or programs which affect the overall operations of an activity.
- Investigative duties, the issuance of personnel security clearances, or duty on personnel security boards.
- Fiduciary, public contact, or other duties demanding the highest degree of public trust.
- Planning, direction and implementation of a computer security program.
- Direction, planning, and design of a computer system, including the hardware and software.
- Access to a computer system (during the operation or maintenance of) in such a way and with a relatively high risk for causing grave damage or realize significant gain.

#### **NON-CRITICAL-SENSITIVE POSITIONS**

Includes positions involving any of the following:

- Access to Secret or Confidential national security materials or information.
- Direction, planning, design, operation, or maintenance of a computer system. Positions that require work at a higher authority at the Critical-Sensitive level whose technical reviews ensure the integrity of the system.

#### **NONSENSITIVE POSITIONS**

Any position that does not involve duties and responsibilities categorized as critical-sensitive or non-critical-sensitive.

### 3. RESPONSIBILITIES



#### a. Activity Head

- Establish and maintain an effective program to ensure that the employment and retention of any civilian employee within the activity is clearly consistent with the interests of national security.
- Make final activity-level decisions on security.

#### b. Security Manager

- Administer the activity security program.
- Initiate requests for investigation.
- Make a security determination based on the results of the National Agency Check and Inquiries (NACIs) furnished by HRSC-NW.
- Forward Certificate of Personnel Security Investigation, Clearance and Access form for civilian employees to the Human Resources Service Center for filing in the employee's Official Personnel Folder (OPF).
- Ensure the position sensitivity of all positions reflects access required of the position.

#### c. HRSC-NW

- Provide all newly appointed employees the NACI investigation form and Standard Form 87 Fingerprint Chart.
- Maintain copy of the DON Central Adjudication Facility (DON CAF) message on the permanent side of the OPF.

#### d. Supervisor

Indicates the level of clearance appropriate for each position on the position description.

## MEDICAL EXAMINATIONS OF CIVILIAN EMPLOYEES

### 1. PURPOSE

This section describes how to set physical requirements for a position, and when medical examinations are appropriate. Only medical information, which is relevant to an employment decision, e.g., the decision to hire or approve benefits, may be required of employees or applicants. Consult Chapter 16 Employee Assistance Program for fitness for duty examination procedures where there is a reasonable suspicion an employee is under the influence of drugs or alcohol while on duty. Refer to Chapter 21 for more information on Reasonable Accommodation.

### 2. DEFINITIONS

#### **ACCOMMODATION**

An accommodation is a change in the work environment or in the way things are customarily done that would enable an individual with a disability to enjoy equal employment opportunities.

#### **APPELLATE AUTHORITY**

The appellate authority is a higher level management official designated by Echelon 1 and 2 Commands to evaluate an individual's request for reconsideration from a denial of an accommodate request.

#### **DECISION-MAKER**

The decision-maker is typically an employee's first level supervisor. If the first-level supervisor is unavailable, the next level supervisor or manager in the immediate chain of command is the decision-maker.

#### **DISABILITY**

Under the Rehabilitation Act of 1973, as amended, a person with a disability is one who meets one of the following conditions:

- Has a physical or mental impairment, which substantially limits one or more of such person's major life activities.
- Has a record of such impairment.
- Is regarded as having such an impairment.

#### **ESSENTIAL FUNCTIONS**

Job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. Determination of the essential functions must be based on the job as actually performed, not simply the components of a generic position description. Factors to consider include:

- Whether the position exists specifically to perform that function
- Experience of present or past employees in the job
- Whether the function requires a degree of specialization or skill and the incumbent was hired based on his/her ability to perform it

## **HUMAN RESOURCES MANUAL**

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- There are a limited number of other employees who could perform the function if it were assigned to them
- Whether a written job description or terms of the collective bargaining agreement define the function as essential
- Whether employees in the same or similar positions spend a significant amount of time performing the function
- Consequences of not performing the function

### **HEALTH CARE PROVIDER**

- **Physician**

A licensed Doctor of Medicine or Doctor of Osteopathy, or a physician serving on active duty in the uniformed services and is designated by the uniformed service to conduct examinations.

- **Practitioner**

Any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to provide the service in question.

### **MEDICAL CONDITION**

Health impairment which results from injury or disease, including psychiatric disease.

### **MEDICAL DOCUMENTATION**

A written statement from a licensed physician or other appropriate practitioner covering the relevant points listed in Appendix 4A.

### **MEDICAL STANDARD**

An Office of Personnel Management (OPM) approved written description of the medical requirements for a particular occupation on the basis that a certain level of fitness or health status is required for successful performance.

### **PHYSICAL REQUIREMENT**

A written description of job-related physical abilities which are normally considered essential for successful performance in a specific position. These are normally identified on a Standard Form 78 (SF-78)

### **QUALIFIED INDIVIDUAL WITH A DISABILITY**

A qualified individual with a disability is a person who, with or without reasonable accommodation, can perform the essential functions of the position. A disabled employee is not "qualified" for a position if he/she would pose a direct threat to his or her own safety or health, or that of others when working in that position.

# HUMAN RESOURCES MANUAL

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## **REASONABLE ACCOMMODATION**

There are three categories of reasonable accommodations:

- Modifications or adjustments to a job application process to permit an individual with a disability to be considered for a job (such as providing application forms in alternative formats like large print or Braille)
- Modifications or adjustments necessary to enable a qualified individual with a disability to perform the essential functions of the job (such as providing sign language interpreters, or reassignment)
- Modifications or adjustments that enable individuals with disabilities to enjoy the benefits and privileges of the workplace afforded to all individuals (such as removing physical barriers in an office cafeteria).

## **UNDUE HARDSHIP**

A specific accommodation that would require significant difficulty, expense, or would cause a significant disruption to another employee's ability to work or to the operations of business.

### **3. ESTABLISHING MEDICAL STANDARDS AND PHYSICAL REQUIREMENTS**

#### **a. Basic Federal Employment Premise**

Employees possess the physical abilities necessary to perform their jobs safely and efficiently. Most occupations do not have established medical standards beyond a general requirement that employees be capable of carrying out the essential functions of their positions, with or without reasonable accommodation, without hazard to themselves or others.

#### **b. Establishing Medical Standards**

OPM has set specific job-related medical standards for certain occupations where the job duties are arduous or hazardous, require a certain level of health or fitness, or involve sensitive national security concerns. These occupations include, but are not limited to, Wage Grade Occupations, Fire Fighters, Correctional Officers, and Air Traffic Controllers. OPM-approved medical standards are published in qualifications handbooks that are located in HRO or can be found on the OPM web site at [www.OPM.gov](http://www.OPM.gov).

#### **c. Establishing Physical Requirements**

In some cases, the OPM-established occupation-wide standards may not address the physical demands of a given position. Specific physical requirements may exist either because of environmental factors (e.g., working in confined spaces, extreme heat, etc.) or because of unusual physical demands (e.g., lifting, climbing, bending, etc.). Supervisors may establish pertinent physical requirements for these positions without OPM approval, e.g., ability to lift 50 pounds. These requirements should be documented in the position description and outlined on the Standard Form 78, U.S. Civil Service Commission Certificate of Medical Examination.

#### **d. Physical Requirements as Selective Factors**

Physical requirements established by the supervisor and OPM become selective factors; i.e. inability to meet the physical requirements may serve as a basis for non-selection, reassignment, or other personnel action. Candidates may be required to demonstrate their ability to meet any established physical requirements through satisfactory performance of a real or simulated physical task, through evidence of prior

demonstration of performance, or through other means acceptable to the agency. Such physical demonstrations must be directly related to the essential functions of the position, be uniformly applied to all similarly qualified applicants, and must not exceed those required in actual job performance.

### 4. RESPONSIBILITIES



#### a. Activity Heads

- Employees are physically and medically qualified for the positions they hold.
- Policies and practices established by the activity are fully consistent with the OPM and the Equal Employment Opportunity Commission (EEOC) regulations and instructions.

#### b. Managers/Supervisors

- Establishing job-related physical requirements for individual positions where warranted.
- Ordering or offering medical evaluations of employees, when appropriate.
- Making selection or retention decisions and decisions on requested benefits for employees based on medical information.
- Offering reasonable accommodations to an employee as long as there is not an undue hardship to the agency

#### c. Employees and Employment Applicants

- Responsible for demonstrating that they are able to meet the physical requirements of the position to which appointed.
- When health status becomes a potential issue that may affect an employee's performance or conduct, the employee is responsible for providing relevant medical information to support a request for change in duty status or working conditions, reasonable accommodation, leave requests, or other benefits.

### 5. MEDICAL EXAMINATION AUTHORITY

#### a. Ordered examinations

Required by management in specific circumstances, as listed below. The activity will select the examining physician but will permit the employee to submit medical evidence from their personal physician. There will be no cost to the employee for a directed examination. Administrative leave is authorized for examinations required by the activity.

##### 1) Positions with Medical Standards

If the position is included in an established program of medical surveillance related to occupational or environmental exposure or demands, an employee occupying that position may be required to undergo a medical examination. Such examinations may be required prior to appointment, on a regularly recurring periodic basis, and whenever there is a direct question about the employee's ability to meet the physical or medical requirements of the position.

### **2) Job-related Injuries**

Medical examinations may be ordered in connection with workers' compensation claims. An individual who has applied for or is receiving continuation of pay or compensation as a result of an on-the-job injury or disease may be ordered to report for an examination to determine medical limitations that may affect placement decisions. If the activity has identified an assignment (including a light duty assignment) or a position (including the employee's regular position) which it believes the employee can perform consistent with the medical limitations arising from an on-the-job injury, the activity may order the employee to submit to a medical examination. For additional information see the Injury Compensation Program section of the Federal Employees Compensation Act in Chapter 13.

### **3) Reduction in Force (RIF)**

Activities may order an employee released from a position in a RIF to undergo medical evaluation if the employee has reassignment rights to a position requiring specific physical capabilities different from the requirements in the employee's present position.

### **4) Psychiatric Exams**

Activities may order a psychiatric examination or psychological assessment only when one of the conditions below exists:

- a)** The results of a current general medical examination which the agency has the authority to require under this section show no physical basis to explain actions or behavior which may affect the safe and efficient work performance of the individual or others
- b)** A psychiatric examination is specifically required by medical standards. An authorized physician or licensed practitioner must conduct the psychiatric examination or psychological assessment in accordance with accepted professional standards.

#### **b. Offered Examinations**

An activity may offer a medical examination (including a psychiatric evaluation or psychological assessment), or it may ask the employee to submit medical documentation in any situation where it is in the interest of the Government to obtain medical information relevant to an individual's ability to perform safely and efficiently, or where the employee has requested a change in duty status, assignment, working condition, or any other benefit or special treatment (including reasonable accommodation or reemployment on the basis of full or partial recovery from a medical condition—refer to Chapter 21 of this manual). The supervisor bears the obligation to consider this documentation in determining whether to grant or deny the request. Only after determining that the medical documentation submitted by the employee is inconclusive should the activity consider offering a medical examination. Appendix 4A lists the points, which should be covered in a medical report. If the individual refuses to be examined or to submit medical documentation, the activity should act on the basis of the information it has available, e.g., the activity may refuse a requested benefit if not supported by adequate medical documentation, or take adverse action based on the employee's performance or conduct. If an employee claims that the unacceptable performance results from a medical condition, the activity is required to consider any such medical information provided. The burden is on the employee to demonstrate a medical condition to prove the claim. If the submitted medical documentation is inconclusive, the activity may offer a medical examination to the employee.

### 6. MEDICAL EXAMINATION PROCEDURES

- a. When an activity requires a medical examination, the applicant or employee shall be advised in writing via the offer letter, that successful completion of the medical and physical capacity examination (PCE) is a condition of employment. In addition to the required forms, the applicant or employee may submit medical information from a personal physician or practitioner, and the activity is obligated to consider such information.
- b. The activity has the authority to designate the examining physician or other practitioner. The physician could be a medical officer or a civilian physician employed by the activity or available from a naval medical facility. It may also include designating the applicant or employee's treating physician to conduct the examination. Often the treating physician is in the best position to render an opinion as to an individual's ability to perform certain tasks, since that physician has been following the individual over a period of time. The activity must pay for all activity ordered or offered examinations performed by private physicians.
- c. The examining physician will be provided copies of the position description, the medical requirements (SF-78) and any other pertinent information directly related to determining the individual's ability to perform. The physician will also be provided a copy of Appendix 4A.

### 7. USE OF MEDICAL INFORMATION IN MAKING EMPLOYMENT DECISIONS

- a. **Employability Decisions**  
Must be made by management. Managers should not ask physicians to make employment decisions. The role of the examining physician or practitioner with respect to employment decisions is limited to determining whether the individual meets the medical requirements of the position, whether medical problems are caused by the job, and the prognosis of the condition. In some cases, the activity may wish to ask the physician's opinion about a possible accommodation suggested by the employee or the activity.
- b. **Activities should avoid using medical examinations** as a way of addressing underlying misconduct, performance, or leave problems. These issues must be dealt with on their own merits and activities should take action based on the specific nature of the problem, in accordance with regulations.

## PROBATIONARY PERIODS

### 1. PURPOSE

The probationary period provides the test of actual performance on the job, which no preliminary testing method can validate. This section discusses probationary period following appointment to a civil service position and to the first year of assignment to a supervisory or managerial position.

### 2. PROBATION ON INITIAL APPOINTMENT TO FEDERAL SERVICE

#### a. When Served

An individual given a permanent appointment from an OPM or open competitive certificate of eligible candidates (recruitments that are open to the general public) must serve a probationary period of one year. The employee's conduct and performance deficiencies may constitute a basis for separation without undue formality.

#### b. Interrupted Probationary Period

An employee who leaves the federal government before completing the one year probationary period and is later re-hired, is normally required to serve a new probationary period of one year beginning on the date of reinstatement. An employee who is promoted, demoted, reassigned or transferred before completing a probationary period is subject to satisfactory completion of the remainder of the probationary period in the new position.

#### c. Separation of Probationers for Unsatisfactory Performance or Conduct After Appointment

The probationary period provides a first hand opportunity to judge employee conduct and performance in the actual duties of the position. Termination action should be started if, after a full and fair trial, the employee's work performance or conduct fails to demonstrate fitness or qualifications for continued federal employment. Supervisors should avoid waiting until the last possible day to inform a probationer of impending separation. If the employee's performance or conduct is poor, early contact should be made with the HRO. Proper documentation of incidents, poor performance or improper conduct is crucial. In cases where termination is desirable, HRO will assist with the preparation of documents. (Refer to Chapter 17 of this Manual).

#### d. Separation of Probationers for Conduct Before Appointment

If information of a derogatory nature is discovered about employees after they report for work, termination action is appropriate if this information would have impacted on their selection.

### 3. PROBATION ON INITIAL SELECTION TO A SUPERVISORY OR MANAGERIAL POSITION

a. **Probation for New Supervisors**

Newly selected supervisors who are in their first civilian supervisory position are subject to a probationary or trial period usually of one year. The appointment document (RPA) will show whether the supervisory probationary period applies. Failure to satisfactorily complete the period can result in return of the employee to the former (or equivalent) position.

b. **Probation for New Managers**

An individual serving in an initial managerial position must serve a one-year managerial probationary period. If the employee has already completed a one-year supervisory probationary period, the employee may be exempt.

c. **Exemptions to Probationary Periods for Supervisors or Managers**

Employees who previously completed a probationary period as a supervisor or manager may not be required to serve another.

d. **Removal of an Employee from a Managerial or Supervisory Position During Probation**

If an employee's performance is unsuitable, the employee must be returned or reassigned to a non-supervisory or non-managerial position of a grade no lower than the position from which the individual was reassigned or promoted. This does not apply to situations where only the technical work (i.e., duties that are not supervisory or managerial) is unsatisfactory. The employee must be informed of unsatisfactory performance before completing the probationary period.

- 1) The employee's immediate supervisor or higher level authority is the official who decides to return an employee to a non-supervisory or non-managerial position. An employee may be returned at any time during the probationary period when an evaluation discloses supervisory deficiencies. However, probationers must be given a full and fair trial period and evaluation. Returning an employee to a non-supervisory or non-managerial position under the provisions of this section is not grievable.
- 2) Any decision to remove an employee from a supervisory or managerial position should be coordinated well in advance with HRO.

### APPENDIX 4A MEDICAL DOCUMENTATION

The following points are to be covered in a report of medical evaluation:

1. **History** of the specific medical conditions, including references to findings from previous examinations, treatment and responses to treatment.
2. **Clinical findings** from the most recent medical evaluation, including any of the following which have been obtained: findings of physical examinations, results of laboratory tests, x-rays, EKG's, and other special evaluations or diagnostic procedures, and, in the case of psychiatric evaluation or psychological assessment, the findings of a mental status examination and the results of psychological tests, if appropriate.
3. **Diagnosis** including current clinical status.
4. **Prognosis** including plans for future treatment, and an estimate of the expected date of full or partial recovery.
5. **Explanation of the impact** of the medical condition on overall health and activities, including the basis for any conclusion as to whether restrictions or accommodations are warranted and, if warranted, an explanation of their therapeutic or risk-avoiding value.
6. **Explanation of the medical basis** for concluding the likelihood that the individual is or is not expected to suffer sudden or subtle incapacitation by carrying out, with or without accommodation, the tasks or duties of a specific position.
7. **Narrative explanation of the medical basis** for any conclusion that the medical condition has or has not become static or well stabilized and the likelihood that the individual may experience sudden or subtle incapacitation as a result of the medical condition. In this context, "static or well stabilized medical condition" means a medical condition which is not likely to change as a consequence of the natural progression of the condition, specifically as a result of the normal aging process, or in response to the work environment or the work itself. "Subtle incapacitation" means gradual, initially imperceptible impairment of physical or mental function, whether reversible or not, which is likely to result in performance or conduct deficiencies. "Sudden incapacitation" means abrupt onset of loss of control of physical or mental function.

**PSNS & IMF SUPPLEMENT**

**NEW EMPLOYEE PROCESSING**

**1. PURPOSE**

The purpose of this chapter is to outline the process for bringing a new employee on board as a new-hire to the Puget Sound Naval Shipyard & Intermediate Maintenance Facility (PSNS & IMF).

**2. COVERAGE**

This chapter applies to all appointments (temporary or permanent) for all external hires to PSNS & IMF. Employees internal to the activity who are being promoted, reassigned, demoted or detailed to another position within the activity are excluded from coverage under this chapter. This chapter also excludes employees who are being transferred from another activity or Federal Agency.

**3. SELECTION OF CANDIDATE**

Once a candidate is selected, the selecting official will annotate the selection on the selection certificate and forward the selection certificate to the Department's Administrative Officer/Technician (Bremerton Site). The Administrative Officer/Technician (Bremerton Site) or the Selecting Official (Bangor Site) will forward the certificate to the Human Resources Service Center Northwest (HRSC-NW), Code 52, Staffing Specialist. The Staffing Specialist will complete the recruitment package and forward to the Post Recruitment Team (Code 54) for processing.

HRSC-NW, Post Recruitment Team, will acknowledge the receipt of the RPA and certificate within 24 hours via e-mail and certify the eligibility of the selectee. Within 24 hours a job offer will be made to the applicant by HRSC-NW.

**4. ACCEPTANCE OF JOB OFFER BY CANDIDATE**

Upon acceptance of the job offer by the applicant, HRSC-NW, will mail (if applicant does not have electronic mail), a job offer letter to the selectee along with the new-hire paperwork for completion. The employee is instructed to return the required paperwork within 72 hours of receipt. If applicant had electronic mail, HRSC-NW will send the new employee the website and attach the link for the new employee forms with instructions for completing the forms and submitting them to HRSC-NW within 72 hours.

### BREMERTON SITE

Upon receipt of the necessary paperwork from the selectee, HRSC-NW will send the new hire paperwork to the Human Resource Office for which the employee is serviced. Prior to submitting the applicable paperwork to HRO, HRSC-NW will review the employee's paperwork for eligibility and suitability. HRSC-NW will then send the SF-86, (Questionnaire for National Security Positions), OF-306 (Declaration of Federal Employment) the Fingerprint cards, if required in advance, the resume, and a copy of the job offer letter to the PSNS HRO for processing.

Upon receipt of the paperwork from HRSC-NW, HRO will enter the new hire information into the PSNS consolidated database and assign a badge number to the new employee. The HRO will hand carry the new hire cover sheet (which contains the badge number, code, level of access, color badge, etc.), SF-86, OF-306 and fingerprints (if applicable) to the Security Office. The Security Office will contact new employees for additional security information (remote applicants only). Local new employees will be requested to physically meet with the Security Office prior to entrance on duty and complete fingerprint cards at that time. HRO will schedule an appointment for the new employee to meet with security. **HRO will not schedule EOD dates until Security has "passed" the new hire in the database.**

Simultaneously HRO sends the medical forms (including the SF-78) to Code 902. Upon receipt of the medical documentation, Code 902 will schedule the selectee in the consolidated database and notify the employee of their physical and Physical Capacity Exam (PCE) appointment. Upon completion of their physical and/or PCE, Code 902, will notify the HRO, and update the database by annotating if the employee has passed their medical requirements.

After the employee has been granted a security clearance and passed their physical requirements, except where identified above, the Human Resource Office (HRO) will establish and Entrance on Duty (EOD) date.

HRO will inform the employee of their EOD date and where to report. The HRO will notify the Receiving Department of the EOD date and coordinate for a Department representative to meet the employee upon their arrival. The Department representative will bring the employee to the servicing HRO office for in-processing.

During the in-processing, the HRO will verify the employees' legal eligibility, have them sign any service agreement/acknowledgements. They will then have them complete the Appointment Affidavit and provide the employee with a new Hire package.

Appointment Affidavits and any service agreements/acknowledgements will be forwarded to HRSC-NW for incorporation into the employee's Official Personnel File (OPF) by the HRO.

### **NOTE: CODES 2300 and 200 ENGINEERS ONLY**

Engineers hired outside the local commuting area are allowed to have Physicals and Physical Capacity Exam (PCE) after their Entrance on Duty Dates.

### BANGOR SITE

Upon receipt of the necessary paperwork from the selectee, HRSC-NW will review the employee's paperwork for eligibility and suitability. HRSC-NW will then send the SF-86 (Questionnaire for National Security Positions), OF-306 (Declaration of Federal Employment), offer letter, resume and the Fingerprint cards to the IMF Security Office. If a physical or Physical Capability Examination (PCE) is required, HRSC-NW will send the appropriate medical paperwork to the Bangor Dispensary and schedule the physical and PCE and notify the selectee of both appointments. The IMF Security Office schedules any necessary appointments/interviews with the selectee and notifies HRSC-NW when an employee's security clearance may be granted and when an employee may come on board. The security office will then forward the OF-306 to the HRO for in-processing.

After the employee has been granted a security clearance and passed their physical requirements HRSC-NW coordinates the Entrance on Duty (EOD) date with the Bangor Site HRO who in turn notifies the Manpower Office Code B120 and the department.

HRSC-NW will inform the employee of their EOD date and where to report. The HRO will notify the receiving department and the Manpower Office Code B120 of the EOD date.

On the first day of work, the new employee will first report to Naval Base Kitsap Bangor Pass & ID for his/her security badge and car pass. The employee will then report to the HRO office for in-processing.

During the in-processing, the HRO will verify the employee's legal eligibility, have them sign any service agreements/acknowledgements, complete the Appointment Affidavit (if necessary) and provide the employee with a new hire package. After the HRO in processing has been completed, the employee will be escorted to the Manpower Office for further in-processing.

Appointment Affidavits and any service agreements/acknowledgements will be forwarded to HRSC-NW for incorporation into the employees/ Official Personnel File (OPF) by the HRO.