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# United States Attorneys' Manual

## Executive Office for United States Attorneys

*Title 10* 7984 USAM (superseded)

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TITLE 10--EOUSA

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10-1.000 INTRODUCTION

10-1.100 PURPOSE OF THE TITLE

This Title to the United States Attorneys' Manual was prepared by the Executive Office for U.S. Attorneys as a guideline and resource book for administrative practices relating to U.S. Attorneys' offices. It is designed to be the repository of administrative information for U.S. Attorneys and their administrative personnel. While not meant as a substitute for the directives system and other Departmental communications relating to administration, this Title is intended to contain, either directly or by use of reference, relevant administrative information required by a U.S. Attorney's office.

This Title will serve as a repository where statements of administrative policy and/or guidance are collected and organized as they are issued. Thus, subsequent to its issuance, this Title should continue to reflect administrative policy and procedures as they evolve.

This Title, as all the other Titles of the United States Attorneys' Manual, is intended to be comprehensive. When the materials in this Title conflict with earlier statements issued by the Executive Office or the Department at large, this Title shall control, except for pronouncements of the Attorney General. Should there arise a situation in which a Departmental policy statement predating this Title relates to a subject not specifically addressed by the Title, the prior statement controls, but this situation should be brought to the attention of the Manual staff, Executive Office for U.S. Attorneys.

For an explanation of the numbering system of this Title, see USAM 1-1.320.

The appendix to Title 10 contains copies of forms cited in this Title.

10-1.200 DISTRIBUTION AND DISCLOSURE

This Title, like all Titles of the United States Attorneys' Manual, is United States government property. It is issued to be used in conjunction with official duties and must be returned to the appropriate Administrative Officer prior to leaving the Department. It is the Administrative Officer's responsibility to ensure that this occurs. If proper property management techniques are applied to this Title, there

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should be no need to request a new copy when one employee possessing a copy leaves the U.S. Attorney's office and a new employee enters on duty to take his/her place.

This Title is releasable pursuant to the Freedom of Information Act.  
See USAM 1-5.130.

Proper distribution of this Title is as follows: all U.S. Attorneys; their office libraries; all Supervisory Assistant U.S. Attorneys; key administrative personnel such as administrative officers (and administrative assistants in larger offices), accounting clerks, docket clerks, and collections clerks; and key support staff supervisors with a copy of the index to all Assistant U.S. Attorneys.

This Title, as all others, is published by the Executive Office and is distributed in bulk to the Administrative Officer of each U.S. Attorney's Office. These persons receive all binders and inserts as well, and distribute them according to "District Distribution of U.S. Attorneys' Manual," Form B.

The requisition of additional partial sets, binders, or other missing items should follow the same procedure as a request for a new set.

#### 10-1.300 REVISION AND MAINTENANCE

For a fuller description of this area, see USAM 1-1.500.

In order to keep this Title current, documents titled "Manual Transmittals" (composed of additional or replacement Manual pages for this Title) will be mailed to the Administrative Officer responsible for in-house distribution.

That person should acknowledge receipt of the Transmittal by filling out "Form for Recording Receipt of Manual Transmittals" (Form C) before distributing these materials per Form B.

Each holder is responsible for inserting these Transmittals, per the directions on the covering memorandum accompanying the transmittal, and filling out "Form for Recording Insertion of Manual Transmittals" (Form A). Initially, this Title is sent complete with guide cards and binders and only Form C need be completed.

When a communication affecting this Title is issued, before it is sent to the U.S. Attorneys, it will be sent to the Executive Office for U.S. Attorneys for review, comment, and ultimate inclusion into this



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Title. Once the affected portions of the Title have been identified, the communication will be printed by the Executive Office on light blue paper (except for pronouncements of the Attorney General, which are printed on white paper, as are pronouncements of the Deputy Attorney General), and sent to all U.S. Attorneys' offices in sufficient quantity to be included in all copies of this Title. These communications should be inserted by all holders of the Title in a place adjacent to the affected area. After this communication has been reviewed by the Attorney General's Advisory Committee of U.S. Attorneys and approved by the Associate Attorney General, it will be included in a transmittal revising the affected area. All these "temporary" communications are to be considered authoritative, and have a life span of five months. If not incorporated into the Title within this period of time, they should be discarded, except for whitesheets issued by the Attorney General or Deputy Attorney General, which do not expire.

The United States Attorneys' Bulletin, a bi-weekly publication of the Executive Office includes information which should be utilized by holders of the United States Attorneys' Manual to determine whether their copies of the Manual are current. The odd-numbered issues of the Bulletin publish a listing of all bluesheets and whitesheets in effect. Manual-holders should refer to these listings to determine if they have received all updating material for the Manual. By referring to these indices, it can be determined if one's copy of this or any other Title is up-to-date.

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10-2.160 Employee Orientation

A. Policy

It is the policy of the Executive Office for U.S. Attorneys and the Offices of the U.S. Attorneys to provide for a well planned, organized, and a systematic program which will orient new employees to the mission of their office and to their individual jobs.

B. Purpose

The purpose of the orientation program is to assist new employees in adjusting readily to their jobs and work environment and in becoming familiar with the functions on the Executive Office for U.S. Attorneys, the Offices of the U.S. Attorneys, and the organizational unit to which they are assigned.

C. Responsibilities

1. The Director of the Executive Office for U.S. Attorneys is responsible for providing overall policy direction, leadership, and "visibility" to the orientation program. The Director is also responsible for assuring effective implementation of the orientation program.

2. Administrative officers and first-level supervisors are responsible for conducting job orientation of new employees assigned to them and for keeping employees informed of information which affects them.

3. The Personnel Office is responsible for:

a. The general intent of the orientation program;

b. Keeping administrative officers and supervisors fully abreast of changing personnel policies and practices which may affect employees by means of memoranda, letters, teletypes, and training sessions; and

c. Providing guidelines and assisting the administrative officers and supervisors in the implementation of a well planned and organized program.

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10-2.161 Orientation Program Requirements and Procedures

An orientation interview should be conducted as soon as or immediately after the employee enters on duty. The orientation interview is usually conducted in two phases. The first phase, conducted by administrative personnel, involves presenting an Orientation Kit, DOJ-398, to the new employee and explaining the material in the kit. The second phase is usually conducted by the new employee's immediate supervisor. This phase involves greeting the employee and discussing with him/her the new job and work environment, and office policies and procedures.

Listed below is material which, in addition to the Orientation Handbook, is to be included in the Orientation Kit for permanent and temporary appointments.

<u>Title</u>	<u>Form Number</u>	<u>Usage*</u>
Appointment Affidavit	SF-61	<u>3/</u>
Authorization for Purchase and Request for Change United States Series EE Savings Bonds	SF-1192	<u>3/</u>
Certification of Membership in the Civil Service Retirement System	SF-105	<u>1/</u>
Declaration of Appointee	SF-61B	<u>3/</u>
Department of Justice Employee Locator Information	DOJ-233	<u>3/</u>
Designation of Beneficiary, Civil Service Retirement System	SF-2808	<u>1/</u>
Designation of Beneficiary (FEGLI)	SF-2823	<u>1/</u>
Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee	SF-1152	<u>3/</u>

\* The above forms, as noted under "Usage," apply as follows:

- 1/ - Permanent or Term appointments;
- 2/ - Time-limited appointments of one year or less; and
- 3/ - Permanent or Term appointments and time-limited appointments of one year or less.

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<u>Title</u>	<u>Form Number</u>	<u>Usage*</u>
Earned Income Credit Advance	W-5	<u>3/</u>
Payment Certificate		
- State and/or City Employee's Withholding Exemption Certificates		<u>3/</u>
- Nonresident Forms		
Employee's Withholding Allowance Certificate	W-4	<u>3/</u>
Federal Employees' Group Life Insurance Program	SF-2817-A	1/ and/or <u>2/</u> if eligible
Federal Facts 2 - Political Activity		<u>3/</u>
Federal Facts 3 - The Civil Service Retirement System		1/ and/or <u>2/</u> if eligible
Federal Facts 5 - The Federal Merit Promotion Policy		<u>1/</u>
General Schedule of Annual Pay Rates	OF-281	<u>3/</u>
Health Benefits Registration Form	SF-2809	<u>1/</u>
Health Enrollment Information Guide and Plan Comparison Chart (Current)	BRI 41-331	1/ and/or <u>2/</u> if eligible
Life Insurance Coverage	SF-2817	<u>1/</u>
Medicare for Federal Employees	SSA Publication No. 05-10033	<u>1/</u>
Race and National Origin Identification	SF-181	<u>3/</u>

\* The above forms, as noted under "Usage," apply as follows:

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- 2/ - Time-limited appointments of one year or less; and
- 3/ - Permanent or Term appointments and time-limited appointments of one year or less.

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<u>Title</u>	<u>Form Number</u>	<u>Usage*</u>
Request by Employee for Allotment of Pay for Credit to Savings Account with Financial Organization	SF-181	<u>3/</u>
Request by Employee for Payment of Salary or Wages by Credit to Account at a Financial Organization	SF-1198	<u>3/</u>
Self-Identification of Reportable Handicap	SF-256	<u>3/</u>
Standards of Conduct (28 C.F.R. Part 45)		<u>3/</u>
Standard Schedule of Disciplinary Offenses and Penalties	DOJ-373	<u>3/</u>
Statement of Physical Ability for Light Duty Work	SF-177	<u>3/</u>
Statement of Prior Federal Civilian and Military Service	SF-144	<u>3/</u>

The aforementioned forms and kit folders may be obtained through normal supply channels from the General Services Administration Store (GSA) or from the Department's Warehouse. You should refer to Department of Justice Orders OBD 2730.1B and OBD 2730.2 which detail the location of such materials.

10-2.162 Role of Administrative Personnel

According to the particular functional organization of the individual office, the administrative officer, administrative assistant, or personnelist should instruct the new employee in the responsibilities and functions of the office as well as the relationship of the employee's work

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- 1/ - Permanent or Term appointments;
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- 3/ - Permanent or Term appointments and time-limited appointments of one year or less.



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to that of his/her co-workers. This phase of the orientation should accomplish the following:

- A. Explain the rights and obligations provided the new employee under regulations, legislation, and other pertinent guidelines;
- B. Explain employment benefit programs, as applicable, such as health benefits or leave accrual, and any registration/election procedures;
- C. Include an explanation of the administrative practices and procedures of the office; and
- D. Introduce the new employee to his/her first-line supervisor.

10-2.163 Role of the First-Level Supervisor in Orienting the New Employee

Each first-level supervisor should develop a plan for introducing new employees to their jobs and work environment. Supervisors should begin job introduction by accomplishing the following:

- A. Explain the work of the office by describing its function and organization and the relationship of the employee's work to that of his/her co-workers:
  1. Explain how the employee's position fits in the organization;
  2. Introduce the employee to his/her second-level supervisor and to co-workers.
- B. Describe the arrangement of office and available facilities:
  1. Show the employee the layout of the office;
  2. Show the employee the location of the restroom facilities, health unit, credit union, water fountain, bulletin board, snack bar/coffee shop, parking lot, and public telephone.
- C. Explain what is expected of the employee by discussing office practices and procedures:
  1. Hours of work and pay days;
  2. Punctuality and leave procedures;

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3. Lunch periods;
4. Proper use of telephone;
5. Office etiquette regarding smoking, dress, etc.;
6. Employee suggestion program;
7. Grievance procedure; and
8. Training and career development opportunities.

D. Discuss the employee's duties, responsibilities, and related aspects of the job:

1. Have available an up-to-date position description of the employee's duties and discuss them;
2. Explain the performance appraisal system including work plans, probationary appraisals, progress reviews, and annual appraisals;
3. Stress safe working habits and procedures to follow in the event of injury;
4. Encourage the employee to ask questions; and
5. Assign the employee a definite work area.

When the orientation is completed, the employee should be taken to his/her worksite. The supervisor should develop a clear working relationship with the employee and attempt to maintain an open-door policy which will assist in determining the employee's progress in his/her job, the need for training, promotion, or any other action that should be taken.

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10-2.170 Separations--Resignations

Resignations are separations in response to employee request. Although employees can be asked to resign, their resignations cannot be demanded. Employees are free to resign at anytime. However, they are encouraged to give reasonable notice to allow for a replacement or work adjustment. Employees may withdraw their resignations at any time before the effective date. The withdrawal must be allowed unless there is a valid reason for denying it (i.e., administrative disruptions or the hiring of a replacement). Such denials should be documented.

A resignation becomes effective at the close of business on the last day of the employee's active duty. Terminal leave is not authorized. An employee who announces that he/she is resigning or has resigned should be asked to complete Part IV of the SF-52, Request for Personnel Action. It is important that the statement of reasons for resigning be specific as this information may be necessary to determine entitlement for unemployment compensation. See USAM 10-2.950.

A. The following should be submitted to the Personnel Office with resignations as appropriate:

1. SF-52, Request for Personnel Action;
2. SF-2810, Notice of Change in Health Benefits Enrollment (if employee has Health Benefits);
3. SF-2821, Agency Certification of Insurance Status (if employee has life insurance); and
4. SF-2819, Notice of Conversion Privilege (if employee has life insurance).

B. The following should be submitted to the Payroll Office:

1. SF-2802, Application for Refund of Retirement Deductions, if employee wishes such a refund.

If an employee is transferring to another part of the Department or is being converted to another position within the office, no resignation

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papers should be submitted. If an employee is transferring to another federal agency, Form SF-52, showing the proposed effective date, should be submitted.

An employee who leaves the district due to separation or reassignment should also complete Form OBD-123, Employee's Clearance Record. The entire form is to be completed by the office of the U.S. Attorney. The Personnel Programs Unit will provide current names and phone numbers of clearance officials upon request. Clearance officials must be contacted if there is any question as to whether the employee has government property or other items.

Every effort is to be made to clear separating employees. The following procedures are to be followed for each of the four general categories of government property, records, and financial indebtedness when the employee is unable to clear an item.

A. Property (No Monetary Value). The employee shall submit a memorandum explaining the circumstances which precluded the return of the item of property. The memorandum and OBD-123 must be submitted to the clearance official for review and coordination with the Board of Survey.

B. Property (Monetary Value). The employee shall submit a memorandum explaining the circumstances which prevent return of the item. The memorandum and OBD-123 must be submitted to the clearance official for coordination with the Board of Survey. If the employee is leaving federal service, the U.S. Attorney's office shall contact the clearance official telephonically so that the Justice Employee Data Service (JEDS) can be advised to cancel any existing check mailing authorization so that the final salary check will be routed to the designated agent. The U.S. Attorney's office is to hold the check until the property is returned or the check's release is authorized by the Board of Survey.

C. Government Transportation Requests (GTRs). A memorandum is to be prepared by the employee in accordance with OBD Order 2200.1A, (November 14, 1977). The memorandum and OBD-123 are to be submitted to the Accounting Section, Justice Management Division.

D. Cash. If the employee does not make repayment or submit a voucher covering the indebtedness (other than a travel advance), the U.S. Attorney's office will immediately notify the clearance official so that necessary steps may be taken to reduce the employee's check. The office will submit a statement concerning the employee's indebtedness, any statement the employee wishes to make, and the OBD-123 to the clearance official for coordination with the Board of Survey. If an employee fails



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to repay a travel advance, the procedures described in OBD-2200.1A (November 14, 1977), paragraph 9.22-.24 are to be applied.

Copies of the OBD-123 reflecting that all items have been cleared shall be maintained by the U.S. Attorney's office for three years from the date of the employee's separation. They are not to be sent to the Executive Office.

10-2.171 Reassignment/Removal of Assistant U.S. Attorneys

New Presidentially-appointed U.S. Attorneys are permitted to choose their own chief assistants and supervisory Assistant U.S. Attorneys. Persons holding such positions will normally be reassigned to another position within the office.

Authority to remove Assistant U.S. Attorneys has been delegated by the Attorney General to the Associate Attorney General. See 28 C.F.R. §0.19(a)(1); and USAM 10-2.620, infra.

10-2.180 Personnel Security Regulations

10-2.181 Designation of Sensitive Positions

The following positions within U.S. Attorneys' offices are "sensitive":

- A. Assistant U.S. Attorneys;
- B. Paralegal Specialists, GS-950;
- C. Legal Technicians, GS-986;
- D. Legal Clerks, GS-986, who are assigned as secretaries to attorneys;
- E. Secretaries, GS-318; and
- F. Administrative Officers, GS-341, and related positions.

Other positions may be designated "sensitive" based on local conditions under the guidelines of Department of Justice Order 2610.2 (August 18, 1978).

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The cover sheets of all position descriptions must indicate in block 12 that the position is "non-sensitive" or "critical" (i.e., sensitive).

10-2.182 Requirements for Non-sensitive and Law Student Positions

Employees assigned to non-sensitive positions and all law student employees must have an FBI name and fingerprint check completed prior to entry on duty. An NACI (National Agency Check with Written Inquiries) will be initiated by the Personnel Office for all permanent employees and temporary employees on appointments of more than 6 months.

In order that these checks can be completed, an SF-85, Data for Non-sensitive or Noncritical-Sensitive Position, and 3 Fingerprint cards must be submitted to the Personnel Office with the appointment requests for non-sensitive positions. Use SF-86 for all law student positions.

Despite the lengthiness of the process, name and fingerprint clearances are required before any applicant may enter on duty unless all of the following conditions are met:

- A. The position is non-sensitive, as defined in Department of Justice Order 2610.2 (August 18, 1978);
- B. The appointment is for 30 days;
- C. It is an extreme emergency; and
- D. The Security Office approves of the action.

A memorandum requesting the waiver of the name and fingerprint checks must be forwarded to the Personnel Office with the appointment request. The Personnel Office will secure the approval of the Department's Security Office.

10-2.183 Requirements for Sensitive Positions--Non-Attorneys

Non-attorney employees assigned to sensitive positions must have an FBI name and fingerprint check completed prior to entry on duty. Four copies of the SF-86, Security Investigation Data for Sensitive Position, a CSC-329-A, Authority for Release of Information, for each school attended since high school, and 3 Fingerprint cards must be submitted to the Personnel Office with the appointment requests for all sensitive positions.

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All of these forms must have original signatures. In addition, either a full-field investigation must be conducted or a request for a waiver of the pre-appointment investigation requirements must be approved prior to entry on duty. Please note that these requirements apply to current employees reassigned from non-sensitive positions to sensitive positions as well as to applicants to be employed in sensitive positions.

The "Waiver Work Sheet," Form USA-194, dated 7/80, is to be used in lieu of memoranda requesting waivers of pre-appointment background investigations. Districts are responsible for completing the following items:

- A. Name of applicant; Block 1;
- B. Employing organization; Block 2;
- C. Proposed EOD date; Block 3;
- D. Vouchering: Every effort must be made to contact the applicant's current and former employers (at least for the past five years). If the applicant has no employment history, appropriate school officials should be contacted. In addition, a minimum of three references or associates who are well acquainted with the applicant must be contacted; Block 6;
- E. Justification: Include a brief statement signed by the U.S. Attorney or designee specifying why it is necessary to hire the applicant prior to completion of the pre-appointment background investigation and stating that the waiver is in the national interest; Block 7.

Form USA-194-A, Inquiry for Suitability of Applicants, is to be used to collect the information necessary to complete item 6, "Vouchering", on Form USA-194. The Security Office will not approve the waiver request if there is any derogatory information or if the applicant's references or former employers are unable to recommend the applicant for a sensitive position.

In the absence of an approved waiver, the background investigation must be completed prior to the applicant's entry on duty into the sensitive position. Employees may not have access to classified information until after the full-field background investigation has been completed and an appropriate security clearance granted. Access to sensitive Department of Justice information should be kept to a minimum until the district has been notified by the Personnel Officer that the background investigation is completed and the suitability determination is made.

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The Associate Attorney General has imposed special requirements on "Schedule C" secretaries. Because the FBI conducts their investigations, the same security forms used for Assistant U.S. Attorneys must be submitted. Applicants for these positions who are not Department of Justice employees will be placed on a temporary appointment not to exceed 90 days pending completion of the background investigation. They will be requested to sign a standard letter (AAG-7) acknowledging that they have been informed of the temporary appointment, their employment benefits, and the consequence of not receiving a complete and favorably adjudicated background investigation within 90 days. See USAM 10-2.221.

10-2.184 Security Clearances--Access to Classified Information

National Security information, commonly referred to as classified information, is any information the unauthorized disclosure of which could be prejudicial to the national security interests of the United States. See Exec. Order No. 11652. A completed full-field investigation does not authorize access to classified information. To have access to classified information, every employee must be granted the appropriate clearance by the Department's Security Officer. Before clearance can be granted, the employee must have been the subject of a full-field background investigation by the FBI or Office of Personnel Management.

Requests for clearances must be submitted by the U.S. Attorney to the Personnel Office, Executive Office. Requests may be made by telephone, but must be confirmed by a memorandum or teletype from the U.S. Attorney. Each request must identify:

- A. The employee requiring a clearance;
- B. The level of clearance required (confidential, secret, top secret); and
- C. The reason for requesting the clearance.

The Personnel Office will review the request and forward it to the Security Programs Staff, Justice Management Division.

Offices will be advised by telephone when a clearance has been granted. Written approval will be forwarded later. No employee is to have access to classified material until the appropriate clearance has been granted.



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The Personnel Office must be advised when an employee who has been granted a clearance no longer needs it or resigns. The cancellation of an individual's clearance in no way jeopardizes that person's eligibility for receiving future security clearances.

10-2.185 Access to Sensitive Compartmented Information (SCI)

Requests for employees to have special access to Sensitive Compartmented Information (SCI) must be submitted pursuant to the provisions of Department of Justice Order 2660.3 (June 6, 1979).

The following memorandum shall be used when requesting special access to SCI. It must be signed personally by the U.S. Attorney and sent to the Personnel Office, Executive Office for U.S. Attorneys. If classification is warranted by the information contained in items 4 and 5, it should be appropriately marked at the top and bottom center of the pages and handled accordingly.

SUBJECT: Special Access to Sensitive Compartmented Information  
TO: Department Security Officer  
FROM: United States Attorney

Pursuant to the Provisions of Department of Justice Order 2660.3, "Procedures For Requesting Special Access To Sensitive Compartmented Information," dated June 6, 1979, the following information/justification is provided in requesting special access to Sensitive Compartmented Information (SCI):

- (1) Name of Nominee: \_\_\_\_\_
- (2) Nominee's Social Security Number: \_\_\_\_\_
- (3) Special Access(es) Required: \_\_\_\_\_
- (4) Case/Assignment Necessitating Access to SCI: \_\_\_\_\_
- \_\_\_\_\_
- (5) Specific Compartmented Material to Which the Nominee Must Have Access: \_\_\_\_\_
- \_\_\_\_\_

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The above-named individual has been granted a TOP SECRET clearance based on a Full-Field Background Investigation dated \_\_\_\_\_.

I certify that there is a clear and compelling need for the individual to have special access to the SCI cited above.

I understand that at the completion of the above-captioned case/assignment, this office will advise the Special Security Center that special access(es) is no longer required and arrangements will be made to effect the necessary formal debriefing.

\* \* \*

The Personnel Office will forward the request to the Security Programs Staff which will take the necessary action to obtain access to SCI.

Full-field background investigations that are more than five years old must be updated before access to SCI can be granted. (The Personnel Office should be contacted to obtain the date of the most recent background investigation.) The Office should allow at least 6-8 weeks for a full-field background investigation to be updated.

The employee must update and complete the following forms before he/she can obtain access to SCI if the background investigation is more than 5-years old:

Non-Attorney

SF-86, Security Investigation Data for Sensitive Position, and original and three copies, all with original signatures.

FD-258, Fingerprint Card, three originals.

CSC-329A, Authority for Release of Information, one for each school attended (since the most recent full-field background investigation was completed).

Attorney

Same

Same

DAG-67, Authority to Release Information.

DOJ-488, Tax Check Waiver (Individual).



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

September 27, 1985

MEMORANDUM TO: Holders of United States Attorney's Manual  
Title 10.

FROM: United States Attorney's Manual Staff

William P. Tyson, Director  
Executive Office for U.S. Attorneys

RE: Grand Jury Reporters

NOTE: 1. This is issued pursuant to and expires  
unless reissued or incorporated pursuant  
to USAM 1-1.550.  
2. Distribute to holders of Title 10.  
3. Insert at end of USAM Title 10.

AFFECTS: USAM 10-2.186

PURPOSE: To conform with the recommendations of the  
Internal Audit Staff and OBD 2600.4 to ensure  
that all Grand Jury Reporters have the proper  
Security Clearance.

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10-2.186 Grand Jury Reporters

Due to the sensitive nature of grand jury proceedings, all grand jury reporters and persons associated with the reporters in preparing grand jury minutes are subject to a security check.

Before any official salaried federal court reporter or any contract or free-lance reporter may take testimony before a grand jury, the U.S. Attorney's Office must submit Form USA-186, Personnel Information Sheet for Grand Jury Reporting, and two sets of fingerprints to the Director Security Programs Staff, Justice Management Division, and await advice before engaging the



reporters. The same procedures should be used for any persons associated with the reporter in turning out grand jury minutes.

If the contract of a grand jury reporter or persons associated with one has lapsed for more than one year, a new security check must be completed before proceeding with the hearing. In all other cases, a new name and fingerprint check should be completed every five years.

In accordance with OBD Order 2600.4 dated August 27, 1980, information is required on June 1, annually, to the Assistant Director, Facilities Management and Support Services Staff, listing all Grand Jury Court Reporters names and dates of their initial Department Security Clearance.

1984 USAM (superseded)



**Disclaim**

The pages p.13-14 are missing in the print original copy.

Digital Services, DOJ Libraries, July 28, 2015

1984 USAM (superseded)

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8. SF-256, Self-Identification of Medical Disability;
9. OBD-86, Work Experience in the Federal Government;
10. DD-214, Military Service.

B. The following forms must be submitted directly to the Payroll Office:

1. W-4, Employee's Withholding Allowance Certificate;
2. State Tax Forms;
3. SF-1192, Savings Bonds (per employee's request);
4. SF-1198, Allotments (per employee's request).

C. If the U.S. Attorney is reappointed or was serving in the office in another capacity immediately prior to being appointed U.S. Attorney, only the SF-61 need be submitted. If the new U.S. Attorney was an employee of the Department of Justice (but not the office), submit:

1. SF-61;
2. DOJ-233;
3. New tax forms, if appropriate.

If the U.S. Attorney is court appointed, a copy of the court order must also be submitted.

10-2.220 Assistant United States Attorneys

10-2.221 Recruitment

U.S. Attorneys are authorized to recruit and screen applicants and to submit nominations of attorneys to serve as Assistant U.S. Attorneys.

It is important that each applicant be questioned about any dealing with the Internal Revenue Service in the past years, other than routine yearly tax submissions. In the event of any such dealings with the IRS, the applicant should furnish a letter to the Attorney General explaining in detail what occurred. This letter should be included with the application papers submitted to the Executive Office. Applicants should

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also be questioned concerning indebtedness, including unpaid student and VA loans. An applicant with any disputed debts should submit a letter of explanation to the Attorney General. In addition, former employers or professional associates should be contacted to ascertain the quality of the applicant's work and his/her suitability for employment.

Affirmative action recruiting is an integral part of the overall recruiting efforts of each U.S. Attorney's office. It is the policy of the Department of Justice to provide a quality opportunity for all attorneys and law students who may wish to apply for positions in U.S. Attorney offices. All applications for appointment as an Assistant U.S. Attorney must be reviewed to insure that affirmative action has been taken.

A. Pre-Entry on Duty of Assistant U.S. Attorney Applicants Being Re-Assigned within the Department of Justice: This includes attorneys assigned to the offices, boards and divisions of the Department of Justice and Assistant U.S. Attorneys accepting employment with another U.S. Attorney's office. The guidelines and information contained in USAM 10-2.221 and 10-2.222 apply, and the following forms are required:

1. FORM USA-191 (Attorney Applicant Data Sheet);
2. FORM SF-52 (Request for Personnel Action);
3. FORM DOJ-479 (Employment Review Committee Questionnaire).

B. Special Notes:

1. Salary: Most of the problems are encountered with requesting starting salaries. The following is the rule unless stated otherwise.

a. From office, boards and divisions: The attorney will have the salary increased to nearest \$100.00 (i.e., attorney is presently a GS-13/2 (\$33,116). You would request a starting salary of \$33,200).

If the attorney is due for a scheduled step-increase within a month of the reassignment, then request that upon reassignment that the salary be included (i.e., GS-13/2, due for step increase to GS-13/3 in April and the reassignment is March. Request a starting salary of \$34,200).

If the attorney is due for promotion, have the attorney notify the EOUSA in writing from his/her present superiors that

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he/she is eligible for and would be promoted had he/she stayed with the present employer. It is not always granted, but it will be considered.

b. From U.S. Attorney's Offices: The starting salary will be the same as he/she is making at the time of reassignment unless he/she is due for an annual administrative pay increase. Have the U.S. Attorney, where the Assistant U.S. Attorney is being reassigned from, include the evaluation and the recommended increase and then have your U.S. Attorney either concur or explain.

2. Travel Expenses: See USAM 10-3.560, Relocation. This section explains in detail the procedures.

C. Preparation and Submission of Form for Law Clerk Applicants: For the purposes of this type of appointment, a law clerk is an applicant submitted against an authorized Assistant U.S. Attorney position. This applicant has completed law school, but has not been admitted to the bar.

1. The paperwork to support a law clerk appointment is the same as that required when submitting papers for an Assistant U.S. Attorney position. Additional comment is to be made on the FORM USA-191 "Applicant is scheduled to take the \_\_\_\_\_ State Bar Exam on \_\_\_\_\_ and it is expected that he/she will receive the results on \_\_\_\_\_." If the applicant has already taken the bar exam, then just report the date he/she will receive the results.

2. A law clerk will not be allowed to enter on duty until such time as he/she has taken the bar and the FBI background investigation has been completed and is adjudicated favorably. The Department does not desire to have law clerks on duty studying for bar exams. Therefore, this restriction is not negotiable.

3. 90-day temporary appointments for law clerks are treated the same as for Assistant U.S. Attorneys. However, if a law clerk is appointed to a 90-day temporary appointment and is admitted to the bar prior to the completion and favorable adjudication of the FBI background investigation, the only necessary action is the execution of a new oath of office as an Assistant U.S. Attorney. He/she remains in a temporary status until such time as the appointing letter for an excepted appointment is authorized. When the law clerk is admitted to the bar and executes the new oath as an Assistant U.S. Attorney, he/she must provide your office with documented proof by completing a FORM DJ-54 (Department of Justice Attorney's Bar Affidavit).



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4. Law clerks are appointed as GS-11/1. When they are authorized to become Assistant U.S. Attorneys, their salaries are adjusted to the next \$100 figure. Special note is made here to remind you that judicial law clerks who become applicants have in many instances delayed action to either prepare or take their bar exams. In cases where the applicant is a judicial law clerk and could qualify for a higher starting salary than a GS-11/1, the GS-11/1 is strictly adhered to until such time as the applicant is admitted to the bar. Be alert to submitting recommendations to have the salary adjusted in cases where it is clear that the applicant should receive more than the normal adjustment to the nearest \$100 figure.

5. The appointing letter authorizing a law clerk to enter on duty includes the statement "It is understood that the appointee must become a member of the bar within the first nine months of his/her service in the Department in order to retain his/her position."

10-2.222 Preparation and Submission of Forms for Assistant U.S. Attorney Applicants

A list of the following forms is required (original only unless specified otherwise):

A. Required at all Times:

1. FORM USA-191 (Attorney Applicant Data Sheet);
2. STANDARD FORM-171 (Personal Qualifications Statement);
3. FORM SF-52 (Request for Personnel Action);
4. FORM DOJ-479 (Employment Review Committee Questionnaire);
5. FORM DJ-54 (Attorney's Bar Affidavit);
6. STANDARD FORM SF-86 (Security Investigation Data for Sensitive Position), Original and Three Copies;
7. FORM DAG-67 (Authority to Release Information);
8. FORM DOJ-488 (Tax Check Waiver - Individual);

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9. FORM FD-258 (FBI Fingerprint Card-USDAG01AZ), Three Originals.

B. Required when situation dictates (in addition to the above):

1. Letter to Attorney General explaining dealings with the IRS (See USAM 10-2.221);

2. Letter to Attorney General explaining any debts owed (See USAM 10-2.221);

3. Salary memorandum when additional information needs to be furnished to justify starting salary;

4. Copy of law school transcript if it has been less than three years since the applicant graduated from law school.

C. Required when requesting 90-day appointment (in addition to the above):

1. FORM AAG-7 (Memorandum of Understanding)

2. Letter request from U.S. Attorney including justification for the requested appointment to include:

a. Vouchers from any current employer and former employers for at least the last five years and a minimum of three references or associates.

The following is an explanation of the forms requested above:

A. Required at all times:

1. FORM USA-191 (Attorney Applicant Data Sheet)

The Executive Office extracts data from this form for use in the preparation of other forms required in the Departmental hiring process. The Employment Review Committee utilizes this form to extract data for its records and the form is ultimately filed in the Attorney Hiring Office for the Department of Justice. Particular note should be made of the following questions:

a. Current salary (grade, if government): This information is necessary to determine the per annum salary the

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the applicant will be authorized consistent with the guidelines for setting salaries of Assistant U.S. Attorneys. The salary listed on the Form-191 and Form-171 should be the same. If not, you must explain any differences. Make certain that the U.S. Attorney and the applicant are in agreement as to the amount.

b. Have current supervisor and professional associates been contacted: If answered no, please explain. In some instances, the applicant does not desire such contact until he/she feels there is reasonable assurance that a job offer will be made.

c. Recommended salary: Each October, after the government-wide salary increase is made known, the Executive Office provides each U.S. Attorney with a memorandum entitled "Hiring and Promotion of Assistant U.S. Attorneys;" the first paragraph is headed "Starting Salaries of Assistant U.S. Attorneys." Each applicant should provide information as to present salary and other qualifications to be considered. The U.S. Attorney should take those into consideration in arriving at the recommended salary. It is suggested that, where questions still exist, the Staff Assistant for Attorney Hiring, Executive Office for U.S. Attorneys, be contacted to resolve such questions. In most cases, the problems can be resolved not only for the U.S. Attorney but for the applicant as well. This practice is encouraged.

d. Proposed date for E.O.D.: This is the date you hope the applicant can start work in your office. Please take the time to determine a reasonable answer to this question. Such dates as "ASAP" or impossible dates, inconsistent with the time required for approval of the appointment, leave the Executive Office without sufficient information to assist you in maintaining your staffing level. Remember, if you allow only two months from the submission of your applicant until authorization for appointment, you are allowing for the minimum time necessary. It could take longer if the background investigation requires additional time. Although you cannot always recruit and submit applicants three months in advance, it is suggested whenever possible.

2. Standard Form-171 (Personal Qualifications Statement)

This form is used to extract information to assist in determining a starting salary. Particular attention should be made to the following:

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a. Enter exact information and corrections as requested. Inclusive dates for employment is where most of the errors are encountered.

b. For the purposes of determining a starting salary, please insure that the applicant enters the correct salary he/she is presently making and this salary should be that salary entered on the FORM USA-191. Many times they do not correspond, and lead to phone calls to get it resolved. It is important that the two are the same.

c. There are times when the present salary the applicant is drawing will be increased after submission of his/her papers. In such cases, please have applicant furnish written circumstances from his/her present employer which reflect the increased salary (i.e., state legislation passed increase to be effective at a later date).

d. For applicants from other government agencies, it is useful to know the exact date of the last promotion and the effective date for the next step increase. To preclude a wrong interpretation, have the applicant enter in detail in Block 35 the date of the last promotion and the date of the next due step increase.

e. Under Block 13, please call to the attention of the U.S. Attorney the information entered here before (s)he indicates a requested starting salary. Many times the applicant will enter a sum much lower than what the U.S. Attorney is requesting. At other times, the applicant will list a salary that will not be approved. The applicant and the U.S. Attorney should go over this before submission of any paperwork.

3. Form SF-52 (Request for Personnel Action). This form normally is well executed in the field and only a few items are worthy of special attention in its preparation:

a. Item-4 (Social Security Number): This is the most important number you will list. Make sure that it agrees with the number the applicant has provided, both on the SF-171 and the SF-86.



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b. Item-A (Kind of Action Requested): Always list "EXCEPTED APPOINTMENT."

c. Item-G (Requested By): Enter the full name of the U.S. Attorney. The U.S. Attorney is not the approving official on this document.

d. Item-H (For Additional Information-Call): List that individual who can discuss attorney hiring, not the person who typed the form. Please provide an up-to-date phone number. The Senior Staff Assistant utilizes this reference for calls concerning attorney hiring.

e. Item-I (Request Approved By): Leave this item blank. This information will be provided after the forms arrive in the Executive Office.

f. Item-27 (Position Title and Number): Enter position description number in accordance with USAM 10-2.421.

4. Form DOJ-479 (Employment Review Committee Questionnaire)

Some explanation to assist in completing this form is highlighted in the areas where the Executive Office has had the most questions from U.S. Attorneys.

a. Number of people interviewed. Generally, you should not include interviews conducted more than six months prior to date of preparation of form. If you do include interviews beyond six months, please explain why.

(1) Please list the number of people interviewed in each category:

WHITE MALES _____	WHITE FEMALES _____
BLACK MALES _____	BLACK FEMALES _____
HISPANIC MALES _____	HISPANIC FEMALES _____
ASIAN-AMERICAN MALES _____	ASIAN-AMERICAN FEMALES _____
AMERICAN-INDIAN MALES _____	AMERICAN-INDIAN FEMALES _____

b. Number of people given serious consideration. Please list as stated above. If you fail to give serious consideration to a female or a minority, explain why.

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c. Characteristics of attorneys hired during six months prior to date of submission of this applicant or applicants.

d. What efforts, if any, did you make to obtain applicants for this position and what special qualifications, if any, are necessary for this position? Be specific; do not provide general recruiting information.

e. List by number your present allocation, the number of Assistant U.S. Attorneys on board, and the number of pending applications, by the above categories.

With this information, the Executive Office will be better prepared to state your case. The Senior Staff Assistant will assist you on this form when requested.

5. Form DJ-54 (Attorney's Bar Affidavit)

The importance of this form is not only that it is required to complete Department requirements, but the Executive Office needs a separate one for each state in which the applicant is a member of the bar.

Please have the applicant complete this form with exact information. Applicant should include it as an attachment to this form if he/she is not presently in good standing or if there are questions from the individual bar associations pending at the time of submission.

6. Standard Form SF-86 (Security Investigation Data for Sensitive Positions)

Please go over this form with the applicant and watch the following:

- a. Make sure all questions are answered completely.
- b. Make sure applicant signs and dates the original and each of the three (3) copies.
- c. Make sure applicant includes not only the complete addresses for both employment and residency, but also the zip codes.
- d. Too many applicants fail to list complete names and addresses of relatives as requested. This can lead to a couple weeks of delay in getting the background request started.

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e. If the applicant is not sure of any of the information requested, have him/her furnish all the information along with an explanation on a separate sheet which can be appended to the SF-86.

7. Form DAG-67 (Authority to Release Information)

This form will be returned to you if not signed and dated.

8. Form DOJ-488 (Tax Check Waiver-Individual)

This form causes more trouble and delay than all other forms combined. The Tax Reform Act of 1976 requires that the form be completed and signed not more than 60 days before being presented to the IRS in request for release of the information. Please look at the years at the bottom of the form and adjust to the present year. This 60-day period is stated in the Act, and cannot be changed without amendment to the Act.

9. Form FD-258 (FBI Fingerprint Card-USDAG01AZ)

Type complete identification in the blocks provided. Too many times the cards are received in the Executive Office without the name of the applicant on them. To preclude further delay in the processing:

a. Check each form to make sure it includes all information requested.

b. Check that you have included three (3) cards.

When all the forms are checked and ready for submission, mail them to the Director, Executive Office for U.S. Attorneys, Room 1619 Main Justice, 10th and Constitution Avenue, Washington, D.C. 20530, Attn: Staff Assistant for Attorney Hiring, not to the Personnel Office. By sending them to the Director, they will reach the Senior Staff Assistant immediately upon receipt in the Department and action will begin on the application the same day.

B. Required when situation dictates:

1. When the applicant has any dealings with the IRS that have reflected late submission and fines and/or outstanding questions,

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applicant prepare a personal letter to the Attorney General and attach it to the paperwork being submitted with the application. Indications are that U.S. Attorneys are not screening applicants to determine need, which leads to long delays in making the final decision for appointment.

2. When the applicant has known bad debts, especially unpaid student and VA loans, have applicant prepare a personal letter to the Attorney General and attach it to the paperwork being submitted with the application.

3. Salary memorandum should be prepared when:

a. It is a normal practice of your office to have the U.S. Attorney communicate special circumstances to justify a starting salary; or

b. The U.S. Attorney is requesting a starting salary beyond the guidelines provided.

4. Copy of law school transcript is required and used to gain an insight into the qualifications of the applicants who have not been out of law school more than three years. If the applicant does not have one available, then so indicate with the note that it will be forwarded upon receipt.

C. Required when requesting 90-day appointment:

1. Form AAG-7 (Memorandum of Understanding)

10-2.223 90-Day Temporary Appointment Waiver

There are certain circumstances where Department policy allows for an Assistant U.S. Attorney applicant to have the background investigation waived for the purpose of appointing them for a 90-Day Temporary Appointment.

A. Criteria for requesting:

1. Applicant is unemployed.

2. Applicant has outstanding qualifications and experience and may accept another position where the waiting time is not a problem



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or where there is a shorter waiting period in processing a background investigation.

3. When there has been a sufficient reduction in the district staff below the proper efficiency level.

B. Documentation required:

1. Memorandum from the U.S. Attorney describing the purpose of the request, utilizing one of the above criteria.

2. Vouchers from any current and former employers by the U.S. Attorney for at least the last five years and a minimum of three references or associates.

3. It is essential for the U.S. Attorney to ensure that the applicant is aware of the specific conditions stated in the Memorandum of Understanding, especially concerning ineligibility for certain employee benefits. Additionally, the U.S. Attorney's office and the applicant should understand that during the period of the temporary appointment, the applicant has no access to classified information and sensitive information will be available on strictly a "need-to-know" basis. The applicant, by execution of the Memorandum of Understanding, agrees to safeguard any such information which comes to the applicant's attention.

C. Special Notes:

1. The Executive Office will take the necessary steps to get name and fingerprint requests from the FBI as part of the normal request for a background investigation.

2. If after submission of an applicant for processing it is later determined the existence of a need to request a 90-day temporary appointment, it should be understood that if sufficient time has elapsed to have partial information from the FBI and if, in the determination of the head of the Executive Office, sufficient problems exist, then the chances of having the request approved are limited.

3. An applicant for law clerk is eligible to have the same type of waiver. The provisions that govern law clerk appointments continue to apply.

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10-2.224 Preparation of Forms

For your information, upon receipt of papers to support the application of all Assistant U.S. Attorneys, the Senior Staff Assistant will check the forms for completeness and perform the following:

A. Request the FBI to conduct a full-field background investigation. The SF-86, DAG-67, DOJ-488 and 3 OBD-258 Fingerprint Cards are attached to a request prepared by the Executive Office to ask the FBI to conduct the investigation. This package is delivered by hand to a representative of the FBI Background Investigation Office, to initiate the investigation process.

B. Submit the remaining forms to the Deputy Director, for screening, determining the starting salary, assuring that necessary affirmative action has been taken, and then authorizing submission to the Employment Review Committee (ERC).

C. Once the ERC approves, the paperwork is filed to await completion of the full-field background investigation.

D. When a background investigation begins, the U.S. Attorney concerned is so notified in writing by the Deputy Director. The U.S. Attorney is advised that upon successful completion of the background investigation, and when approved by the Associate Attorney General, a letter will be sent advising that the applicant may enter on duty.

E. When the background investigation is completed and forwarded to the Executive Office, it is adjudicated. If favorable, and no further investigation is needed, a letter is prepared for the signature of the Associate Attorney General authorizing the entry on duty of the applicant and stating the approved per annum salary.

F. Upon signature by the Associate Attorney General, the Executive Office contacts the U.S. Attorney and relays the information contained in the authorization letter.

G. A copy of the authorization letter from the Associate Attorney General is attached to the paperwork submitted to the Personnel Office of the Executive Office to await submission of additional paperwork and the oath from the applicant.

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10-2.225 Appointment Forms

A. When an Assistant U.S. Attorney reports to work, the following forms must be submitted to the Personnel Office:

1. SF-61, Appointment Affidavits (See USAM 10-2.110);
2. SF-177, Statement of Physical Ability for Light Duty Work;
3. DOJ-223, Employee Locator Information;
- \*4. SF-2817, Life Insurance Election;
- \*5. SF-2809, Health Benefits Registration Form;
6. SF-256, Self-Identification of Medical Disability;
7. OBD-86, Work Experience in the Federal Government;
8. DD-214, Military Service (if applicable);
9. SF-61B, Declaration of Appointee;
10. SF-1152, SF-2808, and SF-2823, Designation of Beneficiary, per employee's request; and
11. SF-181, Race and National Origin Identification.

B. The following must be submitted to Payroll Office:

1. W-4, Employee's Withholding Allowance Certificate;
2. Local tax forms;
3. SF-1192, Savings Bonds (per employee request); and
4. SF-1198, Allotments (per employee request).

\* Do not submit for federal employees transferring from other agencies. If the employee is transferring from another DOJ activity (except the FBI), submit only the SF-61 and DOJ-233.

10-2.230 Special Assistant United States Attorneys

The Attorney General may appoint attorneys to assist U.S. Attorneys pursuant to the authority given him/her in 28 U.S.C. §543. The Executive

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Office for U.S. Attorneys is the management office charged with administering the Special Assistant U.S. Attorney program, hereinafter referred to as the "program," for the Department of Justice. Requests for appointments to Special Assistant U.S. Attorneys, if approved, are appointed by letter signed pursuant to the direction of the Associate Attorney General. Pursuant to Pub. L. 98-94, military attorneys with regular appointments (as well as reservists) in the Judge Advocate General Corps (JAGC) are authorized to accept an appointment as Special Assistant Attorneys.

Consult USAM 9-11.352 for the procedures to follow in appointing a non-Department of Justice government attorney for appearance before a grand jury.

Within the Executive Office, the Deputy Director is assigned responsibility of the program while the administrative responsibility is assigned to the Senior Staff Assistant.

The program consists of two definite types of appointments:

A. Without compensation (other than that which the appointee is receiving under his/her existing appointment):

B. With compensation:

1. Compensation at a daily rate based on 260 possible working days in any one given civil service work year.

2. Compensation based on a per annum salary.

The administrative organization of the program consists of six main steps from requesting the appointment through administering the oath of office to the appointee:

A. Format for Requesting Appointment:

1. Preferred: Letter; memoranda; telex;

2. Special Situation: Telephone (followed by one of the three above preferred formats).

Note: The originator of a request for an appointment under this program must obtain the concurrence of the official from where the attorney is assigned, if other than from his/her own organization.



10-2.231 Justification and Supporting Information for the Appointment

A. Without compensation:

1. Brief description of the need for the appointment with identification of the case or cases involved.

2. Requested effective date of the appointment and the length.

3. Note: Normally, the appointments are effective from one month to increments of months up to one year with extensions as required under the same incrementation. Appointments will be terminated only at the end of a month and not on any other day.

B. With compensation:

1. Compensated at a Daily Rate: When the Special Assistant will be compensated at a daily rate, the U.S. Attorney should provide a brief description for the need of the appointment with identification of the case or cases involved; requested effective date of the appointment and the length; number of working days required during the appointment; salary to be compensated for on a daily basis, while actually working.

2. Note: It is understood that the number of working days will be estimated. If an appointment becomes effective and it is determined that additional working days are required, then a simple follow-up request for the additional working days can be made and the Executive Office will prepare the SF-52. The appointee will be notified by telephone if and when approved.

3. Note: The salary determination is based on the per annum salary of the appointee at the time of resignation from the U.S. Attorney's office divided by 260 (i.e., resigned at a per annum then reduced to \$115.00 which would be the daily rate of pay while actually working. If the cents amount is 50 or more it is taken to the next higher dollar amount, otherwise it is reduced to the full dollar amount.

4. Exception: When a retired annuitant is appointed under this program, use the per annum salary at the time of resignation minus the daily rate of annuity (e.g., retired at \$42,000. Divide by 260 just as above and get the daily rate). However, the cents amount

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remains. In the case where the daily rate comes to \$165.38, it would stay at \$165.38. Next take the per annum annuity from the retired pay-assumption: per annum retired pay is \$30,495.30 divided by 260 = \$117.49. So the net pay for this appointee would be \$165.38 - \$117.49 = \$47.89. The retired annuitant must provide a copy of his/her latest cost of living increase statement to preclude the overpayment and later recoupment that could prove a hardship. If a person is recently retired, he/she should make an estimated annuity rate. When the correct annuity rate is determined, a correction will have to be entered. The appointee should understand this.

Specific information should include: Date of birth; social security number; date of resignation; date of retirement (if applicable); salary at time of resignation; salary at time of retirement (if applicable); and anniversary date. Note: The Executive Office prepares the SF-52 and needs this information.

5. Compensation on a per annum basis: Appointments, compensated on a per annum basis are utilized to signify full-time versus a particular number of working days. They are usually for increments of three months or more up to and including one year. Specific information needed includes those items listed above.

6. Special note: It becomes very important for resigning attorneys to be given the opportunity for a break in service if they wish to request payment of their unused leave, to draw out of their retirement pay and to terminate their life insurance and health benefits. A break of three working days is the minimum necessary.

7. Inclusion of an restrictive language when applicable: Appointments to assist in civil cases are routinely made upon request. However, agency attorneys (particularly regulatory agencies) are not normally authorized to appear before grand juries when assisting on criminal cases. The restrictive language that will appear as an alert is as follows:

"However, you are not authorized to present matters to a grand jury or to be present during proceedings before a grand jury." Exceptions to the above can be granted in accordance with guidelines contained in USAM 9-2.162.

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10-2.232 Forms Required in Support of Appointments

The following attorneys require no forms to be submitted when requesting an appointment under this program (without compensation):

- A. U.S. Attorneys;
- B. Assistant U.S. Attorneys;
- C. Attorneys from offices, boards and divisions, Department of Justice; and
- D. Military attorneys with appointments who are members of the Judge Advocate General Corps (JAGC).

The following attorneys require submissions of forms to support requests for name and fingerprint checks from the FBI and, when applicable, full-field background investigations:

- A. Attorneys from other government agencies;
- B. Attorneys from state and local governments;
- C. Former members of the Department of Justice who have been resigned for over one year; and
- D. Attorneys from the private sector.

Forms required for name and fingerprint check:

- A. Three copies of OBD-258 (USDAGOLAZ) Fingerprint Card; and
- B. One copy of either the Standard Form SF-171 (Personal Qualifications Statement); or Standard Form SF-86 (Security Investigation Data for Sensitive Position).

Forms required for full-field FBI background investigation:

- A. Three copies of OBD-258 (USDAGOLAZ) Fingerprint Card;
- B. Original and three copies of Standard Form SF-86 (Security Investigation Data for Sensitive Position);
- C. One copy of DAG-67 Form (Authority to Release Information);
- D. One copy of DOJ-488 (Tax Check Waiver-Individual).

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For those attorneys who will be appointed on a full-time, per annum compensated basis and who have never been with the Department of Justice, submit the same package that would be submitted as listed under USAM 10-2.122.

10-2.233 Security Checks Required

Security checks are not required for the following types of attorneys (without compensation):

- A. U.S. Attorneys;
- B. Assistant U.S. Attorneys;
- C. Attorneys from offices, boards and divisions, Department of Justice;
- D. Members of the Judge Advocate General Corps (JAGC);

Security checks are required for the following types of attorneys (without compensation):

A. State, county and local attorneys appointed under the cross-designation of federal and local prosecutors: These attorneys require a full-field background investigation from the FBI. The first three months of an appointment can be made on the basis of a name and fingerprint check by the FBI and the appointment can be extended to one year after completion and favorable adjudication of the investigation.

B. Attorneys from other government agencies: An FBI name and fingerprint check is requested before the attorney may enter into an appointment under this program.

C. Note: The Executive Office will determine, on a case by case basis, if an FBI full-field background investigation will be required for appointments beyond the initial three month duration.

Security checks are not required for the following types of attorneys (without compensation):

A. Former U.S. Attorneys who have been resigned from the Department of Justice for less than one year;

B. Former Assistant U.S. Attorneys who have been resigned from the Department of Justice for less than one year; and



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C. Attorneys from offices, boards and divisions, Department of Justice who have been resigned for less than one year.

Security checks are required for the following types of attorneys (without compensation):

A. All former attorneys employed by the Department of Justice who have been resigned for over one year: If the appointment is for three months or less, an FBI name and fingerprint check is required. If for a longer period of time, the Executive Office will make a determination whether an FBI full-field background investigation is required.

B. All attorneys appointed who have never been in the Department of Justice: They will be required to have an FBI full-field background investigation and the initial three months of the appointment will be on the basis of an FBI name and fingerprint check.

10-2.234 Oath of Office

Appointments under this Program require the appointee to take the oath of office and each appointment letter will contain the following language:

"Please execute the required oath of office at your earliest convenience."

Execution of the oath of office is finalized with the completion of the Standard Form SF-61 (Appointment Affidavits) and the original is submitted to the Executive Office to be filed in the individual's Official Personnel Folder or Special Assistant File, if not assigned to the Department of Justice.

When a Special Assistant U.S. Attorney, who is being paid on an intermittent basis, reports to work, the following forms must be submitted to the Personnel Office:

- A. Appointment Affidavit (See USAM 10-2.110);
- B. DOJ-233, Employee Locator Information;
- C. SF-256, Self-Identification of Medical Disability;

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- D. SF-181, Race and National Origin Identification;
- E. OBD-86, Work Experience in the Federal Government; and
- F. SF-61B, Declaration of Appointee.

The following must be submitted to the Payroll Office:

- A. W-4, Employee's Withholding Allowance Certificate; and
- B. Local Tax Forms.

10-2.240 Sabbatical Program

Subject to case-by-case approval by the Director, Executive Office for U.S. Attorneys, U.S. Attorneys are authorized to establish sabbatical programs with law schools. Assistant U.S. Attorneys may spend no more than one full year teaching at a law school and a professor from that law school may spend a similar period of time working in the office of the U.S. Attorney. This program will give selected Assistants a break from their routine, an opportunity to "recharge their batteries," and a chance to do some in-depth research in their areas of interest.

This program has been established under the provisions of the Intergovernmental Personnel Act of 1970 (5 C.F.R. §334), which permits exchanges with state or local governments and institutions of higher learning. In every case, a formal agreement must be entered into between the school and the Director, Executive Office, and the employee must agree to the assignment. Optional Form 69 is used to document the agreement.

To be eligible, an Assistant U.S. Attorney will normally have at least 5 years experience with the office of the U.S. Attorney and have expressed the intent to remain with the office at least 2 years after completion of the sabbatical. Of course, the law school must agree to the specific Assistant as well as the courses to be taught.

The professors selected for this program must be interested in trial work, meet any local bar membership requirements, and successfully complete a full-field background investigation. The professors must agree that information gained during their year with the Department will be kept confidential and that any articles written about their assignments must be cleared through the Department of Justice.

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Normally, positions will be filled by the detail of employees. As such, the Assistant U.S. Attorney's and professor's pay, allowances, privileges, rights, seniority, and other benefits are preserved within their respective organizations. The professors will be appointed as Special Assistant U.S. Attorneys (see USAM 10-2.230, supra).

10-2.250 Cross Designation of Federal Prosecutors as State and Local Prosecutors

Assistant U.S. Attorneys may be appointed as special state or local prosecutors by the Director, Office of Attorney Personnel Management, Department of Justice, pursuant to the Intergovernmental Personnel Act of 1970 (5 U.S.C. §§3371-3376) and the appropriate state and local government code. Under the Intergovernmental Personnel Act, assignments are authorized upon the request from or with the concurrence of a state or local government, and with the consent of the employee concerned. See 5 U.S.C. §3372(a). The period of assignment under the Act may not exceed two years. An Assistant U.S. Attorney assigned as a state or local prosecutor is deemed, during the assignment, to be either: 1) on detail to a regular work assignment; or 2) on leave without pay.

Requests for permission to accept an appointment as a special state or local prosecutor should be forwarded to the Assistant Director for Legal Services, Executive Office for U.S. Attorneys. Each request should include: 1) the name of the Assistant U.S. Attorney; and 2) the full name of the state or local office to which the Assistant is to be assigned; 3) the length of the assignment; 4) the reason for the assignment (the particular case or cases); 5) the name of the county, parish or other jurisdiction in which the non-federal authority will carry; 6) the acknowledgement that no foreseeable conflict of interest exists between the state and federal prosecutors' offices as a result of the assignment; and 7) whether the Assistant U.S. Attorney intends to be on official duty while acting as special state or local prosecutor, or on leave without pay.

10-2.300 NON-ATTORNEY RECRUITMENT AND HIRING

10-2.310 General Information for Non-Attorney Positions

I. Methods for Filling Non-attorney Positions.

When filling a permanent non-attorney position, a variety of methods which can be pursued simultaneously should be considered, including:

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A. Merit Promotion Plan Announcement.

Used to fill positions with applicants currently employed by the federal government in competitive positions or with applicants who have reinstatement rights (these are "status" applicants). These procedures are also used to promote current employees under certain circumstances.

B. Office of Personnel Management Certification.

Used to fill positions with applicants who are not current competitive employees or who do not have reinstatement rights. Under certain circumstances, the Office of Personnel Management (OPM) will establish special registers for legal clerks. Assistance in this area should be sought from the Personnel Office, Executive Office for U.S. Attorneys.

C. Former Peace Corps, Vista and Action volunteers may be non-competitively appointed up to one year after they have completed their voluntary service. They must meet the qualification standards, including any written test requirements for the position. However, the test can be administered noncompetitively.

D. Former employees of the U.S. Senate and the U.S. House of Representatives, who have served for at least three years and former employees of the U.S. Courts who have served at least four years as a secretary or law clerk to a justice or judge are eligible for non-competitive employment under the provisions of the Ramspeck Act if they were separated involuntarily and without prejudice. They must have passed any examination required for the position and be appointed within one year of their involuntary separation. If such an appointment is contemplated, the Personnel Office, Executive Office for U.S. Attorneys, should be contacted for procedural guidance.

E. Non-competitive appointment of reinstated or transferred employees.

No Merit Promotion Plan advertisement or OPM certification is needed if you fill a position with a status eligible whose former grade was at or higher than the top grade of the position you are filling. Status eligibles can be found in voluntary applicant supply files maintained by U.S. Attorneys' offices or kept by the OPM area office.

F. Special appointment authorities for the handicapped.

G. TAPER appointments for positions for which OPM has no register of tested eligibles.



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Action to fill a vacant position may begin as soon as it is known that the incumbent is leaving. However, the new employee may not enter on duty until the former employee has resigned and written approval is received from the Executive Office.

## II. Pre-employment Interviews

Interviews may be conducted prior to filling non-attorney positions. The following information is provided as guidance to be used when conducting interviews.

### A. General Information.

Pursuant to FPM Chapter 332, Appendix I, the following guidelines are provided for use and consideration when conducting interviews:

1. Travel time and cost to the applicant should be kept to a minimum;
2. Applicants must be eligible for appointment;
3. Travel in excess of 250 miles round trip is considered unreasonable;
4. Applicants should receive reasonable advance notice of the need for an interview;
5. Notice regarding the effect of non-appearance for an interview must be communicated;
6. Travel outside the commuting area may be made only when the level of the position being filled is above the clerical level; and
7. Alternate arrangements should be made when appearance for an interview is considered unreasonable.

Normally, agencies are not allowed to pay for pre-employment interviews; however, the Executive Office has been delegated the authority to pay for pre-employment interviews at grades GS-10 through GS-13 for unique positions. Part B explains in detail the type of positions covered by this authority and procedures required for its use.

### B. Paid Interviews.

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The Director, Executive Office for U.S. Attorneys, or his designee, has sole responsibility to approve the payment of travel expenses for pre-employment interviews. This authority will remain in effect until superseded.

1. Limitations.

This authority may not be used in the following situations:

a. To pay travel or subsistence expenses for the purpose of interesting or persuading prospective employees to accept government positions;

b. To pay for pre-employment interviews for the purpose of defraying the cost of travel to a designated place to enter on duty as a government employee (3 Comp Gen 373);

c. To advance travel funds for pre-employment interviews; and

d. For entry-level positions, except in rare cases, e.g., Research Chemist at the Ph.D level.

2. Position Coverage.

In order to use this authority the duties of the position must be so unique that an interview is necessary for a final determination of the applicant's qualifications. The determination that a position is "unique" is based on the position's complexity and whether it is one of a kind not simply within the organization but within the government.

3. Applicant Eligibility.

Travel expenses may be paid for pre-employment interviews for candidates certified on OPM certificates or for non-competitive candidates, e.g., by transfer or reinstatement. However, the authority is to be used primarily for applicants outside the federal service. The number of competitive candidates interviewed for any one position shall not exceed five. Travel expenses will be paid for a reasonable number (3-5) of top ranking non-competitive candidates. Applicants should be interviewed only when they are within reach and eligible for appointment. If candidates for both competitive and non-competitive appointment are considered concurrently, it is recommended that the total number of candidates not exceed five.

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4. Procedures.

Requests to use this authority must be submitted, in writing, to the Director, EOUSA, through the Personnel Officer, and must include the following information:

- a. A copy of the position description reflecting the title, series, and grade of the position;
- b. Any selective or quality ranking factors appropriate to the position;
- c. A brief explanation of why the office is unable to complete a review of an applicant's qualifications without an interview;
- d. A brief explanation of how the position meets the criterion of unique;
- e. Proposed number of applicants to be interviewed and location from which applicant is traveling;
- f. Location of interview; and
- g. Type of travel requested and estimated amount of money required for each applicant.

If the request is approved, the office may contact the applicant(s) to arrange an interview. Since interviews under this authority are for the purpose of determining qualifications, a declination of an interview will be considered a declination of the position. Upon completion of all interviews each office must provide the following information to the personnel office:

- a. Actual number of applicants interviewed;
- b. Results of each interview (e.g., selection, non-selection, declination);
- c. Type of travel used;
- d. Actual amount of money spent for each applicant; and
- e. Location from which applicant actually traveled.

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10-2.311 Merit Promotion Plan

A. Policy: It is the policy of the Executive Office for U.S. Attorneys (EOUSA) and the offices of the U.S. Attorneys to utilize employee skills and potential to the fullest in filling vacancies and to select, assign, and promote employees solely on the basis of job-related criteria and without regard to race, color, creed, age, national origin, sex, nondisqualifying physical handicaps, politics, membership in employee organizations, marital status, or personal favoritism or patronage. The procedures outlined below apply to all competitive service positions in the offices of the U.S. Attorneys and EOUSA effective April 1, 1984.

B. Responsibilities:

1. The Personnel Officer is responsible for:

a. Determining that any action to fill a vacancy is consistent with the provisions of this plan.

b. Insuring that all persons involved in the administration of this plan have the necessary technical competence and understanding of personnel techniques and regulations.

c. Advising and assisting the offices of the U.S. Attorneys on competitive procedures, qualifications, and general recruitment/placement actions.

d. Processing placement actions in conformity with this plan and maintaining proper administrative records.

e. Taking the necessary action to fill vacancies within the EOUSA and Administrative Officer positions in the offices of the U.S. Attorneys.

The Director, Office of Administration and Review, EOUSA, may delegate any of these responsibilities to the offices of the U.S. Attorneys.

2. U.S. Attorneys are responsible for:

a. Insuring that no personal favoritism or preselection is involved in a promotion action and that no promise or guarantee



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of promotion is made prior to the expressed approval of the Personnel Office, EOUSA.

b. Evaluating a candidate's qualifications, performance or potential for performance in a fair, impartial and objective manner.

c. Insuring that all available and interested candidates are given the opportunity for application and consideration.

d. Properly preparing and distributing announcements, locating candidates, rating qualifications, referring candidates to selecting supervisors, and informing applicants of the results of their applications.

e. Preparing and submitting the total package of documentation relating to the action to the Personnel Office for approval.

United States Attorneys may delegate any of these responsibilities to appropriate employees in the district.

Consideration should be given to delegation of authority to administer this plan to one responsible individual in the organization (i.e., the Administrative Officer).

C. Covered Personnel Actions: This plan applies to all promotions, unless specifically excluded by paragraph D below, and to the following actions:

1. Reassignment, transfer, or demotion to a position with known promotion potential greater than that of the position last held except as permitted by reduction-in-force procedures.

2. Selection for details of more than 120 days to a higher-graded position or to a position with greater known promotion potential. Prior service under previous details and temporary or term promotions during the preceding 12 months is included whether competitive or non-competitive in the computation of the 120-day limit.

3. Transfer to a position which is both of a higher grade and has more promotion potential than the position currently held.

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4. Reinstatement to a permanent or temporary position which is expected to last more than 120 days, at a higher grade than the last held in a nontemporary competitive position, except for the reinstatement of a former SES employee or a former employee separated as a result of a RIF.

5. Selection for training given primarily to prepare an employee for advancement and required for promotion (i.e., when eligibility and promotion depends on whether the employee has completed training).

6. Temporary promotions of over 120 days. Prior service under all details to higher-graded positions and temporary promotions during the preceding 12 months counts toward expiration of the 120-day limit. The following conditions apply to temporary promotions:

a. Temporary promotions must be for a definite period of one year or less but may be extended for a definite period not to exceed one additional year, subject to prior approval of the Personnel Office.

b. Requests for additional extensions must be submitted to the Personnel Office 30 days in advance of the proposed effective date.

c. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally effected under competitive procedures and the advertisement of the vacancy clearly stated that the temporary position may be made permanent at a later date.

d. A temporary promotion may not be used for the purpose of training or evaluating an employee in a higher-graded position.

7. Term promotions unless an exclusion under paragraph D applies.

D. Personnel Actions Not Covered: The competitive procedures of this plan do not apply to:

1. A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standard or the correction of a classification error.

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2. Reassignments with more promotion potential in a RIF situation. This provision would apply only to those employees whose positions have been identified for abolishment, and only after affected employees have been so notified.

3. Repromotion to a nontemporary competitive service position or grade from which an employee was demoted without personal cause and not at the employee's request.

4. Career promotions, which are promotions without current competition when at an earlier stage an employee was selected from a civil service register or under competitive promotion procedures for a position with a career ladder. Career ladders for all positions must be documented. See paragraph E below.

5. Promotion of an employee whose position is classified at a higher grade because of additional duties and responsibilities. The employee must continue to perform the same basic function, and the former position must be absorbed administratively in the new position. The addition of the duties and responsibilities can not provide one employee with an unfair advantage over other employees who are qualified to perform them (i.e., a supervisor may not take duties and responsibilities which he or she knows or has good reason to believe are grade-enhancing, and arbitrarily assign them to a particular employee even though there are other qualified employees).

6. A temporary promotion or detail to a higher graded position of 120 days or less.

7. An action taken as a remedy for failure to receive proper consideration in a competitive promotion action.

8. Appointment to a position from a civil service register or for which OPM has granted direct-hire authority.

9. Selection of a candidate from the DOJ Priority Placement and Referral List to any position for which registered, including positions with more promotion potential or at a higher grade level.

10. Selection of a candidate from OPM's Displaced Employee Program (DEP) for a position, including one with greater promotion potential, at or below the grade of the position from which the employee was, or will be, displaced.

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11. A career ladder promotion following noncompetitive conversion of a cooperative education student.

12. Transfer to a higher graded position provided the candidate's current position has the same or higher promotion potential.

13. A position change made permanent from a temporary or term promotion, to a higher grade job provided the action was originally made under competitive procedures and it was represented to all competitors that it may lead to a permanent assignment.

14. Reassignment, lateral transfer, or voluntary demotion of a status candidate into a position having no greater promotion potential than that offered by the existing or most recent competitive service nontemporary position.

15. Reinstatement to a position at a grade no higher than one's last nontemporary competitive service position regardless of previous promotion potential.

16. Reinstatement of any former career or career-conditional employee who previously converted to a career SES appointment to any position and grade for which qualified.

17. Placement of employees currently receiving retained grade or pay may be reassigned to a position with greater promotion potential at their retained grade or repromoted to the grade from which demoted (or any intervening grade), including a position with greater promotion potential.

18. Any personnel action as directed by the Department of Justice, the Office of Personnel Management, the Merit Systems Protection Board, or other organization having the authority to impose a decision upon the EOUSA.

19. Reassignment to a position with more promotion potential in a reduction-in-force situation. This provision applies only to employees whose positions have been identified for abolishment and only after the affected employees have been notified.

E. Career Ladder Positions. Once an employee is selected for a career ladder position, he/she may be promoted without further competition to the journeyman level indicated for the position, provided:



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1. The original appointment to the career ladder position was made after competition under merit promotion procedures or other appropriate means, such as selection from a civil service certificate.

2. All candidates interviewed for the career ladder positions were informed of the promotion potential of the position.

3. The employee meets qualification and time-in-grade requirements for the higher grade position.

4. The employee has demonstrated his/her ability to perform more difficult and responsible duties at the higher grade level.

Promotion or assignment into the listed career ladder positions does not guarantee future advancement since that depends on the individual's ability to perform at the higher level and management's ability to assign those duties.

Positions covered are:

<u>Series</u>	<u>Title</u>	<u>Entry Level</u>	<u>Journeyman Level</u>
GS-304	Information Receptionist	GS-3	GS-4
GS-305	Mail and File Clerk	GS-2	GS-4
GS-986	Legal Clerk--whose primary responsibility is docketing.	GS-4	GS-5
	Legal Clerk--whose primary responsibility is to provide legal clerical support to one or more attorneys.	GS-4	GS-6
Note: Clerk-Typist, GS-322-3, and 4 and Clerk-Stenographer, GS-312-3, 4 and 5, may be used as trainee positions in lieu of Legal Clerk, GS-986-4 and 5 as appropriate.			
GS-203	Personnel Clerk	GS-4	GS-6
GS-203	Personnel Assistant	GS-6	GS-7
GS-201	Personnel Specialist	GS-5	GS-12

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GS-322	Clerk-Typist (Word Processing)	GS-2	GS-5
GS-312	Clerk-Stenographer (Word Processing)	GS-3	GS-5
GS-343	Management Analyst--whose primary responsibility is to assist PROMIS System Manager.	GS-5	GS-9
GS-343	Computer Programmer--whose primary responsibility is to assist PROMIS System Manager.	GS-7	GS-9
GS-986	Legal Clerk--whose primary responsibility is debt collection.	GS-5	GS-9

Career ladders for other positions will be established by the Personnel Officer, or designee, at the time the positions are established. These career ladders must be documented in the individual's Official Personnel Folder.

F. Management Options: At their discretion, supervisors may fill positions by means other than the competitive procedures described in this plan. Options include, but are not limited to:

1. OPM certificates of eligibles;
2. Veterans readjustment appointments; or
3. Reassignment, lateral transfer, reinstatement, or voluntary demotion of a status applicant into a position with no known promotion potential or a position having no higher promotion potential than one's existing or most recent position. Selection of a candidate who is eligible for noncompetitive placement can be made at any point regardless of vacancy announcement opening or closing dates.

In addition, supervisors have the right to select or not select from among the best qualified candidates referred.

G. Delegation of Selection Authority: In the interest of effective management, delegation of selection authority should generally be made to supervisory levels close to the position being filled. Whenever practical, it should be delegated directly to the supervisor responsible for the vacancy being filled.

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H. Areas of Consideration:

1. The areas of consideration should be sufficiently broad to afford employees reasonable opportunity for advancement and to provide an adequate supply of highly qualified applicants. The minimum areas of consideration are:

a. GS-12 and below: Offices covered by this plan in the commuting area;

b. GS/GM-13: All the offices of the U.S. Attorneys and the Executive Office for U.S. Attorneys; and

c. GS/GM-14 and above: Department-wide.

2. The area of consideration for positions at the GS-12 level and below may be broadened to include either all Department of Justice activities or all federal activities in the commuting area or region in order to obtain more qualified applicants if it is anticipated that distribution within the minimum area of consideration will not generate a sufficient number of qualified applicants.

3. Regardless of the area of consideration used to locate candidates for a particular vacancy, any status employee of the Department may apply and consideration should be given, where practical, if ceiling and/or budget constraints do not preclude or otherwise restrict the filling of the position from such other Department of Justice sources. Concurrent consideration may be given to interested and available status candidates who have applied from outside the Department depending upon such factors as labor market conditions, the availability of qualified applicants from Departmental sources, ceiling spaces, etc.

I. Locating Candidates:

1. Merit Promotion Vacancy Announcements will be posted on bulletin boards throughout the minimum area of consideration and may be distributed to other federal activities in the commuting area.

2. Vacancy announcements, for which the area of consideration is Department-wide, will be prepared by the Personnel Office.

3. All other vacancy announcements will be prepared by the selecting office on Form USA-195. They will contain the following information:

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- a. Announcement number and date;
  - b. Area of consideration;
  - c. Title, series, grade(s), and number of positions;
  - d. Location of the position;
  - e. Deadline for acceptance of applications;
  - f. Duties;
  - g. Qualification requirements;
  - h. Evaluation methods used;
  - i. Promotion potential;
  - j. Instructions for applying;
  - k. Whether the position is supervisory or managerial and, if it is, a one-year probationary period is required before any initial appointment to a supervisory or managerial position becomes final (see 5 C.F.R. §§315.901-909); and
  - l. Whether or not relocation expenses will be authorized in the event selection is made of a candidate who applies from outside the commuting area. See paragraph I.6.
4. A vacancy announcement will be open for at least:
- a. 10 calendar days--GS-12 and below; and
  - b. 14 calendar days--GS/GM-13 and above.
5. Applications must be received, if submitted in person, or postmarked, if submitted by mail, prior to close of business on the closing date, unless otherwise specified in the announcement.
6. It is Executive Office policy that relocation expenses are authorized for employees whose transfer/movement to different geographical areas are determined to be in the interest of the government. However, there is no automatic entitlement to reimbursement of relocation expenses upon an employee's change of his/her post-of-duty; reimbursement of such expense is conditioned upon sound judgment and on affirmative management determination that the



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transfer/movement is, in fact, "in the interest of the government" and is not primarily for the convenience or benefit of the employee. In making determinations as to whether a transfer/movement is or is not "in the interest of the government," the following guidelines will apply:

a. Management-directed transfer/movements are determined to be in the interest of the government and accordingly payment of relocation expenses is authorized.

b. A transfer/movement requested by an employee for his or her own personal reasons, convenience, or benefit which is subsequently approved by management is determined not to be in the interest of the government for purposes of entitlement to payment of relocation expenses.

c. Selection stemming from announced vacancies: In general, relocation expenses are normally authorized for an employee whose transfer/movement results from competitive selection pursuant to a merit promotion announcement. However, payment of relocation expenses is not automatic in such cases and generally will not be authorized where one or more of the following conditions/factors exist:

(1) Skill/grade level considerations: It is determined that it is generally not cost effective or in the interest of the government to pay moving expenses for selectees to positions at the GS-6 level and below or equivalent. Skills required for such positions are ordinarily readily attainable from among local sources through on-site and/or local training facilities. This provision is not applicable where OPM has established special salary rates for the occupation and grade based upon a manpower shortage determination.

(2) Labor market conditions: Where past Merit Promotion recruiting efforts for similar vacancies yield sufficient highly qualified candidates (usually five or more) from within the local commuting area, it has been determined that it is not generally cost effective or in the interest of the government to pay moving expenses of a selectee who resides outside of the commuting area.

(3) Relocation to accompany spouse: It has been determined that it is not in the interest of the government

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to move an employee at government expense where the employee is relocating to accompany his or her spouse and where the spouse's employer will or has covered the costs.

The provisions of sub-paragraphs c(1) through c(2) may be waived to permit the payment of relocation expenses in cases of extreme hardship or in light of the totality of the situation. Written requests for such waivers are to be directed to the Personnel Officer and must include full justification/reasons why such waiver(s) should be granted. Further, in view of recent Comptroller General decisions, the following statement must be included on all vacancy announcements for purposes of alerting prospective applicants to the fact that they are not automatically entitled to payment of relocation expenses:

Relocation expenses may or may not be authorized. The determination of entitlement to the payment of such expenses will be made in accord with guidance contained in USAM 10-2.311.

7. Supervisors may refer employees for promotion consideration. This is in accordance with the supervisor's responsibility to assist in and further the development of employees. However, supervisory referrals may be used only to supplement names obtained by other methods of locating candidates; the employees referred must meet the same requirements and be evaluated by the same means as other employees under consideration.

8. Employees of the Department of Justice desiring relocation to geographical areas outside the commuting area of their duty stations should contact in writing the heads of the offices in which they are interested. They should specify the types of positions and grades in which they are interested and include current SF-171's, Personal Qualifications Statements, and OBD-35s, Supervisory Evaluations of Performance. Such employees must be given for a reasonable period of time full consideration for any appropriate vacancies for which they qualify.

9. Applications from non-Department of Justice applicants may be accepted at the discretion of individual offices and maintained in applicant supply files. Applications from the files may be used to supplement the candidates generated by Merit Promotion advertisements and other methods.

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10. Offices must ensure that employees within the area of consideration who are absent for legitimate reasons (*i.e.*, on detail, on leave, at training courses, or in the military service) receive appropriate consideration for promotion.

J. Qualification Standards:

1. OPM Handbook X-118 states the required qualifications for each grade and series of positions and will be used, except as otherwise approved by OPM, to determine whether employees are "eligible" for a particular position.

2. Selective placement factors applying to specific positions or groups of positions may be established if they are essential to successful performance in the position to be filled. The need for such requirements must be clearly demonstrated in the position description and must be approved in advance by the Personnel Office, EOUSA.

3. To be eligible for consideration for supervisory positions, candidates must meet the supervisory qualification standards published in OPM Handbook X-118 in addition to any specific subject matter knowledge and skill requirements. It is necessary to outline in the Notice of Vacancy the following minimum qualification requirements:

a. First level supervisory positions.

(1) Ability to motivate, train, and work effectively with subordinates who have a variety of backgrounds and training;

(2) Ability to accomplish the quality and quantity of work expected within set limits of cost and time;

(3) Ability to plan own work and carry out assignments effectively;

(4) Ability to communicate with others effectively both orally and in writing in working out solutions to problems or questions relating to the work;

(5) Ability to understand and further management goals as these affect day-to-day work operations; and

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(6) Ability to develop improvements in or design new work methods and procedures.

b. Supervisory positions at second and higher levels.

In addition to the abilities required for first-level supervisory positions, candidates for supervisory positions at second and higher levels must possess, or have the potential to develop, the following:

(1) Ability to deal effectively with individuals or groups representing widely divergent backgrounds, interests and points of view;

(2) Ability to adjust work operations to meet emergency or changing program or production requirements within available resources and with minimum sacrifice of quantity or quality of work;

(3) Ability to establish program objectives or performance goals and to assess progress toward their achievement;

(4) Ability to coordinate and integrate the work activities of several organizational segments or several different projects;

(5) Ability to analyze organizational and operational problems and develop timely and economical solutions; and

(6) Ability to represent the activity both within and outside the organization or agency and to gain support for the agency's program goals.

K. Evaluation and Ranking: The Federal Merit Promotion Policy requires that selection for advancement be made from among the best-qualified candidates. Therefore, job-related evaluation criteria that go beyond the standards for determining basic eligibility are used to permit the meaningful, objective ranking of eligible candidates. Identification of critical elements of the position may aid in the development of evaluation criteria. The following factors will be used in the evaluation of eligible candidates.

1. Experience: Appropriateness of experience will be determined in terms of the position to be filled. Length and recency of



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experience may be considered if it can be clearly shown to be an important aspect for the particular job to be filled and if it is an indicator of potential to perform in a superior manner in the position to be filled. In no case will credit be given for more than five years of specialized experience beyond that required to meet minimum OPM qualifications.

2. Performance Appraisal: Every effort must be made to obtain a performance appraisal completed during the past year for each applicant. Form OBD-35 must be used for all employees covered by this plan. Appraisal forms from other agencies may be accepted for applicants from other organizations. Only those factors (and the corresponding ratings on those factors) which are specifically relevant to the requirements of the position to be filled are to be considered when evaluating the performance appraisal.

3. Training and Education: Pertinent training, self-development, and outside activities determined to indicate effective performance in the position to be filled will be considered only to the extent that they are clearly job-related or clearly provide evidence of learning ability where this is a requirement for successful performance in the job.

4. Awards: Employees' achievements (i.e., awards and letters of commendation) that earned them special recognition will be assessed in terms of the requirements of the job to be filled.

L. Evaluation and Ranking Procedures:

1. Before carrying out the evaluation and ranking procedures described below, all applications should be reviewed to ensure that the applicants possess all of the following:

- a. Competitive status;
- b. Minimum qualification requirements, including selective factors; and
- c. Time in grade, if applying for a position at GS-6 or above.

2. If there are five or fewer qualified candidates, rating and ranking procedures do not have to be applied. In such cases, all eligible candidates may be referred to the selecting official as the "best qualified" group. See paragraph M below.

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3. If there are more than five qualified candidates for a position with promotion potential no greater than GS-6, candidates may be rated by either a promotion panel or by an employee designated by the head of the office who is familiar with the evaluation and ranking procedure and is at least one grade higher than the position being filled.

4. Applicants for all work leader or supervisory positions, regardless of grade level, and for all positions at or with promotion potential to the GS-7 level or above, for which there are more than five qualified candidates, must be rated and ranked by the promotion panels.

a. Promotion panels must consist of at least two employees;

b. When possible, members of promotion panels should be at least one grade higher than the position being filled; and

c. In no case will a candidate for the vacancy or the selecting official be a member of the panel.

5. Based on the factors listed in paragraph K, a numerical rating plan must be developed and all eligible candidates must be assigned a score. When a vacancy is announced at multiple grade levels, different criteria are required for each grade level. In developing the plan, the following factors should be considered:

a. The relative weight to be given each factor. This will vary from position to position;

b. The types of experience, education and training most likely to produce "outstanding" and "good" candidates; and

c. The factors in the performance appraisal relevant to the job to be filled. Writing skills are not relevant for a clerk position and should not be taken into consideration.

6. The evaluator(s) must determine which of the eligible candidates are "best qualified" based on numerical scores, and the basis for such determinations must be documented in the promotion records. The "best qualified" candidates are normally the three to five candidates with the highest numerical scores. There should be a meaningful distinction between those candidates who are in the best qualified group and the remaining candidates. A meaningful distinction is a significant difference in the numerical scores. If

the initial rating and ranking exercise defines a best qualified group substantially larger than five candidates, then the rating and ranking criteria should be modified to more closely evaluate the candidates' qualifications.

M. Referral and Selection:

1. When all eligible candidates have been evaluated and ranked, the evaluator(s) is to prepare a USA-196, Promotion Candidate List, listing in alphabetical order the names of the best qualified candidates. If the vacancy was advertised at multiple grade levels, those candidates identified as best qualified for a particular grade level should be grouped separately from those identified as best qualified for other grade levels, or a separate list may be prepared for each grade level. Individual scores are not to be included on the form.

2. A certificate will normally show the names of three to five of the top ranking candidates for the vacancy to be filled with at least one additional candidate added for each additional identical vacancy.

3. In cases where rankings do not permit the making of meaningful distinctions between candidates even though the rating and ranking criteria is modified, additional candidates may be listed on the certificate. The reasons for such certification shall be documented in the promotion records.

4. Depending upon the availability of candidates and their qualifications, the number of candidates referred to the supervisor may be less than three.

5. Normally, those applicants referred to the selecting official should be interviewed. If a selecting official chooses to interview some but not all of the referred applicants, the reasons for not conducting interviews must be documented in the promotion records. If typing and/or stenography is required, the applicants may be asked to demonstrate those skills during the interview.

6. The selecting official is not required to fill a vacancy by selecting one of the candidates listed on the promotion certificate. He/she may request readvertisement with an expansion of the area of consideration or initiate additional recruitment efforts to fill the job by some other type of placement action. However, if selection is to be made by competitive procedures, the range of selection is

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limited to those candidates who have been identified as "best qualified."

7. The selecting official's decision to select a particular candidate is subject to the approval of the Personnel Officer or designee, and such other approvals as may be required by law, regulation, or policy. The selecting official shall indicate his/her decision and other actions as required on the Promotion Candidate List.

8. The selecting office will announce the selection and arrange for release of the employee from his/her current employment only after notification of approval of the action by the Personnel Office, EOUSA. Employees selected should be released promptly from their existing positions, normally within 15 days after selection or at the end of the first full pay period after selection.

9. Position changes within the Department involving changes in pay, e.g., promotions, voluntary demotions, reassignment from positions subject to special salary pay rates to positions not subject to such rates, etc., will be made at the beginning of a pay period as opposed to dates within a pay period. Position changes involving pay or a change from one pay plan to another will normally be effective on the first day of the first pay period after the Personnel Officer gives final administrative approval of the action. In those circumstances where a personnel action such as described above also involves a change in supervisors, the effective date will be the first day of the second pay period following final administrative approval by the Personnel Officer, or his/her designee, unless the affected supervisors (gaining and releasing) agree to an alternative date.

N. Information to Candidates:

1. Every applicant who files for consideration under a Merit Promotion Vacancy Announcement is to be notified by the selecting office of the outcome of each consideration received after approval of the action.

2. Upon written request, the Personnel Officer or U.S. Attorney will furnish to any candidate the information specified below:

a. The qualification standards and rating criteria used for the position, including selective placement factors;



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- b. Whether the candidate was considered for the position;
- c. Whether the qualification requirements were met;
- d. Whether the candidate was in the group of eligibles from which selection was made; and
- e. The name, title, organizational assignment, and geographic location of the person who was selected for the position.

3. Supervisors are encouraged to discuss with employees the reasons for the employees' nonselection and what they might do to improve their chances for further selection for advancement.

O. Documentation and Records:

1. In addition to the SF-52, Request for Personnel Action, the following documentation must be submitted to the Personnel Office:

- a. Notice of Vacancy (USA-195);
- b. Copies of all applicants' SF-171s;
- c. Copies of performance appraisals;
- d. Rating criteria;
- e. Rating for each applicant;
- f. Signed promotion candidate list (USA-196);
- g. List indicating distribution of Notice of Vacancy; and
- h. USA-209, Employment Monitoring Report for Non-Attorneys.

2. Documentation will be maintained by the Personnel Office in accordance with FPM Chapter 335. Offices may keep a copy of the documentation for two years. Any requests for copies of Merit Promotion announcement documentations should be forwarded to the Personnel Office.

P. Employee Complaints: Employee complaints arising out of the operation of this plan are to be handled in accordance with grievance procedures prescribed in DOJ Order 1771.1B or as appropriate, the equal opportunity procedures prescribed by DOJ Order 1713.4. Nonselection from among a group of properly ranked and certified candidates is not a basis for a grievance. There is no right of appeal to OPM.

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Q. Violations: Violations of Merit Promotion policy or procedure will be dealt with promptly, firmly, and fairly. Corrective action may be initiated by the Personnel Office, the Department, or OPM. Action to rectify a violation may involve the employee erroneously promoted, the employee(s) who was not promoted or who was not given proper consideration because of the violation, or the officials who caused or sanctioned the violation. The nature and extent of actions taken will be determined on the basis of all facts of the case, with due regard to the circumstances surrounding the violation and to the equitable and legal rights of the parties concerned. The Personnel Office may direct that the wronged individual be given priority consideration for the next vacancy.

R. Disciplinary Penalties: Any official found to have improperly discriminated on the basis of an employee's color, race, religion, national origin, politics, marital status, physical handicap, age, membership or nonmembership in an employee organization, sex, or on the basis of personal favoritism in the rating of an employee or in making a selection may be subject to disciplinary action as circumstances warrant.

10-2.312 Certification Procedures

The normal process for hiring a non-attorney applicant on his/her first permanent appointment is by certification from the U.S. Office of Personnel Management's (OPM) employment registers. Certificates are also used to hire temporary employees under certain circumstances.

The SF-39, Eligibles Request and Certification Form, is the basic form used to request a certificate of eligibles. To avoid delays, it must be completely filled in. The SF-39 and a copy of the position description must be forwarded to the Area Office of the OPM for positions at the GS-15 level and below, except for Paralegal Specialists, GS-950-9/11/12, handling the Victim/Witness Assistance and Law Enforcement Coordinating Committee Programs, as noted below. The OPM will provide a list of names from an existing register. If there is no register, the OPM will either issue authority to hire an employee under a TAPER appointment, or it will conduct a competitive examination after advertising for applicants for the position and then refer the applicants with the highest scores.

If an office has a particular applicant in mind for a specific position, a "name request" can be submitted to the OPM on the SF-39. OPM will refer the applicant if he/she is among those with the highest scores on the register. Name requests do not guarantee that the preferred applicant will be referred for employment or that he/she will be selected. Therefore, it is imperative that no commitment be made to the applicant prior to completion of the certification process and approval by the Personnel Management Staff, Executive Office for U.S. Attorneys (EOUSA).

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For positions whose qualifications require specialized experience, an office may request that the OPM use selective or quality ranking factors. Selective factors are job related knowledges, skills, or abilities which are in addition to or more specific than those defined in the OPM's Qualifications Handbook. They are "must have" factors. Any applicant who does not have a valid selective factor will be ineligible for the particular position. Quality ranking factors, on the other hand, are job related knowledges, skills, or abilities which may help to identify better qualified applicants. In order for selective and quality ranking factors to be accepted by the OPM, they must be job related, be reflected in the official position description, and be measurable. An SF-39A, Selective Factors and Quality Ranking Factors, should be used to request and justify selective and/or quality ranking factors. If the form is not available and plain paper is used, a format similar to an SF-39A is preferred.

The OPM has delegated to the Personnel Management Staff, EOUSA, through February 28, 1986, the authority to recruit and examine applicants for Paralegal Specialist positions, GS-950-9/11/12, who are to handle the Victim/Witness Assistance and Law Enforcement Coordinating Committee Programs. The Personnel Management Staff will be required to use the same procedures employed by OPM to examine for these positions. All certification requests are to be made on an SF-39, Eligibles Request and Certification Form, and mailed to the servicing personnel management specialist, who will take the necessary action to announce the position. The SF-39 must be accompanied by an SF-39A, Selective Factors and Qualifying Ranking Factors, and position description.

As soon as a list of eligibles is received, each applicant must be contacted by the U.S. Attorney's office. This can be done initially by telephone or with an OF-5, Inquiry as to Availability. Normally, ten days are allowed for the return of the OF-5. All declinations should be confirmed in writing.

When working with the certificates, two rules apply:

1. The Rule of Three. Selections must be made from the top three applicants who have expressed an interest in the position unless the OPM sustains an objection.

2. Veteran's Preference. Preference eligibles (normally veterans) cannot be "passed over" in order to select a non-veteran unless the OPM sustains an objection. (See below.)

If a certificate states that applicants have been self-certified for typing and/or stenography, the U.S. Attorney's office may test all or none of the applicants who express an interest in the position. Testing material must be obtained from the OPM.

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A U.S. Attorney's office may file with the OPM or the Personnel Management Staff a request to waive either the Rule of Three or Veteran's Preference. The office must be able to demonstrate that one of the top three interested candidates or the applicant having veteran's preference clearly is not capable of performing the duties of the position. All such cases must be submitted on an SF-62, Statement of Reasons for Passing over a Preference Eligible, in triplicate, stating specifically and clearly the reasons which serve as the basis for filing the objection. The SF-62 must be accompanied by adequate supporting evidence or information, a position description, and the applicant's SF-171, Personnel Qualifications Statement. Reasons cited should be stated in such a way that they can be released to the applicant. All SF-62s should be reviewed by the Personnel Management Staff, EOUSA, prior to submission to the OPM.

When an applicant has been tentatively selected, the certificate and list of eligibles must be completed and returned to the issuing office. All applicants who expressed an interest should be sent a courtesy rejection letter after the appointment has been approved by the Personnel Management Staff, EOUSA. The procedures described in USAM 10-2.320, infra, must be followed to effect the appointment.

#### 10-2.313 Reinstatement

Former competitive employees (career or career-conditional) may be employed without OPM certification. This is called "reinstatement." There is no time limitation on the reinstatement of veterans preference eligibles or former "career" employees. Other persons may be reinstated only within three years of the date of their separation, unless extended by other government service. To be reinstated, the employee must meet the qualification requirements of the position. If separated less than one year, the employee must also meet any time-in-grade requirements. The requirements of the Merit Promotion Plan are also applicable. Reinstated employees who previously served a probationary period are not required to serve new ones.

#### 10-2.314 Transfers and Reassignment

"Transfer" means the movement of a career or career-conditional employee from one agency to another without a break in service of one full work day. Movement within the Department of Justice is a "reassignment," not a transfer. Merit promotion must be followed.



10-2.315 Veterans Readjustment Appointments

Veterans Readjustment Appointments may be used to fill positions at or below the GS-9 grade level. These appointments are designed to permit Vietnam-era veterans to gain needed education and/or training while productively employed. No appointments can be made under this authority after September 30, 1986.

A. Basic Eligibility: To be eligible for appointment, a veteran must meet all of the following conditions:

1. Have served 180 days, some between August 5, 1964, and May 7, 1975;
2. Have received other than a dishonorable discharge;
3. Be a U.S. Citizen;
4. Have completed no more than 14 years of education, except for compensably disabled veterans and veterans discharged because of service-connected disabilities; and
5. Have agreed in writing to pursue a training or educational program during employment under the appointment.

B. Conditions of Appointment: In addition to the requirement for training agreements, the following conditions apply to Veterans Readjustment Appointments:

1. Appointments must be at the GS-9 level or below. For appointments at the GS-4 through GS-9 levels, the veteran must meet the appropriate competitive standards, including passing a written test, if required. The veteran may receive career promotions while serving under this appointment authority.
2. Veterans with compensable service-connected disabilities of 10% or more are entitled to priority in consideration for appointment.
3. Appointments are for a period of two years after which the appointees are eligible for conversion to career-conditional appointments.
4. Appointees whose performance or participation in training or educational programs is unsatisfactory will have their appointments terminated.

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C. Education and Training Requirements: Selectees for Veterans Readjustment Appointments must agree in writing to a developmental program. Developmental activities may include:

1. Planned on-the-job training;
2. Off-job classroom training;
3. Basic or remedial education, or both;
4. High school or high school equivalency; and
5. Education beyond high school.

A written training or education plan must be developed. A copy must be forwarded to the Personnel Office at the time of appointment. The written plan should specify:

1. The veteran's educational or training objectives;
2. The activities the veteran will undertake to fulfill them;
3. The support the office will provide to the veteran; and
4. What constitutes satisfactory participation by the veteran.

10-2.316 Details

A detail is the temporary assignment of an employee to a different position for a brief, specified period. The Office of Personnel Management has imposed the following requirements on details:

A. A detail should be limited to 120-days or less. Longer details must be approved by the Personnel Office, Executive Office, before the 120th day;

B. A detail of more than 30 days must be reported to the Personnel Office on an SF-52, Request for Personnel Action; and

C. A detail of more than 120 days to a higher-graded position or one with known promotion potential must be advertised under the merit promotion plan.

Requests to detail secretaries serving under "Schedule C" appointments, regardless of the length of the detail, must be submitted to

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the Executive Office's Personnel Office, in order that the approval of the Justice Management Division (JMD) can be obtained prior to the start of the detail. The detail cannot begin until JMD has given its approval. The request must be accompanied by justification which states why it is necessary to detail the "Schedule C" employee.

Requests for extension of details, including their justification, should be submitted to the Personnel Office at least one month in advance of the effective date. The Personnel Office is authorized to approve extensions within the following parameters:

- A. Details in 120-day increments to the same or lower-graded positions for up to 1 year;
- B. Details to higher-graded positions for up to one year during "major reorganizations;"
- C. Details to higher-graded positions not during major reorganizations for up to 240 days; and
- D. No details to unclassified positions beyond 120 days.

Many situations found in U.S. Attorneys' offices are not considered details under the requirements described above. General Schedule employees who are detailed from one position to another without any change in duties, or who are assigned additional duties on a temporary basis, and Assistant U.S. Attorneys are not covered by these requirements.

The Comptroller General (CG) has authorized the awarding of backpay to employees who have been detailed improperly to higher-graded positions for more than 120 days. The following conditions must be met in order for backpay to be awarded:

- A. The position to which the employee was detailed must be classified as of the effective date of the detail;
- B. The detail must have lasted more than 120 days;
- C. All statutory and regulatory requirements for promotion must be met;
- D. The claim must be received "within 6 years after the date such claim first accrued" (see 31 U.S.C. §72A); and

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E. Acceptable documentation to substantiate the detail must be submitted.

Claims must be submitted in writing over the signature and address of the employee (or the employee's authorized agent) to the Personnel Office. Each claim must identify:

A. The starting and ending dates of the detail;

B. The title, series, grade, position description number, and organizational location of the position to which detailed; and

C. All supporting information in the employee's possession to show the detail occurred.

The Personnel Office is authorized to adjudicate outstanding claims or to submit doubtful claims to the General Accounting Office (GAO). Claims should not be submitted to the Office of Personnel Management (OPM). However, employees who do not agree with this office's determination may address their concerns to the OPM.

10-2.317 Priority Placement of Employees Entitled to Grade/Pay Retention Benefits

The Civil Service Reform Act of 1978 provides for grade and pay retention benefits for certain employees whose positions are downgraded through no fault of the employee as the result of reclassification or reduction in force. To the extent possible, agencies are required to place employees in positions at the grade of the employees' positions before they were downgraded. (See 5 C.F.R. §536.301(b)(3)).

A U.S. Attorney's office shall make every effort to place a covered employee into a position at his or her former grade level via a program of "priority placement." So long as an employee is entitled to pay or grade retention he or she is to be considered automatically and noncompetitively for all vacant positions at the former grade level of his or her position or at any intervening grade within the commuting area and under the same appointing authority. The employee may be placed in the position noncompetitively and qualification requirements may be waived provided there is evidence that the employee can perform fully the duties of the position within ninety days.

If the employee is not selected noncompetitively, the vacant position may be filled by advertisement, but the covered employee's application is



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to be considered automatically. If the employee is among the "best qualified" group referred to the selecting official but is not selected, the selecting official must notify the employee in writing of the reasons for nonselection. A copy of the notification shall be included in the Merit Promotion package documentation submitted to the Personnel Office.

If an employee declines a "reasonable offer" of position at a grade equal to or higher than the employee's retained grade or at a rate of basic pay equal to or higher than the employee's retained pay, grade or pay retention benefits will be terminated on the last day of the pay period in which the declination is received. To be considered a "reasonable offer," the following conditions must be fulfilled:

- A. The offer must be in writing and must include an official position description;
- B. The offer must inform the employee that an entitlement to grade or pay retention will be terminated if the offer is declined and that the employee may appeal the reasonableness of the offer as provided below.
- C. The offer must be of tenure equal to or greater than that of the position creating the grade/pay retention entitlement;
- D. The offered position must be full-time unless the employee was part-time in the position from which he or she gained entitlement to grade/pay retention; and
- E. The position is in the same commuting area.

An employee whose grade/pay retention benefits are terminated for declining a "reasonable offer" may appeal the termination to the regional Office of Personnel Management (OPM). The appeal must be filed within 20 calendar days after being notified of the termination and shall state the reason(s) why the employee believes the offer of a position was not reasonable. Decisions issued by OPM are considered final.

Grade retention is terminated when the employee assumes a position at a grade equal to or higher than the employee's retained grade. Pay retention is terminated when the employee receives a rate of basic pay equal to or higher than the employee's retained pay.

10-2.320 Employment Forms and Procedures: Non-Attorney Personnel

A. When an applicant has been tentatively selected for a permanent non-attorney position, the following forms must be forwarded to the Personnel Office, Executive Office for U.S. Attorneys:

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1. SF-52, Request for Personnel Action, original only. Indicate whom the employee is replacing (vice);
2. SF-171, Personal Qualifications Statement, original only;
3. SF-86, Security Investigation Data for Sensitive Position, original and three copies, all with original signatures, if the position is sensitive;
4. SF-85, Data for Nonsensitive or Noncritical-Sensitive Position, if the position is nonsensitive;
5. CSC-329-A, Authority for Release of Information, one for each school attended since high school;
6. OBD-258, Fingerprint Card, three originals. Be sure that all information is furnished and that the prints are legible;
7. The Merit Promotion Package (if applicable);
8. SF-39, Eligibles Request and Certification, and Candidate Roster (if applicable);
9. Evidence of reinstatement eligibility (if applicable);
10. Request for waiver of pre-appointment investigation, if position is sensitive. Do not delay forwarding other documents while preparing this;
11. USA-209, Employment Monitoring Report for Non-Attorneys.

B. If the employee is a current federal employee or has had a break in service of less than 30 days, an SF-75 should be forwarded to the other agency at the same time that all of the other forms are submitted to the Executive Office. The form must have the following return address:

Department of Justice  
Executive Office for U.S. Attorneys  
Personnel Office  
Washington, D.C. 20530  
Attn: (Name of the Servicing Personnel Clerk)

C. For employees being reassigned from within the Department of Justice, items mentioned above need not be submitted as no additional security check is needed.

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D. When an employment request is received in the Executive Office, the name and fingerprint checks are immediately initiated. At the same time, the request is reviewed by the Personnel Management Specialist to insure that the appointment is proper. The office will be notified by telephone of any deficiencies so that appropriate action can be taken. No new appointments will be approved until the security check has been completed and the appointment has been approved. No definite commitments should be made to the applicant by anyone in the office until teletyped approval from the Executive Office is received.

E. When the employee reports to work, the following forms must be submitted to the Personnel Office, Executive Office.

1. SF-61, Appointment Affidavits (see USAM 10-2.110);
2. SF-177, Statement of Physical Ability for Light Duty Work;
3. DOJ-233, Employee Locator Information;
4. SF-2817, Life Insurance Election;
5. SF-2809, Health Benefits Registration Form;
6. SF-256, Self-Identification of Medical Disability;
7. SF-181, Race and National Origin Identification;
8. OBD-86, Work Experience in the Federal Government;
9. DD-214, Military Service (if applicable);
10. SF-61B, Declaration of Appointee; and
11. SF-1152, SF-2808, and SF-2823, Designations of Beneficiary, per employee request.

F. The following forms must be submitted to the Payroll Office:

1. W-4, Employee's Withholding Allowance Certificate;
2. Local tax forms;
3. SF-1192, Savings Bonds (per employee request); and
4. SF-1198, Allotments (per employee request);

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\*Do not submit for federal employees transferring from other agencies. If the employee is transferring from another Department activity (except the Federal Bureau of Investigation) submit only an SF-61 and DOJ-233.

10-2.330 Temporary Non-Attorney Employment

Each fiscal year the Executive Office authorizes temporary non-attorney workyear allocations for the offices of the U.S. Attorneys. Districts are to use these workyear allocations to meet any unforeseen situation that may occur during the year which requires additional clerical or paralegal personnel.

The appointments detailed in USAM 10-2.331, 10-2.332, 10-2.334, and 10-2.335 can be made and applied against the temporary non-attorney workyear allocation.

Requests for additional temporary non-attorney workyear allocations should be submitted in writing to the attention of the Director, Office of Administration and Review, EOUSA, and should justify the need for the request.

10-2.331 Types of Temporary Non-Attorney Employment

The following types of appointments can be used:

A. 30-Day Emergency: For use when a need cannot be met through any other existing authority. Extensions for an additional 30 days must be approved by the Director, Office of Administration and Review, Executive Office.

B. Not-to-Exceed One Year: Appointments under this authority can be made for any period up to one year (i.e., 3 months, 7 months, etc.). Appointments can be made based on applicants certified by OPM from a register or based on an applicant's reinstatement rights. Refer to USAM 10-2.312 and USAM 10-2.313. In addition, applicants can be appointed at the GS-12 level and below provided they meet the qualification requirements for position, including having passed any written test required. When an applicant has not been tested he/she can be tested non-competitively.

These appointments can be extended, in increments of up to one year, for a total period of up to four years under certain circumstances. In all cases, prior Executive Office approval is required. Extensions may be approved provided:

1. The original appointment was made in good faith;



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2. The extension is required to complete work in which the temporary appointee is engaged; and

3. The position is not continuing (i.e., permanent part-time, seasonal, or one-call intermittent appointments would not be more appropriate).

Prior to filling a position not through certification or reinstatement, local State Job Service Offices and OPM Federal Job Information Centers must be notified of the vacancy. The notice must include the following information:

1. The period during which applications will be accepted;
2. The title, series, grade, and salary of the position;
3. Length of appointment;
4. Qualifications;
5. How to apply, including what forms to use and how to obtain them; and
6. Whom to contact for more information.

A copy of this announcement and listing of where it was sent must be submitted with the pre-appointment papers.

C. Term of Employment: This appointment authority is for use in long-term projects (1-4 years). Applicants must be certified by the OPM from a register or have reinstatement rights. See USAM 10-2.512.

D. 1040-Hour Appointments: The 1040-hour appointment authority is for student employment in a non-clerical capacity at the GS-7 level or below. No written test is required. Employment may not exceed 1,040 hours in a service year.

E. "JJ" Authority: The "JJ" Authority is for law students. It can be made and extended for periods of up to 1 year or until the student graduates, whichever comes first.

Law students employed under this authority outside the Summer Law Assistant Program are paid as follows:

1. First and second year law students at GS-5; and

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2. Third year law students at GS-7.

10-2.332 Forms and Procedure

A. When an applicant has been tentatively selected for a temporary position, the following forms must be forwarded to the Personnel Office, Executive Office.

1. SF-52, Request for Personnel Action, original only;
2. SF-171, Personal Qualifications Statement, original only;
3. SF-86, Security Investigation Data for Sensitive Position, original and two copies, all with original signatures, for sensitive positions;
4. SF-85, Data for Nonsensitive or Noncritical-Sensitive Position;
5. CSC-329-A, Authority for Release of Information, one for each school attended since high school, if appointment is for six months or more;
6. OBD-258, Fingerprint Card, three originals;
7. SF-39, Eligibles Request and Certification, and Candidate Roster (if applicable);
8. Evidence of Reinstatement Eligibility (if applicable);
9. Copy of teletype approving appointment;
10. Request for waiver of pre-appointment investigation for Sensitive Positions; and
11. USA-209, Employment Monitoring Report for Non-Attorneys.

B. After the appointment has been approved by the Personnel Management Specialist and the security checks have been completed, a teletype approving the appointment will be transmitted. After the teletype has been received, the applicant may enter on duty at which time he/she should submit the following forms to the Personnel Office, Executive Office:

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1. SF-61, Appointment Affidavits (see USAM 10-2.210);
2. SF-177, Statement of Physical Ability for Light Duty Work;
3. DOJ-233, Employee Locator Information;
4. SF-256, Self-Identification of Medical Disability;
5. SF-181, Race and National Origin Identification;
6. OBD-86, Work Experience in the Federal Government;
7. DD-214, Military Service (if applicable);
8. SF-61-B, Declaration of Appointee.

C. The following forms must be mailed directly to the payroll office:

1. W-4 or W-4E, Employee's Withholding Allowance Certificate;  
and
2. State and/or local tax forms.

Term Appointees are treated like permanent employees. See USAM 10-2.520.

#### 10-2.340 Student Employment

#### 10-2.341 Volunteer Student Employment

The Civil Service Reform Act of 1978 provides specific authority for accepting services from students without providing monetary compensation. This authority is to supplement, but not replace, employment programs in which students are paid. No other voluntary programs are authorized in any U.S. Attorney's office.

A. Program Requirements: The acceptance of voluntary services by the federal government is strictly limited. See 31 U.S.C. §665b. To meet the requirements of the Civil Service Reform Act, the following conditions must be met:

1. Such services can not be used to displace any employee or to staff a vacancy which is normally a part of the work force;

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2. The educational institution the student volunteer is enrolled in must give its permission;

3. The student volunteer must be enrolled not less than half-time in an accredited high school, trade school, technical or vocational institute, junior college, college, university, law school, or comparable institution. Students are deemed to be enrolled during interims of up to 5 months between school years if they plan to continue their education during the next school year;

4. Such services can not be accepted for periods of more than six months on a full-time basis unless the student is simultaneously working and attending school on at least a half-time basis;

5. Students employed under this authority may not be provided travel, subsistence expenses, or other reimbursements. (CG Decision B-201528, dated May 11, 1981).

B. Outside Employment Restrictions: Student volunteers are required to abide by the standards of conduct for Department of Justice employees pursuant to 28 C.F.R. Part 45, see USAM 1-4.000. Student volunteers should pay particular attention to 28 C.F.R. §45.735-9 which deals with outside employment.

No student volunteer may engage in any outside employment if the activity:

1. Interferes with the proper and effective performance of his or her official duties;

2. Creates or appears to create a conflict of interest;

3. Reflects adversely on the Department of Justice;

4. Will be influenced or appears to be influenced by the volunteer's position at the Department of Justice;

5. Involves assertions contrary to the interests or positions of the United States: or

6. Involves a criminal matter in which the United States (or the District of Columbia government) is a party or has a direct or substantial interest regardless of whether it is a federal, state or local proceeding.



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Any student volunteer wishing to engage in outside employment that could create, or appear to create, a conflict of interest, must request permission from the Executive Office for U.S. Attorneys, identifying the name of the outside employer, the general nature of the work, and append thereto comments of the U.S. Attorney for his or her office. The Executive Office for U.S. Attorneys will make a determination as to whether the request is justified under 28 C.F.R. §45.735-9.

C. Agreements: Under the law, the permission of the educational institution is a prerequisite to the acceptance of volunteer services. Accordingly, a written agreement must be signed by the U.S. Attorney, or a designee, and a responsible school official. It must stipulate:

1. The service is with the permission of the school;
2. It is limited by statute to a student enrolled in school;
3. The service is to be without compensation; and
4. The student is not considered a federal employee except for purposes of 5 U.S.C. §81 (workers' compensation) and 28 U.S.C. §§2671-2680 (tort claims).

Inclusion of the following information in the agreement is optional:

1. The responsibilities of the school, the student, and the employer;
2. Whether or not such work is to be creditable for educational purposes;
3. A work schedule, if appropriate;
4. The duration of the service; and
5. The method of timekeeping.

D. Hiring Procedures: After making a tentative selection, the following documents must be submitted to the Personnel Office, Executive Office for U.S. Attorneys:

1. SF-52, Request for Personnel Action;
2. SF-86, Security Investigation Data for Sensitive Positions;

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3. SF-171, Personal Qualifications Statement;
4. OBD-258, FBI fingerprint card (three originals);
5. Copy of the agreement with the educational institution;
6. SF-181, Race and National Origin Identification;
7. SF-256, Self-Identification of Medical Disability; and
8. USA-223, Volunteer Agreement.

No commitment should be made until specific authority has been received from the Personnel Office.

E. Security Requirements: A name and fingerprint check must be completed on each student volunteer prior to entry on duty. Since student volunteers are not given full-field background investigations, it is important that they not have access to any classified information. Student volunteers must be advised that they are not to discuss outside the office non-public information which comes to their attention.

F. Notification of Appointment and Separation: The Personnel Office must be notified by memorandum upon the appointment of student volunteers. Appointment affidavits are not required. The Personnel Office must also be informed by a SF-52 of the separation of any student volunteer. Include on the SF-52 a statement of the total service in hours or days rendered between the appointment and separation dates. A DOJ-50, Notification of Personnel Action, will be issued.

#### 10-2.342 Youth Opportunity Campaign

The offices of the U.S. Attorneys are continuing participants in the Youth Opportunity Campaign (YOC). Each year, the Executive Office for U.S. Attorneys is allocated a limited number of positions. These positions are then allocated to the individual offices to be used under the Summer Aid Program or the Stay-In-School Program.

##### A. Summer Aid Program:

These positions are designed to provide clerical jobs for youths from low income families who need income from summer jobs in order to return to school in the fall. Their pay is set at the federal minimum wage. These

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appointments may be effective after May 12 and must be terminated on or before September 30. During September, Summer Aids may be converted to the Stay-in-School Program (see below).

Applicants for Summer Aid positions are obtained from the local office of the State Employment Service. In those states where there are no State Employment Service offices or where these offices advise that they are unable to provide referrals, referrals may be requested from other social agencies.

B. Stay-in-School Program:

These positions are designed to provide clerical jobs for youths who are enrolled in accredited high schools or institutions of higher education, no higher than the baccalaureate level, and need the earnings to stay in school and for mentally retarded and severely handicapped students.

New appointments to these positions, part-time or intermittent, may be made between September 1 and May 12, inclusive. Student aids may work up to 20 hours per week during the school year and 40 hours during vacation periods. They are paid at the minimum wage, or, if qualified, at salaries equivalent to General Schedule rates up to the GS-4 level.

Appointments under this authority may be made for up to one year and extended for additional periods of up to one year if the conditions for initial appointment are still met. The appointments of student aids in their final year of high school or college will terminate at the end of the last month of their final semester. They will be extended only if they submit evidence that they will be enrolled in another school for the next semester.

Referrals for Stay-in-School Program positions should come from state employment agencies, local high schools, or the placement or financial aid offices at local colleges and universities.

C. Economic Guidelines:

Each year, usually in May, the Office of Personnel Management issues a new set of economic guidelines which is based on the federal poverty income guidelines as determined by the Department of Health and Human Services. Individuals appointed either to the Stay-in-School or Summer Aid Programs, unless mentally retarded or severely handicapped, must meet the financial criteria. These guidelines are forwarded each year to State Employment Security Agencies which, in turn, forward copies to local job

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service offices. Copies of these guidelines found in FPM Chapter 308, may be secured from the Executive Office for U.S. Attorneys, Personnel Management Staff.

In those instances where applicants for Stay-in-School or Summer Aid Programs are unable to obtain a financial eligibility determination from a State Employment Service office, an applicant may complete an OPM Form 1495, Financial Eligibility Statement for Student and Summer Aid Programs. The OPM Form 1495 must be certified by the Administrative Officer, indicating that the applicant is eligible, and forwarded with the other appointment forms. Instructions on financial criteria which must be evaluated are detailed on the back of OPM Form 1495.

D. Submission Requirements:

The following should be submitted to the Personnel Management Staff, Executive Office for U.S. Attorneys with each request for appointment:

1. DOJ-52, Request for Personnel Action;
2. SF-85, Data for Nonsensitive or Noncritical Sensitive Positions;
3. SF-171, Personnel Qualifications Statement (one original);
4. Three fingerprint cards;
5. Copy of referral from State Employment Agency or OPM Form 1495, Financial Eligibility Statement for Student and Summer Aid Programs; and
6. A position description if the standard position description is not appropriate (Student Aids are paid GW rates only). Refer to USAM 10-2.241.

In order to extend an appointment or to convert a student from the Summer Aid Program to the Stay-in-School Program, only an SF-52, a statement from the school, and the financial determination of eligibility are required. The school statement should confirm that the student is enrolled (or has been accepted for enrollment) on a substantially full-time basis. As a general rule, students pursuing a bachelor's degree should be enrolled for 12 semester hours or the equivalent if the school is on a quarter or unit system. The financial determination should be in the form of a State Employment Service referral or OPM Form 1495 which certifies the appointee still remains eligible for the program. No

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paperwork is necessary to convert a Stay-in-School employee from part-time to full-time and vice versa.

At the time of appointment, the following should be submitted:

1. SF-61, Appointment Affidavit (refer to USAM 10-2.110);
2. W-4 or W-4e, Federal Income Tax forms;
3. Local and/or State Tax forms;
4. SF-256, Self-Identification of Medical Disability;
5. SF-177, Statement of Physical Ability for Light Work;
6. OBD-86, Work Experience for the Federal Government;
7. DD-214, Military Service (if applicable); and
8. SF-181, Race and National Origin Identification.

10-2.343 College-Work-Study Program

The College-Work-Study Program (CWSP), which is authorized by the Higher Education Act of 1965, as amended, is a federally funded program designed to provide part-time and vacation employment for college and graduate students, including law students, who need the earnings to continue their studies. The Department of Health and Human Services administers this program. Colleges and universities receive grants which are used to pay part of the salaries of students employed on-campus and off-campus in government agencies and non-profit organizations.



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The CWSP is an excellent way to augment the staffing of offices at a low cost and with no charge against personnel allocations. The students can perform a variety of duties in either an administrative or law clerk capacity depending upon their qualifications. Students need not be in law or pre-law curriculum. In fact, their assignments do not have to relate to their course of study.

A. Use of Other Work-Study Programs: In addition to the CWSP, there are a variety of state, local, and privately financed work-study programs. Although these programs may be equally worthy, they cannot be used by the U.S. Attorneys' offices. Due to appropriations restrictions, only federally funded programs are eligible.

B. Who to contact: At most colleges and universities, the financial aid officer is responsible for administering the CWSP. In some cases, consortiums or off-campus groups such as the Urban League administer the CWSP for a group of schools. They are responsible for determining student eligibility, negotiating a contract with the office, and referring qualified students for consideration. During the school year, offices are generally limited to schools within their commuting area. However, more distant schools can be contacted to supply students for the summer.

C. The Contract: Normally, a contract setting out the agreement to hire CWSP students is signed by the U.S. Attorney or designee and by a representative of the school. A copy of each contract must be submitted to the Personnel Office, Executive Office, for review prior to appointing any students covered by the contract.

If it is impossible to obtain a contract, the Executive Office must be advised of the circumstances and of the conditions of employment as understood by the office.

D. Hiring Procedures: After making a tentative selection, the following documents must be submitted to the Executive Office:

1. SF-171, Personal Qualifications Statement;
2. SF-86, Security Investigation Data for Sensitive Position (one original and one copy); and
3. OBD-258, FBI fingerprint cards (three originals).

A SF-52 is not required for college work-study students. No commitment may be made to applicants until specific authority to appoint a given applicant has been received from the Executive Office.

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E. Security Requirements: A name and a fingerprint check must be completed on each student prior to entry on duty. Since CWSP students are not given full-field investigations, it is important that they not have access to any classified information. Moreover, students must be advised that they are to keep confidential non-public information that comes to their attention.

F. Status of Students: CWSP students must be advised that their employment in the office does not qualify as federal employment under OPM regulations.

G. Hours Worked: CWSP students may work up to 20 hours per week during the school year and 40 hours per week during vacation periods. The actual number of hours to be worked is established in the contract and is frequently less than the maximum. It is based on the needs of the office, the availability of funds, and the student's academic program. The students must be paid for all hours worked and may not be paid for hours beyond those approved under the program.

H. Salaries: The salaries of CWSP students are set by the college in consultation with the office. Students can not be paid less than the minimum wage. There is no maximum hourly rate; however, salaries should be reasonable based on local conditions and the availability of funds.

I. Office's Salary Contributions: Normally, a U.S. Attorney's office pays 20 percent of the student's salary. If a college asks for a higher reimbursement rate, the office is authorized to agree to pay up to 40 percent of the student's salary. CWSP students are covered by Federal Workmen's Compensation. Therefore, we normally will not reimburse the college for the costs of state workmen's compensation. You are authorized to agree to reimburse the school for the employee's Social Security contributions. Normally, you should not agree to pay the administrative costs of the program to the school.

J. Payments: Payments must be made on a reimbursement basis to the school for services rendered, as students can not be paid directly by the office. The office is responsible for notifying the school of the hours worked by each student. The school should be asked to submit its bill on an agreed-upon basis (bi-weekly, monthly, or quarterly). The following information must be included on each bill:

1. Names of students;
2. Amount paid to each student;

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3. Number of hours worked by each student; and
4. Total amount billed.

Upon receipt of the bill, the office should complete an OBD-50, Voucher Cover Sheet, indicating accounting classification code 1133, part-time temporary compensation. The OBD-50 and bill are submitted to the Marshal for payment.

K. Notification of Separation: The Executive Office should be notified by memorandum of the separation of a CWSP student.

10-2.344 Summer Student Assistant Program

Each year the Executive Office for U.S. Attorneys conducts a Summer Student Assistant Program for the U.S. Attorneys' offices.

Positions are allocated based on the size of the office, with each district receiving at least one position. Allocations are made in the late fall of the preceding year.

To be eligible, the student assistants must have (a) completed their second year of law school and be eligible to enter their final year of law school; or (b) be in their third year of law school, but not eligible for graduation until at least the end of the fall semester following employment. Students who are the sons or daughters of Department of Justice employees are generally not eligible. See USAM 10-2.130.

Applicants for the program are generated by the Department's Office of Attorney Personnel Management's nationwide announcement to all accredited law schools and through a nationwide announcement published by OPM in a "Summer Jobs" bulletin. The filing deadline for these positions may vary between November 4 and December 15. The filing deadline is the date before which no selections can be made and after which the applicant may not be accepted. Each office will establish a filing deadline based on local needs.

Each district must take affirmative action to recruit men and women of all racial and ethnic backgrounds. Approval will not be given in the absence of clear evidence of affirmative action efforts. All applicants are to be asked to voluntarily complete OPM Form 1386, Background Survey Questionnaire 79-2, in compliance with USAM 10-2.700.

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A. All applicants must be formally selected from among those who are "best" qualified. The following suggested rating criteria may be used to determine which applicants are "best" qualified:

1. Law School Record (grade point average): 0-20 points
  - 90%+ — 20 points
  - 80%+ — 15 points
  - 75%+ — 10 points
  - 70%+ — 5 points
2. Academic Awards or Special Achievements: 0-30 points
  - Order of the Coif 10 points
  - Barrister (Moot Court Award) 10 points
  - Dean's List 5 points
  - Scholarship Based on Scholastic Merit 5 points
  - Other related awards 5 points
3. Legal Research and Writing: 0 to 20 points
  - Law Review 10 points
  - Finalist in Moot Court Competition 10 points
  - Participant in Moot Court Competition 5 points
  - On Moot Court or other Law Journals 5 points
4. Prior Legal Experience: 0 to 20 points
  - 2 points for each month of full time law clerk experience
  - 1 point for each month as a legal secretary, law enforcement experience or investigative journalistic experience.

These rating criteria may be modified to meet local needs. In selecting from among the best qualified applicants, such factors as the quality of a writing sample, ability to discuss and defend the sample, and similar related criteria may be used.

Written documentation of selection procedures, including a copy of the rating criteria used and the applications received, must be maintained in the office for two years. Copies of this documentation should not be forwarded to the Personnel Office, Executive Office.

B. The following must be submitted to the Personnel Office, Executive Office, at any time after the filing deadline, but no later than February 15, for students that the U.S. Attorneys' offices wish to employ:

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1. SF-52, Request for Personnel Action;
2. SF-171, Personal Qualifications Statement;
3. SF-86, Security Investigation Data for Sensitive Position (two copies);
4. OBD-258, FBI fingerprint cards (three originals);
5. SF-181, Race and National Origin Identification;
6. Supplement to Application - Summer Law Assistant Program;  
and
7. USA-209, Employment Monitoring Report for Non-Attorneys.

If the student is currently employed by the office, it should be noted on the SF-52; new security forms should not be submitted.

Before a final offer of employment can be made to any student, positive telegraphic approval must be received from the Executive Office. Students should be advised that such approval is contingent upon a number of factors, such as the security check, a review of qualifications, and budgetary limitations. It is especially important that the SF-86 be completed. In particular, applicants must list any arrest, detention, or fines no matter what the disposition of the case.

C. Summer student assistant appointees may be brought on at any time after May 13 and must be terminated by September 30. They receive 700-hour appointments as Paralegal Specialists, GS-950-07/01. The following should be submitted when they enter on duty:

1. SF-61, Appointment Affidavits (see USAM 10-2.110);
2. DOJ-223, Employee Locator Information;
3. SF-256, Self-Identification of Medical Disability;
4. SF-177, Statement of Physical Ability for Light Duty Work;
5. OBD-86, Work Experience in the Federal Government; and
6. DD-214, Military Service (if applicable).



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The following forms must be mailed directly to the payroll office:

1. W-4 or W-4E, Employee's Withholding Allowance Certificate;  
and
2. State and/or local tax forms.

10-2.345 Comprehensive Employment and Training Act (CETA)

The Comprehensive Employment and Training Act of 1973 (CETA) is designed to provide job training and economic opportunities for economically disadvantaged, unemployed, and underemployed persons. Funds are provided by the U.S. Department of Labor to state and local governments, and Indian tribes on federal reservations for their use on programs designed to meet their own needs.

CETA enrollees are placed by the sponsoring agency on a short term basis (normally not more than one year) in government agencies and non-profit organizations.

The enrollees' salaries are paid by the sponsor from CETA funds. There is no commitment to hire enrollees on a permanent basis upon completion of their temporary employment.

CETA enrollees can perform a variety of duties, particularly in the clerical and lesser-skilled areas, so long as they do not displace presently employed personnel.

If an office is interested in hosting CETA enrollees, contact the local Department of Labor representative or Office of Personnel Management area office for the name of the CETA sponsor in this area. The CETA sponsor will provide applicants that meet the qualifications requested. A letter of understanding should be executed when an office agrees to host a CETA enrollee. The letter of understanding should delineate the hosting arrangements, including:

1. The number of enrollees covered by the letter;
2. A brief description of the duties to be performed;
3. The number of hours per week authorized;
4. Arrangements for reporting time and attendance;
5. Length of the agreement;

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6. Procedures for removing unsatisfactory employees;
7. Statement that all salaries will be paid by sponsor with CETA funds; and
8. Statement that employment with the office is not federal employment.

After making a tentative selection, the following documents should be submitted to the Executive Office for U.S. Attorneys:

1. SF-86, Security Investigation Data for Sensitive Position (one original and one copy);
2. Copy of the letter of understanding;
3. SF-171, Personal Qualifications Statement; and
4. OBD-258, FBI fingerprint cards (three originals).

A SF-52 is not required for CETA appointees. No commitment should be made until specific authority has been received from the Executive Office.

A name and fingerprint check must be completed on each enrollee prior to entry on duty. Since enrollees are not given full-field investigations, it is important that they not have access to any classified information. Moreover, enrollees must be advised that they are to keep confidential non-public information that comes to their attention.

The Executive Office should be notified by memorandum of the separation of CETA employees.

#### 10-2.400 POSITION MANAGEMENT AND CLASSIFICATION

##### 10-2.410 Duties

##### 10-2.411 United States Attorneys

The Attorney General has supervision over all litigation to which the United States or any agency thereof is a party, and has direction of all

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U.S. Attorneys and their Assistants in the discharge of their respective duties (28 U.S.C. §547).

It is the duty of each U.S. Attorney, within his/her district, to (a) prosecute all offenses against the United States; (b) prosecute or defend, for the government, all civil actions, suits or proceedings in which the United States is concerned; (c) appear on behalf of the defendants in all civil actions, suits, or proceedings pending in his/her district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury; (d) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law unless satisfied upon investigation that justice does not require such proceedings; (e) make such reports as the Attorney General shall direct (28 U.S.C. §547).

U.S. Attorneys are not covered by the Classification Act of 1949. Consequently, they do not have position descriptions.

Each U.S. Attorney is authorized to designate any Assistant U.S. Attorney in his/her office to perform the functions and duties of the U.S. Attorney during his/her absence from office, or with regard to any matter from which he/she has recused himself/herself, and to sign all necessary documents and papers as Acting U.S. Attorney while performing such functions and duties (see 28 C.F.R. §0.131). See USAM 1-3.510.

#### 10-2.412 Assistant and Special Assistant United States Attorneys

Assistant and Special Assistant U.S. Attorneys are appointed to assist U.S. Attorneys in performing the duties of office. They do not have position descriptions because they are not covered by the Classification Act of 1949. See USAM 1-3.530 and 1-3.540.

#### 10-2.413 Paralegal Specialists (GS-950)

Paralegal Specialists (GS-950) are non-clerical employees who perform those duties traditionally performed by but not reserved to (under the Code of Ethics) attorneys. Their duties may include:

A. Performing legal research on particular issues and cases; compiling and indexing bibliographies of source materials, research notebooks and files on common issues; shepardizing; proofreading; checking citations in briefs and memoranda.

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B. Researching and summarizing factual aspects of cases; analyzing reports, testimony, interviews, files, drafting factual memoranda.

C. Researching and writing pleadings, memoranda of law, trial briefs, appellate briefs; drafting summonses, complaint answers, motion papers, proposed orders, settlements, stipulations, interrogatories, affidavits, etc.

D. Reviewing incoming complaints from agencies and citizens and referring such to investigative or other agency for further action, or summarizing matter with recommendation for action by U.S. Attorney's office; acting as liaison between U.S. Attorney's office and local consumer and federal agencies, referring complaints for action and responding to inquiries; initiating filing suit based on complaints.

E. Assisting in discovery: Preparing necessary documents; drafting interrogatories, subpoenas duces tecum and ad testificandum; organizing and analyzing answers to interrogatories; preparing documents for production for defense counsel; performing legal research regarding discoverability of information and privileges and immunities; preparing papers to defend against demands for discovery.

F. Trial preparation: Organizing abstract and indexing documents; preparing, organizing and indexing exhibits for trial; obtaining, analyzing and preparing documents, confidential information; financial and statistical information, agency records, court records, other public records; prepare summaries, narrative summaries, charts, tables, graphs, visual aids, for use in grand jury and trial; assisting in interviewing witnesses and government expert witnesses for trial; summarizing interviews; suggesting questions for examination.

G. Negotiating settlements of certain cases, subject to supervising attorney's approval; preparing documents to secure default judgments and decrees; monitoring and analyzing compliance reports for conformity with consent decrees.

H. Processing case files for release of information pursuant to Freedom of Information Act and Privacy Act requests.

I. Collections and foreclosures: Initiating all correspondence, demand letters; negotiating payment schedules; drafting pleadings; supervising and managing collections caseload up to trial preparation.

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J. Supervising and managing land condemnation cases from receipt of referral to completion of all documents and pleadings for trial; checking title, sufficiency of tract descriptions; collecting and preparing all documents for trial; assisting in negotiations for settlements.

K. Performing projects of special investigation regarding fraud, corruption, jury tampering, etc.; acting as liaison with government agencies and individuals; preparing reports as necessary.

10-2.414 Legal Technicians (GS-986)

Legal technicians must be familiar with laws, rules, and precedents and apply this knowledge in providing technical support to attorneys. They are responsible for independently determining the appropriate procedure necessary to complete an assignment. Normally, legal technicians specialize in an area such as collections, land condemnation, or foreclosures. They may perform clerical duties. Their technical duties may include:

A. Gathering factual material independently; reading and annotating files and transcripts; reviewing incoming briefs to identify the issue raised.

B. Being responsible for the collections function in the office (i.e., locations of debtors, review of financial statements, determination of ability to pay and advisability of compromise, receipt of payments).

C. Serving as a contact point in the office for questions related to area of expertise from the public, private attorneys, and Departmental employees.

10-2.415 Legal Clerks (GS-986)

Most legal clerks perform clerical duties in support of attorneys. At the GS-6 grade level, the legal clerks should be expected to:

A. Review case files in order to insure that all necessary documentation is present and independently request anything which is missing.

B. Independently prepare (i.e., draft and type in final form) a wide variety of legal documents based on review on the file.



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C. Independently monitor the caseload of the attorney(s) to whom assigned in order to insure that all deadlines are met.

D. Act as the point of contact for coordinating all activities of witnesses as well as insuring their presence, arranging accommodations, and arranging payments of vouchers.

E. Serve as a contact point for the public and Departmental employees concerning the Assistant's caseload. Respond to routine inquiries independently.

F. Handle a variety of clerical duties associated with the movement of cases and matters.

Offices will normally require other clerical support personnel including receptionists, docket clerks, clerk-typists, and clerk-stenographers.

10-2.416 Secretaries (GS-318)

Secretaries serve as the personal assistants to only one supervisor. Their grades are based on both the scope of the supervisor's administrative responsibility and the extent of the secretary's participation in the work of the supervisor. Positions in the U.S. Attorneys' offices are normally not classified in the GS-318 series below GS-7 grade level because the legal clerical duties and qualifications are paramount. They may provide limited clerical support for another attorney when necessary.

Secretaries assist in the management of the supervisor's programs by solving the procedural and management problems which arise. At the highest level, their duties should include:

A. Making arrangements for the implementation of commitments made by the supervisor;

B. Keeping informed of the current status of work in progress throughout the supervisor's organization;

C. Serving as a liaison between the supervisor and other offices;

D. Interviewing and making preliminary selections of clerical employees, making assignments, arranging for overtime work, etc.; and

E. Independently preparing procedural notices, office manuals, etc.

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10-2.417 Administrative Officers and Assistants

Administrative officers and assistants are responsible for providing or obtaining a variety of management services and advice essential to the direction and operation of the organization. In smaller offices this responsibility is normally combined with the function of secretary to the U.S. Attorney.

The grade of the administrative officer or assistant is based on the level of responsibility for providing management advisory services; improving established methods and procedures; and insuring that people, money, and material are efficiently used. Supervisory responsibilities generally do not have an impact on the employee's grade above the GS-7 level.

Fully functional administrative officers are normally responsible for:

- A. Management of the support staff, including recruitment, training and awards;
- B. Control of all financial transactions;
- C. Purchase of equipment and supplies;
- D. Design of office space; and
- E. Serving as point of contact for administrative transactions with the Department and the Executive Office.

10-2.420 Position Descriptions and Classifications

10-2.421 Attorney and Non-Attorney Position Description Numbers

All non-attorneys employed in the Offices of U.S. Attorneys are compensated according to the General Schedule or its equivalent and must be assigned to position descriptions which accurately reflect the major duties and responsibilities of their positions. Position descriptions are management tools which serve a number of purposes, including:

- A. The basis for classifying jobs;
- B. Determining training needs;
- C. Analyzing the organizational structure and flow of work;

*See memo 6/21/86 from R.H.*

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D. Evaluating the use of skills and abilities consistent with management needs; and

E. Determining whether an award is merited.

Position descriptions are not designed to tell an employee how to do a job, but rather to describe major duties and responsibilities. Major duties and responsibilities are those which occupy more than ten percent of the employee's time and occur on a regular basis. Additional duties may be assigned by the supervisor at any time.

The Personnel Management Staff, Executive Office for U.S. Attorneys, has developed the following standard position descriptions:

<u>Title</u>	<u>Series and Grade</u>	<u>Position Description Number</u>
Clerk (Student Assistant)	GW-303-1	81240818
Legal Clerk (Stenography)	GS-986-5	21227728
Legal Clerk (Stenography)	GS-986-6	21227738
Legal Clerk (Steno) Civil	GS-986-6	21227748
Legal Clerk (Steno) Criminal	GS-986-6	21227758
Paralegal Specialist (Summer)	GS-950-7	N1202878

These position descriptions may be used if the listed duties and responsibilities agree with those of the employee. These descriptions cannot be used for docket clerks or for employees assigned to word processing centers.

Assistant U.S. Attorneys are not covered by the Classification Act of 1949 and, therefore, do not have position descriptions. The Executive Office for U.S. Attorneys, however, maintains records indicating which attorneys handle specialized functional areas, such as criminal or civil matters, or those who have supervisory responsibilities. To accomplish this, Assistant U.S. Attorneys' position description numbers vary according to the type of work performed by the attorney.

The Personnel Management Staff, Executive Office for U.S. Attorneys, has developed the following mandatory position description numbers. These numbers are to be used when an Assistant is working predominantly, not necessarily exclusively, on the type of matters indicated.

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<u>Function</u>	<u>Position Description Number</u>
Criminal Attorney	P129CRM8
Civil Attorney	P129CIV8
Criminal/Civil (General) Attorney	P129GEN8
Collections Attorney	P129COL8
Drug Task Force Attorney	P129DTF8
Tax Prosecution Unit Attorney	P129TPU8

Some offices may have attorneys who predominantly handle even more or other specialized areas such as lands, general tax, civil rights, or appellate matters. For those offices, the following additional standard position description numbers have been established. Use of these numbers is optional.

<u>Function</u>	<u>Position Description Number</u>
Civil Rights Attorney	P129CVR8
Appeals Attorney	P129APL8
Land/Environmental Protection Attorney	P129LDN8
Tax Attorney	P129TAX8

If an Assistant is recognized by the Executive Office as a member of the paid supervisory staff, then the last character in the mandatory or optional position description is changed from "8" to "1."

The following position description numbers are mandatory:

<u>Function</u>	<u>Position Description Number</u>
First Assistant/Chief Assistant/ Executive Assistant/Administrative Assistant	P1295AA1
Senior Litigation Counsel	P129SLC8



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A position description number must accompany each SF-52, Request for Personnel Action, when an attorney:

1. Is entering on duty;
2. Is being reassigned/promoted between a formally recognized supervisory or Senior Litigation Counsel position and a regular Assistant U.S. Attorney position;
3. Is being reassigned between the office's divisions; or
4. Will be receiving work predominately of a different type.

10-2.422 Procedure for Submission

Position descriptions should be submitted to the Personnel Management Staff, Executive Office for U.S. Attorneys, when a review of the descriptions reveals that the major duties and responsibilities described in an employee's PD are not accurate, when an employee is assigned new duties and/or responsibilities, or when a position is established which is not covered by an existing position. The following documentation must be submitted:

- A. SF-52, Request for Personnel Action, indicating:
  1. Kind of Action, Classification Request;
  2. Proposed title, series, grade;
  3. District;
  4. Whom to contact for information; and
  5. The employee's name if the employee will be reassigned noncompetitively. See USAM 10-2.311.
- B. OF-8, Position Description cover sheet. The U.S. Attorney's office must complete:
  1. Duty Station (Block 5);
  2. Position Status;
  3. Sensitivity (Block 10); see USAM 10-2.181;

*See memo  
RE H  
6/2/86*



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4. Title, series, and grade recommended by supervisor (Block 15e);
5. Organizational title if it is different from 15e (Block 16);
6. Organizational location of the position (Block 18);
7. The employee's signature if the employee will be reassigned to the position non-competitively (Block 19);
8. The immediate supervisor's signature (Block 20a); and
9. The U.S. Attorney's signature, if not the immediate supervisor (Block 20b).

The position description which is written in factor evaluation format should seldom exceed three pages. The format consists of the following:

1. Major duties: Briefly describe the major duties performed in plain, clear language. Duties are best described by using active verbs;

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2. Knowledge required by the position: briefly describe the various kinds and levels of knowledge and skill necessary to do acceptable work in the position;

3. Supervisory controls: describe how the work is assigned, the employee's responsibility for carrying out the work, and how the work is reviewed;

4. Guidelines: describe the nature of the guidelines for performing the work and how much judgment is needed to apply the guidelines or develop new guides;

5. Complexity: describe the nature of the assignment, the difficulty in identifying what needs to be done, and the difficulty and originality involved in performing the work;

6. Scope and effect: describe the purpose of the work and the impact of the work product or service;

7. Personal contacts: describe the face-to-face or telephone contacts which the employee has with individuals other than the supervisor. Indicate if the people come from elsewhere or the contacts occur outside the Department;

8. Purpose of contacts: explain the purpose of the personal contacts described above;

9. Physical demands: describe the nature of the physical demands placed on the employee;

10. Work environment: describe the physical surroundings in which the employee works.

There are many positions which combine specialized clerical duties with a requirement for a qualified stenographer. In such cases; the word "Stenography" is added to the title in parentheses. For example a legal clerk position, requiring a qualified stenographer is titled Legal Clerk (Stenography).

The qualification standard for the clerk-stenographer and reporter series, GS-312, which is used to determine an applicant's possession of the required degree of stenographic skill, requires proficiency at 80 words per minute for stenographic duties classified at the GS-4 level, and

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120 words per minute for stenographic duties classified at GS-5. Because of this difference in qualification requirements, position descriptions for positions which have the parenthetical title of "Stenography" must show the duties on which the requirement for stenographic skill is based and must document the grade levels of these duties. For position descriptions in FES format, the level of skill will be included in the "Knowledges Required" for the position. For positions written in the traditional format, it will be included under "Other Significant Facts."

This documentation is essential to the recruitment process because otherwise qualified applicants for a position may be rated ineligible based on their inability to meet an erroneous degree of stenographic skill.

10-2.423 Classification

Once a position description is submitted to the Executive Office it is classified. "Classification" is the process of assigning an occupational title, series, and grade to the position description. This process is based on two principals:

A. Employees shall receive equal pay for substantially equal work; and

B. Differences in pay shall be in proportion to differences in the difficulty, responsibility, and qualification requirements for the position. The basic requirements for each grade are defined in 5 U.S.C. §5104.

Requirements have been further defined in OPM classification standards which have been issued for government-wide use. It should be emphasized that classification is based on duties, responsibilities, and qualification standard. It is not based on such factors as the incumbent's longevity, volume of work, efficiency, personality, or willingness to work overtime. Some of these factors may be used as a basis for a monetary awards such as special achievement award or quality within-grade increase (which is worth approximately one-half a promotion in terms of dollars). See USAM 10-2.650.

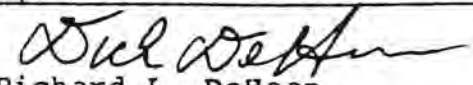
In the process of classifying a position, audits are used to clarify aspects of the position description. Audits are conducted either by telephone or in person with the employee and/or supervisor in order to better understand how the duties are performed.

*See memo  
from ODEH  
8/25/86  
in Com file  
86*





<b>Subject</b>  Revisions to Procedural Portions of the United States Attorney's Manual (USAM) Title 10 Chapter 2	<b>Date</b>  JUN 2 1986
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<b>To</b>  All Administrative Officers	<b>From</b>   Richard L. DeHaan Director Office of Administration and Review Executive Office for United States Attorneys
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On March 4, 1986 the Personnel Management Staff announced the implementation of an issuance system (PMSI) through which new/revised instructions and guidance on personnel procedural matters would be transmitted. Matters involving the establishment or revision of policy would continue to be transmitted via the United States Attorney's Manual.

Thus far, two Personnel Management Staff Issuances have been developed and transmitted to all Administrative Officers: PMSI CWA-1, "Guidance on Completion of Optional Form 8", and PMSI CWA-2, "Development of Adequate Position Descriptions." These issuances modify the procedural aspects of the United States Attorney's Manual (USAM) Title 10 as follows:

- (a) 10-2.422, paragraph B, 1-9 "Procedure for Submission": Cancel. This information is replaced with guidance contained in CWA-1.
- (b) 10-2.181, last paragraph, "Designation of Sensitive Position": Cancel.
- (c) 10-2.421, "Attorney and Non-Attorney Position Description Numbers": Cancel. CWA-2 incorporates procedural information contained in paragraphs 2 and 3 on page 82A (dated August 1, 1985).
- (d) 10-2.422, "Procedure for Submission": Replaces the discussion of the FES format found on pages 84 and 85.
- (e) 10-2.426, "Designation of Non-Attorney Supervisory Positions": Replaces paragraphs A and B on pages 89 and 90.

Future editions of Title 10 will reflect these changes. Please strike through these sections on your copy of the USAM and advise other holders in your office to do the same.

Memorandum



*Change made 9/5/86*  
*Info*  
*DeHaan*

Subject

Revisions to Procedural Portions of the United States Attorney's Manual, Title 10, Chapter 2

Date

AUG 25 1986

To

All Administrative Officers

From

*Richard L. DeHaan*  
Richard L. DeHaan  
Director  
Office of Administration and Review  
Executive Office for United States Attorneys

The Personnel Management Staff has issued Personnel Management Staff Issuance (PMSI) CWA-3, "Procedures for the Conduct of Classification of Desk Audits" on August 19, 1986. This document modifies the procedural aspects of the United States Attorney's Manual (USAM) Title 10 as follows:

10-2.423 "Classification," paragraph B, 2nd, 3rd and 4th subparagraphs, pages 86 and 87: Cancel.

Future editions of Title 10 will reflect this change. Please strike through this section on your copy of the USAM and advise other holders in your office to do the same.

1984 USA (Suspended)



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When the decision concerning the classification of a position is made, the servicing Personnel Management Specialist will advise the U.S. Attorney's office.

Certain U.S. Attorneys have been delegated classification authority. As the parameters of the delegations vary, a specific letter is transmitted detailing the scope of authority. Any action effected is to comply fully with OPM classification standards.

10-2.424 Classification Appeals

Employees who disagree with the classification of their positions may appeal either to the Department of Justice, Justice Management Division, or to the Office of Personnel Management (OPM). If they appeal to the Department of Justice and are not satisfied with the results, they have further classification appeal rights to the OPM. If they appeal directly to the OPM without first appealing to the Department of Justice, they forfeit any classification appeal rights to the Department. These classification rights are described in Department of Justice Order 1511.1A, (October 4, 1972).

An appeal must be in writing and include the information specified below. Failure to provide the required information will render the appeal incomplete and will be cause for the nonacceptance of the appeal.

A. Name and mailing address: In those cases where the employee designates a representative, the name and mailing address of the designee must also be included;

B. Exact location of the position within the organization;

C. Present title, series, and grade of the position;

D. A statement of the reason(s) why the employee feels the position is erroneously classified, relating the position, where possible, to applicable OPM classification standards or guides;

E. A statement that the official position description is complete and accurate or that it is not complete and accurate; if the employee states that the position description is not complete and accurate, explain why he/she believes this to be true;

F. A statement that no other classification appeal is pending. Classification appeals within the Department should be submitted to:

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Assistant Attorney General for Administration  
Justice Management Division  
Room 1111, Main Building  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530

Classification appeals directed to the OPM should be submitted to the Personnel Management and Evaluation Division of the OPM regional office. The address can be obtained from the Personnel Management Specialist servicing the U.S. Attorney's office.

10-2.425 Designation and Justification of Supervisory Assistant  
U.S. Attorneys

Supervisory positions for pay purposes are controlled by the Director, Executive Office for U.S. Attorneys, or the Director's designee. Normally, a U.S. Attorney is permitted to designate up to one-sixth of his or her permanently allocated Assistant U.S. Attorney positions as paid supervisors. Numerous factors, including organizational structure and complexity of cases, will be taken into account when determining the number of supervisors authorized for a district.

Positions established as paid supervisory positions generally fall into three categories:

A. Positions which have district-wide functional and administrative responsibilities but are not necessarily responsible for the direct supervision of five or more Assistants. Incumbents of these positions assist the U.S. Attorney in the overall operation of the district and are typically titled First Assistant, Chief Assistant, or Executive Assistant;

B. Positions which have direct supervisory responsibilities for five or more Assistants. These "line" supervisory positions are typically titled Chief or Deputy Chief of a legal division; or

C. Positions which have district-wide functional responsibility. For example, an Assistant who is a subject area expert and is responsible for the review of all other Assistants' work in that area but does not exercise administrative supervision over the attorneys. Rather, the Assistants receive administrative supervision from another attorney such as a Chief of the Criminal or Civil Division.



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U.S. Attorneys may wish to establish paid supervisory positions having the characteristics of any of these categories. U.S. Attorneys should refrain, however, from requesting that more than one-sixth of the district's permanently allocated attorney staff be designated as paid supervisors. To do so may be an indication of questionable position management.

Requests for the establishment of paid supervisory positions should be sent to the Director, Executive Office for U.S., Attorneys. Justification for the request must be included. See USAM 10-2.513 for procedures for promoting Assistant U.S. Attorneys to supervisory positions.

During the first year of appointment under 28 U.S.C. §541, a U.S. Attorney should review the district's paid supervisory attorney structure and recommend any modifications thought necessary. New Presidential appointees may have a reasonable amount of time, normally not to exceed twelve months from the date of appointment, to make changes in the supervisory attorney structure without having to reduce the salaries of his or her predecessor's incumbents.

#### 10-2.426 Designation of Non-Attorney Supervisory Positions

Non-attorney positions are designated as supervisory by the Personnel Office as the result of classification action. See USAM 10-2.423.

A. In order for a position to be classified as a supervisor, the employee must be responsible for directing at least 3 subordinate employees in the performance of their work and be held accountable for the quantity and quality of work done and for assuring efficient and economical work operations. At a minimum, the supervisor must:

1. Have the authority to plan assigned work to meet schedules and deadlines for regular and peak loads and priority cases;
2. Have the authority to determine how the work load should be assigned, processed, and reviewed in order to achieve an acceptable quality and quantity; and
3. Have the authority to carry out established personnel functions and practices and to keep employees and higher level supervisors informed of personal matters that affect them.

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B. Employees who are responsible to their supervisors for assuring that the work of a group of at least 3 other employees is carried out may be classified as work leaders. Work leaders normally also perform clerical duties. Typical duties of a work leader are:

1. Distribute and balance the work load among employees in accordance with established work flow or job specialization; assure timely accomplishment of the assigned work load; assure that each employee has enough work to keep busy;
2. Keep in touch with the status and progress of work, and make day-to-day adjustments in accordance with established priorities; obtain assistance from the supervisor on problems that may arise, such as backlogs which cannot be disposed of promptly;
3. Estimate and report on expected time of completion of work and maintain records of work accomplishments and time expended; prepare production reports as requested;
4. Instruct employees in specific tasks and job techniques and make available written instructions, reference materials and supplies;
5. Give on-the-job training to new employees in accordance with established procedures and practices;
6. Maintain a current knowledge and answer questions of other employees on procedures, policies, directives, etc.; obtain needed information or decisions from supervisor on problems that arise;
7. Check on work in progress or spot check work not requiring review (i.e., filing or direct services); review completed work to see that supervisor's instruction on work sequence, procedures, methods and deadlines have been met;
8. Amend or reject work not meeting established standards; refer to supervisor questions or matters not covered by standards and problems in meeting performance standards;
9. See to working conditions such as seating, ventilation, lighting, safety, etc;
10. Approve leave for a few hours or for emergencies;



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11. Inform employees of available services and employee activities;

12. Resolve simple informal complaints of employees and refer others to supervisor;

13. Report to supervisor about performance, progress and training needs of employees, and disciplinary problems; and

14. Make information suggestions to supervisor as requested concerning promotions, reassignment, recognition of outstanding performance, and personnel needs.

Non-attorneys assigned to supervisory positions are required to serve a one-year probationary period and to receive supervisory training. See USAM 10-2.642 and 10-2.833. Those assigned to work leader positions are encouraged to receive such training.

10-2.430 Position Management and Review

It is the policy of the Executive Office for U.S. Attorneys and the Offices of the U.S. Attorneys to ensure that positions which are subject to its purview are soundly designed, accurately described, and properly classified.

A. Responsibilities: It is the responsibility of supervisors to participate in classification operations and to keep employees fully abreast of the status of any classification action which may affect them. Supervisors should be aware of the grade-controlling features of their employees' positions and recognize that changes in position content due to the accretion, deletion, or modification of duties and responsibilities may affect the grade level of the position. Supervisors are responsible, however, for initiating redescriptions of duties if changes occur in program emphasis or due to the introduction of new technology.

B. Position Management: Position management is the process of designing positions and distributing duties and responsibilities among those positions in the most efficient, economical, and productive manner. Therefore, each position should be systematically planned so that it logically fits with other positions within the office in an orderly, productive, and efficient pattern. In part, this means that positions should be so planned that there are logical entrance levels and career patterns for progression to more skilled and higher-graded positions as employees gain the ability to assume greater responsibility. The lack of

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adequate planning when creating or redesigning a position can result in low quality employees, unsatisfactory productivity, high unit cost, confusion of responsibility, employee dissatisfaction, grievances, and high employee turnover. Therefore, a supervisor should consider the following factors in designing a new position:

1. Whether each duty or function is necessary, is within the organization's functional limits, and is assigned to a specific position.

2. Whether duties have been assigned in the most economical and efficient manner, i.e.:

- a. Related work should be assigned to the same position;
- b. Duplication of effort should be avoided;
- c. Time saving equipment and procedures are to be used wherever practical; and
- d. The qualifications of the employees are to correlate with the work to be done; i.e., recognize that one does not need a stenographer to do work limited to typing.

3. The effect of changing the assignment of duties of one position on the position itself and on other jobs in the same unit.

4. Whether the job description accurately describes the job. A good job description should:

- a. Be complete, i.e., be able to stand on its own with no further explanation;
- b. Neither overstate nor understate the duties and responsibilities;
- c. Clearly indicate supervision exercised and received by the position;
- d. Note the percentages of time devoted to different occupational areas of mixed series positions; and
- e. Distinguish clearly between existing and proposed duties.

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The primary responsibility for position management lies with the individual U.S. Attorney and the Director, Executive Office for U.S. Attorneys. The staff of the Executive Office is available to assist in resolving position management problems and to recommend alternatives. Before any reorganization of non-attorney personnel is undertaken, the Personnel Office, Executive Office for U.S. Attorneys, must be contacted to ensure that the reorganization will have no unanticipated personnel consequence. Any reorganization of paid attorney supervisory positions must receive prior approval from the Director, Executive Office. See USAM 10-2.400.

C. Position Review: It is the responsibility of the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices to adhere to the policy, guidelines, and procedures contained in Department of Justice Order 1511.6, (April 29, 1981), Position Classification and Employee Placement Plan. In accordance with the Department's order, every effort is to be made to correct any position management problem and to identify and correct position classification errors. Therefore, in order to ensure that positions in the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices are accurately described and correctly classified, the following guidelines are to be followed:

1. All inactive position descriptions classified prior to 1980 are cancelled.

2. A review is to be made of vacated position descriptions classified since January 1, 1980, for need, soundness of design, adequacy of description, and accuracy of classification prior to being filled. Unnecessary descriptions are to be eliminated. Positions which are of unsound design should be reconstructed and position descriptions should be rewritten where there has been a substantial change in duties. The fact that a review has been made should be documented by the supervisor's signature in block 23 of OF-8, Position Description coversheet.

3. As of July 31 of each calendar year, a review should be made of encumbered position descriptions which are more than four years old. The review should be documented by the supervisor's signature in block 23 of the OF-8. A copy of the signed OF-8 should be mailed to the servicing personnel management specialist by August 31 of the same year for inclusion in the Executive Office's annual report.

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10-2.440 Vacancy Control

U.S. Attorneys' offices are responsible for insuring that they do not exceed their authorized strength. See USAM 10-2.450. For this purpose, each office should maintain a position control file consisting of a Position Identification Strip (SF 7D) for each authorized position and an Employee Record Card, SF 7B, for each employee.

Cards will be filed in order by salary schedule (AD or GS) and or salary, from lowest to highest. Steps should be taken to revise the position control file whenever a new allocation is received.

Action may be initiated to fill a position as soon as it is known that a position will be vacated. However, final approval from the Executive Office for U.S. Attorneys to hire an applicant will normally not be given until a vacancy exists. All SF-52, Request for Personnel Action, for new appointments must state whom the applicant is replacing ("vice"), regardless of how long ago the former employee left the office.

10-2.450 Allocation of Positions

Permanent positions are allocated by the Executive Office for U.S. Attorneys based upon the relative work load of the offices and on the number of positions available.

A. The following factors are used to provide a basis for decision. They can not be ranked in order of priority since the impact of each varies according to the circumstances of a particular district.

1. Prosecutive Program of a District:
  - a. Narcotics cases;
  - b. Fraud & corruption cases;
  - c. Alien cases.
2. Number of district court judges (full-time and senior);
3. Number of full-time and part-time magistrates;
4. Statistical data from Administrative Office of U.S. Courts:
  - a. Ranking of districts by weighted caseload (overall);



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- b. Percent of private civil cases;
- c. Ranking of districts by weighted criminal case load;
- 5. U.S. Attorney workload statistics;
- 6. U.S. Attorney workload ranking by weighted activity and manhours in court.
  - a. Criminal case weight:
    - (1) Declinations;
    - (2) Grand jury indictments;
    - (3) Conviction after plea;
    - (4) Trial after plea of not guilty;
    - (5) Appeals.
  - b. Civil case weights:
    - (1) Closed without action;
    - (2) Dismissed as uncollectible without suit;
    - (3) Terminated after completion of installment payments;
    - (4) Terminated by compromise;
    - (5) Dismissed on a motion;
    - (6) Terminated by entry of default judgment;
    - (7) Judgment after trial;
    - (8) Appeals.
  - c. Manhours in court and grand jury manhours for each district;
  - d. Three year comparative analyses of case statistics;

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7. Legal division recommendations;
8. Demographic characteristics:
  - a. Population size;
  - b. Population mix (economic, urban, rural);
  - c. Multi-branch districts (amount of travel by Assistant U.S. Attorneys);
  - d. Prominent federal presence (national parks, military bases), international borders.
9. Evaluation Reports from Assistant Directors:
  - a. Legal and administrative support operations;
  - b. Case allocation and control procedures;
  - c. Prosecutive policies;
  - d. Professional qualifications;
  - e. Comments of judges and representatives of investigative agencies.
10. Continuing dialogue between Executive Office for U.S. Attorneys and U.S. Attorneys;
11. Increases in staffs of investigative agencies;
12. New Programs and Agencies:
  - a. Energy conservation/Federal Energy Administration;
  - b. Pollution control/Environmental Protection Agency.
13. Clerical Allocation:
  - a. Number of attorneys;
  - b. Steno/typing pool;
  - c. Attorney/clerk ratio;

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- d. Administrative complement;
  - e. Utilization of automatic equipment.
- 14. Experience of professional and clerical staff;
  - 15. Utilization of paraprofessionals;
  - 16. Comparison of workload with other offices of similar, smaller, or larger staffs

Requests for additional allocations may be made at any time during the year. A general review of all allocations is conducted in late September/October and in late March/April. Adjustments are made, subject to the availability of funds, whenever circumstances warrant. Allocations to fill permanent appointments are made on a permanent or a temporary basis (next vacancy).

B. Allocations are made for 3 major types of employees:

- 1. Assistant U.S. Attorney;
- 2. Paralegal Specialist, GS-950;
- 3. Clerical Employees.

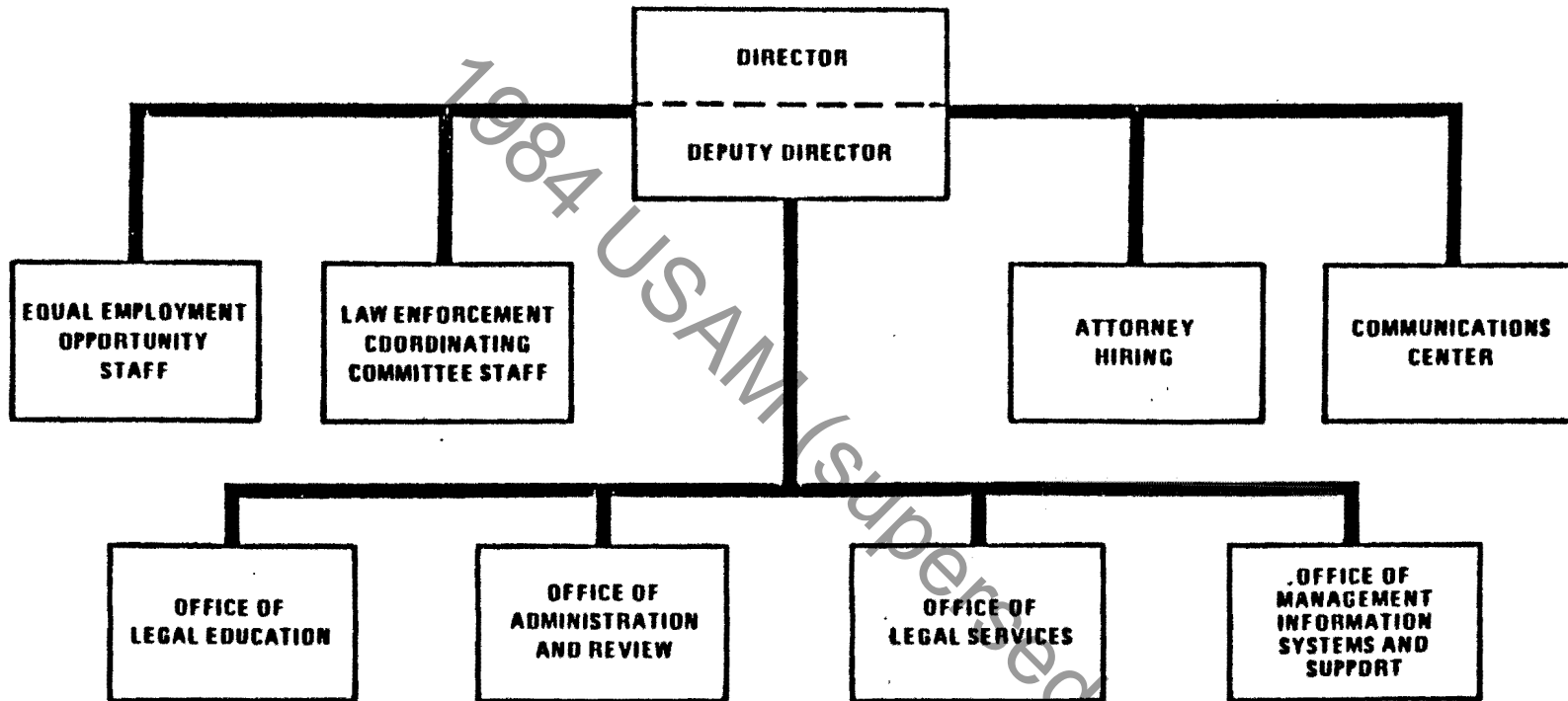
The category "Clerical employees" includes all non-attorneys except Paralegal Specialists.

Temporary positions are allocated on an as-needed basis. See USAM 10-2.330.

10-2.460 Organization

10-2.461 Executive Office for U.S. Attorneys (Organizational Chart)

# EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS



Approved by: William French Smith Date: 8/17/84  
Attorney General

NOVEMBER 1, 1984  
Ch. 2, p. 98  
DOJ-1985-01



10-2.462 Official Duty Station

The Attorney General establishes the official duty station of the U.S. Attorney within each district. See 28 U.S.C. §545. Requests to change the U.S. Attorney's official duty station must be submitted to the Director of the Executive Office.

10-2.500 COMPENSATION AND PAY

10-2.510 Standard Compensation

10-2.511 U.S. Attorneys

The salaries of U.S. Attorneys are set by the Attorney General. See 28 U.S.C. §548. U.S. Attorneys are not eligible for annual salary increases (promotions), but generally do receive annual pay comparability increases.

10-2.512 Court-Appointed U.S. Attorneys

Any person appointed by a court pursuant to 28 U.S.C. §546 to serve as U.S. Attorney receives the full salary level of the position, effective as of the date the person qualifies (i.e., takes the oath of office).

When an Assistant U.S. Attorney has served as court-appointed U.S. Attorney, and is reappointed as an Assistant U.S. Attorney after the new Presidentially-appointed U.S. Attorney has entered on duty, the following rules apply:

A. An Assistant returning to the same position, either supervisory or non-supervisory, shall receive the same salary he/she would have received had he/she not served as U.S. Attorney.

B. An Assistant returning to a higher position (either to a supervisory from a non-supervisory position, or to a higher supervisory position) shall be governed by rules of supervisory promotions, in addition to what he/she would have received had he/she not served as U.S. Attorney.

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10-2.513 Supervisory Assistant U.S. Attorneys

Supervisory Assistant U.S. Attorneys generally are recruited from the ranks of regular Assistants or from a Department of Justice legal division. Upon promotion to a supervisory position, Assistants may be recommended for a pay increase of up to 6% of their current salary in recognition of the additional responsibilities of the supervisory position. If a supervisory Assistant is promoted to a higher level supervisory position, i.e., from Deputy Chief to Chief of a Division, and the Assistant has been a supervisor in his or her current position for at least one year, the Assistant may receive up to an additional 6% pay increase. The anniversary date of newly promoted attorneys will not change for annual administrative pay increases. If a supervisory Assistant is reassigned to a non-supervisory position in the same or another U.S. Attorney's office, his or her annual salary shall be decreased by the amount in dollars he or she received in recognition of any supervisory promotions.

If supervisory Assistant U.S. Attorneys are recruited from outside the Department, the starting salary pay scale for regular Assistants based on experience will apply, but the Executive Office will recognize an increase in recognition of the supervisory responsibility.

Under these provisions, an Assistant U.S. Attorney shall not be promoted to a salary which exceeds the salary of the U.S. Attorney appointed pursuant to 28 U.S.C. §541, less \$1,000.

The managerial skills necessary for the successful performance of each paid supervisory position shall be identified and the qualifications of candidates for those positions must be assessed in terms of the identified skills.

The managerial skills of each nominee for a supervisory position must be defined with reference to each of the following activities:

A. Those which reflect the ability to respond to the general public and client agencies;

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B. Those which reflect the ability to establish and maintain relationships with key individuals and groups and to serve as a spokesperson for the organization;

C. Those which reflect the ability to establish goals and the structures and processes necessary to carry them out;

D. Those which reflect the ability to insure that people are appropriately employed and dealt with fairly and equitably; and

E. Those which reflect the ability to insure that plans are implemented and that appropriate results are achieved.

A request for Personnel Action (SF-52), and a narrative description of the Assistant's managerial qualifications should be submitted to the Executive Office for U.S. Attorneys whenever an Assistant is recommended for a supervisory position, even if no pay increase is recommended. It is expected that women and minorities will be affirmatively sought for these positions and that ample opportunity will be provided for them to acquire the experience and to demonstrate the skills necessary to assume such responsibilities.

Supervisory Assistant U.S. Attorneys are eligible for annual salary increases in the amounts indicated in the memorandum entitled "Hiring and Promotion of Assistant U.S. Attorneys."

10-2.514 Assistant United States Attorneys

Starting salaries for regular Assistant U.S. Attorneys are determined based on guidance contained in the annual memorandum entitled "Hiring and Promotion of Assistant U.S. Attorneys."

10-2.515 Special Assistant United States Attorneys

See USAM 10-2.230 for information.

10-2.516 Support Staff

Salary rates for non-attorneys are under the General Schedule. They are based on the classification (grade) of the position to which the

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employee is assigned. See 5 U.S.C. §§5101-5115. The actual rates of pay are published in the Schedule of Annual Salary Rates by the Grade.

The salary of each new appointee shall be set at the minimum rate of the grade. See 5 U.S.C. §5333. The only exception is for an employee who is reemployed or transfers from another federal agency, who may be paid at any rate of the grade which does not exceed his/her highest previous rate.

10-2.517 Merit Pay

Section 501 of the Civil Service Reform Act of 1978 (5 U.S.C. §5410) required that agencies establish merit pay systems (MPS) for all supervisors and managers in grades GS-13, GS-14, and GS-15. The Department developed the Justice Merit System (JUMPS) (Department of Justice Order 1540.1, April 28, 1981).

Coverage under JUMPS is mandatory for all employees, attorneys and non-attorneys, in GS-13, GS-14, and GS-15 positions who meet the following definitions as broadly defined in 5 U.S.C. §7103(a)(10) and 5 U.S.C. §7103(a)(11).

A. Supervisor means an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term "supervisor" includes only those individuals who devote a preponderance of their employment time to exercising such authority. See 5 U.S.C. §7103(a)(10).

B. Management official means an individual employed by an agency in a position the duties and responsibilities of which require or authorize the individual to formulate, determine, or influence the policies of the agency. See 5 U.S.C. §7103(a)(11).

Each employee identified as eligible for inclusion in the MPS due to the nature of his/her position is to be advised of such determination via a memorandum from the Personnel Officer, Executive Office for U.S. Attorneys (EOUSA). Employee disagreements over inclusion in the MPS will be handled as grievances in accordance with Department of Justice Order 1771.1B (August 30, 1982), and USAM 10-2.610.



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Briefly stated, employees covered by the MPS receive an annual increase which consists of no less than 50 percent of the authorized comparability adjustment determined by the President and an additional sum which is dependent on the quality of the employee's performance as approved by the immediate supervisor. An employee's current performance rating must be Fully Successful or better to warrant a MPS increase.

The additional sum comes from a merit pay fund or pool which consists of the remainder of the comparability adjustment and the approximate value of within grade increases and quality step increases which would have been paid to merit pay employees if they were not within the MPS. Each employee's share of the fund is determined by three factors: his or her level of performance, grade and relative position in the salary rate range. Employees covered by the MPS in the U.S. Attorneys' offices and the Executive Office for U.S. Attorneys constitute a single merit pay pool.

10-2.520 Salary Increases

10-2.521 Assistant United States Attorneys

Assistant U.S. Attorneys are compensated under an "administratively determined" pay system which provides for annual pay increases called administrative pay increases (API). These increases are in lieu of both the periodic promotions and within-grade increases received by Department attorneys paid according to the General Schedule.

The following tenets apply to Assistant U.S. Attorneys' compensation:

A. U.S. Attorneys determine annually whether an Assistant receives an API;

B. There is a close linkage between performance and pay decisions, although U.S. Attorneys may exercise some discretion in making salary recommendations;

C. Assistants who are rated Excellent should receive salary increases equal to or greater than Assistants in the same salary range rated Fully Successful; and

D. Normally, salary increases are effective the first pay period following the anniversary of the Assistant's last regular administrative

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pay increase. If the proposed effective date has "slipped" more than one month beyond the Assistant's initial entrance-on-duty (EOD) date within a district, the U.S. Attorney may request that the increase be effected the first pay period after the month and day of the EOD date.

There may be exceptions to the one-year period described above, such as in the following cases:

A. An attorney who transfers from one government agency to a U.S. Attorney's Office.

If upon transfer the attorney is granted a pay increase the EOD date becomes the attorney's anniversary date. If, however, a transferring attorney's EOD salary is no greater than the next higher \$100 increment, the attorney is eligible for an API one year after his or her last within-grade increase or promotion. Cases such as this are handled individually and the first applicable pay increase date will be established by the Executive Office and noted on the SF-50, Notification of Personnel Action.

B. An attorney who has time in a non-pay status in excess of two weeks since his or her last API.

The effective date of the API will be delayed one full pay period for each interval, or part of an interval, of time in a non-pay status in excess of 80 hours.

C. An attorney who has a break in service.

If an attorney resigns his or her position and is reappointed within 52 weeks at the same salary level, the time the attorney is not on the payroll is not creditable toward completion of the 52-week period between APIs. The attorney must work the equivalent of the time off the payroll plus the remainder of the original 52-week period before being eligible for an API. If the attorney is reappointed at a higher salary level, the date of reappointment will become the new anniversary date for pay purposes.

U.S. Attorneys are responsible for submitting SF-52s and recommendations for APIs to the EOUSA three pay periods (six weeks) before the proposed effective date. It is important that offices continually be cognizant of anniversary dates because of established policies regarding when APIs may be effected. Refer to USAM 10-2.524, infra.

The actual allowable increase that may be requested is published annually in a memorandum from the Director which addresses Assistant U.S. Attorneys' starting salaries and salary increases.

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10-2.522 Non-Attorney Promotions

A promotion is an increase in grade for an employee covered by the General Schedule due to an increase in the employee's level of responsibility. Promotions are either competitive or non-competitive. See USAM 10-2.311. Most noncompetitive promotions are "career" promotions or are due to the "accretion of more responsible duties." The determination that "accretion of more responsible duties" has occurred must be made by the Personnel Management Staff, Executive Office for U.S. Attorneys, based on a U.S. Attorney's proposal.

In order to be eligible for a promotion, an employee must meet both the qualification requirements of the new position and the time-in-grade requirements. Qualification requirements for each series and grade are described in the Office of Personnel Management's X-118 Qualifications Handbook. Because of differences in the qualifications requirements, an employee may not be eligible for a promotion or reassignment to a different series, even at the same grade level. For example, a Clerk-Stenographer, GS-312-05, must have one year of "legal" clerical experience in order to be qualified as a Legal Clerk (Stenography) GS-986-05.

A. The Office of Personnel Management's time-in-grade requirements state that:

1. For promotion to GS-5 and below, the employee can not be promoted more than 2 grades within one year;

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2. For promotion to GS-6 through GS-11, in a single interval series, the employee must have served in the next lower grade one full year. Most clerical and technical positions are in single-interval series;

3. For promotion to GS-7 through GS-11 in a two-grade interval series, the employee must have served one full year in a position at the second lower grade. Most professional positions are in two-grade interval series.

4. For promotion to positions at GS-12 and above, the employee must have served one full year at the next lower grade.

The above restrictions apply to transfers and some reinstatements involving promotions, as well as to promotions within an office. Time served on a temporary appointment at a grade higher than a subsequent permanent appointment is creditable toward satisfying the time-in-grade requirements of the permanent appointment.

Employees who have served less than 90 days after appointment from an OPM Register cannot be promoted, even if all other requirements for promotion are met. See 5 C.F.R. §330.501, and USAM 10-2.312.

B. In order to effect a promotion the following papers must be submitted to the Personnel Office, Executive Office for U.S. Attorneys, well in advance of the proposed effective date:

1. SF-52, Request for Personnel Action

2. Position Description Number, if established, or 5 copies of a proposed position description with an original copy of OF-8, Position Description coversheet. See USAM 10-2.311.

3. Merit Promotion Package, if applicable. See USAM 10-2.311.

10-2.523 Within-Grade Salary Increases

Permanent and "term-appointment" non-attorney personnel are eligible to advance through the step rates of the General Schedule grade by means of within-grade salary increases until the maximum rate is reached. Department of Justice Order 1531.1B, (September 9, 1983). To be eligible for a within-grade, an employee must have completed the prescribed waiting period and have performed at an acceptable level of competence.



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A. The length of the waiting period is related to the numerical step of a grade in which the employee is serving:

1. 52 weeks in the next lower step to advance to step 2, 3, or 4;
2. 104 weeks in the next lower step to advance to step 5, 6, or 7;
3. 156 weeks in the next lower step to advance to step 8, 9, or 10.

Approximately 90 days before an employee is eligible to receive a within-grade increase, the U.S. Attorney's office will receive a Within-Grade Salary Increase Certificate. If the immediate supervisor of the employee is satisfied that the employee's performance is of an acceptable level of competence, the certificate should be held until the last pay period before the increase is due (2 weeks before increase is due). At that time the supervisor will sign the certificate and have the employee sign it, deliver one copy to the employee and forward the original to the Personnel Office, Executive Office for U.S. Attorneys. It will be processed and should be reflected in the second paycheck that the employee receives after he/she has become eligible for the increase.

If the immediate supervisor feels that the employee's performance does not or may not meet the acceptable level of competence required when the certificate is received, the Personnel Office, Executive Office for U.S. Attorneys, should be contacted immediately for technical guidance concerning the procedures for denying a within-grade salary increase.

In no case will a within-grade increase be effected until the certification has been signed and returned to the Personnel Office, Executive Office for U.S. Attorneys. If a within-grade increase is delayed through administrative oversight and the employee is otherwise eligible, it will be effected retroactively.

B. Quality within-grade salary increases are additional increases which will add to basic pay. They are given in recognition of employees whose performances are above that found ordinarily in the type of position occupied, and normally benefit employees throughout their careers. This award may be given to no more than 25 percent of an office's non-attorney staff in any one year. See USAM 10-2.656.

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10-2.524 Retroactive Pay Increases and Promotions

As a general rule, the effective date of administrative pay increases for Assistant U.S. Attorneys and promotions for non-attorneys is the date action is taken by the proper administrative official or a subsequent date fixed by that official. The proper administrative official is either the Director, Office of Attorney Personnel Management, for attorney pay increases, or the Personnel Officer, Executive Office for U.S. Attorneys (or designee) for non-attorney promotions.

Such pay increases and promotions may be made retroactive only when a personnel action is not effected as originally intended by the proper administrative official because of a clerical error. Delays or oversights in the U.S. Attorney's office or at levels below that of the proper administrative official will not justify a retroactive effective date.

The effective date of within-grade increases for non-attorneys will be made retroactive when the increase has been delayed as the result of administrative oversight on the part of the U.S. Attorney's office or the Executive Office, and the employee is otherwise eligible. See 5 C.F.R. §531.409. See also USAM 10-2.523.

10-2.530 Overtime and Compensatory Leave

10-2.531 Authority

U.S. Attorneys or their designees are authorized to approve paid overtime and compensatory time off for their non-attorney staff. Payment for overtime is authorized only within the limits of the U.S. Attorney's overtime budget.

The Executive Office for U.S. Attorneys makes a quarterly allocation of overtime funds to each U.S. Attorney's office based on estimates of overtime requirements within overall budgetary constraints. Estimates of overtime needs are requested from each office quarterly.

Because overtime under 5 U.S.C. §5542 must be approved in advance by a person authorized to do so, it is recommended that the U.S. Attorney delegate in writing authority to approve overtime. Normally, the administrative officer or the supervisors delegated authority to approve Time and Attendance Records should be delegated the authority to approve overtime.

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U.S. Attorneys are not authorized to approve overtime for attorney personnel. Assistant U.S. Attorneys are professionals and should expect to work in excess of regular hours without overtime pay or compensatory time off.

10-2.532 Payment for Overtime

Federal overtime requirements are based on the provisions of 5 U.S.C. §5542 and on the Fair Labor Standards Amendments of 1974, Pub. L. 93-259 (FLSA). Those requirements are outlined in the following Department Orders:

- A. No. 1500.2 - Pay for Time Spent on Official Travel;
- B. No. 1551.5 - Fair Labor Standards Act;
- C. No. 1551.3 - Overtime and Other Premium Pay.

The following table summarizes the differences between Title 5 overtime provisions and FLSA overtime provisions:

<u>Title 5</u>	<u>FLSA</u>
1. Covers all employees.	1. Covers all employees GS-8 and below, referred to as "nonexempt," except for certain GS-318-8s.
2. "Hours worked" includes paid leave.	2. "Hours worked" does not include paid leave.
3. Overtime after 40 hours worked during a week <u>or</u> 8 hours in a day.	3. Overtime only after 40 hours worked in a week.
4. Overtime must be approved or ordered in advance by an authorized individual.	4. All overtime worked is covered, including that which is "suffered and permitted."
5. Employees may request compensatory time off in lieu of occasional or irregular overtime pay.	5. Compensatory time off is not authorized unless it is taken during the same week.

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6. Travel is normally not considered hours of work for overtime purposes. Exception: travel to court or the executive branch of government.

7. Time spent in training normally is not eligible for overtime pay.

6. If the employee drives a vehicle, it is considered hours worked. Under certain conditions, travel as a passenger is "work."

7. Depending upon the purpose of the training time spent in training or in preparation for training may be considered "hours worked."

Employees covered by both Title 5 and FLSA receive the greater benefit when both statutes are applicable in a given situation.

If entitlement at the end of a week is solely under Title 5, the employee may be granted compensatory leave at a later date, or be paid overtime.

If entitlement at the end of a week is solely under FLSA, the employee must be paid overtime.

If entitlement at the end of a week is under both FLSA and Title 5, and is equal, the employee may elect compensatory time by completing the appropriate block on the Time and Attendance Sheet or may elect to be paid overtime.

Under the FLSA, management can not accept the benefits of a non-exempt employee's work without compensating the employee for that work. If the supervisor knows, or has reason to believe that work is being performed before or after hours or during the prescribed lunch break, that time counts as "hours worked," and the employee may become entitled to overtime pay. This has placed a new burden on supervisors and administrative officers who must now take positive action to control the amount of time worked by non-attorney personnel.

Employees should be instructed to request overtime from appropriate officials if it is needed. See USAM 10-2.531. Employees should also have the option of taking compensatory leave when they are eligible.

Overtime compensation earned while in travel status will be controlled by telling the employee when to travel and by what mode. If the employee travels at a different time or by a different mode than that which was ordered, the employee receives the lesser amount of compensation based on actual and estimated travel.



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10-2.533 Time Spent in Training as Hours of Work Under FLSA

In general, under FLSA a non-exempt employee is paid for all time spent learning the duties and responsibilities of his or her current position. This includes any time spent by an employee in remedial training for the continued performance of the duties of his or her current position. Therefore, if an employee is directed to participate in such training, the training is primarily for the benefit of the agency, and the time spent training is hours of work under FLSA. On the other hand, if an employee voluntarily attends a training program to improve his or her performance, or attends a training program to enhance his or her opportunity for reassignment to another position or advancement to a higher grade, such training is primarily for the benefit of the employee. Time spent in this type of training is not "hours of work" under FLSA.

10-2.534 Compensatory Leave

Compensatory leave is time off in lieu of an equal amount of occasional or irregular overtime worked under the provisions of 5 U.S.C. §§5542, 5543. See Department of Justice Order, 1551.1C (January 10, 1977).

Compensatory leave can not be granted for any other purpose and must be substituted on a quarter hour for quarter hour basis. As a rule, an employee should not be permitted to accumulate more than 80 hours of compensatory time.

Because overtime is not authorized for Assistant U.S. Attorneys, they are not eligible for compensatory leave. The Payroll Office will not record compensatory time earned for Assistants, and if an Assistant attempts to take compensatory leave, his/her annual leave balance will be debited.

An employee, whose rate of basic pay is less than the maximum rate for grade GS-10, may request that he/she be granted compensatory time off in lieu of overtime pay. An employee whose rate of basic pay is in excess of the rate for grade GS-10/step 10 may be required to take compensatory time off in lieu of overtime for irregular or occasional overtime work. Compensatory leave will be authorized or approved in total each pay period in increments of one-quarter hour. At the end of each pay period, the hours and minutes of compensatory leave earned will be totaled on the Time and Attendance Report and odd minutes of less than one-quarter hour will be dropped from the total. Compensatory leave is always to be taken and charged to leave balance in multiples of one-quarter hour.

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Compensatory leave must be used by the end of the year following the year in which it was earned (i.e., if earned in 1984, it must be used by the end of 1985). If the employee is covered by the Fair Labor Standards Act (generally GS-8 and below) and fails to use the compensatory time, he/she will receive overtime pay. An exempt employee loses his/her right both to the time off and to the overtime pay, unless he/she has requested the leave in writing, between September 1 and 30 of the year in which it will be lost, and the request is denied. In that case, he/she will receive overtime pay.

As a matter of policy, an office may require that compensatory time earned be taken before an employee uses any annual leave. If an employee covered by the FLSA initially requests compensatory time off, but prior to taking it decides that overtime pay is preferable, the office does not have to elect to pay the employee. However, the compensatory time off must be granted.

Employees with unused compensatory time to their credit when transferring or being separated must be paid for the time. A written request must be made to the Personnel Management Staff, Executive Office for U.S. Attorneys. The request should include copies of the employee's time and attendance record for the pay periods in which the overtime was worked.

10-2.540 Payroll

10-2.541 Time and Attendance Reports

Unless specifically authorized by the Director, Executive Office for U.S. Attorneys, only the U.S. Attorney may sign his/her own Time and Attendance Report, Form DOJ-296, as certifying official.

For instruction and assistance in the preparation of Time and Attendance Reports, refer to Department of Justice Order 2120.6B, dated June 28, 1983, entitled Time and Attendance Report.

Any additional questions regarding the preparation of Time and Attendance Reports which are not answered by referencing the manual, and questions regarding non-receipts of Time and Attendance Reports or late submissions, should be addressed to the payroll clerk.

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10-2.542 Forms or Correspondence Mailed Directly to Payroll Office

A. The following are to be mailed directly to the Payroll Office:

1. Federal, state, and local tax forms;
2. Savings bonds (SF-1192);
3. Net pay allotments and savings allotments (SF-1199A-Revised 1984);
4. Applications for Refund of Retirement Deductions (SF-2802);
  - a. Under the provisions of the Civil Service Retirement Spouse Equity Act of July, 1984, if application is made for a refund of retirement contributions, the employee must notify his/her current spouse. Notification is accomplished via OPM Form 1537, Current/Former Spouse's Notification of Application for Refund of Retirement Contributions.
5. Applications for Voluntary Contributions (SF-2804);
6. Memoranda requesting cancellations for allotments and bonds;
7. Requests for information on amount of money in retirement fund; and
8. In order for an employee transferring from another federal agency to receive credit for FICA withheld during a calendar year, a copy of the FINAL earnings statement must be submitted via a memorandum which details the employee's name, Social Security number, organization code, telephone number, and that the information is being furnished to update the FICA data in the Master file.

B. The Payroll Office address is:

Justice Employee Data Service Center  
P. O. Box 2922  
Washington, D.C. 20013  
Attn: (Servicing Payroll Clerk)

The servicing payroll clerk should be contacted regarding the processing of these forms and deductions from the salary check. The telephone number is FTS 272-6111.

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10-2.543 Substitute Checks

When an employee has not received a salary check, an immediate replacement may be made if reported to the appropriate Disbursing Center within 15 days from the original date of issue.

Prior to reporting non-receipt of a check to Payroll Operations, please call the payroll clerk assigned to your office to determine if the employee has been paid. If payment has not been made, you will be advised why and when you may expect the salary check.

Once it has been established that the employee has not been paid, you should take the following steps:

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AUGUST 21, 1985  
Sec. 10-2.543  
Ch. 2, p. 112a



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A. District Does Not Receive by Payday Regular Salary Checks for Distribution in the Office:

Immediately contact the Payroll Operations Unit (FTS or 202) 633-3605. Payroll Operations will make the necessary arrangements with the Disbursing Center for the issuance of substitute checks. At that time you will be given the following instructions:

1. If the original checks are received before the substitute checks, you must contact Payroll Operations before distributing the originals. After checking with the Disbursing Center, Payroll Operations will advise you whether or not you can distribute the originals.

2. If the substitute and original checks are received at the same time, distribute the substitutes and return the originals to the Treasury Disbursing Center with a cover memorandum stating that substitute checks have been distributed. A copy of this memorandum should be sent also to Payroll Operations.

3. If the original checks are received after the substitute checks have been received and distributed, they should be returned to the Treasury Disbursing Center with a memorandum stating that. A copy of this memorandum should be sent also to Payroll Operations.

B. All Other Cases:

The key to getting a substitute check is that the employee never received the check. This may happen in one of two ways:

1. The check is received in the district for remailing, or presentation, to the employee, and subsequently is lost, stolen or destroyed prior to the employee receiving it; or

2. The employee has the salary check mailed directly.

When a check is not received in the above instances, after allowing sufficient time for mail delay, contact Payroll Operations which will make the necessary arrangements for the issuance of a substitute check. Once a substitute check is requested, follow the instructions in part A of this section for determining negotiability of original or substitute checks. In addition, you will be requested to furnish Payroll Operations with a memorandum, which in turn will be forwarded to the Disbursing Center.

A substitute check **MUST** be requested within 15 days of the original issue date.

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C. Lost or Destroyed Checks:

Once an employee has received his or her check and it is lost, destroyed, stolen or the 15-day deadline for requesting a substitute check has expired, it cannot be replaced by an immediate substitute issue.

The employee must execute a signed statement (memorandum) outlining:

1. The pay date and amount of the check;
2. Circumstances surrounding the loss, destruction or theft of the check;
3. Whether or not the check was endorsed. If it was endorsed, the way it was endorsed should be described; and
4. The employee's mailing address.

This memorandum should be forwarded to Payroll Operations Unit which will provide additional information required and then forward it to the appropriate Disbursing Center requesting that a Stop Pay Action be placed on the check.

10-2.544 Supplemental and Manual Checks

If a new employee does not receive a pay check during the second pay period after his/her entry on duty, a supplemental or manual check may be issued at the request of the office. The following procedures cannot be used for employees who have been paid an incorrect amount.

The U.S. Attorney's office must first determine if the requisite appointment affidavit had been forwarded in a timely manner to the Personnel Office. If it has, the servicing personnel clerk should be contacted to determine whether the action has been keyed and an SF-50, Notification of Personnel Action, generated. If so, the personnel clerk will arrange for a supplemental check to be issued by the Payroll Office. This process takes 5-7 days.

In cases in which an SF-50 has not been generated and the SF-61 was received by the second Thursday in the pay period, a manual SF-50 will be prepared and forwarded to the Payroll Office. The personnel clerk will contact the office to advise that the SF-50 is at the Payroll Office (generally one working day later). The office should then tell the United

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States Marshals Office that the SF-50 is in payroll for their verification so that a check can be issued. The employee to whom the check has been issued must repay the Marshal as soon as possible after receipt of the regular pay check.

10-2.545 Other Problems

Questions regarding deductions for health benefits, civil service retirement, life insurance, and lump sum payment for annual leave should be addressed to the Payroll Office.

Questions regarding the amount of money in the Civil Service Retirement Fund should be directed to the Health Benefits and Retirement Section on FTS 272-6117.

Questions regarding the issuance or correction on W-2s, Wage and Earning Statement, should be directed to the Payroll Accounting Office on FTS 272-6115.

All other payroll problems not mentioned above or in USAM 10-2.541 should be referred to the Personnel Office, Executive Office for U.S. Attorneys. The servicing personnel management specialist will determine the origin of the problem (i.e., within the Payroll or Personnel Office), take the necessary action to solve it, or refer the caller to the appropriate office for resolution.

10-2.546 Erroneous Payments

Authority to collect indebtedness resulting from erroneous payments to U.S. Attorneys and their staffs has been delegated to the Assistant Attorney General for Administration, 28 U.S.C. § 5150. If an overpayment is discovered, Payroll will notify the employee and make arrangements for repayment.

10-2.547 Justice Earnings Statement

Form OMF-44, Justice Earnings Statement, is a two-part form which shows all of the data elements on both copies. The office copy of this form must be maintained and disposed of in accordance with the Privacy Act (see 5 U.S.C. § 552a). Specifically, office copies of OMF-44 must be filed in locked cabinets, accessible only to the U.S. Attorney, the administrative officer, individual(s) designated by the U.S. Attorney to

perform the office's personnel functions, and, on a case-by-case basis, to other Executive Branch personnel who in the course of their official duties have a need to know. There is no minimum retention period because the information contained on the OMF-44 is duplicative of the official files maintained by the Payroll Office in Washington, D.C. They should be destroyed after the employee leaves or after 3 years, whichever occurs first.

10-2.600 Employee Management Relations

10-2.610 Employee Grievances

10-2.611 Authority and Scope

A. Authority: The Department of Justice Order 1771.1B (August 30, 1982), and the Federal Personnel Manual, Chapter 771, govern the processing of employee grievances within the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices.

B. Purpose: The procedures set forth in these regulations are to provide direction and guidance for the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices in carrying out their responsibilities for implementing governing grievance regulations and for assuring effective administration of the grievance system.

C. Policy: It is the policy of the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices to administer a personnel program that promotes good employee-management relations. Effective administration requires that employees be given ample opportunity to obtain consideration of their expressions of dissatisfaction with matters that are subject to management control and affect them personally. Whenever possible, this opportunity should be present in the normal day-to-day relationships between employees and their immediate supervisors. An employee, his or her representative, and other persons involved in grievance matters shall be free from restraint, interference, discrimination, coercion, or reprisal in connection with, or because of, the presentation of a complaint or grievance.

D. Definitions:

1. The term "grievance" means a written and signed request by an employee, or by a group of employees acting as individuals, for



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personal relief in a matter of concern or dissatisfaction which arises during the employment of the employee(s) and which is subject to the control of agency management;

2. The words "Official Time," as used in these instructions, mean time during working hours without charge to leave or loss of pay;

3. The term "Order," as used in these instructions, refers to Department of Justice Order 1771.1B (August 30, 1982).

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E. Employees Covered: This section applies to all current and former employees in the Executive Office for U.S. Attorneys and the Offices of the U.S. Attorneys for whom a remedy can be provided except those defined by paragraph 6 of the Order.

F. Actions Covered/Excluded: Any matter of concern or dissatisfaction that is personal to an employee and subject to the control of the management officials of the Department will generally be covered by the grievance procedure. The matters described in paragraph 7 of the Order and 5 C.F.R. §771.206(c)(1) are excluded.

G. Responsibilities:

1. In addition to the responsibilities outlined in paragraph 3 of the Order, supervisors/managers and employees are responsible for the following:

a. Supervisors/Managers are responsible for:

(1) Ensuring that employees are aware of the provisions of Department of Justice Order 1771.1B (August 30, 1982), and USAM 10-2.600 and the right to have access to these materials;

(2) Keeping the employee (grievant) informed either orally or in writing of any steps management has taken to resolve the matter being grieved;

(3) Contacting the Personnel Office for further assistance in processing a case of an unresolved informal grievance or at the time it is known a formal grievance is being filed, whichever occurs first;

(4) Maintaining copies of all written material that transpired at the informal level and forwarding it to Personnel Office; and

(5) Referring the grievance, if necessary, to the appropriate official who has authority to resolve the grievance.

b. Employees are responsible for:

(1) Being knowledgeable about Department of Justice Order 1771.1B (August 30, 1982), and USAM 10-2.600;

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(2) Attempting to resolve a matter of concern or dissatisfaction of working conditions or employment by discussing it with his or her immediate supervisor; and

(3) Maintaining copies of written correspondence regarding the grievance.

2. All parties to a grievance shall take reasonable steps to process a grievance as quickly as possible. The timeframes involved for processing grievances are contained in USAM 10-2.613. Only in unusual cases should 120 days expire between the date an employee files a formal grievance and its final resolution.

10-2.612 Employee Rights

A. Right to Representation: An employee presenting a grievance has the right to be accompanied, represented, and advised by a representative of his or her own choosing.

B. Representation Challenge:

1. The Executive Office has the right to disallow an employee's choice of representative. See Department Order 1771.1B (August 30, 1982), paragraph 8d.

2. An employee has the right to challenge the decision to disallow his or her choice of representative. If the employee exercises this right, he or she must submit in writing the challenge to the head of the Executive Office or his or her designee within five (5) days of notification of the disallowance. The head of the Executive Office or his or her designee shall issue a decision, in writing, to the employee within ten (10) days of receipt of the challenge. This decision shall be final and shall be made before proceeding with the grievance.

C. Utilization of Office Facilities: An employee may request either orally or in writing from the U.S. Attorney access to office facilities in order to prepare his or her grievance. It is at the discretion of the U.S. Attorney whether to grant an employee such access.

D. Official Time: An employee and the employee's representative, if an employee of the Department, are entitled to a reasonable amount of official time to prepare a grievance. This time will vary with each case,

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but shall not exceed eight (8) hours except in the most unusual circumstances. Arrangements for the use of official time should be coordinated with the employee's supervisor. See Department of Justice Order 1771.1B, paragraph 9 (August 30, 1982).

10-2.613 Grievance Procedures

A. Informal Grievance Procedure:

1. An employee shall attempt to resolve a matter of concern or dissatisfaction with working conditions or employment by discussing it with his or her immediate supervisor. If the matter cannot be resolved, the employee may file an informal grievance with the immediate supervisor in accordance with the following procedures. The grievance must be in writing and be dated and signed by the employee (grievant). If the immediate supervisor lacks authority to resolve the matter being grieved, the immediate supervisor must refer the matter to the lowest level official in the district or the Executive Office for U.S. Attorneys who has such authority within five (5) calendar days of receipt of the grievance. A perceived need to refer the matter outside either of these organizations should be coordinated with the Personnel Office. The referral does not, however, extend the fifteen (15) day timeframe in which a decision must be made under the informal procedure.

2. The informal grievance shall state the employee's name, title, grade, organization (division, section, unit, etc.), and the name and title of his or her immediate supervisor. The employee shall also set forth in precise terms exactly what the grievance is, all facts relating thereto, including the names of any individuals against whom the grievance is made, the perceived reason for his or her dissatisfaction, the manner in which he or she personally has been adversely affected, and the specific corrective action desired. It should also contain specific information concerning any efforts made prior to the informal grievance to resolve the matter with his or her immediate supervisor.

3. An employee shall present a grievance concerning a particular act or occurrence within fifteen (15) days from the date of the act or occurrence, or the date he or she knew or had reason to know of the act or occurrence.

4. An employee shall complete the action under the informal grievance procedure before a grievance concerning the same matter



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will be accepted for processing under the formal grievance procedures, EXCEPT that a grievance over a reprimand or a suspension of 14 days or less shall be accepted at the formal stage of the grievance procedure. See USAM 10-2.613, paragraph B. A decision under the informal procedure should be made within fifteen (15) days of receipt of the grievance. If the decision is not rendered by the immediate supervisor, the official who has authority to take action should communicate his or her response to the immediate supervisor who is to inform the employee of the decision.

B. Formal Grievance Procedure:

1. If an employee has completed action under the informal grievance procedure and is dissatisfied with the decision or if the employee is grieving a reprimand or a suspension of fourteen (14) days or less, he or she may present the grievance to the next level higher than the individual who had authority to take action at the informal level. This action must be accomplished within fifteen (15) days from the date of receipt of the written decision on the grievance filed under the informal procedure. This official becomes the Deciding Official for the formal grievance.

In the event a decision has not been issued within the specified timeframe (15 days) the employee may also proceed to the formal stage. This action does not stay management's obligation of processing the informal grievance resolution.

2. In addition to the information provided at the informal stage of the grievance as stated in A.2. of this section, the formal grievance shall contain the decision reached during the informal stage, if any, and specific information concerning the corrective action desired. The formal grievance must also be in writing and be dated and signed by the employee (grievant).

C. Referral Beyond Immediate Office:

1. The Deciding Official for both attorney and non-attorney grievances, in most cases, will be the second-line supervisor. When a U.S. Attorney is the immediate supervisor of a grievant, the Deputy Director, Executive Office for U.S. Attorneys, will be the Deciding Official for attorney grievances and the Assistant Director, Administrative Services, for non-attorney grievances. If the Director, Executive Office for U.S. Attorneys, is the immediate supervisor of a grievant, the Deciding Official is the Associate Attorney General in accordance with Department of Justice Order 1771.1B, paragraph 3 (August 30, 1982).



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

**JUL 10 1986**

(Expires December 10, 1986)

TO: Holders of United States Attorneys' Manual Title 10.  
FROM: United States Attorneys' Manual Staff  
Executive Office for United States Attorneys  
*William P. Tyson*  
William P. Tyson, Director  
Executive Office for United States Attorneys  
RE: Non-Attorney Performance Rating Grievance Procedure

- NOTE: 1. This is issued pursuant to and EXPIRES unless reissued or incorporated pursuant to USAM 1-1.550.  
2. Distribute to holders of Title 10.  
3. Insert in front of USAM 10-2.614.

PURPOSE: The purpose of this bluesheet is to delineate a new grievance procedure for non-attorney performance ratings. This procedure is an approved variation to DOJ Order 1771.1B, Employee Grievance Procedures.

AFFECTS: USAM 10-2.614

The following should replace the material at USAM 10-2.614.

**10-2.614 Performance Rating Grievance by Non-Attorneys**

Non-attorneys in the Offices of the United States Attorneys (OUSAs) and Executive Office for United States Attorneys (EOUSA), except members of the Senior Executive Service (SES), who wish to contest a performance rating or any aspect of a performance rating must adhere to the policies and procedures contained in the following material. This procedure is an approved variation to Department of Justice Order No. 1771.1B, Chapter 5, Performance Rating Grievances.



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The Director, EOUSA has overall responsibility for the performance rating grievance system for all non-SES non-attorneys. The Director may delegate all or a portion of the responsibility to a designee.

A. Representation: An employee who requests a review of his/her performance rating has the right to be assisted at any stage by a Department employee of his or her choice. If the employee's choice of representative creates a conflict of interest, or gives rise to unreasonable costs to the Government, the EOUSA can require that the employee select another representative.

B. Extensions of Time: The Director of the EOUSA, or designee, may grant an extension, not to exceed ten calendar days, of each time limit stated in the following procedures. All parties are to be informed in writing of all time extensions. A request for an extension of time that is not submitted in a timely manner may be rejected by the Director of the EOUSA or designee, for untimeliness.

C. Use of Official Time: The employee and his or her representative (if a Department employee) are entitled to a reasonable amount of official time to prepare the written submissions. Appropriate arrangements for the use of official time should be coordinated with the employees' supervisors. Normally, a reasonable amount of time should not exceed eight (8) hours. However, if there is disagreement on what constitutes a reasonable amount of time, the issue will be resolved by the Director of the EOUSA, or designee.

D. Submission Procedures:

1. A request for review of an official performance rating must be submitted in writing to the Director of the EOUSA or designee, and to the rating official, within 30 calendar days of the employee's receipt of the official appraisal. It must include the following:

- a. A copy of the disputed performance rating;
- b. A comprehensive statement of the reason(s) why the overall rating or individual element rating(s) should be changed or the documentation remark(s) removed, and any other supporting documentation, such as a performance workplan; and



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c. A statement certifying that a copy of the request for review has been delivered to the rating official.

2. Supporting documentation regarding work performance should relate to the performance standards for each element that is at issue in the grievance. In addition, the employee should specify the specific relief sought. Matters occurring outside the rating period should not be included unless relevant to actual performance during the rating period. To prevail, the employee must demonstrate to the satisfaction of the Director of the EOUSA, or designee, that the rating should be changed.

3. The rating official must furnish a written reply to the employee's request for review to the Director of the EOUSA, or designee, within 20 calendar days of the date the Director of the EOUSA, or designee, received the request for review. The reply should include a copy of the performance workplan, if it has not been submitted. Matters occurring outside the rating period should not be included unless relevant to actual performance during the rating period. The rating official must also provide a statement certifying that a copy of the written reply was delivered to the employee.

4. The employee may respond in writing to the rating official's reply. The response must be submitted to the Director of the EOUSA, or designee, within 10 calendar days of the date the Director of the EOUSA, or designee, received the rating official's reply. The employee is not permitted to raise new issues in this final statement, but may discuss any new matters raised in the rating official's reply. At this time, the employee must designate the Department employee who the employee has selected to serve on the Review Committee.

5. All written statements concerning the appeal are to be submitted to the Executive Office and within the district, if mailing is required, via certified mail. Sensitive and classified information or any other material excluded by law (including grand jury material) shall not be sent as supporting documentation.

6. The record consists of the employee's comprehensive statement, the rating official's reply, the final statement, and the attachments to these submissions.

E. Review Committee: The final decision on all grievances will be made by the Director of the EOUSA, or designee. The Review Committee will make a recommendation to the Director based solely on the record. There is no right to an oral presentation before the Committee. However, if a majority of the Committee determines that it is necessary, the Committee may engage in fact-finding.



1. The Committee will consist of at least three members including:

a. The Director Office of Administration and Review for the EOUSA, or designee.

b. A Department employee, including any attorney, designated by the employee. If the employee's choice of representative creates a conflict of interest or gives rise to unreasonable costs to the Government, the Director of the EOUSA, or designee, can require that the employee select another representative. To avoid unreasonable costs, the Director of the EOUSA, or designee, may require that the employee select a committee member who works in the Washington metropolitan commuting area.

c. The Director of Legal Services for the EOUSA, or designee.

All members of the Committee must be currently employed by the Department and may not have participated in the assignment or review of the contested rating. The Director of the EOUSA, or designee, retains the right to disapprove selection of a committee member on the basis of a conflict of interest.

2. The Committee will have the authority, after considering an employee's request, to recommend to the Director of the EOUSA, or designee, any of the following actions:

a. Adjust the overall rating;

b. Adjust one or more individual element ratings;

c. Remove one or more remarks;

d. Leave the overall rating, individual element rating(s) and/or remark(s) unchanged; or

e. Return the record to the rating or reviewing official for further consideration.

3. Committee's Recommendation:

The Committee will make a written recommendation to the Director of the EOUSA, or designee. Issues will be settled by majority vote of the Committee and the Committee will prepare a written recommendation to the Director, or designee. Any Committee member may write a dissenting opinion which will be forwarded to the Director, or designee.



F. Decision

The Director of the EOUSA, or designee, will make the final decision on the performance grievance after reviewing the Committee's recommendation. All parties will be notified in writing of the final decision.

1984 USAM (superseded)





U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

October 24, 1986

(Expires March 24, 1987)

TO: Holders of United States Attorneys' Manual Title 10

FROM: United States Attorneys' Manual Staff  
Executive Office for United States Attorneys

William P. Tyson  
Director

RE: Performance Rating Grievance by Assistant United States Attorneys and Attorneys within the Executive Office for United States Attorneys

NOTE: 1. This is issued pursuant to USAM 1-1.550.  
2. Distribute to Holders of Title 10.  
3. Insert at end of Title 10.

AFFECTS: USAM 10-2.615

PURPOSE: Bluesheet 10-2.615 delineates new performance rating grievance procedures for Assistant United States Attorneys and Attorneys within the Executive Office for United States Attorneys.

The following should replace the material at USAM 10-2.615.

10-2.615 Performance Rating Grievance by Assistant United States Attorneys and Attorneys within the Executive Office for United States Attorneys

Department of Justice Order 1771.1B (August 30, 1982), and instructions issued by the Office of Attorney Personnel Management (OAPM) establish grievance procedures for all Department attorneys, including Assistant U.S. Attorneys, who wish to contest any aspect of their annual performance ratings. The described grievance is the sole administrative procedure for contesting a disputed performance rating or any aspect of a performance rating.

The Director, Executive Office for U.S. Attorneys (EOUSA) has overall responsibility for the performance rating grievance system for all non-SES attorneys in the Executive Office and the Offices of the U.S. Attorneys. The Director may delegate all or a portion of the responsibility to a designee.



A. Representation: An attorney who requests review of his/her performance has the right to be assisted at any stage by a Department attorney or other Department employee of his or her choice. If the employee's choice of representative creates a conflict of interest, or gives rise to unreasonable costs to the government, the EOUSA can require that the employee select another representative.

B. Extensions of Time: The Director of the EOUSA, or designee, may grant an extension, not to exceed ten (10) calendar days, of each time limit stated in the following procedures. All parties are to be informed in writing of all time extensions. A request for an extension of time that is not submitted in a timely manner may be rejected by the Director of the EOUSA or designee, for untimeliness.

C. Use of Official Time: The attorney and his or her representative (if a Department employee) are entitled to a reasonable amount of official time to prepare the written submissions. Appropriate arrangements for the use of official time should be coordinated with the employees' supervisors. Normally, a reasonable amount of time should not exceed eight (8) hours. However, if there is a disagreement on what constitutes a reasonable amount of time, the issue will be resolved by the Director of the EOUSA, or designee.

D. Submission Procedures:

1. A request for review of an official performance rating must be submitted in writing to the Director of the EOUSA or designee, and to the rating official, within thirty (30) calendar days of the attorney's receipt of the official appraisal. It must include the following:

a. A copy of the disputed performance rating;

b. A comprehensive statement of the reason(s) why the overall rating or individual element rating(s) should be changed or the remark(s) removed, and any other supporting documentation, such as a performance workplan; and

c. A statement certifying that a copy of the request for review has been delivered to the rating official.

2. Supporting documentation regarding work performance should relate to the performance standards for each element that is at issue in the grievance. In addition, the attorney should specify the specific relief sought. Matters occurring outside the rating period should not be included unless relevant to actual performance during the rating period. To prevail, the attorney must demonstrate to the satisfaction of the Director of the EOUSA or designee that the rating should be changed.



3. The rating official must furnish a written reply to the attorney's request for review to the Director of the EOUSA, or designee, within twenty (20) calendar days of the date the Director of the EOUSA or designee received the request for review and so notified the rating official. The reply should include a copy of the performance workplan, if it has not been submitted. Matters occurring outside the rating period should not be included unless relevant to actual performance during the rating period. The rating official must also provide a statement certifying that a copy of the written reply was delivered to the attorney.

4. The attorney may respond in writing to the rating official's reply. The response must be submitted to the Director of the EOUSA, or designee, within ten (10) calendar days of the date the Director of the EOUSA or designee received the rating official's reply and so notified the attorney. The attorney is not permitted to raise new issues in this final statement, but may discuss any new matters raised in the rating official's reply. At this time, the attorney must designate the Department employee who the attorney has selected to serve on the Review Committee.

5. All written statements concerning the appeal are to be submitted to the Executive Office and within the district, if mailing is required, via certified mail. Sensitive and classified information or any other material excluded by law (including grand jury material) shall not be sent as supporting documentation.

6. The record consists of the attorney's comprehensive statement, the rating official's reply, the final statement, and the attachments to these submissions.

E. Review Committee: The final decision on all grievances will be made by the Director of the EOUSA, or designee. The Review Committee will make a recommendation to the Director based solely on the record. There is no right to an oral presentation before the Committee. However, if a majority of the Committee determines that it is necessary, the Committee may engage in fact-finding.

1. The Committee will consist of at least three members including:

a. The Director of the Office of Administration and Review for the EOUSA, or designee.



b. A Department attorney, including any Assistant U.S. Attorney or other Department attorney, designated by the employee. If the attorney's choice of representative creates a conflict of interest or gives rise to unreasonable costs to the government, the Director of the EOUSA or designee can require that the employee select another representative. To avoid unreasonable costs, either the employee or the Director of the EOUSA or designee may select a committee member who works in the Washington metropolitan commuting area.

c. The Director of the Office of Legal Services for the EOUSA or designee.

All members of the Committee must be currently employed by the Department and may not have participated in the assignment or review of the contested rating. The Director of the EOUSA or designee retains the right to disapprove selection of a committee member on the basis of a conflict of interest.

2. The committee will have the authority, after considering an attorney's request, to recommend to the Director of the EOUSA or designee any of the following actions:

- a. Adjust the overall rating;
- b. Adjust one or more individual element ratings;
- c. Remove one or more remarks;
- d. Leave the overall rating, individual element rating(s) and/or remarks(s) unchanged; or
- e. Return the record to the rating or reviewing official for further consideration.

3. The Committee will make a written recommendation to the Director of the EOUSA, or designee. Issues will be settled by majority vote of the Committee and the Committee will prepare a written recommendation to the Director or designee. Any Committee member may write a dissenting opinion which will be forwarded to the Director or designee.

F. Decision: The Director of the EOUSA or designee will make the final decision on the performance grievance after reviewing the Committee's recommendation. All parties will be notified in writing of the final decision.

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*2. The Personnel Office should be contacted by the district or Executive Office for U.S. Attorneys supervisor for assistance in the case of an unresolved informal grievance or at the time it is known formal grievance is being filed, whichever occurs first. It is management's responsibility to contact the Personnel Office, to maintain copies of all correspondence that transpired at the informal level, and to forward such material to the Personnel Office.*

D. Fact-Finding Inquiry and Final Decision of Grievance: See Department of Justice Order No. 1771.1B, Chapter 4 (August 30, 1982).

10-2.614 Performance Rating Grievance by Non-Attorneys

Non-attorneys, except members of the Senior Executive Service, who wish to contest a performance rating or any aspect of a performance rating must adhere to the policies and procedures contained in Department Order No. 1771.1B, Chapter 5 (August 30, 1982), Performance Rating Grievance Committee (PRGC), as supplemented by the following material.

A. Function and Authority of the Performance Rating Grievance Committee (PRGC): See Department Order No. 1771.1B, Chapter 5 (August 30, 1982).

B. Membership: Each PRGC will consist of three members:

1. The Personnel Officer or his or her designee from the Personnel Office who will chair the PRGC pursuant to DOJ Order No. 1771.1B, Chapter 5, paragraph 18b(1), (August 30, 1982).

2. A member designated by the employee, who:

a. Is a current employee of the Department; and

b. Has not participated in making or reviewing the contested rating.

3. A member designated by the Director of the Executive Office for U.S. Attorneys or his or her designee who:

a. Is a current employee of the Department; and

b. Has not participated in making or reviewing the contested rating.



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C. Procedures for Non-Attorneys Filing a Request for Review of a Performance Appraisal: After the reviewing official has signed an employee's performance rating form and returned it to the rating official, the rating official must discuss with the employee again the individual and overall performance ratings. The employee should acknowledge receipt of the final rating and sign and date the rating form. The employee's signature only acknowledges that the final rating has been discussed; it does not constitute agreement with the rating assigned or void any rights the employee has to grieve the rating. If the employee is dissatisfied with any aspect of the performance rating, he or she may file in accordance with the grievance procedure a request for review of the official performance rating. The request must be submitted in writing to the Personnel Officer, Executive Office for U.S. Attorneys, no later than fifteen (15) calendar days after acknowledging receipt of a copy of the official rating which has been signed by the rating and reviewing officials. If an employee declines to acknowledge receipt of a copy of the official performance rating, the employee must submit the request for review no later than fifteen (15) calendar days after the rating official certifies physical delivery of the rating to the employee. Department of Justice Order 1771.1B, Chapter 3 (August 30, 1982), specifies the information to be included in a formal grievance. In addition, the employee (grievant) should submit a copy of the disputed rating, a copy of the performance work plan, a comprehensive statement of the reason(s) why the rating (either one or more individual elements overall) should be increased or a remark removed, and other appropriate supporting documentation.

D. Procedures for Attorneys Filing a Request for Review of a Performance Appraisal: Attorneys who wish to contest a disputed performance rating or any aspect of a performance rating must adhere to the policies and procedures contained in the USAM 10-2.614.

10-2.615 Performance Rating Grievance by Assistant United States Attorneys

Department of Justice Order 1771.1B (August 30, 1982), and instructions issued by the Office of Attorney Personnel Management (OAPM) establish grievance procedures for all Department attorneys, including Assistant U.S. Attorneys, who wish to contest any aspect of their annual performance ratings. The policies and procedures of the Performance Rating Grievance Committees (PRGCs) outlined below represent the sole remedy for attorneys wishing to contest any aspect of a performance rating.



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A. Function: PRGCs will be convened on an ad hoc basis and empowered to provide an impartial review of:

1. An attorney's request for review of the overall official rating; and/or
2. An attorney's request for review of one or more individual element ratings on the performance rating form; and/or
3. An attorney's request for review of any remarks that are part of the official performance rating.

B. Authority: A PRGC will have the authority, after considering an employee's request, to:

1. Increase an overall rating; and/or
2. Increase one or more individual element ratings; and/or
3. Remove one or more remarks; and/or
4. Leave the overall rating, individual element rating, or remarks unchanged.

There is no right to an oral presentation before a PRGC.

C. Membership: Each PRGC will consist of three members:

1. The Director, OAPM, Office of the Deputy Attorney General, or his or her designee, who will chair the PRGC;
2. A Department attorney (including any Assistant U.S. Attorney) designated by the employee, who:
  - a. Is currently employed by the Department; and
  - b. Did not participate in the making or reviewing of the contested rating.
3. A Department attorney (including any Assistant U.S. Attorney) designated by the Director, Executive Office for U.S. Attorneys, who:

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- a. Is currently employed by the Department; and
- b. Did not participate in the making or reviewing of the contested rating.

The Director, OAPM, retains the right to disapprove selection of a PRGC member on grounds of real or apparent conflict of interest or position.

D. Representation: An employee who requests review by a PRGC has the right to be assisted at any stage of the proceeding by an attorney or any other representative of his or her choice; however, the representative cannot then or later be a member of the PRGC which will decide the matter. Neither the employee nor his or her representative has a right to be present at PRGC meetings.

E. Burden of Proof: The employee requesting review will have the burden of establishing a prima facie case for the proposition that the employee's rating should be changed. This burden also rests with the employee when he or she is requesting the removal of a remark from the performance rating. If the employee meets this burden in the view of the PRGC, the rating official's reply will be reviewed to determine if the rating official had a reasonable basis for making the original rating or stating a particular remark on the performance rating.

F. Timeliness of Request: A request for review of an official performance rating must be submitted in writing to the Department of Justice, Office of Attorney Personnel Management, Room 4311, Main Justice Building, Washington, D.C. 20530, no later than fifteen (15) calendar days after acknowledging receipt of a copy of the official signed rating. If an employee declines to acknowledge receipt of a copy of the official signed performance rating, the employee must submit the request for review no later than fifteen (15) calendar days after the rating official certifies physical delivery of the rating to the employee.

G. Procedures:

1. Upon receipt of a timely filed request for review, the employee will be instructed by the OAPM to submit a copy of the disputed rating, a copy of the employee's performance work plan, a comprehensive statement of the reasons why the rating (either one or more individual elements or overall) should be increased or the remark(s) removed, and appropriate supporting documentation. The attorney should relate his or her work performance to the performance standards for each element involved and should specify the relief

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sought. Matters occurring outside the actual rating period should not be included or referred to unless the relevance of such inclusion or reference to the actual performance during the rating period is clearly established. This initial submission by the grievant must be made to the OAPM within 14 days of the date of the instruction to the employee by the OAPM to submit the disputed rating, the performance work plan, the comprehensive statement, and appropriate supporting documentation. An original and three extra copies of these materials must be submitted.

2. The employee's comprehensive statement will be transmitted via the Executive Office to the rating official who will complete a written reply, including any appropriate supporting documentation the rating official wishes to submit. Matters occurring outside the actual rating period should not be included or referred to unless the relevance of such inclusion or reference to the actual performance during the rating period is clearly established. This submission by the rating official must be received in the Executive Office within 14 days of the date of OAPM's transmittal memorandum. Three copies of this reply must accompany the original. The Executive Office will forward the material to the OAPM together with a statement designating a Department attorney to serve on the PRGC.

3. The rating official's reply will be transmitted to the employee by OAPM for a final statement and any additional supporting documentation. The employee may not raise new matters in this document, about which the rating official did not have an opportunity to reply, but may discuss any matters raised in the rating official's reply. At the same time, the attorney must designate the Department attorney (including an Assistant U.S. Attorney) whom the employee has selected to serve on the PRGC. An original and three copies of this final submission must be provided to the OAPM no later than 14 calendar days after the date of OAPM's transmittal letter of the rating official's reply to the employee. The employee's final statement and supporting documentation will also be transmitted via the U.S. Attorney for the rating official's information.

4. All written statements concerning the appeal are to be submitted by certified mail. Employees and rating officials are cautioned not to submit sensitive or classified information or any other material excluded by law (including grand jury material) or Departmental security regulations as supporting documentation.

5. The employee is entitled to a reasonable amount of official time, not to exceed eight (8) hours, to prepare his or her written

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response. The employee's representative, if an employee of the Department, is also entitled to a reasonable amount of time to assist the employee. What is a reasonable amount of time is to be determined by management and will vary with each case. Appropriate arrangements for use of official time should be coordinated with each employee's supervisor.

6. The three submissions described in G.1, 2, and 3 above will constitute the written record on which the PRGC will base its determination.

7. Upon receipt of the final statement, the OAPM will contact the two designated members of the PRGC to arrange a mutually agreeable meeting date and time. If an attorney whose duty station is outside Washington, D.C., is designated as a PRGC member, the Director, OAPM, will decide whether the designee will participate in person or by telephone and whether the meeting will be held in Washington, D.C., or at the location of the designee. In making this decision, the Director will consider the ability and willingness of the appealing attorney's organization to incur the cost of the transportation.

H. Decision: The PRGC will reach its decisions, settle all issues by majority vote, and will issue a written decision on each request for review. The decision will describe corrective action to be taken, if any, and will briefly summarize the facts which led the Committee to its decision. The written decision will be prepared by a member of the PRGC designated by the chair of the PRGC. The decision of the PRGC will be final is not subject to further administrative appeal. A copy of the decision will be sent to the employee by OAPM. A copy of the decision will be sent to the U.S. Attorney through the Executive Office.

I. Documentation of Decision: Where dictated by the PRGC, a new performance appraisal form will be completed by the OAPM reflecting the decision of the PRGC. That form will be signed by the chair of the PRGC and will replace the original rating. The original copy of the revised rating and all other documentation will be retained by the OAPM and destroyed after the required record retention period (3 years).

10-2.620 Discipline and Adverse Action



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10-2.621 Removal of an Assistant United States Attorney

Assistant U.S. Attorneys are appointed by the Attorney General and may be removed by that official or an official to whom the authority has been delegated. 28 U.S.C. §542. The Associate Attorney General or the Deputy Attorney General will normally exercise the power and authority vested in the Attorney General to take final action in matters pertaining to the dismissal of Assistant U.S. Attorneys. See 28 C.F.R. §0.15.

A contemplated removal of an Assistant should be closely coordinated with the Legal Services Section of the Executive Office for U.S. Attorneys. The U.S. Attorney should submit the recommendation for removal in writing to the Director of the Executive Office. The recommendation should contain an explanation of the conduct or performance which serves as the basis for removal. The Executive Office will process the U.S. Attorney's recommendation and present it to the deciding official. No action should be taken by the U.S. Attorney to request the resignation of an Assistant U.S. Attorney without prior consultation with an appropriate official of the Executive Office for U.S. Attorneys (Director, Deputy Director, Director, Office of Legal Services).

A removal may be effective immediately upon receipt by the Assistant of the removal letter or any specified date thereafter. The removal letter will be forwarded to the U.S. Attorney for personal delivery to the Assistant. Assistant U.S. Attorneys have been exempted from the rights which are afforded to competitive service employees with regard to removal. Department of Justice Order 1752.1A (April 27, 1981).

In all instances, a lesser degree of disciplinary action, such as a reprimand or suspension should be considered.

10-2.622 Removal of a Veteran Assistant United States Attorney

A preference eligible (as defined by the Veterans Preference Act, 5 U.S.C. §2108) Assistant U.S. Attorney, may be removed for such "cause as will promote the efficiency of the service." 5 U.S.C. §7513. These rights include 30 days advance written notice and a statement of the specific reasons for the proposed action; a reasonable time within which to reply to the charges, orally or in writing; and the right to be represented. 5 C.F.R. §752.404. There is no right to a trial or formal administrative hearing. See 5 C.F.R. §752.404(c)(2); Arnett v. Kennedy, 416 U.S. 134 (1974). A preference eligible is entitled to written notice of the agency's decision, and a right to appeal the action to the Merit Systems Protection Board. See 5 C.F.R. §752.405.

10-2.623 Other Disciplinary Actions Against an Assistant United States Attorney

The Deputy Attorney General or the Associate Attorney General exercises the authority to take the final action in matters pertaining to the discipline of an Assistant U.S. Attorney. See 28 C.F.R. §0.19(a)(1). The authority to reprimand an Assistant has been redelegated to the Director of the Executive Office for U.S. Attorneys.

Disciplinary actions other than removal include written and oral reprimands, suspensions, reductions in grade or pay and furloughs for 30 days or less. These actions constitute either an adverse action for which certain procedures must be followed, or an action which may be grieved through the Department of Justice grievance procedure. Thus, any contemplated disciplinary action against an Assistant should be closely coordinated with the Executive Office for U.S. Attorneys.

10-2.630 Labor Management Relations

10-2.631 Authority

Labor management relations within the federal government are based on the policies contained in Executive Order No. 11491. Departmental policies are contained in Department of Justice Order No. 1711.1C (August 18, 1976).

10-2.632 Rights of Employee

Each employee has the right to join or not to join any labor organization which does not strike against or advocate the overthrow of the government of the United States. Employees must be allowed to exercise their rights freely without fear or penalty of reprisal.

Employees have the right to participate in the activities of a labor organization except when such participation or activity would result in a conflict of interest or is otherwise incompatible with law or with the official duties of the employee. Restricted from managing or representing a labor organization are:

A. Employees engaged in personnel work other than in a purely clerical capacity.

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B. Employees who represent the Department of Justice in consultation or negotiations with labor organizations.

C. Management officials and supervisors.

Labor organizations have the right to solicit employees and distribute during non-work time provided there is no interference with the work of the installation. (See Department of Justice Order 1711.1C Appendix 2 (August 18, 1976) for detailed instructions concerning relationships with labor organizations.).

10-2.633 Procedures

If an office receives a petition for exclusive recognition, it should be forwarded immediately to the Personnel Officer, Executive Office for U.S. Attorneys. The Personnel Officer will prepare management's response and advise the U.S. Attorney on appropriate actions. When a labor organization has achieved exclusive recognition, a contract is negotiated. The Personnel Officer will advise the U.S. Attorney on appropriate procedures and bargaining position.

Managers and supervisors of organizations with contracts are responsible for insuring that the employees' rights and responsibilities are met. Any problems or questions should be immediately referred to the Personnel Officer, as the actions of one office may have Department-wide impact.

10-2.640 Employee Performance

10-2.641 Probationary or Trial Period for New Employees

New employees appointed to other than temporary positions limited to one year or less, are required to serve a trial or probationary period of one year if they:

- A. Are appointed from an Office of Personnel Management Register;
- B. Transfer from another federal agency and have not completed a probationary period previously; or



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C. Are Assistant U.S. Attorneys or other excepted employees unless they transferred from an attorney position in another federal agency without a break in service and have completed a previous probationary period.

This period provides a means to evaluate and judge the employee's fitness for the position through performance on the job.

It is critical in the case of a competitively-appointed employee because removal procedures become far more complex after the end of this period.

Office of Personnel Management and Department regulations require that the supervisor of each employee serving a probationary period submit a signed statement certifying that the employee's performance, conduct, and general trait of character have been found either satisfactory or unsatisfactory. A Request for Review of the Employee's Probationary or Trial Period is forwarded by the Personnel Section, Executive Office for U.S. Attorneys, at the beginning of the ninth month. If the employee's fitness for continued employment is satisfactory, the notice should be signed by the supervisor and returned to the Personnel Section before the end of the tenth month of the probationary period.

In the event that a probationary employee is found to be unsatisfactory at any time, the Personnel Office, Executive Office for U.S. Attorneys, should be consulted for advice and assistance before taking any action.

#### 10-2.642 Probationary Period for Supervisors and Managers

The Civil Service Reform Act of 1978 mandates probationary periods for all competitive employees initially appointed as supervisors or managers. These requirements, which are separate from the requirement that new federal employees serve probationary periods, are designed to give an organization the opportunity to assess the development of new supervisors or managers and to return employees to nonsupervisory or nonmanagerial positions without undue formality should circumstances so warrant.

All competitive positions which are classified as supervisors or managers according to the Supervisory Grade Evaluation Guide are covered by this requirement. These positions have a "1" or "3" as the last character of the position description number. Assistant U.S. Attorney positions are not covered because they are in the excepted service.



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Upon initial appointment to a supervisory position, employees will be required to complete a one-year probationary period. Upon initial appointment to a managerial position employees will be required to complete a separate one-year probationary period for managers. When a supervisory position requires substantive, recognizable managerial responsibilities which were performed in a fully successful manner, the requirement for a managerial probationary period may be waived by the Personnel Management Staff. Employees who, as of August 11, 1979, are serving or have served in supervisory or managerial positions in the federal government are exempt from the probationary period requirement.

Employees who are temporarily appointed, promoted, or re-assigned to a supervisory or managerial position will not be required to serve a probationary period. Service in such a temporary assignment is not creditable towards satisfying probationary period requirements unless such assignment follows, without a break in service, permanent assignment in a supervisory or managerial position in which the probationary period is to be served.

During the probationary period, the immediate supervisor is responsible for insuring that the employee receives appropriate training in order to equip him/her for the demands of the job. This is in addition to the long standing requirement for 80 hours of formal supervisory training or its equivalent contained in Department of Justice Order 1410.1C (April 28, 1983). See USAM 10-2.833.

The immediate supervisor is also required to fully and fairly evaluate the performance of the employee. Discussions concerning performance should be conducted throughout the probationary period. Approximately 90 days before the end of the probationary period, you will receive a tickler memorandum from the Personnel Management Staff. If the employee's performance has not been fully successful, the Personnel Management Staff should be contacted immediately.

If after a full and fair evaluation, an employee's performance reveals supervisory or managerial deficiencies which make him/her unsuited for continued employment in the position, the employee is to be returned to a nonsupervisory or nonmanagerial position. This action is not appealable under adverse action procedures, nor is it grievable. The employee is entitled to be returned to a position in the Department of no lower grade and pay than the one the employee left to accept the supervisory or managerial action. The Personnel Management Staff will assist your office in carrying out such an action.

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10-2.643 Performance Appraisal System for Attorneys Who Are Not Covered  
by the Performance Management and Recognition System

The guidelines and instructions contained in Department of Justice Order 1430.3 (February 28, 1980), and amendments, and the guidance of the Office of Attorney Personnel Management as implemented by the following instructions are applicable to all Assistant U.S. Attorneys and attorney personnel in the Executive Office for U.S. Attorneys.

A. The Appraisal Cycle:

The appraisal cycle for Assistant U.S. Attorneys is tied to the cycle of administrative pay increases. Performance appraisals normally are for the one-year period ending 8 weeks prior to the effective date of the proposed administrative pay increase. At a minimum, the appraisal period must be 120 days. The Attorney Performance Rating Form (DOJ-477), dated May, 1983, and the performance work plan (DOJ-481) must be submitted with the request for an administrative pay increase.

The appraisal cycle for attorneys in the Executive Office starts on July 1 of each year and ends on June 30 of the following year unless it is deferred for authorized reasons.

The appraisal cycle for both Assistants and attorneys begins upon receipt of a performance appraisal or appointment to the office. In each case, the Assistant or attorney is to be advised of the job elements and standards of the position and is to receive a performance work plan (DOJ-481) within 30 days.

An Assistant or attorney who has not served in his or her current position or under the same supervisor for at least 120 days is to be rated by either the second level supervisor or by the current supervisor with a supplementary rating from the previous supervisor. In those rare cases in which neither alternative is available, an Assistant's rating should be delayed until satisfaction of the 120-day criteria, or the Assistant may receive a presumptive rating of "fully successful." If the rating is delayed, the associated salary increase for an Assistant U.S. Attorney cannot be effected retroactively to the anniversary date. Thus, the appraisal and pay increase should be delayed only if it is anticipated that the rating will be other than "fully successful." If an Assistant is to receive a presumptive rating of "fully successful," a memorandum describing the circumstances which preclude a normal rating shall be submitted with the request for a salary increase.

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The supervisor of each position in which an employee serves 60 days or longer during the appraisal period should provide performance information for consideration in the final assessment of performance. When a supervisor is reassigned or leaves the office, he or she should assess the performance of employees as of that time and the assessment information is to be considered in the final assessment of performance.

All Assistants and attorneys must be rated annually. An Assistant who is not being recommended for an administrative pay increase is to be rated 8 weeks prior to the date he or she would have received the increase. The rating form and work plan should be submitted to the Personnel Management Staff with a memorandum stating that no administrative pay increase is being recommended.

B. Job Elements and Performance Standards:

Job elements and performance standards must be identified for each Assistant and attorney position. The first step is to identify for any given position the significant characteristics, projects, and responsibilities. These are the job elements.

The second step is to identify those job elements which are so important that less than fully successful performance may subject the employee to disciplinary action. These are the critical elements.

The third step is to identify those critical elements, if any, which may substantially influence the evaluation of overall performance. These are the weighted critical elements. The greater weight of these elements, as with all individual performance elements, must be communicated to the employee at least 120 days in advance of serving as the basis for the overall rating. The weighted critical element also must be clearly indicated on the work plan.

The establishment of a weighted critical element can have a significant impact on an employee's overall rating. Specifically, performance of a weighted critical element which is at a lower level than a "majority" of the critical elements can serve as a basis for an overall rating which is lower than a majority of the critical elements. The converse is not true. Performance of a weighted critical element which is at a higher level than a "majority" of the critical elements cannot serve as a basis for an overall rating which is higher than a majority of the critical elements. Where the critical elements, whether or not they are weighted critical elements, are evenly divided between two rating levels, the rating official may select the more appropriate of the two levels,



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provided other applicable minimum requirements for the level selected are met.

The following critical element is mandatory for all supervisory Assistant U.S. Attorneys:

The incumbent will fully support and implement the Department's and Office's affirmative action efforts with respect to all positions (attorney and non-attorney) under his or her supervision.

The performance standards for this job element should be developed based on the organizational needs of the office and the employee's EEO responsibilities.

The following job element and performance standards are mandatory for all supervisory and administrative Assistant U.S. Attorneys:

The incumbent is responsible for internal control systems which ensure that obligations and costs are in compliance with applicable laws, regulations, and policies; that funds, property and other assets are safeguarded against waste, loss, and unauthorized use, or misappropriation; and that expenditures are properly recorded and accounted for to permit the preparation of reports and to maintain accountability over assets.

Excellent

The incumbent has established, distributed, explained, and maintained current written office policy which describes procedures to appropriate directly or indirectly funds of any type and to receive or to utilize property or equipment. Incumbent has devised system whereby the duties of processing, recording, and authorizing direct or indirect expenditure of funds and receipt of services or property are separated. Office records are complete and logical; i.e., all transactions are promptly and clearly documented, properly classified, and readily available for examination. Controls are established to limit access to records to authorized personnel. Incumbent responds promptly and in a positive and supportive



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manner to requests for information or to directions to take corrective action.

Fully Successful

Procedures, although not always written or current, are established and have been communicated to appropriate office personnel regarding proper channels to follow to appropriate funds and to receive or to use office property or equipment. Incumbent has devised a system whereby there is a check/balance for the authorization or expenditure of funds, and receipt of services or property. Office records are reasonably complete and organized; i.e., all transactions are documented, classified in an understandable manner and are available for examination within a reasonable time after request is made. Records are kept in a secure area. Incumbent responds to requests for information within reasonable timeframes.

Minimally Satisfactory

The incumbent is aware of procedures required to appropriate funds, but procedures allow a single individual to process, record, and authorize expenditure of funds or receipt of services or property. Office records have been established but are not kept up to date. Records are stored in common areas; access to records is not controlled. Requests for information do not receive regularly incumbent's fullest, timely attention.

Finally, the performance standards for each job element must be identified. Written standards describing "minimally satisfactory," "fully successful," and "excellent" performance must be developed. When developing performance standards, it is essential to the integrity of the system that they be based on a realistic expectation of each individual's level of achievement. Assistants and attorneys should be rated based on what is expected of them, not based on a comparison with the performance of other government attorneys or attorneys in private practice.

Another important element in the development of appropriate job elements and performance standards is the dialogue between the employee and supervisor. This dialogue is a continuing process of both informal

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and formal discussions. (At least 1 formal meeting must be held during the appraisal cycle as required by DOJ Order 1430.3.) Because the appraisal process is dynamic, it is anticipated that job elements and standards will be modified throughout the appraisal cycle. Any modifications made should be noted on the performance work plan.

The establishment of arbitrary percentages governing the number of ratings in each category is not permissible. However, it is obvious that if inflated ratings are given to increase compensation, the budget will be overtaxed and the system will be jeopardized. Evaluations must be made in accordance with performance standards and not with compensation in mind. The success of the program from a budgetary standpoint depends upon conscientious application of assigning evaluations based on performance.

Accordingly, the higher ratings of "excellent" and "outstanding" should not be cheapened by making them the norm. Those ratings should be reserved for those Assistants and attorneys whose performance is clearly above the norm and merit special recognition.

C. Terminology:

The following terminology is to be used to rate each individual element of an Assistant's or attorney's performance:

1. Unsatisfactory. Performance on an individual critical or noncritical element of the job which substantially fails to meet the performance standards established at the beginning of or modified during the rating period. Usually the employee's performance will show serious deficiencies in terms of quantity, quality, or timeliness of work.

2. Minimally Satisfactory. Performance on an individual critical or noncritical element of the job which barely meets the performance standards established at the beginning of or modified during the rating period.

3. Fully Successful. Performance on an individual critical or noncritical element of the job which completely meets or exceeds to a limited degree the performance standards established at the beginning of or modified during the rating period.

4. Excellent. Performance of an individual critical or noncritical element of the job which markedly exceeds the performance standards established at the beginning of or modified during the rating period.

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5. Outstanding. Performance of an individual critical or noncritical element of the job which clearly demonstrates a level of achievement which exceeds to an exceptional degree the performance standards established at the beginning of or modified during the rating period.

The following terminology is to be used to describe the overall performance level of an attorney or an Assistant U.S. Attorney, taking into account both strengths and weaknesses on each individual job element.

1. Unsatisfactory. Overall performance deemed to be unacceptable. In the individual element ratings, one or more critical elements must be rated "unsatisfactory."

2. Minimally Satisfactory. Overall performance which is marginally acceptable. It is demonstrated by "Minimally Satisfactory" performance in a "majority" of the critical elements of the position. Performance at this level is deficient in important aspects of the job and requires improvement.

3. Fully Successful. Overall performance in which the attorney performs in a manner which generally meets or exceeds to a limited degree the established performance standards. In the individual element ratings, a "majority" of the critical elements must be rated "Fully Successful" or higher and no individual performance element may be less than "Minimally Satisfactory."

4. Excellent. Overall performance in which the attorney consistently performs in a manner which exceeds to a marked degree established performance standards. In the individual element ratings, a "majority" of the critical elements must be rated "Excellent" and no individual performance element may be less than "Fully Successful."

5. Outstanding. Overall performance in which the attorney consistently performs in an exceptional manner with respect to established performance standards. In the individual element ratings, the attorney must demonstrate "Outstanding" performance in a "majority" of the critical elements of the position and demonstrate "Excellent" performance in all other critical elements of the position. No other individual performance element may be less than "Fully Successful."

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D. Finality of Ratings:

Annual ratings are to be recorded on Form DOJ-477, Attorney Performance Rating Form. All ratings must be signed and approved by the rating and reviewing officials before becoming final. In those cases where the U.S. Attorney or the Director, Executive Office for U.S. Attorneys, is the rating official, he or she will also be the reviewing official.

The sole remedy for an attorney or Assistant U.S. Attorney who wishes to contest any aspect of a performance rating or associated pay increase rating is a grievance. The procedures described in USAM 10-2.614 are to be followed.

10-2.644 Performance Appraisal System for Non-Attorneys Who Are Not Covered by the Performance Management and Recognition System

The guidelines and instructions contained in Department of Justice Order 1430.3 (February 28, 1980), and amendments are applicable to all non-attorneys other than those covered by the Performance and Recognition System, whose appointment is for four months or longer, except as amended by these instructions.

Each covered employee is to receive a copy of the "Users' Guide to the Performance Appraisal System for Non-Attorneys" so that he or she may fully understand the principles, operation, and implementation of the new appraisal system.

A. The Appraisal Cycle: The annual performance appraisal cycle normally is:

1. For a new employee, from the entrance-on-duty date to the last day of the month preceding the first anniversary of the entrance-on-duty date; and
2. For other than a new employee, from the first day of the month of the employee's anniversary date with the office to the last day of the month preceding the anniversary date.

For example, if an employee enters on duty November 15, 1983, his or her first rating period will be from November 15, 1983 to October 31, 1984. In subsequent years, that employee's rating period will be from November 1 to October 31.



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An employee who has not served under the same first-level supervisor or in his or her current position for at least 120 days is to be rated either by the second-level supervisor or by the current first-level supervisor with a supplementary rating from the previous supervisor. If neither alternative is available, the employee's rating will be delayed until the 120-day requirement is met.

B. Job Elements and Performance Standards: The first stage of the performance appraisal cycle is the development of a work plan (DOJ-481) which identifies the job elements and performance standards of the position. In developing the work plan, the following should be noted.

1. There is no predetermined number of job elements. Normally, however, there are no more than 6-10 important job elements in a given position, of which 3-5 are critical.

2. Written performance standards describing "minimally satisfactory," "fully successful," and "excellent" performance must be developed.

3. Work plans may be developed either for individuals or for groups of employees with the same duties and responsibilities.

4. A formal discussion between the employee and the supervisor must be held when the work plan is prepared. The employee and supervisor must sign and date the work plan to indicate that a discussion has been held.

5. While it is hoped that the employee and supervisor will be in agreement concerning the job elements and performance standards, the rating and reviewing officials are ultimately responsible for establishing and communicating the job elements and performance standards.

6. When there are multiple rating officials, it is recommended that the reviewing official review all of the proposed work plans at the beginning of the rating period to insure internal consistency and fairness.

The following job element is mandatory for all supervisors and administrative officers:

The incumbent will fully support and implement the Department's and Office's affirmative action efforts

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with respect to all positions under his or her supervision or control.

The performance standards for this job element should be developed based on the organizational needs of the office and the employee's EEO responsibilities.

The following job element and performance standards are also mandatory for all supervisory and administrative officers or principal administrative personnel:

The incumbent is responsible for internal control systems which ensure that obligations and costs are in compliance with applicable laws, regulations, and policies; that funds, property and other assets are safeguarded against waste, loss, and unauthorized use, or misappropriation; and that expenditures are properly recorded and accounted for to permit the preparation of reports and to maintain accountability over assets.

Excellent

The incumbent has established, distributed, explained, and maintained current written office policy which describes procedures to appropriate directly or indirectly funds of any type and to receive or to utilize property or equipment. Incumbent has devised system whereby the duties of processing, recording, and authorizing direct or indirect expenditure of funds and receipt of services or property are separated. Office records are complete and logical; i.e., all transactions are promptly and clearly documented, properly classified, and readily available for examination. Controls are established to limit access to records to authorized personnel. Incumbent responds promptly and in a positive and supportive manner to requests for information or to directions to take corrective action.

Fully Successful

Procedures, although not always written or current, are established and have been communicated to appropriate office personnel regarding proper channels

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to follow to appropriate funds and to receive or to use office property or equipment. Incumbent has devised a system whereby there is a check/balance for the authorization or expenditure of funds, and receipt of services or property. Office records are reasonably complete and organized; i.e., all transactions are documented, classified in an understandable manner and are available for examination within a reasonable time after request is made. Records are kept in a secure area. Incumbent responds to requests for information within reasonable timeframes.

Minimally Satisfactory

Incumbent is aware of procedures required to appropriate funds, but procedures allow a single individual to process, record, and authorize expenditure of funds or receipt of services or property. Office records have been established but are not kept up to date. Records are stored in common areas; access to records is not controlled. Requests for information do not receive regularly incumbent's fullest, timely attention.

Employees must receive copies of their work plans within 30 days of appointment or reassignment to a new position.

C. Terminology: The following terminology is to be used to rate each individual element of an ~~Assistant's or attorney's~~ <sup>attorney-attorney personnel</sup> performance:

1. Unsatisfactory. Performance on an individual critical or noncritical element of the job which substantially fails to meet the performance standards established at the beginning of or modified during the rating period. Usually the employee's performance will show serious deficiencies in terms of quantity, quality, or timeliness of work.

2. Minimally Satisfactory. Performance on an individual critical or noncritical element of the job which barely meets the performance standards established at the beginning of or modified during the rating period.

3. Fully Successful. Performance on an individual critical or noncritical element of the job which completely meets or exceeds to a

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-AUGUST 1, 1985  
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limited degree the performance standards established at the beginning of or modified during the rating period.

4. Excellent. Performance of an individual critical or noncritical element of the job which markedly exceeds the performance standards established at the beginning of or modified during the rating period.

5. Outstanding. Performance of an individual critical or noncritical element of the job which clearly demonstrates a level of achievement which exceeds to an exceptional degree the performance standards established at the beginning of or modified during the rating period.

The following terminology is to be used to describe the overall performance level of all non-attorney personnel.

1. Unsatisfactory. Overall performance deemed to be unacceptable. In the individual element ratings, one or more critical elements must be rated "unsatisfactory."

2. Minimally Satisfactory. Overall performance which is marginally acceptable. It is demonstrated by "Minimally Satisfactory" performance in a "majority" of the critical elements of the position. Performance at this level is deficient in important aspects of the job and requires improvement.

3. Fully Successful. Overall performance which generally meets or exceeds to a limited degree the established performance standards. In the individual element ratings, a "majority" of the critical elements must be rated "Fully Successful" or higher and no individual performance element may be less than "Minimally Satisfactory."

4. Excellent. Overall performance in which the attorney consistently performs in a manner which exceeds to a marked degree established performance standards. In the individual element ratings, a "majority" of the critical elements must be rated "Excellent" and no individual performance element may be less than "Fully Successful."

5. Outstanding. Overall performance which is performed in an exceptional manner with respect to established performance standards. In the individual element ratings, the employee must demonstrate "Outstanding" performance in a "majority" of the critical elements of

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the position and demonstrate "Excellent" performance in all other critical elements of the position and no individual performance element may be less than "Fully Successful."

D. Progress Reviews: An important element in the performance appraisal system is the continuing process of informal and formal discussions. (At least one formal progress review must be held midway through the rating cycle.) Because the appraisal process is dynamic, it is anticipated that job elements and standards will be modified throughout the appraisal cycle. Such modifications must be noted on the DOJ-481.

E. Finality of Ratings: Annual ratings will be recorded on form DOJ-484, Employee Performance Rating Form. All ratings must be signed and approved by the reviewing official before becoming final. If the reviewing official disagrees with the rating official's assessment, the tentative ratings may be adjusted. It is strongly recommended that the rating official not discuss the performance rating with the employee until after the reviewing official has approved the rating. After the reviewing official has signed the rating form, the employee will be asked to sign it to acknowledge receipt.

If an employee wishes to contest any aspect of a performance rating, he or she may file a grievance under the procedures described in Department of Justice Order 1771.1B (August 30, 1982).

F. Submission to the Personnel Management Staff: Completed and approved rating forms must be submitted to the Personnel Management Staff, within 30 days of the end of the rating period. Offices must also submit the performance work plan against which the employee was rated.

G. Program Evaluation: The Executive Office will conduct periodic evaluations of the non-attorney performance appraisal system. This evaluation will occur at least on an annual basis.

10-2.645 Performance Appraisal--Performance Management Recognition System (PMRS) Employees (Reserved)

This section is reserved pending issuance of Department of Justice Order.



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

JAN 7 1987

(Expires June 7, 1987)

TO: Holders of United States Attorneys' Manual Title 10.

FROM: United States Attorneys' Manual Staff  
Executive Office for United States Attorneys  
William P. Tyson, Director  
Executive Office for United States Attorneys

RE: Awards

- NOTE:
1. This is issued pursuant to and EXPIRES unless reissued or incorporated pursuant to USAM 1-1.550.
  2. Distribute to holders of Title 10.
  3. Insert in front of USAM 10-2.650.

PURPOSE: The purpose of this bluesheet is to change the timing and method of award allocations, provide guidelines for distribution of awards, reorganize information presented, and delete non-policy information from the manual. In order to transition from a calendar year to a fiscal year allocation, a nine month allocation for Special Achievement Awards for Sustained Superior Performance and Quality Step Increases will be issued in January, 1987.

Procedural information and further guidance regarding processing awards will be issued via a Personnel Management Staff Issuance.

AFFECTS: USAM 10-2.650, 10-2.651, 10-2.652, 10-2.653, 10-2.654, 10-2.655, 10-2.656, and 10-2.657.

The following replaces the material at USAM 10-2.650, 10-2.651, 10-2.652, 10-2.653, 10-2.654, 10-2.655, 10-2.656 and 10-2.657.

BS # 10.013



10-2.650 Incentive Awards

References: DOJ Order 1451.1A, Incentive Awards Program  
DOJ Order 1531.1B, Within-Grade Increases for General  
Schedule Employees  
DOJ Performance Management System (PMS)  
DOJ Performance Management Plan (PMP) for Performance  
Management and Recognition System (PMRS) Employees  
FPM Chapter 451, Incentive Awards  
FPM Supplement 451-1, Incentive Awards  
5 C.F.R. Part 451, Special Awards

Additional references may be identified within the text of the resource(s) cited above.

The Department's Awards Program is described in detail in DOJ Order 1451.1A. The Order contains information on the following awards: Attorney General's Awards, Quality Step Increase (QSI) and Special Achievement Awards for Sustained Superior Performance, Special Achievement Awards for Special Act or Service, Honorary Bureau Awards, Suggestion Awards, Career Service Awards, Non-Justice Awards, and Public Service Awards. DOJ Order 1531.1B contains additional information on QSIs. The PMS and PMP integrate the performance appraisal and awards programs. Implementation of Performance Awards and Superior Accomplishment Award components of the PMS have been deferred until the Office of Personnel Management issues final regulations.

A. Program Policy

Detailed below are policy guidelines regarding awards.

1. District offices and the Executive Office for United States Attorneys (EOUSA) will provide orientation for their employees on how they may earn awards and instruct their supervisors and managers on the effective use of same.

2. Awards must be distributed equitably and credibly within each district office and within the EOUSA.

3. The EOUSA, Financial Management Staff, will issue award allowances at the beginning of each fiscal year to each district and the EOUSA for Special Achievement Awards for Sustained Superior Performance. A separate allowance will be established for non-PMRS attorney and non-PMRS non-attorney personnel.

4. Nominations for Special Achievement Awards for Special Act or Service will be solicited annually concurrent with the Director's Awards to ensure that recognition is commensurate with the value of the contribution. Funding for these awards will be absorbed by the EOUSA.



5. QSIs may be given to no more than 25% of the full-time permanent allocation for General Schedule (GS) personnel in a district or the EOUSA in any one fiscal year. Nominations for QSIs may be submitted at any time provided eligibility criteria are met.

6. In accordance with DOJ Order 1451.1A, the EOUSA has established Honorary Bureau awards. These awards are called Director's Awards and are described below. The Director, EOUSA, solicits nominations, at least annually, for these awards. Director's Awards may be granted independently or as a supplement to a cash award. Unsuccessful nominees for the Attorney General's Awards are considered with other nominees for Director's Awards.

B. Director's Awards

1. Special Commendation Award

This award recognizes achievements of district and EOUSA employees which do not meet the criteria for Attorney General's awards but surpass standards set for lesser awards. To be eligible for recognition, achievements or contributions must show one of the following.

- a. A significant act, service, or achievement that materially contributes to the successful accomplishment of the objectives of the organization;
- b. Accomplishment of a particularly difficult case or assignment of above average importance in a manner that reflects credit on the individual or the organization;
- c. Innovations in service to the public or improvements which are of major importance to the organization in communicating its mission to the general community; and
- d. Performance of an act of courage above that expected or required for an individual.

2. The Director's Award for Superior Performance as an Assistant United States Attorney

This award is given by the Director, EOUSA, to honor Assistant United States Attorneys whose performances are deserving of special recognition. This award is based on the following criteria:

- a. Performance of general duties at a superior level of competence so that the performance can be clearly distinguished as better than that of other employees performing comparable duties; and



b. In addition, the nominee should have distinguished himself/herself by a significant act or series of related acts that materially contribute to the successful accomplishment of the United States Attorney's functions and duties.

The number of Assistants receiving this award normally will not exceed one percent of the total number of Assistants United States Attorneys in any one year.

3. The Director's Award for Outstanding Performance in a Litigation Support or Managerial Role

This award recognizes outstanding achievements by attorney and non-attorney personnel in a district and/or the EOUSA serving in a litigation support or managerial role and not personally responsible for the preparation or presentation of litigation matters. To be eligible for consideration, the nominee must have demonstrated outstanding performance in a legal support or managerial role over a substantial period of time. The nominee's performance should have involved overcoming unusually difficult situations, significantly benefiting the successful accomplishment of the organization's mission.

The actual number of awards given will approximate those given for the Director's Award for Superior Performance.

4. The Director's Award for Equal Employment Opportunity

This award is designed to recognize the most significant contribution(s) to the Equal Employment Opportunity Program of a particular district, the EOUSA, or the Bureau as a whole.

A nomination may be made for any manager, employee, or group of employees in the attorney or non-attorney categories. The nominations will be based on significant contributions to the Equal Employment Opportunity Program in such areas as leadership, training, recruitment, conciliation, and/or any other activity that creates/enhances employment opportunities for women, minorities, and individuals with handicapping conditions.

One award will be presented annually in each of the two categories, e.g., attorney and non-attorney. If, on occasion, there is no qualified nominee in one of the categories, but there is more than one in the other category, two awards will be presented in the one category.

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10-2.650 Awards

The Department of Justice has an institutionalized awards program designed to recognize and reward superior performance by its employees. The awards program for U.S. Attorney personnel is administered by the Executive Office for U.S. Attorneys (EOUSA), and nominations for awards should be forwarded to that office for further action. The Department's Awards Program is described in detail in DOJ Order 1451.1A.

Each year, nominations are requested for the following awards which are presented at the Attorney General's Awards Ceremony: Attorney General's Awards for Exceptional Service; Distinguished Service; Equal Employment Opportunity; Outstanding Service to the Department of Justice Handicapped Employees; Upward Mobility; Excellence in Law Enforcement; Legal Support and Administrative Support; and the John Marshall Awards.

Additionally, the Director, EOUSA, solicits nominations for Special Commendation Awards, the Director's Award for Superior Performance as an Assistant U.S. Attorney, Director's Award for Outstanding Performance in a Litigation Support or Managerial Role, and the Director's Award for Equal Employment Opportunity. Unsuccessful nominees for the Attorney General's Awards are considered with other nominees for Special Commendation and Director's Awards.

Cash awards, except for Quality Within-Grade Increases, are not part of the basic compensation of an employee. They are, however, subject to withholding tax.

10-2.651 The Attorney General's Awards

As stated in USAM 10-2.650, there are eight Attorney General's Awards. The criteria for the three most prestigious awards are outlined below.

A. The Attorney General's Award for Exceptional Service

This is the highest Department of Justice (DOJ) award and is granted only by the Attorney General. Achievements or contributions must show at least one of the following:

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1. The performance of a special service in the public interest which is over and above the normal requirements and of an outstanding and distinctive character in terms of improved operations, public understanding of the Department's mission, or accomplishment of one of the major goals of the Department.

2. Exceptionally outstanding contribution to the DOJ and/or exceptionally outstanding contribution in terms of leadership in the administration of major programs which resulted in highly successful accomplishments to meet unique or emergency situations.

3. Extraordinary courage and voluntary risk of life in performing an act resulting in direct benefits to the Department or to the nation.

B. The Attorney General's Award for Distinguished Service

This is the second highest DOJ award and is granted annually by the Attorney General. To be eligible for consideration, the employee's achievement, service, or contribution must show at least one of the following:

1. The accomplishment of assigned duties in such an outstanding manner as to be clearly noteworthy among all those who have performed similar duties, or performance of assigned tasks in such an exemplary manner as to improve the quality and/or quantity of their work.

2. The exercise of unusual courage or competence in an emergency while on official duty.

3. The rendering of professional service of a unique or distinctive nature worthy of significant honorary recognition.

4. Distinguished conduct in the performance of duties over a period of years in a position of responsibility that involves exercise of authority and judgment in matters of marked significance.

C. The John Marshall Award

This award is designed to recognize outstanding professional achievement of attorneys. One award is given each year in each of the following areas: Trial of Litigation; Participation in Litigation; Support of Litigation; Handling of Appeals; Providing Legal Advice; Preparation or Handling of Legislation; and Interagency Cooperation in Support of Litigation.



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All attorneys employed by the Department of Justice are eligible, except for the Award for Interagency Cooperation in Support of Litigation, which is designed to recognize an attorney or group of attorneys from client agencies who have rendered exceptionally helpful assistance to the DOJ in highly visible litigation. A nominee must have demonstrated outstanding achievement in one of the seven areas, as determined by the Attorney General, in conjunction with a board of review.

10-2.652 The Director's Awards

As stated in USAM 10-2.650 there are four Director's awards. Nominations are solicited annually.

A. Special Commendation Award

This award recognizes the achievements which do not meet the criteria of the preceding Attorney General's awards but surpass the standards set for lesser awards. To be eligible for recognition, achievements or contributions must show one of the following:

1. A significant act, service, or achievement that materially contributes to the successful accomplishment of the objectives of the organization;
2. Accomplishment of a particularly difficult case or assignment of above average importance in a manner that reflects credit on the individual or the organization;
3. Innovations in service to the public or improvements which are of major importance to the organization in communicating its mission to the general community; and
4. Performance of an act of courage above that expected or required for an individual.

B. The Director's Award for Superior Performance as an Assistant United States Attorney

This award is given by the Director of the Executive Office for U.S. Attorneys to honor Assistants whose performances are deserving of special recognition. This award is based on the following criteria:



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1. Performance of general duties at a superior level of competence so that the performance can be clearly distinguished as better than that of other employees performing comparable duties; and

2. In addition, the nominee should have distinguished himself/herself by a significant act or series of related acts that materially contribute to the successful accomplishment of the U.S. Attorney's functions and duties.

The number of Assistants receiving this award normally will not exceed one percent of the total number of Assistant U.S. Attorneys in any one year.

C. The Director's Award for Outstanding Performance in a Litigation Support or Managerial Role

This award recognizes outstanding achievements by attorney and non-attorney personnel serving in a litigation support or managerial role and not personally responsible for the preparation or presentation of litigation matters. To be eligible for consideration, the nominee must have demonstrated outstanding performance in a legal support or managerial role over a substantial period of time. The nominee's performance should have involved overcoming unusually difficult situations, significantly benefiting the successful accomplishment of the organization's mission.

The actual number of awards given will approximate those given for the Director's Award for Superior Performance.

D. The Director's Award for Equal Employment Opportunity

This award is designed to recognize the most significant contribution(s) to the Equal Employment Opportunity Program of a particular U.S. Attorney's office, the Executive Office for U.S. Attorneys, or the Bureau as a whole.

A nomination may be made for any manager, employee, or group of employees in two categories: (1) attorney, and (2) non-attorney. The nominations will be based on significant contributions to the Equal Employment Opportunity Program in such areas as leadership, training, recruitment, conciliation, and/or any other activity that creates/enhances employment opportunities for women, minorities, and individuals with handicapping conditions.

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One award will be presented annually in each of the two categories. If, on occasion, there is no qualified nominee in one of the categories but there is more than one in the other category, two awards will be presented in the one category.

10-2.653 [RESERVED]

10-2.654 [RESERVED]

10-2.655 Quality Step Increase

This is an additional step increase which increases the basic pay of a General Schedule employee. It is intended to reward an employee whose performance is above that ordinarily found in the type of position occupied. This award may be given to no more than 25 percent of an office's non-attorney staff in any one calendar year.

A. To be considered for a Quality Step Increase (QSI) the following criteria must be met:

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1. The employee must perform the duties and responsibilities of his or her assigned position at a level that substantially exceeds an acceptable level of competency so that when viewed as a whole the employee's performance is of a high level of quality; i.e., excellent or higher;

2. The performance rating must be based on the employee's current position; and

3. The performance being evaluated must have been sustained for a minimum of 120 days in the same position which is the minimum amount of time sufficient to show:

a. that a supervisor/employee relationship exists; and

b. that a sufficient amount of time has elapsed for the employee to fully perform the duties of the position.

B. The granting of a QSI is subject to the following limitations:

1. The employee has not received a QSI or Special Achievement Award for Sustained Superior Performance within the preceeding 52 calendar weeks; and

2. At the time the QSI becomes effective, the employee is expected to remain for at least 60 days after the effective date of the QSI in the same position and at the same grade level.

C. A QSI is not appropriate when:

1. The employee is nearing retirement or separating from federal employment and would benefit for only a limited period;

2. The employee is about to receive or just received a promotion which included consideration of the high level of performance the QSI would recognize;

3. The employee is serving on a detail to another position;

4. The employee is transferring to another position either within or outside the Department; or

5. The employee's contribution is so significant that a large lump sum payment would be more fitting recognition than a smaller continuing benefit.

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D. The following documentation must be submitted in order to nominate an employee for a QSI:

1. A memorandum must be prepared stating that the high quality performance is characteristic of the employee and is expected to continue.

2. The memorandum must state that the employee is expected to remain in the same or similar position at the same grade level for at least 60 days after the QSI is effective.

3. A copy of the employee's most recent performance appraisal must support the conclusion that overall performance of his or her assigned duties exceeds an acceptable level of competence.

4. The employee's annual performance appraisal (DOJ-484) may be used as documentation for the QSI, provided it is reflective of the employee's current duties and responsibilities, except that when the appraisal is more than 60 days old, it must be accompanied by a written statement giving reason for recommending the recognition.

5. If the employee's last annual appraisal is not applicable to his/her current position, a separate appraisal must be submitted. The appraisal of the employee's performance must be documented in a memorandum which addresses the employee's specific achievements in relation to his or her current job elements and performance standards which warrant the nomination for the QSI or these comments may be provided on the employee's work plan (DOJ-483) in the column designated "Progress Review/Results/Comments/Recommendations."

6. In all cases, the appraisal of the employee's performance must clearly indicate the critical elements of the employee's current position.

10-2.656 Special Achievement Award

Special Achievement Awards are lump sum cash awards which may be granted in recognition of either (a) an employee's performance exceeding normal requirements that is sustained over a period of at least six months, or (b) specific acts, service or achievement of a non-recurring nature connected with or related to official employment. Special Achievement Awards may be given to an employee or group of employees. The number of awards that may be given in any calendar year is limited to no more than 10 percent of the office's total authorized full-time permanent staff. Nominations may be submitted at any time.



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DOJ Order 1451.1A Section 29,b,(1) defines specific criteria for Special Achievement Awards for Sustained Superior Performance. To summarize, nominations for awards based on sustained superior performance must:

- A. Briefly describe the employee's major duties;
- B. Describe with specificity how the employee's performance exceeds normal standards; and
- C. Recommend the size of award.

Also, the employee's most recent performance appraisal must support the conclusion that overall performance of his or her assigned responsibilities exceeds an acceptable level of competence so that, when viewed as a whole, the employee's performance is at a high level of quality. Form DOJ-484, Employee Performance Rating, may be used as documentation if it is less than 60 days old. If it is more than 60 days old, the recommendation must be accompanied by a written statement giving reasons for granting the recognition.

The amount of a Special Achievement Award in recognition of sustained superior performance may be granted within defined ranges. The following chart follows Appendix 1, Scale #1, in DOJ Order 1451.1A for General Schedule (GS) employees.

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<u>General Schedule Grade</u>	<u>Award Range</u>
GS 1-4	\$100 up to the amount of a within-grade increase
GS 5-8	\$150 up to the amount of a within-grade increase
GS 9-11	\$200 up to the amount of a within-grade increase
GS 12-13	\$250 up to the amount of a within-grade increase
GS 14-15	\$300 up to the amount of a within-grade increase

The amount of award an Assistant U.S. Attorney may receive for sustained superior performance is also up to the amount of a within-grade increase. The award amount is determined by comparing the salaries of Assistant U.S. Attorneys with those earned by General Schedule attorneys in the Department. The applicable grade range is determined by rounding the salary of step 1 or grades GS-9 and above to the nearest \$100, and subtracting \$100 from the rounded salary of the next higher grade. For example, as shown on the January, 1984, Schedule of Annual Rates, a GS-13/1 earns \$36,152, and rounds to \$36,200. A GS-14/1 earns \$42,722 which rounds to \$42,700. Therefore, an Assistant U.S. Attorney who earns a salary of \$37,500 would fall in the range between a GS-13 and GS-14 and would be eligible for a award up to the amount of a within-grade increase at the GS-13 level, or \$1,205.

Merit pay employees are not eligible for a cash award for sustained superior performance except under unusual circumstances, such as where additional recognition is desired for an employee whose pay has been at or near the maximum grade rate over a period of years because of superior performance. See DOJ Order 1540.1, Section 9.b.(1) and (2).

Nominations based on specific acts, service, or achievement in the public interest may be made under criteria set forth in DOJ Order 1451.1A, Section 29.b.(2) and Appendix 1, Scales #2 and #3. The nomination should include a justification statement emphasizing achievements beyond job requirements and identifying benefits which can be measured. The nomination must also explain how the recommended amount of the award was determined.

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Note: Award nomination sometimes contain information that should be made available only to those involved in the decision process on a need-to-know basis and should be kept confidential during processing.

An award nomination normally should not be discussed with the nominee until the award has been approved.

10-2.657 Other Awards

A. Department of Justice Awards

1. Suggestion Award: This is a lump sum cash award made in recognition of constructive proposals that are either outside the employee's normally assigned responsibilities or if within those responsibilities, sufficiently significant to warrant special recognition and which, when adopted, result in direct contributions to the efficiency of government operations.

2. Career Service Awards: Length of service awards to recognize significant milestones of an employee's career in federal service. On completion of each five years of service, an appropriate emblem is awarded. Retirement Certificates are designed to recognize the loyalty and devotion of employees who are retiring. Persons retiring under any provision of the Civil Service Retirement Act are eligible.

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3. Annual Promotion as "Very Good or Exceptional Assistant U.S. Attorney": While not properly an award, the evaluation of an Assistant as "very good or exceptional" at the time of eligibility for promotion increases the cash amount of the salary increase received. See USAM 10-2.521.

4. Letters of Appreciation: Letters of appreciation may be granted to employees by supervisory personnel for satisfactory performance or suggestions which would not ordinarily warrant a cash or honor award. Such letters, as well as letters received from other government agencies or units of the Department, become a part of the employee's official personnel folder.

B. Non-Justice Awards

Throughout the year, the Department of Justice may nominate employees for awards granted by outside organizations. Department of Justice Order 1451.1A, Appendix 3 (December 14, 1978) lists the most significant of these awards with a brief statement about the purpose, requirements, and criteria for each one. The Executive Office for U.S. Attorneys will solicit nominations throughout the year when the nominations are due. All nominations must be accompanied by a DOJ-387, Consent to Release Information for Award Consideration, signed by the nominee.

10-2.658 Senior Litigation Counsel

The Senior Litigation Counsel Program was created for the express purpose of recognizing truly outstanding Assistant U.S. Attorneys based on their overall careers as litigators. To qualify, an Assistant must meet the following criteria:

A. Have at least five years experience as an attorney, the major portion of such experience having been as an active litigator in the federal court system;

B. When nominated, be at a salary equivalent to the GS-15 grade;



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C. Be recognized as an outstanding litigator in the federal court system as demonstrated by awards, letters of commendation, press coverage, or other material attesting to the success and quality of the attorney's advocacy skills;

D. Be committed to the active litigation of significant cases and not be in a supervisory position established pursuant to USAM 10-2.425;

E. Be responsible for the in-office training of less knowledgeable Assistants in advocacy skills; and

F. Have the stated intention of remaining with the Department of Justice for at least one year after designation as well as the stated intention of being available to serve as a rotating faculty member of the Attorney General's Advocacy Institute when it will not interfere with assigned caseload.

Upon designation as a Senior Litigation Counsel, the Assistant may be eligible for a pay increase of up to six percent of his or her current salary. However, in no case may this increase cause the Assistant's per annum salary to exceed the highest permissible salary an Assistant may attain by an administrative pay increase. This pay increase will not affect the Assistant's anniversary date for annual administrative pay increases.

The Executive Office reviews the staffing level of the program at least annually (usually in the Autumn) and may solicit nominations from the U.S. Attorneys' Offices.

It is expected that women and minority attorneys will be given an equal opportunity to obtain the requisite skills and qualifications necessary for such positions and that they will be given an equal opportunity to be considered for such positions.

Assistants selected to serve as Senior Litigation Counsel are to have the following "weighted critical elements" included in their performance workplans.

A. Under the general direction of the U.S. Attorney, assumes complete responsibility for the preparation and presentation at the trial level of complex or difficult cases, often involving significant or novel issues.

1. Minimally Satisfactory: Requires frequent assistance and direction with assigned cases involving complex or difficult issues. Difficult or complex cases, in fact, may be assigned to other senior

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attorneys or, when appropriate, to a team which is coordinated by other senior attorneys.

Has difficulty with one or more of the following litigative stages/functions:

- a. Developing legal theories and plans;
- b. Overseeing the "discovery" proceedings leading to litigation; and/or
- c. Trial representation of the United States' interests in a professional and refined style.

2. Fully successful: Demonstrates a creative style and ability in complex and sophisticated matters working under the general direction of the U.S. Attorney, to:

- a. Develop appropriate legal theories and plans;
- b. Organize, prepare and direct investigations and proceedings leading to litigation;
- c. Effectively represent United States' interest at all stages preliminary to trial;
- d. Conduct trials in a refined, articulate, assertive and persuasive style, reflecting thorough knowledge of facts, issues and substantive law; and
- e. As appropriate, coordinate a team in carrying out above functions.

3. Excellent: In addition to the standard for "fully successful," is considered a subject matter expert regarding specific areas of the law and is consulted for advice by other U.S. Attorneys' Offices and/or the Department's legal divisions. Is occasionally requested to assume the responsibility of representing the United States' interest by leading other districts or Department legal divisions in matters involving complex or novel issues of public interest and receiving high visibility.

B. Under the general direction of the U.S. Attorney, has responsibility for the development and implementation of a litigation-

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oriented "in-house" training program for the district's less knowledgeable attorneys.

1. Minimally Satisfactory: Rarely takes a pro-active role in developing or presenting in-house attorney training programs. When taking an active role in training development and presentation, programs are often less than successful in meeting objectives.

Has not developed any formal in-house advocacy skills training for less knowledgeable attorneys in the past one year.

2. Fully Successful: Identifies training needs, designs training to meet those needs at appropriate levels of lawyers' experience in the office, and plans for delivery of training, including a series of programs and materials. The training plan reflects thorough understanding of substantive issues and best use of staff expertise and talent.

3. Excellent: Identifies training needs and designs a program that reflects imaginative use of teaching methods appropriate to subject and objectives, including use of video, demonstrations, and other alternatives to the lecture format. Presentations include experts, judges, and others from outside the office.

Any performance appraisal effected 90 days or more after an Assistant is selected as a Senior Litigation Counsel is to contain an explicit evaluation of the "weighted critical elements." Any Assistant selected to be a Senior Litigation Counsel is required to be rated at least at the "fully successful" level in these elements in order to remain in the program.

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10-2.659 Public Service Awards

Public Service Awards are designed to recognize private citizens and organizations who make a significant contribution to the accomplishment of the Department's mission. Departmental employees are not eligible.

U.S. Attorneys may nominate individuals or groups for Public Service Award certificates at any time. Nominations should be submitted to the Director, Executive Office, who is the approving official. Nomination letters must contain the following information:

- A. A brief biographical sketch of the nominee;
- B. Dates of the achievement or contribution and the place where it occurred;
- C. A narrative statement of the endeavor or achievement;
- D. Any newsworthy items which may be used in publicity release;
- E. A factual explanation of how the contributions were reflected in the work of the Department; and
- F. For group or organizational nominations, the name and address of the individual designated to serve as the representative for award purposes.

Copies of nominations for all approved Public Service Award certificates are forwarded to the Incentive Awards Board which annually recommends to the Attorney General one of the recipients for the Meritorious Public Service Award which is granted at the Annual Awards Ceremony.

10-2.660 Standards of Conduct

Under Executive Order 11222, each agency of the federal government is responsible for issuing regulations on the standards of ethical and other conduct for its employees. It is required that these standards be brought to the attention of each employee annually.



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For the Department, these standards are contained in 28 C.F.R. Part 45, a copy of which can be found in USAM 1-4.100. These should be consulted by all U.S. Attorneys and their staff.

Every current employee should receive a copy annually, and a copy should be given to each new employee when he/she enters on duty. All employees should review these standards carefully and bring any problems to the attention of their supervisor. Any questions concerning the applicability of the Standards of Conduct should be addressed to the Director, Office of Legal Services, Executive Office for U.S. Attorneys.

Copies of the Standards of Conduct can also be obtained through the Department's warehouse.

10-2.661 Misconduct

Allegations of misconduct are handled in accordance with 28 C.F.R. §0.39.

It is the responsibility of the U.S. Attorney to:

A. Notify promptly the Counsel, Office of Professional Responsibility, of any allegation made against a Department employee involving any violation of law, Department order or regulation, or applicable standard of conduct, mismanagement, gross waste of funds, abuse of authority, or acts of reprisal against "whistleblowers;"

B. Take no further action on any allegation except to render such assistance as the Counsel, Office of Professional Responsibility may request; and

C. Remind employees in writing at least twice a year of the existence of the Office of Professional Responsibility; of their right to bring allegations of misconduct directly to the attention of the Office of Professional Responsibility; and of their obligation to cooperate fully with any investigation that Office may initiate.

Allegations against employees of the U.S. Attorney's office should also be reported to the Executive Office for U.S. Attorneys.

10-2.662 Financial Disclosure Report

To comply with the requirements of the Ethics in Government Act of 1978, each U.S. Attorney, and each Assistant U.S. Attorney occupying a

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supervisory position whose pay level is equivalent to a GS-16 or above, must file a Financial Disclosure Report (Standard Form 278, Rev. 6/81) within 30 days after assuming the covered supervisory position, each May 15 for the preceding calendar year, and within 30 days after leaving his or her position for the period from the date of the last report up to the date of termination. Such reports are subject to disclosure to the public.

A court-appointed U.S. Attorney, or an Assistant U.S. Attorney occupying a supervisory position (including an acting U.S. Attorney in the U.S. Attorney's temporary absence) whose pay level is equivalent to a GS-16 or above, who is retained, designated, appointed or employed to perform services on all or part of 60 or fewer days in a calendar year is not required to file a public financial disclosure report.

However, a court-appointed U.S. Attorney, or an Assistant U.S. Attorney occupying a supervisory position (including an acting U.S. Attorney in the U.S. Attorney's temporary absence) whose pay level is equivalent to a GS-16 or above, who was initially expected to perform services on 60 or fewer days, but who thereafter performs service on more than 60 days in a calendar year must, within 15 days of completing the 60th day of such service, file a financial disclosure report for the period from his or her initial retention, designation, appointment, or employment to the present, each May 15 for the preceding calendar year, and within 30 days of leaving his or her position from the date of the last report up to the date of termination. See 28 C.F.R. §45.735-27.

For information about post-government employment restrictions as they apply to a court-appointed U.S. Attorney who was initially expected to perform services for 60 or fewer days, but who thereafter performs services on more than 60 days in a calendar year, see USAM 10-2.669, part II, note 1 and part V.

10-2.663 Participation by Department Employees in Outside Cases

Upon entering on duty Department attorneys must, in general, withdraw from all cases they are currently handling in private practice. 28 C.F.R. §45.735-9. The Deputy Attorney General, upon written request, may grant an exception to the newly appointed U.S. Attorney for a limited number of cases, not involving the federal government, on which he/she has completed a substantial amount of work before appointment, provided

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withdrawal from these cases would seriously prejudice his/her clients. These cases should be completed within one year after entry on duty and may not interfere with the discharge of duties. Exceptions are rarely approved. After entry on duty, the Deputy Attorney General's approval is necessary before any cases may be handled. See 28 C.F.R. §45.735-9. See also 18 U.S.C §205.

Assistant U.S. Attorneys must end all work on other matters before entering on duty. Requests for approval of outside employment by Assistant U.S. Attorneys should be addressed to the Deputy Attorney General and forwarded to the Executive Office for processing. The U.S. Attorney's endorsement of the request should appear on the request.

Fees for services rendered prior to appointment as a U.S. Attorney or an Assistant U.S. Attorney, but which are outstanding at the time of appointment, may be received unless the United States has a direct and substantial interest in the matter and it is pending at the time of appointment. A specific dollar amount, or a specific percentage of the settlement or final judgment in matters that are pending, should be determined prior to appointment. A candidate for the position of Assistant U.S. Attorney must notify the Executive Office of the financial arrangements with regard to these fees.

#### 10-2.664 Outside Activities

U.S. Attorneys and Assistant U.S. Attorneys may not engage in any outside employment or the private practice of law, except as provided by 28 C.F.R. §§45.735-9(c)(3), 45.735-6(b) and (d) or by the Deputy Attorney General's specific exception (28 C.F.R. §45.735-9(e)). Requests for exceptions must be made in writing stating the reasons therefor and should be addressed to the Deputy Attorney General through the Applicant's superior. Such requests should be directed to the Executive Office for U.S. Attorneys.

One exception is that an employee may act as an agent or attorney, with or without compensation, for his/her parents, spouse, child, or any person for whom, or for any estate for which, he/she is serving as a personal fiduciary, except in those matters in which he/she participated personally and substantially as a government employee (28 C.F.R. §§45.735-6(d) and 45.735-9(d)). Specific situations should be determined on their own merits and questions in this respect should be brought to the attention of the Executive Office of U.S. Attorneys so that its staff and that of the Deputy Attorney General may review the situation as appropriate.

No U.S. Attorney or Assistant U.S. Attorney should engage in any professional practice or any other outside employment if the activity: (1) interferes with proper and effective performance or official duties; (2) creates or appears to create a conflict of interest; (3) reflects adversely on the Department of Justice; (4) will be influenced or appears to be influenced by the employee's position at the Department of Justice; (5) involves assertions contrary to interests or positions of the United States; or (6) involves a criminal matter in which the United States (or the D.C. Government) is a party or has a direct or substantial interest regardless of whether it is a federal, state or local proceeding. Teaching is not considered the private practice of law under this rule (28 C.F.R. §45.735-9(f)). See USAM 10-2.665, infra.

U.S. Attorneys and their Assistants also should freely consult the Executive Office on these matters.

#### 10-2.665 Teaching and Lecturing

Department of Justice regulations regarding private professional practice and outside employment have been amended (46 Fed. Reg. 52358, October 27, 1981). Under the previous regulations, teaching by Assistant U.S. Attorneys was viewed as the private practice of the profession, and required prior authorization of the Associate Attorney General. Teaching is no longer considered "professional practice" requiring prior authorization (28 C.F.R. §45.735-9(a)). Employees who wish to undertake teaching engagements are directed to consult 28 C.F.R. §45.735-12, which generally requires prior approval by the Deputy Attorney General only when the use of non-public information is contemplated. Employees should be cautious to avoid any conflict of interest with their position and to insure that no interference with the performance of their official duties occurs. Assistant U.S. Attorneys must take annual leave or leave without pay for any time required for teaching during normal business hours.

#### 10-2.666 Civic Organizations, Professional Boards and Committees

While certain activities (e.g. Community Chest) can be easily undertaken without creating problems, membership in national and local bar committees, state and municipal commissions, corporate boards of directors arbitration panels, and similar organizations, with or without remuneration, could have the potential for creating a conflict of interest or an appearance of a conflict of interest, especially if the organization is funded in whole or in part by the federal government. The six criteria cited in USAM 10-2.664 with reference to outside activities also control this situation. You should contact the Executive Office whenever questions arise.



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10-2.667 Pro Bono Work

Title 28, Code of Federal Regulations, Section 45.735-9 encourages Department of Justice attorneys to participate in pro bono activities without compensation in their off-duty hours or while on leave. Leave will be granted for court appearances or other necessary absences incident to representation. Attorney's fees for such services may not be sought. In determining whether to provide pro bono services in a particular matter the attorney should consider the requirements of section 45.735-9(f) and, in particular, the prohibition against engaging in any profession practice that involves a criminal matter. Any attorney wishing to participate in such pro bono work must advise the Executive Office for U.S. Attorneys of his/her intention, identifying the name of the organization with which he/she will be associated and the general nature of the work, for a determination as to whether such activities fall in one of the accepted categories of public interest services. These categories are: (1) service to an indigent client; (2) service to defend an individual or public right in which society has an interest; (3) services to further the purposes of the organizational group; and (4) services to improve the administration of justice.

10-2.668 Gifts Received from Foreign Governments

Public Law 95-105, 5 U.S.C. §7342, governs the receipt and disposition of gifts and decorations tendered by foreign governments to federal employees, their spouses, or dependents.

Section 515 of Public Law 95-105 requires the Department of Justice to submit to the Secretary of State, by January 31 of each year, a listing of all statements filed by employees during the preceding year concerning gifts valued over \$140, all foreign gifts of travel or expenses for travel taking place entirely outside the United States and valued at more than \$140, where the acceptance of which has not been authorized in accordance with specific instructions from the Department of Justice.

Federal Property Management Regulations (FPMR) Par. 101-49 and Justice Property Management Regulation (JPMR) Part 128-49, prescribe policies and procedures governing utilization, donation, and disposal of gifts and decorations from foreign governments.

In accordance with JPMR §128-49.201, each U.S. Attorney's office is required to submit to the Executive Office, Attention: Facilities

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Management and Support Services Staff, by January 11th each year, a listing of all gifts and decorations, regardless of value, received by employees, their spouses, or dependents from foreign governments during the preceding year.

A separate statement, containing the following information should be submitted by each employee receiving a gift or decoration:

A. For tangible gifts:

1. Name and title of recipient;
2. Gift, date of acceptance, estimated value, and current disposition or location;
3. Identity of foreign donor and government; and
4. Circumstances justifying acceptance.

B. For travel or expenses for travel:

1. Name and title of recipient;
2. Brief description of travel or travel expenses occurring entirely outside the United States;
3. Identity of foreign donor or governments; and
4. Circumstances justifying acceptance.

Negative responses may be communicated by telephone to the Executive Office for U.S. Attorneys, Facilities Management and Support Services Staff.

10-2.669 Post-Government Employment Restrictions

A. Ethics in Government Act: The Ethics in Government Act of 1978, which amended 18 U.S.C. §207, and the regulations issued thereunder bar certain acts by former government employees (including all officers, employees and special government employees, both attorney and non-attorney, of any U.S. Attorney's Office) which may actually make or give the appearance of making, unfair use of prior government employment. Criminal penalties and disciplinary action may be imposed for violations. See 5 C.F.R. §737 as amended in 45 Fed. Reg. 7401, 7402 (Feb. 1, 1980); 45 Fed. Reg. 8544, 8556 (Feb. 8, 1980); 45 Fed. Reg. 75500-01, 75518-19 (November 14, 1980).

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The regulations cited above, dated February 1, 1980, contain numerous examples of permissible and prohibited post-employment activities by various types of former employees. However, the regulations under the Ethics in Government Act do not incorporate or supplant restrictions that may be contained in other laws or professional codes of conduct. (See discussion in subparagraph G, infra.)

Requests from present or former employees of U.S. Attorneys' offices for the Department's views on prospective, specific factual situations or legal issues should be sent to the Director, Executive Office for U.S. Attorneys, for a written opinion from the Office of Legal Counsel or the Office of Government Ethics, as appropriate (pursuant to 5 C.F.R. §738; 46 Fed. Reg. 2582 (Jan. 9, 1981)). While some research materials and a bibliography of pertinent cases are set forth below, requests for additional materials not otherwise available may be made to the Executive Office for U.S. Attorneys.

The Office of Government Ethics (OGE) has issued advisory letters regarding the permissible and prohibited post-government employment activities of former government employees in specific factual situations under the Ethics in Government Act of 1978 (Pub. L. 95-521, as amended by Pub. L. 96-28) (and the predecessor statute, 18 U.S.C. §207). Copies of briefs of the advisory letters which were prepared by the Executive Office for U.S. Attorneys may be obtained by contacting the Executive Office.

B. Summary: The statute and regulations now contain the following four major restrictions, against representing anyone other than the United States which apply to any person who held a government position after June 30, 1979:

1. A permanent restriction on any former government employee's (i.e., U.S. Attorney, supervisory Assistant U.S. Attorney, Assistant U.S. Attorney or other employee) acting as a representative in connection with any matter in which the employee participated personally and substantially while a government employee (see 18 U.S.C. §207(a));

2. A two-year restriction on any former government employee's (i.e., U.S. Attorney, supervisory Assistant U.S. Attorney, Assistant U.S. Attorney or other employee) acting as a representative in connection with any matter for which the employee had official responsibility during his/her final year as a government employee (see 18 U.S.C. §207(b)(1));

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3. A two-year restriction on a former "senior employee's" (i.e., U.S. Attorney) 1/ acting as a representative or aiding, counseling, advising, consulting or assisting in representing any other person by personal presence in connection with any matter in which the employee participated personally and substantially while a government employee (see 18 U.S.C. §207(b)(ii)), and;

4. A one-year restriction on a former "senior employee's" (i.e., U.S. Attorney) communications with the former agency 2/ on any matter, regardless of prior involvement (See 18 U.S.C. §207(c)) (i.e., a former U.S. Attorney cannot deal with the office he/she headed).

However, a former Executive Schedule U.S. Attorney (Northern District of Illinois, Central District of California, Southern District of New York, and District of Columbia) is precluded for one year from communicating on any matter or case involving any other U.S. Attorney's office as well as his/her own former office, all United States Marshals' offices and the seven other non-statutory components of the Department designated under 18 U.S.C. §207(d)(1)(C). Former Executive Schedule U.S. Attorneys may, however, handle cases or matters involving the ten statutory separate agencies or bureaus of the Department under 18 U.S.C. §207(e).

C. Limitations on matters covered: The first three restrictions (18 U.S.C. §§207(a), (b)(i) and (b)(ii)), apply only to matters in which the United States or District of Columbia is a party or has a direct and substantial interest; the fourth restriction (18 U.S.C. §107(c)) applies only to matters pending before the former senior employee's agency or department, or in which the agency or department has a direct and substantial interest.

1/ All U.S. Attorneys (including the 89 non-Executive Schedule U.S. Attorneys and the four U.S. Attorneys paid Executive Schedule salaries) are "senior employees"; no Assistant nor supervisory Assistant U.S. Attorneys have been designated as "senior employees." Court-appointed U.S. Attorneys become subject to the post-employment restrictions after serving as U.S. Attorneys for 60 days.

2/ For the 89 non-Executive Schedule U.S. Attorneys, the "agency" with which such contacts are prohibited is defined as being the particular U.S.



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Representation of the United States by any former government employee is, when authorized, of course, exempted from all of the above restrictions.

D. Restrictions on All Former Government Employees: Subsections (a) and (b)(i) of 18 U.S.C. §207 do not depart significantly from prior law. Subsection 207(a) retains the permanent prohibition against all former Executive branch officers and employees acting as agent of, attorney for, or representing in an appearance, or making oral or written communications with the intent to influence, on behalf of another party not the United States (hereinafter, "appearances before or communications with") the government or in court, in a case or other particular matter in which the United States or the District of Columbia is a party of has a direct and substantial interest, and in which the former government employee participated personally and substantially while a government employee. See 5 C.F.R. §737.5; 45 Fed. Reg. 7409 (February 1, 1980).

The new subsection 207(b)(i) merely extends from one to two years the period of disqualification of all former Executive branch employees from "appearances before or communications with" the government or in court in matters in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which the former government employee did not actually participate while in government, but which were under his/her official responsibility as an employee within one year prior to the end of such responsibility. See 5 C.F.R. §737.7; 45 Fed. Reg. 7411 (February 1, 1980).

The term "official responsibility" as used in 18 U.S.C. §207(b)(i) is defined in 18 U.S.C. §202(b); 5 C.F.R. §737.7(b).

Attorney's office (and the United States Marshal's office in that district) and the parent Department of Justice, with the exception of: (a) ten separate statutory agencies or bureaus of the Department, under 18 U.S.C. §207(e) (see 45 Fed. Reg. 75500-01 (November 14, 1980)); and (b) the other U.S. Attorneys' offices and United States Marshals' offices in the 93 other districts and the seven other non-statutory components of the Department of Justice, designated under 18 U.S.C. §207(d)(1)(C) (see 45 Fed. Reg. 75501 (November 14, 1980)). Thus, the former U.S. Attorney for the District of "A" normally would not be precluded by 18 U.S.C. §207(c) from handling a matter or case involving the U.S. Attorney's office or the United States Marshal's office in the District of "B" or before one of the ten statutory separate agencies or bureaus or the other seven non-statutory components of the Department of Justice.

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E. Restrictions on Former Senior Government Employees: The Act also added two new restrictions in 18 U.S.C. §§207(b)(ii) and §207(c) which apply only to certain former senior-level government employees who are defined under 18 U.S.C. §207(d)(1). That definition includes the U.S. Attorneys in four districts who are statutorily included in the Executive Schedule under 18 U.S.C. §207(d)(1)(A); and all non-Executive Schedule U.S. Attorneys, who were designated under §207(d)(1)(C) as "senior employees" by the Director of the Office of Government Ethics (45 Fed. Reg. 75519 (November 14, 1980)) and are therefore covered by the restrictions of both §§207(b)(ii) and 207(c). No Assistant U.S. Attorneys, supervisory Assistant U.S. Attorneys, nor any other employees of U.S. Attorneys' offices were designated as "senior employees." Court-appointed U.S. Attorneys become subject to these post-employment restrictions upon serving as U.S. Attorneys for 60 days.

Therefore, all former U.S. Attorneys who left their position after June 30, 1979, as "senior employees" are prohibited under 18 U.S.C. §207(b)(ii), for two years from representing, aiding or assisting in representing another person other than the United States by personal appearance before the government or in court in a matter in which the United States or the District of Columbia is a party or has a direct and substantial interest and in which the "senior employee" is personally barred because of his or her personal and substantial participation in the matter while in government. See 5 C.F.R. §737.9; 45 Fed. Reg. 7412 (February 1, 1980).

In addition, all former U.S. Attorneys, as "senior employees," are barred by 18 U.S.C. §207(c) for one year from appearances or communications on behalf of any person other than the United States before the department or agency in which he/she was employed, or before any officer or employee thereof, in any case or particular matter pending before that department of agency or in which that department or agency has a direct and substantial interest, regardless of the "senior employee's" prior involvement with the case or matter while a government employee. See 5 C.F.R. §737.11; 45 Fed. Reg. 7413 (February 1, 1980).

The one-year restrictions under §207(c) on certain "senior employees" has been limited to less than the entire Department of Justice by two methods provided in the statute. By the discretionary designation of the Director of the OGE, pursuant to §207(d)(a)(C), administratively created, unrelated component agencies or bureaus within the parent department or agency may be designated, if they have separate and distinct subject matter jurisdiction from the parent department or agency, and the OGE has determined that there exists no potential for use of undue influence or

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unfair advantage based on past government service. The Director of OGE has designated the following as such separate agencies: all U. S. Attorneys' offices, as well as all U.S. Marshals' offices and seven other non-statutory components of the Department of Justice.<sup>3/</sup> Therefore, with the exception of former Executive Schedule U.S. Attorneys,<sup>4/</sup> former U.S. Attorneys are not automatically prohibited, pursuant to 18 U.S.C. §207(c), from appearances before or communications with U.S. Attorneys' offices or United States Marshals' offices in districts other than the district in which they served as a "senior employee," nor with the seven separate non-statutory components of the Department. All former U.S. Attorneys are still prohibited for one year from making appearances before or communications with the U.S. Attorney's office and the United States Marshal's office in the district which they headed.

All former U.S. Attorneys from all districts may handle matters and cases otherwise prohibited under 18 U.S.C. §207(c) before the ten statutorily created separate agencies and bureaus of the Department of Justice which the Director of OGE has designated pursuant to 18 U.S.C. §207(e).<sup>5/</sup>

In addition, all former U.S. Attorneys' appearances before and communications with the government, other U.S. Attorneys' offices, other components of the Department of Justice, and in court are still restricted by §§207(a) and (b)(i), which apply to all former employees.

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<sup>3/</sup> Antitrust Division; Civil Rights Division; Land and Natural Resources Division; Tax Division; Civil Division; Criminal Division; and the Office of Legal Policy (formerly the Office for Improvements in the Administration of Justice) 5 C.F.R. §737.15; 45 Fed. Reg. 7415-16 (February 1, 1980); 5 C.F.R. §737.32; 45 Fed. Reg. 755-1 (November 14, 1980).

<sup>4/</sup> Although the Director of the Office of Government Ethics included the four Executive Schedule U.S. Attorneys in the designation of "senior employees" under §207(d)(1)(C), the Office of Legal Counsel has concluded that the Ethics Act does not authorize such designations for Executive Schedule employees covered under §207(d)(1)(A). The Department's Office of Legislative Affairs has previously determined that an amendment to the statute would be appropriate in order to eliminate the disparity among U.S. Attorneys. The Executive Office for U.S. Attorneys is urging the Department to submit such an amendment to the Congress.

<sup>5/</sup> Bureau of Prisons (including Federal Prison Industries, Inc.); Community Relations Service; Drug Enforcement Administration, Federal

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F. Sanctions: The statute provides criminal penalties of up to two years' imprisonment and/or a \$10,000 fine for violations of §§207(a)-(c) by former employees. Disciplinary action by a department or agency for violations by former employees may also include up to five years' debarment from appearances before or communications with the Department, pursuant to §207(j). See 5 C.F.R. §737.27; 45 Fed. Reg. 7418 (February 1, 1980); 28 C.F.R. §45.735-7a; "Disciplinary Proceedings Under 18 U.S.C. §207(j)" (Order No. 889-80, 45 Fed. Reg. 31717 (May 14, 1980)). (In addition, 18 U.S.C. §207(j) provides penalties of up to one year imprisonment and/or a \$5,000 fine for certain violations by partners of present employees of the Executive Branch.)

A review of the criminal sanctions appears at USAM 9-85.240.

G. Other Post-Government Employment Restrictions, and Restrictions on Partners of Former Government Attorneys and Employees: In addition to the Ethics in Government Act, the American Bar Association Code of Professional Responsibility (ABA Code), rules of state bar associations and court decisions restrict the conduct of attorneys who are former government employees and their firms and affiliates. There is nothing in 18 U.S.C. §207 that prevents courts and bar associations from holding former employees of the federal government to standards more demanding than the minimal requirements of the criminal law. 28 C.F.R. §45.735-7 (1979), which paraphrases the predecessor statute to 18 U.S.C. §207, makes plain that a former employee is not free to disregard other, more demanding standards of professional conduct.

18 U.S.C. §207(c) by its terms raises no obstacles for the fellow lawyers of a former U.S. Attorney or Assistant U.S. Attorney in a private

Bureau of Investigation; Law Enforcement Assistance Administration; National Institute of Justice; Bureau of Justice Statistics; Office of Justice Assistance, Research and Statistics; Immigration and Naturalization Service; and the United States Parole Commission. 5 C.F.R. §737.13(c); 45 Fed. Reg. 7415 (February 1, 1980); 5 C.F.R. §737.31; 45 Fed. Reg. 75500-01 (November 14, 1980).



law firm. Moreover, the ABA Code does not contain a provision that, like 18 U.S.C. §207(c), prohibits an appearance in a matter in which the former government lawyer had not participated or for which he/she had no official responsibility. As to these types of matters, therefore, absent a restraint of that kind in a disciplinary rule, there is no disqualification to impute to the partners of the lawyer in regard to such matters.

An attorney is personally disqualified from representing a client on a particular matter in which the attorney had substantial responsibility as a public employee. See ABA Code, DR 9-101(B).

The definition of "matter" as used in ABA Formal Opinion No. 342 (November 24, 1975), 62 ABAJ 517 (1976) (copy, infra) is usually limited to activities related to litigation between identifiable parties.

The definition of the term "substantial responsibility" which activates Canon 9 of the Code of the Professional Responsibility is not firmly established and depends on the specific facts. See ABA Formal Opinion No. 342. Some circuits hold that DR 9-101(B) permits disqualification of the former government employee only in matters in which he/she had a direct and substantial personal involvement. In others, a more restrictive standard based on state law may be imposed where, in addition to actual knowledge, responsibility exists over the subject matter, whether exercised or not. DR 9-101(B) has been applied even when the attorney had no active or direct participation in a case while a prosecutor, or acted in only an advisory, not supervisory, capacity.

Likewise, the former government attorney's partners, associates, and any other lawyer affiliated with his/her firm are disqualified by imputation from employment on the same particular matter for which the former government employee is personally disqualified. See ABA Code, DR 5-105(D). However, this is not an absolute disqualification. The imputation of the former government attorney's knowledge of privileged information to the entire firm and its affiliates may be rebuttable by an adequate screening mechanism. And, absent an appearance of significant impropriety or taint of the underlying trial or matter, the government may waive the law firm's imputed disqualification, if there are adequate screening procedures by the firm to isolate that attorney from direct and indirect participation in the "matter" and the fees attributable to it. See ABA Formal Opinion No. 342. However, inasmuch as it is the court's responsibility to ensure that attorneys practicing before it maintain the highest standards of professional conduct, any waiver filed by the government is not binding upon the court.

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In order to maximize its ability to recruit able attorneys who may later leave the government for private practice, the Department of Justice has opposed an automatically imputed disqualification of the personally-disqualified attorney's law firm and has adopted an administrative practice to allow waivers in appropriate screening situations, as discussed in the Department's comments on the ABA Proposed Model Rules (May 23, 1980), and Armstrong v. McAlpin, brief of United States as amicus curiae on rehearing en banc (2d Cir. 1980), in which the government endorsed the procedures for screening. A law firm that employs a former Department of Justice attorney and that has instituted screening procedures may request the Department's consent to the firm's representation in matters with which the former government attorney was involved. Procedurally, the firm should make its written request to the head of the appropriate Department office, board or division, identifying the matters involved and detailing the screening measures used to insulate the attorney from involvement in the matters. Department components may then consult the Department's Office of Legal Counsel, which has responsibility for ethical considerations under 28 C.F.R. §§0.25(k) and 45.735-26(b). U.S. Attorneys and Assistant U.S. Attorneys should forward their requests to the Executive Office for U.S. Attorneys.

Some of the factors which have been considered in government waiver determinations, and in the courts' acceptance of the adequacy of a firm's screening on motions for disqualification are:

1. Screening measures were utilized by the firm ab initio, prior to the government or other party's motion for disqualification;
2. The attorney derives no remuneration from funds obtained by the firm for the representation;
3. The attorney is excluded from participation in the action and has never participated in any fashion whatever in the firm's representation of the client;
4. The attorney has not imparted any information concerning the matter or the adverse party to the firm nor discussed the action with other firm members;
5. No one at the firm is permitted to discuss the matter in the attorney's presence or allow the attorney to view any document related to this litigation; and the attorney has no access to relevant files (which should be locked);

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6. There is no indication that the attorney, while employed by the government, formed an intent to prosecute this action as a private attorney, nor that the attorney's official actions, while a government employee, were affected nor his authority misused by contemplation of subsequent employment or action in the matter as a private attorney;

7. The attorney did not facilitate the client's engaging the firm, nor was the attorney hired away from the government by a firm in order to defuse the government's representation in a matter handled by the firm;

8. The screening is "specific and inflexible;" and

9. The presence of the former government employee attorney will not taint the [underlying] trial, nor affect the outcome of the case.

In addition, in deciding whether a proposed screening mechanism is likely to be effective, the government or the court may consider the relative size of the law firm; the proportion of the firm's resources devoted to, and income derived from, the particular litigation; the protracted nature of the litigation; and whether, in multi-district litigation, involving the same law firm and issues, the United States is or may become a direct party or third party in other cases. Although disqualification under DR 9-101(B) and DR 5-105(D) is often used to prevent a former government attorney from switching sides on a matter as well as to prevent the attendant violation of attorney-client confidences and the appearance of impropriety, the imputed disqualification of the law firm may be equally applicable where there is no switching of sides. This applies, for example, when the former government attorney's former agency and present firm would maintain actions adverse to the same party in (two) related matters with which the attorney was involved while in government. (The screening mechanism does not apply, however, to attempts to create a "Chinese wall" within a law firm in order to allow simultaneous representation of two parties with adverse interests.)

Judicial review may be available to the law firm employing the former government attorney in the case of an agency's arbitrary or capricious denial of a waiver. Judicial review may also be available to another party in the case of the agency's arbitrary or capricious determination granting a waiver.

The granting of a motion for disqualification is usually appealable, but the denial of such a motion is not appealable in all circuits.

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H. Briefs of Advisory Letters: The Office of Government Ethics (OGE) has issued advisory letters regarding the permissible and prohibited post-government employment activities of former government employees in specific factual situations under the Ethics in Government Act of 1978 (the Ethics Act), 18 U.S.C. §207. (For persons whose government employment ended prior to July 1, 1979, the OGE has also interpreted the predecessor statute, 18 U.S.C. §207.)

Copies of the full texts of the letters may be requested from the Executive Office for U.S. Attorneys, Room 1629, Main Justice, 10th Street and Pennsylvania Ave., N.W., Washington, D.C., 20530 (FTS 633-4024). Briefs of these and of future advisory letters will be published in the United States Attorneys' Bulletin.

The OGE's advisory letters concern the following issues, as applied to the specific factual situations presented by individual former employees of various government agencies:

1. Whether an attorney in a private law firm who is a former "senior employee" (for purposes of 18 U.S.C. §207(d)(1)(C)) may, during the one-year time ban of §207(c), represent a private client in court in a civil suit against the attorney's former government Department, involving the interpretation of a Department regulation, but not involving a particular matter involving specific parties which would trigger any prohibitions of §§207(a) or (b). This would be prohibited, because the attorney's representation and arguments to the court would unavoidably involve "oral . . . communication" to the Department "with the intent to influence" it (i.e., to persuade the Department to change its position, or in required settlement negotiations). Based on the legislative history of §207(c), such contact by the former official with his/her former agency is proscribed, not only on the matters pending before the agency, but on matters in which the former agency has a "direct and substantial interest" (i.e., where it is named as a defendant), even though the matter is pending elsewhere (i.e., in court).

2. Under the definition of the term "particular matter" (18 U.S.C. §207(a)), whether an attorney who is a former government employee (Administrative Law Judge (ALJ) assigned to an agency) may represent claimants at hearing before law judges of the same agency in three situations where:

a. The claimants are new and present new claims. Here there is no general prohibition because "particular matter" applies to specific cases or matters and not a general area of activity;



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b. and c. In hearings over which the former employee presided as an ALJ, the claimant had his original application for benefits denied and, in lieu of an appeal, now files a new application, or the claimant's application was granted, but the agency has since reexamined it and terminated benefits.

In these two situations, the representation is prohibited, because under the Act's implementing regulations, the same particular matter may continue in another form or part, and the agency should consider the extent to which the matters involve the same basic facts, related issues, the same or related parties, time elapsed, the same confidential information and the continuing existence of an important federal interest.

3. What is the effect of the re-employment [as a Special Government Employee] of a former government employee who originally had resigned prior to the effective date of the Ethics Act, July 1, 1979?

The restrictions of the new Ethics Act apply only to the matters upon which the re-employed person works subsequent to re-employment after July 1, 1979. However, as to the previous period of government employment (pre-July 1, 1979), the former provision of 18 U.S.C. §207 predating the Ethics Act covers the particular matters in which the former employee was either personally or substantially involved or which were pending under his/her official responsibility.

4. What is the effect of the re-employment of a former government employee as a re-employed annuitant in the same agency but in a different non-"Senior employee" position, where there are no operational responsibilities regarding the former position, and where the former position was designated as a "senior employee" position under §207(d)(1)(C) effective one day after the employee originally terminated employment with the agency?

Because this particular re-employment in a non-senior employee position is not viewed by OGE as a "shifting position" under 5 C.F.R. §737.25(i), the re-employment will not subject the employee to restrictions on a "senior employee."

5. What is the application of the definitions of "personal and substantial" participation in a "particular matter involving a specific party or parties," under the former pre-Ethics Act statute,

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18 U.S.C. §207, in the following situation: Whether a former government employee who left the government prior to the effective date of the Ethics Act, and is now an employee of a corporation, is barred from representing the corporation in conjunction with any of the four "phases" of a government program [to deliver aircraft to a foreign airforce], where the former employee had worked on only one of the phases of the program in government.

There is no prohibition of representation as to the three other separable phases of the program, because they are separate "particular matters" for which the former employee did not have "official responsibility." 18 U.S.C. §202(b).

Section 207 covers the one program phase in which the employee had participated "personally and substantially" as a government employee. The phase was a covered "matter" involving specific parties, even though the work was preparatory and preliminary to an actual contract, similar to an employee's participating in an investigation to determine whether the government should file a formal action, or recommending such formal action be undertaken.

The limitations on the proposed duties of a former government employee as to matters covered under §207 vary according to the type of representation, and §207(a) does not prohibit contacts or communications with the government that do not involve potentially adversarial or controversial matters with respect to a particular matter (i.e., a contract).

6. Under the two-pronged standard of 18 U.S.C. §§207(a) and (b)(i), defining "a particular matter involving a specific party or parties," former government employees who were involved in the development of a matter (i.e., request for proposals for a contract) are not prohibited from representing a specific party before the government on that particular matter, where the party was not identified as a party to the matter in question at the time the employees worked on the matter in the government.

7. Under the definitions of "[personal and] substantial" participation and a "particular matter involving a specific party or parties" in 18 U.S.C. §207(a), an attorney who, as a former government employee, drafted or amended specific clauses in documents (i.e., contracts) or reviewed the documents for legal sufficiency is barred generally from representing parties in the particular matter (the contract) in toto, because such documents cannot be divided into clauses to mitigate the post-employment restrictions of 18 U.S.C.

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§207, nor can passing upon the legality of a matter be separated from the substantive merits of the particular matter.

However, as to such documents (contracts) which were amended or reviewed for legal sufficiency subsequent to the termination of the attorney's responsibilities therefore, §207 does not bar later involvement, because to the extent that the primary substance of the documents (i.e., rates and benefits of contracts) change yearly, they are new "particular matters," despite certain continuing generic clauses with which the attorney was involved while in government.

8. What are the limitations of 18 U.S.C. §§207(a) and (b)(i) on a former "senior employee" who, as director of a federal office, had a broad policymaking role (in science, technology, energy, national security, and research and development issues) and official responsibility for certain particular matters (contracts) involving the government office and the new employing organization? Most of the policy activities, being of a general rather than specific nature, result in no post-employment restrictions, because "rulemaking, legislation, the formulation of general policy, standards or objectives, or other action of general application" are not a particular matter involving a specific party or parties. 18 U.S.C. §§207(a) and (b)(i). These restrictions would require a discrete and isolatable transaction between identifiable parties, and do not apply to a general area of activity.

However, there is a restriction on particular matters (i.e., contracts) in which the former government director participated personally and substantially, where "personally" means directly, including the participation of a subordinate when actually directed by the former government employee, and where to participate "substantially" means that the director's involvement must have been of significance or form the basis for a reasonable appearance of such significance to the matter and requires more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

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**Disclaim**

Due to the poor quality of the original print version, p. 172-176 are not legible. However, these pages can be found from the American Bar Association Journal v. 62 p. 517, 1975.

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1984 USAM (superseded)

# Professional Ethics Opinions



## Formal Opinion 342 (November 24, 1975)

Following the 1974 amendment of D.R. 5-105(D), which extended every disqualification of an individual lawyer in a firm to all affiliated lawyers,<sup>1</sup> the interpretation and application of D.R. 9-101(B) have been increasingly of concern to many government agencies as well as to many former government lawyers now in private practice.<sup>2</sup> D.R. 9-101(B) is based upon former A.B.A. Canon 36, but its standard or test is different. Our task is to interpret D.R. 9-101(B) in light of its history and in consideration of its underlying purposes and policies.

D.R. 9-101(B) reads as follows: "A lawyer shall not accept private employment in a matter in which he had substan-

tial responsibility while he was a public employee."<sup>3</sup>

At the outset, the relationship between D.R. 9-101(B) and the provisions of Canons 4 (confidences and secrets) and 5 (independent professional judgment) should be explored briefly. To some extent, the disciplinary rules of those two canons reinforce the same ethical concepts underlying D.R. 9-101(B).

The disciplinary rules of Canon 4 generally forbid a lawyer to reveal or use a confidence or secret of a client, see D.R. 4-101(B). That rule applies to a government lawyer as well as to private practitioners, for "the disciplinary rules should be uniformly applied to all lawyers, regardless of the nature of their

professional activities."<sup>4</sup> A lawyer violates D.R. 4-101(B) only by knowingly revealing a confidence or secret of a client or using a confidence or secret improperly as specified in the rule. Nevertheless, many authorities have held that as a procedural matter a lawyer is disqualified to represent a party in litigation if he formerly represented an adverse party in a matter substantially related to the pending litigation.<sup>5</sup> Even though D.R. 4-101(B) is not breached by the mere act of accepting present employment against a former client involving a matter substantially related to the former employment, the procedural disqualification protects the former client in advance of and against a possible future violation of D.R. 4-101(B).<sup>6</sup>

The disciplinary rules of Canon 5 bring into professional regulation, and with some specificity, the ancient maxim that one cannot serve two masters.<sup>7</sup> The dis-

1. As amended at the study meeting of the A.B.A. in February, 1974, D.R. 5-105(D) provides: "If a lawyer is required to decline employment or to withdraw from employment under a disciplinary rule, no partner, or associate, or any other lawyer affiliated with him or his firm, may accept or continue such employment." Prior to amendment, the rule undertook to disqualify all such affiliated lawyers only when the lawyer in question was "required to decline employment or to withdraw from employment under DR 5-105. . . ." But see fn. 2, *infra*.

2. It has long been recognized that the disqualification of one lawyer in an organization generally constituted disqualification of all affiliated lawyers, see, e.g., *American Can Company v. Citrus Food Company*, 436 F.2d 1125 (5th Cir. 1971); *Laskey Bros. of West Virginia v. Warner Bros. Pictures*, 224 F.2d 124 (2d Cir. 1955); *Silver Chrysler Plymouth v. Chrysler Motors Corporation*, 370 F.Supp. 381 (E.D. N.Y. 1973), aff'd 518 F.2d 751 (2d Cir. 1975); *W.E. Bassett Company v. H.C. Coal Company*, 301 F.Supp. 321 (D. Conn. 1962); Formal Opinions 169 (1937), 49 (1931), 23 (1931), and 16 (1929); Informal Opinions 1336 (1975) and 906 (1956); Texas Ethics Commission Opinion 100 (1937), 49 (1931), 23 (1931), and 16 (1929); Informal Opinions 1336 (1975) and 906 (1956); Texas Ethics Commission Opinion 100 (1937), 49 (1931), 23 (1931), and 16 (1929); Informal Opinions 1336 (1975) and 906 (1956); *Case Note*, 89 Harv. L. Rev. 1339 (1956). The rule is based upon the close, informal relationship among

law partners and associates and upon the incentives, financial and otherwise, for partners to exchange information freely among themselves when the information relates to existing employment. As to the application of D.R. 5-105(D) in situations involving D.R. 9-101(B), see the discussion *infra*.

3. The companion provision in the former A.B.A. Canons of Professional Ethics was found in Canon 36 and read as follows: "A lawyer, having once held public office or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has investigated or passed upon while in such office or employ."

4. Preliminary Statement, C.P.R.

5. See *Emile Industries, Inc. v. Patentes, Inc.*, 478 F.2d 562 (2d Cir. 1973); *American Can Company v. Citrus Food Company*, 436 F.2d 1125 (5th Cir. 1971); *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 370 F.Supp. 381 (E.D. N.Y. 1973), aff'd, 518 F.2d 751 (2d Cir. 1975); *Humble Oil and Refining Company v. American Oil Company*, 224 F.Supp. 909 (E.D. Mo. 1963); *Schmidt v. Pine Lawn Memorial Park*, 198 N.W.2d 496 (S.D. 1972); *Kaufman, The Former Government Attorney and the Canons of Professional Ethics*, 70 Harv. L. Rev. 657 (1957), Note, 64 Yale L.J. 917 (1955).

6. If the device of a procedural disqualification based upon the substantial relationship of the subject matter of the two employments were not used, the remedy would be either, first, an after-the-fact disciplinary action in which the issue is whether a particular confi-

dence or secret was actually revealed or used improperly, or second, a procedural disqualification based upon the fact issue of whether confidences or secrets were actually revealed in the first employment that are so relevant that they are likely to be revealed or used during the second employment. The "substantially related" test is less burdensome to the client first represented and is less destructive of the confidential nature of the attorney-client relationship. See *Emile Industries, Inc. v. Patentes, Inc.*, 478 F.2d 562, 571 (2d Cir. 1973), in which it is pointed out that an inquiry, as a procedural motion to disqualify, into actual confidences "would prove destructive of the weighty policy considerations that serve as the pillars of Canon 4 of the code" and that if the procedural disqualification were not used as a prophylactic measure, a lawyer might unconsciously or intentionally use a confidence or "out of an excess of good faith, might bend too far in the opposite direction, refraining from seizing a legitimate opportunity for fear that such a tactic might give rise to an appearance of impropriety." Cf. E.C. 5-14, C.P.R.

7. "No man can serve two masters: for either he will hate the one, and love the other; or else he will hold to the one, and despise the other. Ye cannot serve God and mammon." Matthew 6:24. See also Formal Opinions 33 (1931), 71 (1932), and 83 (1932). The latter quoted Hoffman's Eighth Resolution: "If I have ever had any connection with a cause, I will never permit myself (where that connection is for any reason severed) to be engaged on the side of my former antagonist."

disciplinary rules of Canon 5 are concerned largely with the effect of dual representation upon the quality of the professional service rendered to a client. Therefore the rules generally require a lawyer to refuse employment or to withdraw from employment when his exercise of professional judgment on behalf of a client may be affected, see D.R. 5-105, E.C. 5-14; and E.C. 5-15. The rules also forbid a lawyer to switch sides even in situations where the exercise of the lawyer's professional judgment on behalf of a present client will not be affected.<sup>8</sup> To this extent, the disciplinary rules of Canon 5 regulate the employment a lawyer may undertake after concluding or terminating past employment, whether the past employment was as a private or as a public lawyer.

D.R. 9-101(B) appears under the maxim of Canon 9: "A Lawyer Should Avoid Even the Appearance of Professional Impropriety." It is obvious, however, that the "appearance of profes-

sional impropriety" is not a standard, test, or element embodied in D.R. 9-101(B).<sup>9</sup> D.R. 9-101(B) is located under Canon 9 because the "appearance of professional impropriety" is a policy consideration supporting the existence of the disciplinary rule. The appearance of evil is only one of the underlying considerations, however, and is probably not the most important reason for the creation and existence of the rule itself.

The policy considerations underlying D.R. 9-101(B) have been thought to be the following: the treachery of switching sides,<sup>10</sup> the safeguarding of confidential governmental information from future use against the government,<sup>11</sup> the need to discourage government lawyers from handling particular assignments in such a way as to encourage their own future employment in regard to those particular matters after leaving government service,<sup>12</sup> and the professional benefit derived from avoiding the appearance of evil.<sup>13</sup>

There are, however, weighty policy considerations in support of the view that a special disciplinary rule relating only to former government lawyers should not broadly limit the lawyer's employment after he leaves government service. Some of the underlying considerations favoring a construction of the rule in a manner not to restrict unduly the lawyer's future employment are the following: the ability of government to recruit young professionals and competent lawyers should not be interfered with by imposition of harsh restraints upon future practice nor should too great a sacrifice be demanded of the lawyers willing to enter government service;<sup>14</sup> the rule serves no worthwhile public interest if it becomes a mere tool enabling a litigant to improve his prospects by depriving his opponent of competent counsel;<sup>15</sup> and the rule should not be permitted to interfere needlessly with the right of litigants to obtain competent counsel of their own choosing, particularly in specialized areas requiring special

8. The prohibition against switching sides where the exercise of the lawyer's professional judgment on behalf of a client will not be affected is somewhat obscure. The prohibition is found in D.R. 5-105(A) and (B), forbidding the acceptance or retention of employment involving the representation of "opposing interests," which is defined as every interest "that will adversely affect either the judgment or the loyalty of a lawyer to a client. . . ." Definitions (1). Generally, see *E.F. Hutton & Company v. Brown*, 305 F.Supp. 371 (S.D. Tex. 1969).

9. *But cf. Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 318 F.2d 751 (2d Cir. 1975); *General Motors Corporation v. City of New York*, 501 F.2d 639 (2d Cir. 1974); *Motor Murt, Inc. v. Saab Motors, Inc.*, 359 F.Supp. 156 (S.D. N.Y. 1973); *Nilo Metals Company Ltd v. Learner Company*, 258 F.Supp. 23 (D. Hawaii 1966); *United States v. Standard Oil Company*, 136 F.Supp. 345 (S.D. N.Y. 1955); *Kaufman, The Farmer Government Attorney and the Canons of Professional Ethics*, 70 HARV L. REV. 657 (1957). Judge Weinstem made an appropriate comment regarding "appearances of impropriety" in *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 370 F.Supp. 581, 589: "Defendants seem to suggest that the complexities of the factual determination to be made by this court should be avoided by a decision couched in notions of possible appearance of impropriety. On the contrary, the importance of the underlying policy considerations call for careful analysis of the matters endorsed by previous and present litigations. Vague or indefinite allegations do not suffice. . . . The danger of damage to public confidence in the legal profession would be great if we were to allow unfounded charges of impropriety to form the sole basis for an unjust disqualification."

10. See formal Opinion 71 (1972); *Kaplan, Forbidden Retainers*, 31 N.Y.U.L. Rev. 914, 917 (1956); *Association of the Bar of the City of New York, CONFLICT OF INTEREST AND FEDERAL SERVICE* 45 (1960). Thus Canon 5 and D.R. 9-101(B) are based at least in part on the same considerations of ethics.

11. See *Allied Realty of Saint Paul v. Exchange National Bank of Chicago*, 283

F.Supp. 464 (D. Minn. 1968), aff'd 408 F.2d 1099 (8th Cir. 1969); *Kaufman, The Farmer Government Attorney and the Canons of Professional Ethics*, 70 HARV L. REV. 657 (1957); *Cf. McKay An Administrative Code of Ethics: Principles and Implementation*, 47 A.B.A.J. 890 (1961). Thus Canon 4 and D.R. 9-101(B) are based at least in part on the same considerations of ethics. Speaking of former Canon 36, the forerunner of D.R. 9-101(B), Judge Kaufman said "Canon 36 was designed to supplement the other two [canons regarding conflicts and confidences], not to replace them." *Id.* at 660.

12. "Interviews revealed a substantial body of opinion that government employees who anticipate leaving their agency some day are put under an inevitable pressure to impress favorably private concerns with which they officially deal." *Ass'n of the Bar of the City of New York, CONFLICT OF INTEREST AND FEDERAL SERVICE* 233 (1960). See also *Allied Realty of Saint Paul v. Exchange National Bank of Chicago*, 283 F.Supp. 464 (D. Minn. 1968), aff'd 408 F.2d 1099 (8th Cir. 1969); *Nilo Metals Company v. Learner Company*, 268 F.Supp. 23 (D. Hawaii 1966); *Formal Opinion* 37 (1971).

13. See *General Motors Corporation v. City of New York*, 501 F.2d 639 (2d Cir. 1974); *Motor Murt v. Saab Motors, Inc.*, 359 F.Supp. 156 (S.D. N.Y. 1973); *Nilo Metals Company, Ltd v. Learner Company*, 258 F.Supp. 23 (D. Hawaii 1966); *United States v. Standard Oil Company*, 136 F.Supp. 345 (S.D. N.Y. 1955); *Kaufman, The Farmer Government Attorney and the Canons of Professional Ethics*, 70 HARV L. REV. 657 (1957).

14. "It is not sufficiently recognized that postemployment restrictions can be overly stringent, hurting the government more than they help it. This is most easily seen in the deterrent effect of such regulation upon the government's recruitment of manpower, as men will accept government appointment—especially temporary government appointment—if he must abandon the use of his professional skills for several years after leaving government service. The adverse effect of such restrictions on the government's efficient use of skills and information is probably even greater. The knowledge of an experienced former official may be made to operate against

the government, but it may also contribute to the ends of the government." *Ass'n of the Bar of the City of New York, CONFLICT OF INTEREST AND FEDERAL SERVICE* 224 (1960). It was also said that the "most damaging result of the present system is its deterrent effect on the recruitment and retention of executive and some kinds of consultative talent." *Id.* at 181.

See also *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 370 F.Supp. 581 (E.D. N.Y. 1973) ("A concern both for the future of young professionals and for the freedom of choice of the litigants in specialized areas of law requires care not to disqualify needlessly"), aff'd 518 F.2d 751 (2d Cir. 1975); *United States v. Standard Oil Company*, 136 F.Supp. 345 (S.D. N.Y. 1955) ("If service with the government will tend to stigmatize an attorney in too large an area of law for too long a time, or will prevent him from engaging in practice of the very specialty for which the government sought his service—and if that stigmatization will spread to the firm with which he becomes associated—the sacrifices of entering government service will be too great for most men to make. As for those men willing to make these sacrifices, not only will they and their firms suffer a restricted practice thereafter, but clients will find it difficult to obtain counsel, particularly in those specialties and units dealing with the government"). *Kaufman, The Farmer Government Attorney and the Canons of Professional Ethics*, 70 HARV L. REV. 657 (1957) ("The restrictions placed upon [the government attorney's] future career are so unclear and may be so sterilizing that unless he is completely unwary he will hesitate before accepting government employment"). *Case note*, 68 HARV L. REV. 1064 (1955) (suggesting that a lawyer should not be disqualified in a case involving his specialty unless a hearing, such as an on-camera hearing, results in a finding that the information obtained from the client is not available elsewhere by reasonable research); *Kaplan, Forbidden Retainers*, 31 N.Y.U.L. Rev. 914 (1956); *Case note*, 64 YALE L.J. 917 (1954) ("Furthermore, the attorney's right to develop a special skill free from unwarranted limitations as to employment must be recognized.")

15. *Cf. Emb Industries, Inc. v. Powers, Inc.*, 476 F.2d 562, 574 (2d Cir. 1973).

technical training and experience.<sup>16</sup>

D. R. 9-101(B) itself, while presumably drafted in the light of the above policy considerations, does not embody any of them as a test. The issue of fact to be determined in a disciplinary action is whether the lawyer has accepted "private employment" in a "matter" in which he had "substantial responsibility" while he was a "public employee." Interpretation apparently is needed in regard to each of the quoted words or phrases, and each should be interpreted so as to be consistent, insofar as possible, with the underlying policy considerations discussed above.<sup>17</sup>

As used in D. R. 9-101(B), "private employment" refers to employment as a private practitioner. If one underlying consideration is to avoid the situation where government lawyers may be tempted to handle assignments so as to encourage their own future employment in regard to those matters, the danger is that a lawyer may attempt to derive undue financial benefit from fees in connection with subsequent employment, and not that he may change from one salaried government position to another. The balancing consideration supporting our construction is that government agencies

should not be unduly hampered in recruiting lawyers presently employed by other government bodies.<sup>18</sup>

Although a precise definition of "matter" as used in the disciplinary rule is difficult to formulate, the term seems to contemplate a discrete and isolatable transaction or set of transactions between identifiable parties.<sup>19</sup> Perhaps the scope of the term "matter" may be indicated by examples. The same lawsuit or litigation is the same matter. The same issue of fact involving the same parties and the same situation or conduct is the same matter.<sup>20</sup> By contrast, work as a government employee in drafting, enforcing, or interpreting government or agency procedures, regulations, or laws, or in briefing abstract principles of law, does not disqualify the lawyer under D. R. 9-101 (B) from subsequent private employment involving the same regulations, procedures, or points of law, the same "matter" is not involved because there is lacking the discrete, identifiable transactions or conduct involving a particular situation and specific parties.<sup>21</sup>

The element of D. R. 9-101(B) most difficult to interpret in light of the underlying considerations, pro and con, is that of "substantial responsibility." We turn

first to the language of the predecessor Canon 36—language found wanting.

Canon 36, former A. B. A. Canons of Professional Ethics, stated that the former government lawyer should not accept employment in connection with a matter "he has investigated or passed upon" while in government employ. But "passed upon" proved to be too broadly encompassing; for example, it was held under Canon 36 that a lawyer could not accept employment in connection with a land title which he had passed upon in a perfunctory manner, the title having been before him for consideration only because title reports were made in his name as assistant chief title examiner or in the name of the chief title examiner.<sup>22</sup> And if disqualifying a lawyer because of a mere "rubber stamp" approval of the work of another was not bad enough, this committee was confronted with the necessity of either disregarding that language of Canon 36 or holding that a lawyer who was a former governor was disqualified from litigation involving any legislation he had passed upon—perhaps by vetoing, signing, or permitting it to become law without signature—as governor.<sup>23</sup> Perhaps an extreme in the interpretation of the language was reached when the

16. *Emle Industries, Inc. v. Patentes, Inc.*, 478 F.2d 362, 363 (2d Cir. 1973); *Lisley Bros. of West Virginia Inc. v. Warner Bros. Pictures*, 224 F.2d 824 (2d Cir. 1955); *Silver Chrysler Plymouth Inc. v. Chrysler Motors Corporation*, 370 F.Supp. 581 (E.D. N.Y. 1973), aff'd 518 F.2d 751 (2d Cir. 1975), Note, 64 YALE L.J. 917 (1955).

17. Perhaps the least helpful of the seven policy considerations mentioned above is that of avoiding the appearance of impropriety. This consideration appears in the heading of Canon 9 and is developed more fully in E. C. 9-2 and 9-3, thereby giving guidance to lawyers when making decisions of conscience in regard to their professional responsibility. Thus, "avoiding the appearance of evil" is relevant to our task of interpreting D. R. 9-101(B), even though it is not relevant when a grievance committee or court is determining whether a violation of the standard of D. R. 9-101(B) has in fact occurred. It is fortunate that "avoiding even the appearance of professional impropriety" was not made an element of the disciplinary rule, for it is too vague a phrase to be useful (see McKay, *An Administrative Code of Ethics: Principles and Implementation*, 47 A. B. A. J. 890, 894 (1961)), and lawyers will differ as to what constitutes the appearance of evil (see *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 370 F.Supp. 581 (E.D. N.Y. 1973), aff'd 518 F.2d 751 (2d Cir. 1975)). For the same reasons, the concept is of limited assistance as an underlying policy consideration. If "appearance of professional impropriety" had been included as an element in the disciplinary rule, it is likely that the determination of whether particular conduct violated the rule would have degenerated from the determination of the fact issues specified by the rule into a determination on an *instans*, *ad hoc* or even *ad hominem* basis, cf. McKay, *supra* at 893.

18. This position is not in conflict with *General Motors Corporation v. City of New York*,

301 F.2d 639 (2d Cir. 1974). In that case it appears that the lawyer for the municipality was privately retained, and the appellate court held that this employment constituted "private employment" within the meaning of D. R. 9-101(B).

19. See Manning, *FEDERAL CONFLICT OF INTEREST LAW 204* (1964).

20. See *Emle Industries, Inc. v. Patentes, Inc.*, 478 F.2d 362 (2d Cir. 1973), where an issue of fact regarding Burlington's control of Patentes was an issue of fact in the earlier litigation as well as in the instant litigation. Similarly, in *General Motors Corporation v. City of New York*, 301 F.2d 639 (2d Cir. 1974), it appeared that many, if not all, of the issues of fact in the two cases involved the same conduct of General Motors that allegedly resulted in monopolizing trade in the manufacture and sale of city buses, and it was held that the same "matter" was involved within the meaning of D. R. 9-101(B). In that opinion it was said, at 651: "The district court set forth the proper test (60 F.R.D. at 402): In determining whether this case involves the same matter as the 1956 *Bus* case, the most important consideration is not whether the two actions rely for their foundation upon the same section of law, but whether the facts necessary to support the two claims are sufficiently similar."

21. "Many a lawyer who has served with the government has an advantage when he enters private practice because he has acquired a working knowledge of the department in which he was employed, has learned the procedures, the governing substantive and statutory law and is to a greater or lesser degree an expert in the field in which he was engaged. Certainly this is perfectly proper and ethical. Were it not so, it would be a distinct deterrent to lawyers ever to accept employment with the government. This is distinguishable, however, from a situation where, in addition, a former government lawyer is employed and is expected to

bring with him and into the proceedings a personal knowledge of a particular matter," the latter being thought to be within the proscription of former Canon 36; *Abird Realty of Saint Paul v. Exchange National Bank of Chicago*, 283 F.Supp. 464 (D. Minn. 1968), aff'd 408 F.2d 1099 (8th Cir. 1969). See also B. Manning, *FEDERAL CONFLICT OF INTEREST LAW 204* (1964).

A contrary interpretation would unduly interfere with the opportunity of a former lawyer to use his expert technical legal skills, and the prospect of such unnecessary limitations on future practice probably would unreasonably hinder the recruiting efforts of various local, state, and federal governmental agencies and bodies.

Our interpretation leaves protection of governmental confidences or information largely to the disciplinary rules of Canon 4, which apply to governmental lawyers as well as privately employed lawyers; see fn. 4, *supra*. This result is consistent with the trend toward "government in the sunshine" and with such statutes as the Freedom of Information Act; cf. *National Labor Relations Board v. Sears, Roebuck & Company*, 421 U.S. 132 (1975), which discusses the application of that act and its exceptions to the work of government lawyers and generally protects information held by government lawyers when the information falls within the classifications of attorney work product or executive privilege.

22. Formal Opinion 37 (1931).

23. The committee concluded that the governor was not disqualified. Formal Opinion 26 (1930). In the opinion it was observed that the literal language of former Canon 36 would prevent governors and legislators from ever again dealing with any subject studied while in office: "They illustrate that the canon was not intended to have the effect that its words too literally construed imply."



government contended in one case that a lawyer was barred under Canon 36 when the lawyer "should have passed," even if he had not passed, upon a particular matter.<sup>24</sup>

Discussions of former Canons 6 (predecessor to Canon 5), 36 (predecessor to the disciplinary rule in question), and 37 (predecessor to Canon 5) sometimes are worded in terms of "rebuttable presumptions," "irrebuttable presumptions," "rebuttable inferences," "horizontally imputed knowledge," "vertically imputed knowledge," "charged with knowledge," and other conceptions not found in the language of those prior canons or in the language of the present disciplinary rules.<sup>25</sup> To an extent, the discussions are confusing and seem to constitute a bit of a tour de force. It is not clear, for example, whether the presumptions in question are intended to have the procedural effect of assuring the sufficiency of evidence on a fact issue, or of shifting a burden of going forward with evidence, or of shifting the burden of persuasion, or, in fact, of constituting a new substantive rule different from that stated in the canon or disciplinary rule in question.<sup>26</sup> Neither is it clear why knowledge should be "imputed" or "charged" to a person, nor, indeed, why knowledge itself, rather than "investigated or passed upon," is even relevant in some instances. But after reading such discussions one senses that there is dissatisfaction with having to make findings of certain facts such as, for example, whether the lawyer in question personally did in fact "investigate or pass upon" the matter in question.<sup>27</sup>

Apparently the new language of D.R. 9-101(B), "substantial responsibility," was designed to alleviate some of the difficulties discussed above. The new lan-

guage is, however, not without its own difficulties.

As used in D.R. 9-101(B), "substantial responsibility" envisages a much closer and more direct relationship than that of a mere perfunctory approval or disapproval of the matter in question.<sup>28</sup> It contemplates a responsibility requiring the official to become personally involved to an important, material degree in the investigative or deliberative processes regarding the transactions or facts in question. Thus, being the chief official in some vast office or organization does not *ipso facto* give that government official or employee the "substantial responsibility" contemplated by the rule in regard to all the minutiae of facts lodged within that office.<sup>29</sup> Yet it is not necessary that the public employee or official shall have personally and in a substantial manner investigated or passed upon the particular matter, for it is sufficient that he had such a heavy responsibility for the matter in question that it is unlikely he did not become personally and substantially involved in the investigative or deliberative processes regarding that matter.<sup>30</sup> With a responsibility so strong and compelling that he probably became involved in the investigative or decisional processes, a lawyer upon leaving the government service should not represent another in regard to that matter. To do so would be akin to switching sides, might jeopardize confidential government information, and give the appearance of professional impropriety in that accepting subsequent employment regarding that same matter creates a suspicion that the lawyer conducted his governmental work in a way to facilitate his own future employment in that matter.

The element of "substantial responsibility," as so construed, should not be

duty hinder the government in recruiting lawyers to its ranks or interfere needlessly with the right of litigants to employ technically skilled and trained former government lawyers to represent them.

The last factual element of D.R. 9-101(B) deserving explanation is that of "public employee." It is significant that the word lawyer was not used instead of employee. Accordingly, the intent clearly was for D.R. 9-101(B) to be applicable to the lawyer whose former public or governmental employment was in any capacity and without regard to whether it involved work normally handled by lawyers.

The extension by D.R. 5-105(D) of disqualification to all affiliated lawyers in to prevent circumvention by a lawyer of the disciplinary rules. Past government employment creates an unusual situation in which inflexible application of D.R. 5-105(D) would actually thwart the policy considerations underlying D.R. 9-101(B). The question of the application of D.R. 5-105(D) to the situation in which a former government employee would be in violation of D.R. 9-101(B) should be considered in the light of those policy considerations, viz.: opportunities for government recruitment and the availability of skilled and trained lawyers for litigants should not be unreasonably limited in order to prevent the appearance of switching sides, yet confidential information should be safeguarded, and government lawyers should be discouraged from handling particular assignments in such a way as to encourage their own future employment in regard to those particular matters after leaving government service. The desire to avoid the appearance of evil, even though less important, must be considered. A realistic construction of D.R. 5-105(D) should recognize and give

24. See *United States v. Standard Oil Company*, 136 F.Supp. 345 (S.D. N.Y. 1955).

25. As to the applicability or interpretation of the "investigated or passed upon" language of former Canon 35, see also *United States v. Traffante*, 328 F.2d 117 (5th Cir. 1964); *Traylor v. City of Amarillo, Texas*, 335 F.Supp. 423 (N.D. Tex. 1971); *Minnesota v. United States Steel Corporation*, 44 F.R.D. 599 (D. Minn. 1968); *MHo Metals Company v. Learner Company*, 258 F.Supp. 23 (D. Hawaii 1966); *Kaplan, Forbidden Retainers*, 31 N.Y.U.L. Rev. 914 (1956); *Kaufman, The Former Government Attorney and the Canons of Professional Ethics*, 70 *MARY L. REV.* 657 (1957); *Perkins, The New Federal Conflict-of-Interest Law*, 76 *MARY L. REV.* 1113 (1963); *Canonic*, 69 *MARY L. REV.* 1339 (1956); *B. Manning, FEDERAL CONFLICT OF INTEREST LAW* 196 (1964).

26. See, e.g., *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 518 F.2d 751 (2d Cir. 1975); *American Can Company v. Crown Food Company*, 436 F.2d 1125 (5th Cir. 1971); *Lesley Bros. of West Virginia v. Forum Bros. Pictures*, 224 F.2d 824 (2d Cir. 1955); *United States v. Standard Oil Company*, 136 F.Supp. 345 (S.D. N.Y. 1955); *Kaufman, The Former Government Attorney*

and the Canons of Professional Ethics, 70 *MARY L. REV.* 657 (1957).

27. Imputation of knowledge from a lawyer to his firm need not be explored where a lawyer is disqualified by reason of prior representation or employment, for D.R. 5-105(D) specifically makes all associated lawyers disqualified and therefore knowledge *vel non* is irrelevant. Imputation of knowledge is likewise irrelevant in considering the fact issue whether the former government lawyer did in fact personally "investigate or pass upon" a matter; knowledge of close associates or subordinates regarding the matter in question may in some instances be logically relevant in determining whether the lawyer did investigate or pass upon the matter, but to work in terms of "imputed knowledge" tends to fictionalize the fact-finding process. Yet, in the application of D.R. 4-101(A) a lawyer's knowledge of a confidence or secret may be a highly relevant fact. Under D.R. 9-101(B) an issue of fact obviously is whether the lawyer had "substantial responsibility" in regard to the matter in question, rather than whether he possessed certain knowledge.

28. Compare with *Silver Chrysler Plymouth, Inc. v. Chrysler Motors Corporation*, 518 F.2d 751 (2d Cir. 1975) *generally* see *McCormick, EVIDENCE* 682-6 *Old ed.* 1972.

29. For example, Judge Kaufman's discussion suggests that the test whether the government lawyer personally investigated or passed upon the matter in question affords inadequate protection. Many responsible supervisory government officials make decisions based on the work of subordinates, and the work and knowledge of the subordinates may or may not be known to or remembered by the official. See *Kaufman, The Former Government Attorney and the Canons of Professional Ethics*, 70 *MARY L. REV.* 666 (1957).

30. See *Informal Opinion* 1129 (1969) discussing both D.R. 9-101(B) and former Canon 36.

31. If "official responsibility" had been used in lieu of "substantial responsibility," the scope of D.R. 9-101(B) would have been enlarged considerably but perhaps to the detriment of governmental recruiting. Compare *Burns, The Massachusetts Conflict-of-Interest Statute: An Analysis*, 45 *BOSTON U.L. REV.* 299, 318 (1965).

32. Compare the views expressed in *Kaufman, The Former Government Attorney and the Canons of Professional Ethics*, 70 *MARY L. REV.* 657, 667 (1957). See also *Perkins, The New Federal Conflict-of-Interest Law*, 76 *MARY L. REV.* 1113, 1127 (1963).

effect to the divergent policy considerations when government employment is involved.

When the disciplinary rules of Canons 4 and 5 mandate the disqualification of a government lawyer who has come from private practice, his governmental department or division cannot practicably be rendered incapable of handling even the specific matter. Clearly, if D.R. 5-105(D) were so construed, the government's ability to function would be unreasonably impaired. Necessity dictates that government action not be hampered by such a construction of D.R. 5-105(D). The relationships among lawyers within a government agency are different from those among partners and associates of a law firm. The salaried government employee does not have the financial interest in the success of departmental representation that is inherent in private practice. This important difference in the adversary posture of the government lawyer is recognized by Canon 7: the duty of the public prosecutor to seek justice, not merely to convict, and the duty of all government lawyers to seek just results rather than the result desired by a client. The channeling of advocacy toward a just result as opposed to vindication of a particular claim lessens the temptation to circumvent the disciplinary rules through the action of associates. Accordingly, we construe D.R. 5-105(D) to be inapplicable to other governmental lawyers associated with a particular government lawyer who is himself disqualified by reason of D.R. 4-101, D.R. 5-105, D.R. 9-101(B), or similar disciplinary rules. Although vicarious disqualification of a government department is not necessary or wise, the individual lawyer should be screened from any direct or indirect participation in the matter, and discussion with his colleagues concerning the relevant transaction or set of transactions is prohibited by those rules.

Likewise, D.R. 9-101(B)'s command of refusal of employment by an individual lawyer does not necessarily activate D.R. 5-105(D)'s extension of that disqualification. The purposes of limiting the mandate to matters in which the former public employee had a substantial responsibility are to inhibit government recruitment as little as possible and enhance the opportunity for all litigants to obtain competent counsel of their own choosing, particularly in specialized areas. An inflexible extension of disqualification throughout an entire firm would thwart those purposes. So long as the individual lawyer is held to be disqualified and is screened from any direct or indirect participation in the matter, the problem of his switching sides is not present, by contrast, an inflexible extension of disqualification throughout the firm often would result in real hardship to a client if com-

plete withdrawal of representation was mandated, because substantial work may have been completed regarding specific litigation prior to the time the government employee joined the partnership, or the client may have relied in the past on representation by the firm.

All of the policies underlying D.R. 9-101(B), including the principles of Canons 4 and 5, can be realized by a less stringent application of D.R. 5-105(D). The purposes, as embodied in D.R. 9-101(B), of discouraging government lawyers from handling particular assignments in such a way as to encourage their own future employment in regard to those particular matters after leaving government service, and of avoiding the appearance of impropriety, can be accomplished by holding that D.R. 5-105(D) applies to the firm and partners and associates of a disqualified lawyer who has not been screened, to the satisfaction of the government agency concerned, from participation in the work and compensation of the firm on any matter over which as a public employee he had substantial responsibility. Applying D.R. 5-105(D) to this limited extent accomplishes the goal of destroying any incentive of the employee to handle his work so as to affect his future employment. Only allegiance to form over substance would justify blanket application of D.R. 5-105(D) in a manner that thwarts and distorts the policy considerations behind D.R. 9-101(B).

Our conclusion is further supported by the fact that D.R. 5-105(C) allows the multiple representation that is generally forbidden by D.R. 5-105(A) and (B), where all clients consent after full disclosure of the possible effect of such representation. D.R. 5-105(A) and (B) deals, of course, with much more egregious contingencies than those covered by D.R. 9-101(B). It is unthinkable that the drafters of the Code of Professional Responsibility intended to permit the one afforded protection by D.R. 5-105(A) and (B) to waive that protection without also permitting the one protected by D.R. 9-101(B) to waive that less-needed protection. Accordingly, it is our opinion that whenever the government agency is satisfied that the screening measures will effectively isolate the individual lawyer from participating in the particular matter and sharing in the fees attributable to it, and that there is no appearance of significant impropriety affecting the interests of the government, the government may waive the disqualification of the firm under D.R. 5-105(D). In the event of such waiver, and provided the firm also makes its own independent determination as to the absence of particular circumstances creating a significant appearance of impropriety, the result will be that the firm is not in violation of D.R.

5-105(D) by accepting or continuing the representation in question.

Although this opinion has dealt explicitly and at length with the interpretation and application of D.R. 9-101(B), it is not amiss to point out that, on the ethical rather than the disciplinary level of professional responsibility, each lawyer should advise a potential client of any circumstances that might cause a question to be raised concerning the propriety of his undertaking the employment and should also resolve all doubts against the acceptance of questionable employment. See E.C. 5-105 and E.C. 5-16. A

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- International Electronics Corp. v. Flanzer, 527 F.2d 1288 (2d Cir. 1975).
- Kesselhaut v. United States, 555 F.2d 791 (Ct. Cls. 1977).
- Melamed v. ITT Continental Baking Co., 592 F.2d 290 (6th Cir. 1979).
- Multi-Piece Rim Products Liability Litigation. Firestone Tire & Rubber Co. v. Risjord, 612 F.2d 377 (8th Cir. 1980) (en banc), vacated sub nom, Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368, 101 S. Ct. 669, 66 L. Ed. 2d 571 (1981).
- Musicus v. Westinghouse Electric Corporation, 621 F.2d 742 (5th Cir. 1980).
- O'Reilly v. The New York Times Company, 692 F.2d 863, (2d Cir. 1982).
- Schloetter v. Railloc of Indiana, Inc., 546 F.2d 706 (7th Cir. 1976).
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10-2.670 Office Hours of Operation

10-2.671 Hours of Duty

The official hours for all offices of the Department of Justice, including U.S. Attorneys' offices, are 9:00 a.m. to 5:30 p.m., Monday through Friday. Any other tour of duty for the general staff of the U.S. Attorney's office must be approved by the head of the Executive Office. U.S. Attorneys may authorize variations in the tours of duty for individual employees, provided they do not work between 6:00 p.m. and 6:00 a.m.

10-2.672 Flexitime

Flexible work hours, popularly called flexitime, is a concept which has gained popularity because of its potential for improving productivity, expanding the hours of service to the public, and providing greater employment opportunities for those who cannot work standard, fixed hours.

Under flexitime, fixed hours are replaced by a working day composed of core time and flexible time. Core time, which normally comprises 4-5 hours per day, is time which all employees must be present unless on approved leave. Flexible time is periods designated as part of the schedule or work hours within which the employee may choose his/her time of arrival and departure.

Flexitime, as the name implies, can be very flexible. All employees must work 8 hours per day. However, they can determine their own arrival and departure times on either a daily or weekly basis. In any case, the authorized day should not begin prior to 6:00 a.m. or end after 6:00 p.m. because of an employee's potential entitlement to premium pay for night work.

A. Two possible arrangements are:

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Example 1:

Flexible Band	Core Time	Flexible Band	
6:30 a.m.	9:00 a.m.	3:00 p.m.	6:00 p.m.
8 hours + 1/2 hour lunch			

In the above example, the core time has been established at 5 hours to include 1/2 hour for lunch to be taken at some time within the established core. Flexible time bands extend for 3 hours on either side of the core. An employee, therefore, might come to work at 6:30 a.m. and leave as early as 3:00 p.m. Alternatively, he/she may begin as late as 9:30 a.m. and leave at 6:00 p.m. He/she may, however, begin at any other time between 6:30 and 9:30 a.m. and his/her departure time will be 8 1/2 hours later.

Example 2:

Flexible Band	Core Time	Flexible Band	Core Time	Flexible Band	
6:30 a.m.	9:00 a.m.	11:00 a.m.	1:00 p.m.	3:00 p.m.	5:30 p.m.
8 hours + 1/2 hour lunch					

In the above example, an analysis of the workload revealed a requirement for the entire workforce to be present between the hours of 9:00 and 11:00 a.m. and again between 1:00 and 3:00 p.m.

B. Flexitime must be approved by the Assistant Attorney General for Administration. Requests must be submitted through the Executive Office. They should include:

1. Proposed core and flexible time;
2. Whether arrival and departure time will be set on a daily or weekly basis;
3. Plans for maintaining time and attendance records;

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4. Additional building costs resulting from flexitime, if any, and potential savings in overtime or other expenses; and

5. Proposed effective date.

The Personnel Office, Executive Office for U.S. Attorneys, will provide offices considering the use of flexitime with further guidance on development and implementation.

10-2.700 (RESERVED)

10-2.800 TRAINING AND CONTINUING EDUCATION

It is the policy of the Executive Office for U.S. Attorneys and the Offices of the U.S. Attorneys to provide equal opportunity for handicapped persons in all of its programs. This includes training programs, such as, workshops and seminars sponsored by the Offices of the U.S. Attorneys and the Executive Office for U.S. Attorneys, where handicapped persons who attend may require special accommodations. Effective May 1, 1984, the following blurb should be included in all announcements of training sponsored by the Executive Office or any district office.

The Executive Office for U.S. Attorneys makes every effort to assure that its training programs are readily accessible to handicapped employees. Any official nominating a handicapped individual for training should contact the office sponsoring the training at least ten (10) working days in advance of the nomination to discuss any special provisions needed to accommodate the handicapped nominee(s), e.g., sign language interpreters for the hearing impaired, etc.

10-2.810 Attendance at Meetings

Employees and officials of the Department of Justice may attend conferences, conventions, professional meetings or other meetings at government expense provided:

A. The conference or meeting is directly related to the individual's work in the Department; or

B. They have been invited to participate in their official capacities; or

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C. They are to take an active part in the conference or meeting and such participation will benefit the government; or

D. Attendance will improve conduct, supervision, or management of job duties.

Fees for attendance at meetings which meet the above criteria may be paid for pursuant to Department of Justice Order 1410.3C (July 6, 1982). The U.S. Attorney may authorize travel expenses at these meetings in accordance with the provisions of USAM 10-3.510. Pay for attendance and travel to meetings at government expense is a privilege, not a right. These expenses are charged against the district's travel budget and requests should be denied if funds are not available.

When the above criteria for attendance at the conferences, conventions, or professional meetings are not met, attendance under these circumstances is at the participant's expense in accordance with Department of Justice Order 1410.3C (July 6, 1982); however, annual or administrative leave may be granted at the discretion of the U.S. Attorney in accordance with the Department's leave policies.

Before authorizing attendance at any meeting, whether or not it is at the Department's expense, the U.S. Attorney should consider: the nature of the meeting; the amount of time the employee will be out of the office; and the impact on the district's travel budget in relation to the benefit to the office and the employee. Title 28, Part 45 of the Code of Federal Regulations regarding standards of conduct must also be followed. (See USAM 10-2.660.)



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10-2.820 Attorney Training

10-2.821 Attorney General's Advocacy Institute

The Attorney General's Advocacy Institute (AGAI) sponsors courses designed to instruct Assistant U.S. Attorneys and division attorneys in techniques of trial and appellate advocacy. The Institute also has responsibility for authorizing training for all attorney personnel and for training materials used by those offices.

The AGAI offers the following courses:

A. Criminal and Civil Trial Advocacy Courses:

1. Students: These basic trial courses are offered for Assistant U.S. Attorneys and legal division attorneys with little or no trial experience. Forty students attend each session.

2. Course of Instruction: These courses consist primarily of small group workshops in which the students make opening statements and closing arguments, and conduct direct and cross-examinations of a variety of types of witnesses. Each student's performance is critiqued by the attending instructor, who also leads discussion of the evidentiary or procedural problems that arise during the exercise. The workshops are supplemented by lectures and demonstrations on topics relevant to trial practice. The course culminates in two days of full mock trials before federal district court judges and a jury.

3. Frequency and Duration: The Criminal and Civil Trial Advocacy courses are offered six times yearly at the Advocacy Institute in Washington, D.C. A course schedule for the calendar

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year is sent to the U.S. Attorneys each fall, and each course is announced individually by teletype approximately eight weeks in advance. The courses are three weeks in length, with the third week approximately six months after the first two weeks. In the first two weeks, the classes meet Monday through Saturday of the first week and Monday through Friday of the second week. The third week is Monday through Friday.

**B. Appellate Advocacy Course:**

1. Students: The appellate course is designed for Department attorneys and Assistant U.S. Attorneys with little or no appellate experience. Class size is limited to 15-20 students.

2. Course of Instruction: The appellate course consists of small group workshops, lectures, demonstrations and panel discussions, all designed to teach the rudiments of both written and oral appellate advocacy. The course culminates in oral arguments before U.S. Circuit Court judges.

3. Frequency and Duration: The appellate course is held in Washington, D.C., four times a year, and lasts one five-day week. A course schedule for the calendar year is sent to the U.S. Attorneys each fall, and each course is announced individually by teletype approximately ten weeks in advance.

**C. Special Seminars:** The Advocacy Institute sponsors a number of specialized seminars on topics such as program fraud, criminal tax, controlled substances, and white collar crime. These are held at various times and locations throughout the year. They are intended to provide continuing legal education for Department attorneys. U.S. Attorneys and section chiefs are notified of these seminars and are responsible for nominating participants. Suggested topics for future seminars are encouraged.

Instructors for AGAI courses are experienced and talented trial attorneys from the Department, either Assistant U.S. Attorneys or litigating division attorneys. As the number of courses increases, so does the need for experienced faculty. U.S. Attorneys and section chiefs should submit names of Department attorneys who would contribute significantly as an instructor. Interested attorneys should submit a resume to the AGAI, including such information as trial experience, teaching experience, and topics in which they would be interested in lecturing (i.e., grand jury, opening statements, summations, direct and cross examination, trial preparation, damages, TRO's, etc.).

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Federal judges play an integral part in AGAI courses. In the civil and criminal trial courses, district court judges preside over full-day mock trials. In the appellate course, circuit court judges hear oral arguments in moot court proceedings. The judges give detailed critiques of the student attorneys. U.S. Attorneys should submit the names of judges who might be interested in assisting the Department in its training efforts.

10-2.822 Training Outside the AGAI

To meet the varied training requirements of the U.S. Attorneys' offices, the Executive Office has established attorney training budgets. These funds are to pay for training conducted by both government and non-government agencies (except AGAI) and include the cost of tuition, books, travel, and per diem.

Annually, the AGAI, in conjunction with the field offices, will determine training fund allotments for each office. The U.S. Attorney is responsible for recommending employees for training within these allocations.

Determinations of which employees should be nominated for training opportunities should be guided by budgetary constraints and such factors as:

- A. Is the training mandatory as in the case of certain supervisory and EEO training?
- B. Will the requested training improve the efficiency of the employee's job related skills?
- C. Does the requested training substantially duplicate that which is already offered by the Department:
- D. Does the benefit to be derived from this training justify its expense?

10-2.823 Training Resource Lending Library

The Attorney General's Advocacy Institute maintains a Lending Library of educational and instructional materials for the use of the U.S.

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Attorneys' offices. The Lending Library has audio and video tapes of Irving Younger's lectures on evidence and trial advocacy, which were made specially for the Department, and audio tapes of lecturers sponsored by AGAI and other continuing legal education organizations on various topics of litigation. Tapes can be borrowed from the Advocacy Institute for a period of 30 days by submitting a request in writing to the AGAI Director. An updated listing of available tapes is regularly sent to the U.S. Attorney's offices.

Requests for training materials (*i.e.*, brochures, books, publications, films, tapes, etc.) should be submitted to the AGAI Director for consideration. If it is determined that the materials are valuable to the overall training needs of the U.S. Attorneys' offices, they will be added to the AGAI Lending Library. Suggestions of such educational materials are welcome.

10-2.824 Executive Development

It is the policy of the Executive Office for U.S. Attorneys to encourage formal executive training for senior personnel in the U.S. Attorneys' offices and the Executive Office for U.S. Attorneys.

Senior personnel are defined as individuals in the Senior Executive Service (SES) or who are in SES-equivalent positions (GS-16 and above) and who are:

- A. Responsible for directing the work of an organizational unit;
- B. Are accountable for the success of one or more specific programs or projects;
- C. Monitoring progress toward organizational goals;
- D. Supervising the work of employees other than personal assistants; and
- E. Otherwise exercise important policymaking, policy determining, or other executive functions.

Senior personnel are encouraged to pursue developmental activities including formal training in managerial theory and practice; a broad orientation within which the federal executive operates; and a more specific orientation involving executive management in the Department in the areas of policy development processes, budget, personnel management program goals and management philosophy.



Such training can be found in the Department's Attorney General's Management Seminars course offerings. Each fiscal year the Executive Office for U.S. Attorneys sends a solicitation memorandum to all U.S. Attorneys' offices and the Executive Office for U.S. Attorneys for the following year's seminars.

Individuals who are interested in additional types of executive training which may be available from other sources should contact the Personnel Office, Programs Unit, for more specific information.

10-2.830 Non-Attorney Training

10-2.831 Identification of Training Needs

It is the policy of the Executive Office for U.S. Attorneys to provide employees with whatever training is necessary, within limits of practicability, to perform their official duties. Managers and supervisors in the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices are responsible for developing a well-trained staff by assisting employees to achieve their highest potential consistent with Departmental needs.

A. Supervisors and managers are to evaluate periodically their organizations to improve the efficiency of operations. One major facet of this evaluation involves the review of the employees' knowledges, skills, and abilities. This review should consider:

1. The organizational needs;
2. The employees available to address the needs; and
3. The employees' performance that may need to be enhanced through training and development.

B. In identifying whether a need for a particular knowledge, skill or ability merits training, consideration should first be given to other possible ways to meet the need. Specifically, perhaps job restructuring, detailing of other employees or on-the-job training can satisfy the need.

If, however, it is determined that training is the most viable means of improving office efficiency, the following points should be considered:

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1. Concentrate on training opportunities that may improve both the immediate performance of employees and the overall efficiency of the office in the foreseeable future.

2. Determine what method(s) of training are available and should be used, giving consideration to cost, total time needed, and the degree of correlation between the training and the goal of improving office efficiency.

3. Schedule training in advance to avoid conflict with known periods of peak workload requirements.

4. Design an individual development plan (IDP) for each employee who is to receive training. Consider the requirements of the position and performance expectations. IDPs are useful in:

a. Formalizing the commitment of management to improve the efficiency of operations through employee development;

b. Monitoring efforts to provide employee development;

c. Developing a training budget by forecasting costs;

d. Evaluating the benefits of training; and

e. Aiding the manager to plan an employee's career based on reasonable goals within the current organization.

5. All training should be evaluated to determine the extent it enhances job performance and improves the efficiency of the office.

10-2.832 Training Sources

There are three major sources of training available to employees of the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices; the Department of Justice, interagency training, and non-government training facilities.

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A. Department of Justice: At the beginning of each fiscal year the Justice Management Division (JMD) publishes a training course calendar which lists training to be presented in the Washington, D.C., area for that fiscal year. The calendar typically offers specific courses in the following general subject areas:

1. Executive Development;
2. Management Training;
3. Supervisory Training;
4. Paralegal Training;
5. Legal Support Training;
6. Records Management Training;
7. Clerical Training;
8. Communications Training;
9. Word Processing and Computer Training;
10. Special Emphasis Training; and
11. Upward Mobility Training.

Unfortunately, many of these courses are impractical for employees assigned outside the Washington, D.C., metropolitan area because the courses are presented over an extended period of time for only a few hours per week. One popular course, however, offered several times each year is the three and one-half week paralegal training course. The Personnel Office solicits nominations for this course from the U.S. Attorneys' offices approximately four to six weeks prior to its commencement.

The Executive Office for U.S. Attorneys also periodically offers specialized training conferences to non-attorney personnel. Topics covered in the past include debt collection, PROMIS, procurement, Administrative Officer, EEO for supervisors and managers, EEO counselors and investigators and special emphasis program manager conferences. Nominees for these conferences are solicited by teletype or selections are made by the Executive Office component sponsoring the conference.

B. Interagency Training: Other government agencies constitute a second major source of training; particularly, the Office of Personnel

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Management (OPM) and the General Services Administration (GSA). Both of these agencies offer courses to federal employees on a space available basis. Both also issue annual training catalogs and offer courses at various regional facilities.

1. OPM offers specialized courses in the following general areas:

- a. Labor and Employee Relations;
- b. Office Systems;
- c. Management Sciences;
- d. Supervisory Development;
- e. Accounting, Budgeting, and General Financial Management;
- f. Information Management and Automation; and
- g. Personnel Management.

2. GSA offers courses in the following topical areas:

- a. Automated Data Processing;
- b. Records Management;
- c. Procurement and Supply;
- d. Property Management;
- e. Space Management; and
- f. Travel and Transportation.

C. Non-government Training: A third source of training is non-government facilities such as colleges, universities or private vendors. Training of employees through non-government facilities is subject to certain prohibitions, limitations, and requirements. Specific information regarding these restrictions may be found in Department of Justice Order 1410.3C, paragraph 12 and 13, (July 6, 1982), and USAM 10-2.851.



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10-2.833 Supervisory Training

All non-attorney employees who are assigned to supervisory positions are required to receive at least 80 hours of formal training or its equivalent within their first two years in a supervisory position. At a minimum, 40 hours of this training must be completed either immediately prior to or not later than one year after the individual assumes the supervisory position. See Department of Justice Order 1410.1C, (April 28, 1983). This is in addition to the requirement that new supervisors serve a probationary period. See USAM 10-2.642.

A. This training must cover the following areas:

1. Personnel policy, practices, and procedures;
2. Equal employment opportunity responsibilities;
3. Labor-management relations;
4. Supervisory responsibilities;
5. Communicative process in management;
6. Human behavior, motivation, and interpersonal relations;
7. Work planning and productivity;
8. Theories of supervision and management;
9. Concepts of organization;
10. Problem solving and decision-making techniques; and
11. Methods of performance appraisal and evaluation.

When an individual's background provides skills and knowledge equivalent to those which would be acquired through portions of the required training, the 80 hour training requirement may be reduced accordingly with the approval of the Personnel Office.

Form DOJ-346, Individual First-Level Supervisory Training Record, is used to document mandatory supervisory training. An original and three copies must be prepared before or no later than one month after the new supervisor assumes the job. The original and one copy of the completed, signed form must be submitted to the Personnel Office, Executive Office

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for U.S. Attorneys, for review and approval. One copy must be retained by the new supervisor and one by the office. Each office is required to submit to the Personnel Office, Attention: Programs Unit, by August 31 of each year a completed and up-to-date DOJ-346, for each non-attorney supervisor in the district. Individuals occupying these positions have a "1" as the last character of their position description number. When the training is completed, the original is placed on the permanent side of the Official Personnel Folder by the Personnel Office.

B. Supervisory training is available from a number of sources, including:

1. Regional offices of the Office of Personnel Management;
2. The Personnel and Training Staff, Justice Management Division; and
3. Local colleges and universities.

10-2.840 Upward Mobility Program

It is the policy of the Executive Office for U.S. Attorneys to effectively utilize the personnel resources of the U.S. Attorneys' offices and the Executive Office by increasing the opportunities of lower level employees to attain their full employment potential. To that end, the Executive Office has established an Upward Mobility Program which consists of three components--career and educational counseling, basic skills training, and job restructuring. These efforts are designed to supplement the Merit Promotion Plan.

A. Program Eligibility: Employees of the U.S. Attorneys' offices and the Executive Office who meet the following criteria are eligible for participation in the Upward Mobility Program:

1. Presently serving under a permanent competitive appointment;
2. Have at least one year of service with the Department; and
3. Are assigned to a single interval series job at or below GS-8.

B. Career and Educational Counseling: Career and educational counseling is an important part of the Upward Mobility Program. It is

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designed to provide employees with the opportunity to explore their career interests and to assist them in formulating realistic career plans. Offices will provide career counseling for all eligible employees. Upon request, counseling will be provided by the Personnel Office, in concert with the employee's supervisor.

C. General Education and Basic Skills: All eligible and interested employees should be afforded training opportunities designed to provide them with an understanding of the world of work, skill in dealing with others, and improved communications skills. Offices are encouraged to utilize local training facilities, including the Office of Personnel Management, to provide basic skills courses for all interested employees. These might include telephone techniques, basic filing, typing, shorthand, office procedures, and legal secretarial skills. This training is in addition to other training provided to employees, to improve their current performance. If training is primarily provided to qualify an employee for promotion, all eligible employees must be allowed to compete for the training opportunity. See USAM 10-2.311.

D. Upward Mobility Program Positions: Each U.S. Attorney's office, to the extent possible, will identify positions to be included in the Upward Mobility Program. These positions may be ones which are suitable for redesign, may be "tagged" as trainee slots, or may be new positions that will be created as the result of new allocations or employee resignations.

In each case, a "bridge" position and a "target" position must be established. A "bridge" position is a transitional position that provides qualifying experience which may enable an employee to move from a dead-end position into a different occupation with greater growth potential. Usually, a bridge position is one in which a professional or administrative position has been converted to a technical level job by combining lower level tasks from the professional occupation and higher level tasks from the appropriate clerical or support occupation. The new position, or bridge position becomes an interim or preprofessional job which has the related two-grade interval job as the target position.

A "target" position is a position for which an Upward Mobility Program participant will qualify upon satisfactory completion of a prescribed period (usually one year) in a program of formal and on-the-job training. The grade level(s) of the target position will be specified in the upward mobility position merit promotion announcement along with its known promotion potential. The target position must be identified and the position description prepared prior to filling the Upward Mobility position.

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E. Filling Upward Mobility Positions: All positions filled under the Upward Mobility Program must be advertised under the Merit Promotion Plan. The area of consideration may be limited to the U.S. Attorneys' offices in the commuting area. See USAM 10-2.311. The vacancy announcement (USA-195) will be clearly labeled "Upward Mobility Position."

Applicants must be Department of Justice employees who meet the criteria for program eligibility described above. In addition, applicants must meet OPM qualification requirements for the bridge position. In some instances, employees may have to accept a lower grade because they do not meet the minimum qualification requirements at their current grade level. In such cases the Executive Office, to the extent permitted by applicable regulations, may adjust the employees salary to maintain the present salary level.

When ranking applicants for an Upward Mobility position, the greatest weight should be given to the supervisory appraisal of present performance and assessment of the candidates potential to assume higher level responsibilities. To that end, each applicant's supervisor will be requested to complete an Upward Mobility Program Appraisal Form (OBD-169). No other form is to be used because the OBD-169 is designed to measure performance potential.

F. Career Development Plan: Each employee assigned to an Upward Mobility Position must have a formal, written Career Development Plan which outlines the on-the-job (OJT) experience, formal education, and/or training necessary to prepare the employee for successful performance in the target position. It is to be written within 30 days of placement in the bridge position. The plan is prepared jointly by the trainee, his or her supervisor, and the servicing Personnel Management Specialist. The plan is will be reviewed and approved by the Chief of the Personnel Programs Unit in the Personnel Office, Executive Office for U.S. Attorneys, to verify that the planned OJT is sufficient to provide qualifying experience for the target position.

Generally, most of the training involved in each Career Development Plan will be OJT. Formal training will be scheduled on an individualized basis to meet specialized training needs. This training may be provided by the Department of Justice, Office of Personnel Management, of local educational institutions.

G. Length of the Upward Mobility Program: Generally, each trainee has one calendar year from the date of placement in the bridge position to demonstrate the knowledges, skills, and abilities necessary to perform the



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duties of the bridge position as well as the potential to successfully perform in the target position. This period can be extended for an additional year.

Upward mobility trainees who successfully complete the training outlined in the Career Development Plan will be assigned non-competitively to their target positions at the end of the training period. Once in the target positions, advancement will be through non-competitive career promotions.

Trainees who are unsuccessful in completing the training outlined in their Career Development Plan or who in other ways do not demonstrate that they are able to perform the duties of the target position will be returned to their most recent former positions, if they have not been filled, or to positions of the same grade as their most recent former positions.

H. Evaluation of Trainees' Progress: Supervisors of Upward Mobility Program trainees will monitor the participants' performance and development. Written appraisals will be provided to the Chief of the Personnel Programs Unit, Executive Office for U.S. Attorneys every three months. In addition, the trainees will submit progress reports, including an appraisal of the training experience, to the Chief of the Personnel Programs Unit. The due dates of these evaluation reports will be noted on the Career Development Plan.

I. Program Evaluation and Reports: Each office is required to submit to Personnel Office by September 15 of each year the following information.

1. Accomplishments during fiscal year:
  - a. Number of employees given formal career counseling;
  - b. Number of employees covered by the Upward Mobility Program who received formal basic skills training; and
  - c. Number of employees selected for Upward Mobility Program positions.
2. Plans for upcoming fiscal year:
  - a. Number, position title, series, and grade level of the position(s) to be designated as target positions for the upward Mobility Program.

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- b. Plans for providing career counseling and training to employees covered by the Upward Mobility Program.

This information will be used by the Personnel Office to prepare required reports and to assist it in its coordination role.

In addition to the report described above, offices with 100 or more employees will be required to conduct formal analysis of their Upward Mobility Programs as a part of their Affirmative Action Plans.

10-2.850 Authorization and Payment

10-2.851 Authority to Approve Training

Authorization for training and payment of expenses such as tuition and books for both government and non-government training is accomplished by execution of Standard Form 182 (formerly OF-170), Request, Authorization, Agreement and Certification of Training.

A U.S. Attorney or, in his or her absence, an individual designated Acting U.S. Attorney (28 C.F.R. §0.131), is authorized to approve the expenditure of training funds for Assistant U.S. Attorneys and non-attorneys in the district within the following guidelines:

- A. Expenditures may not exceed the district's training budget;
- B. The Office of Personnel Management (OPM) regulations described below must be met; and
- C. The following training is excluded from this authority:
  1. Training sponsored or coordinated by the Executive Office (including the Attorney General's Advocacy Institute and the Legal Education Institute);
  2. Training outside the district or a contiguous district;
  3. Office-sponsored training which is subject to procurement procedures due to the cost of speakers and/or facilities; and
  4. Training for which the total cost, including travel, is greater than \$1,500.

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U.S. Attorneys, or their designees, are not authorized to approve their own training. Only the U.S. Attorney or, in his or her absence, the individual acting in his or her stead, may sign block 29A of the SF-182 or OF-170 (Request, Authorization Agreement and Certification of Training). In the absence of the U.S. Attorney, it must be clearly stated in block 19A that the individual approving the SF-182 or OF-170 is the "Acting United States Attorney."

In accordance with OPM regulations, the U.S. Attorney, or his or her designee, is responsible for making the following determinations prior to approving non-government training:

A. That adequate government facilities are not available or are more expensive than the non-government training program;

B. That, if the program exceeds 120 hours, the functions for which the training is needed cannot be assumed by other employees;

C. That, if training is for the purpose of being promoted regardless of the course's length, no other employee is equal in suitability and ability, fully qualified for the position, and available within a reasonable distance from the position's location (does not apply to employees in grade and/or pay retention);

D. That the purpose of the training is not to provide an employee with the opportunity to obtain an academic degree in order to qualify for appointment to a position for which an academic degree is a basic requirement;

E. That the facility or instructor does not advocate the overthrow of the government by force or violence;

F. That the facility does not, as a substantial part of its activity, carry out propaganda or other attempts to influence legislation and does not participate or intervene in any political campaign on behalf of a candidate for public office; and

G. That the facility does not discriminate because of race, religion, color, sex, or national origin in the admission or subsequent treatment of students.

Training expenses may not be authorized if they are solely for the purpose of providing an employee the opportunity to obtain one or more academic degrees. This does not prevent the approval of training courses

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designed to improve an employee's ability to perform his or her official duties when the employee is enrolled for degree purposes. If an institution charges a higher tuition rate for a degree candidate than a non-degree student, only the lower rate may be paid.

Employees having less than one year of current continuous civilian service in the government generally are not eligible for training by, in, or through non-government facilities. U.S. Attorneys or their designees are authorized to approve such training only if:

- A. It is essential to law enforcement activities;
- B. It is of little or no cost to the Department other than salary expenses;
- C. It is relatively short (40 hours or less), highly specialized, job related training with immediate job application; or
- D. It is an integral part of a formal, entry level, development program.

Finally, OPM regulations require that merit promotion procedures be followed when selecting non-attorneys for training required before an employee may be considered for promotion or as part of an Upward Mobility program. (See USAM 10-2.145, supra).

All attorney training requests (OF-170 or SF-182) must be submitted to the Office of Legal Education and all non-attorney training requests must be submitted to the Personnel Office for review prior to the commencement of training. (Do not remove any copies of the form prior to submission.) The Director, Office of Legal Education, and the Director for the Office of Administration and Review will continue to sign those OF-170s and SF-182s for which approval authority has not been redelegated to the U.S. Attorney.

The exercise of this delegation will be monitored closely to insure that training budgets are not exceeded and that OPM regulations are applied. This delegation will be withdrawn from those districts found to abuse it.

#### 10-2.852 Completion of Training Request

An SF-182 or OF-170 must be completed for all training of eight hours or more which meets either of the following criteria: (a) all or



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part of the cost is paid by the government or (b) training occurs during duty hours. For training of less than eight hours, an SF-182 or OF-170 must be completed if there are any direct costs. If training is being requested for two or more employees, a group training request must be completed if the following conditions exist:

- A. Employees are from the same office;
- B. Employees are attending the same course, on the same date(s), at the same location, and for the same cost;
- C. There are no indirect costs involved such as travel, per diem, etc.; and
- D. The Authorizing Official (space 29A) is the same for all employees listed on the group training request.

For all "in house training," including the AGAI, the five-part OF-170 or SF-182 is required. Use the ten-part form for any training not provided by the Department of Justice. When submitting the OF-170 or SF-182, forward all copies of the form to the EOUSA. All copies are needed prior to approval.

The following instructions have been developed to assist in the completion of the SF-182 or OF-170:

A, B, and C, refer to spaces on the form.

- A. Leave blank;
- B. Leave blank;
- C. Leave blank.

SECTION A - Trainee Information

1. The applicant's name, as requested in the block, followed by the first five (5) letters of the applicant's last name.

For group training requests this item should read "SEE ATTACHED LISTING." The listing should include each employee's name, social security number, position title, pay plan, series, and grade.

2. The applicant's Social Security Number.

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3. The applicant's date of birth, year followed by month as requested in the block (i.e., March 20, 1950, shown as 50/03).
4. The applicant's home address, as requested in the block.
5. The applicant's home telephone number.
6. The position level of the applicant, as determined by the applicant or his/her supervisor.
7. The organization mailing address, as requested in the block (i.e., the U.S. Attorney's office and its mailing location).
8. The office telephone number. For commercial numbers, insert the area code. When using the FTS number, the area code block should include the capital letters "FTS." The FTS telephone number should be used when training is provided by government vendors.
9. The applicant's continuous Civilian Service, meaning the number of years and months from the applicant's Federal Service Computation Date.
10. The number of prior non-government training days which the applicant has attended, if known. If not known, leave blank.
11. The applicant's position, title or function (i.e., Assistant U.S. Attorney, Administrative Officer, Legal Clerk (steno), etc.).
12. The applicant's Pay Plan, Series, Grade and Step as requested in the block. For General Schedule employees, use "GS;" for Assistant U.S. Attorneys, use "AD."

Examples:

Administrative Officer, GS-341-OX/OX  
Assistant U.S. Attorney, AD-905  
Clerk-Stenographer, GS-312-OX/OX

13. The type of appointment under which the applicant is serving; for an Assistant U.S. Attorney "Excepted;" for other persons, either "Career-Conditional" (CC) or "Career" (C).
14. The applicant's educational level. This is not simply the number of years of schooling. The following codes are to be used:

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- 01 - Some Elementary School - Did Not Complete: Elementary school means grades 1 through 8 or equivalents.
- 02 - Elementary School Completed - No High School: Grade 8 or equivalent completed.
- 03 - Some High School - Did Not Graduate: High School means grades 9 through 12 or equivalent.
- 04 - High School Graduate or Certificate of Equivalency.
- 05 - Terminal Occupational Program - Did Not Complete: Program extending beyond grade 12, usually no more than 3 years; designed to prepare students for immediate employment in an occupation or cluster of occupations; not designed as the equivalent of the first two or three years of a baccalaureate program. Includes cooperative training or apprenticeship consisting of formal classroom instruction coupled with on-the-job training.
- 06 - Terminal Occupational Program - Certificate of Completion, Diploma or Equivalent: Two levels are recognized: 1) the technical and/or semi-professional level preparing technicians or semi-professional personnel in engineering and non-engineering fields; and 2) the craftsman/clerical level training artisans, skilled operators and clerical workers.
- 07 - Some College - Less than One Year: Less than 30 semester hours or 45 quarter hours completed.
- 08 - 1 Year College: 30-59 semester hours or 45-89 quarter hours completed.
- 09 - 2 Years College: 60-89 semester hours or 90-134 quarter hours completed.
- 10 - Associate Degree: 2-year college degree program completed.
- 11 - 3 Years College: 90-119 semester hours 135-179 quarter hours completed.
- 12 - 4 Years College: 120 or more semester hours or 180 or more quarter hours completed--no baccalaureate (bachelor's) degree.

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- 13 - Bachelor's Degree: Requires completion of at least 4 but no more than 5 years of academic work; includes bachelor's degree conferred in a cooperative plan or program which provides for alternate class attendance and employment in business, industry, or government to allow students to combine actual work experience with college studies.
- 14 - Post-Bachelor's: Some work beyond (at a higher level than) the bachelor's degree but no additional higher degree.
- 15 - First Professional Degree: Signifies the completion of academic requirements for selected professions, which are based on programs requiring at least two academic years of college work for completion (i.e., Dentistry (D.D.S. or D.M.D.), Law (LL.D or J.D.), Medicine (M.D.), Theology (D.D.), Veterinary Medicine (D.V.M.), Chiropody or Podiatry (D.S.C. or D.P.), Optometry (O.D.), Osteopathy (D.O.)).
- 16 - Post-First Professional: Some work beyond (at a higher level than) the first professional degree but no additional higher degree.
- 17 - Master's Degree: For liberal arts and sciences customarily granted upon completion of three (sometimes two) academic years beyond a bachelor's degree. In professional field, an advanced degree beyond the first professional but below the Ph.D.
- 18 - Post Master's: Some work beyond (at a higher level than) the Master's degree but no additional higher degree.
- 19 - Sixth-Year Degree: For example, Advanced Certificate in Education, Advanced Master of Education, Advanced Graduate Certificate, Advanced Science, Certificate of Advanced Study, Advanced Degree in Education, Specialist in Education, Licentiate in Philosophy, Specialist in Guidance and Counseling, Specialist in Art, Specialist in Science, Specialist in School Psychology, Licentiate in Sacred Theology.
- 20 - Post-Sixth Year: Some work beyond (at a higher level than) the sixth-year degree.



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- 21 - Doctorate Degree: Includes such degrees as Doctor of Education, Doctor of Juridical Science, Doctor of Public Health, and the Ph.D. (or equivalent) in any field. Does not include doctor's degrees that are first professional degrees per code 15.
- 22 - Post-Doctorate: Work beyond the doctorate.

SECTION B - Training Course Data

15. A. The name of the training vendor must be specified (i.e., a section of the Department of Justice, another government agency, a private firm or institution) with the proper mailing address as requested in the block. Any internal training should list as the vendor, the appropriate office providing the training, which building that office is located in followed by Washington, D.C., and the appropriate zip code: (i.e., EOUSA, Main Justice Building, Washington, D.C. 20530). Any outside vendor would have similar information such as the University of New Mexico, Albuquerque, New Mexico 87103, or Office of Personnel Management, Chicago, Illinois 60604.

B. The location of the training site.

16. The course title and training objective. The course title is self-explanatory; for the Training Objective, a brief note on why the applicant is taking the training and the expected benefit derived by the government. This information should not be put on a separate sheet of paper.

17. Leave blank. This block will be completed by the training office.

18. The training period requires six digits on each line, as requested on the form. The information in the block is self-explanatory, but note that the sequence of dates is year, month, and day.

19. The number of course hours requires four digits on each line. Again, the information in the block is self-explanatory, and the information for Sections A and B should be provided by the training vendor; Section C is simply a total of Sections A and B.

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20. Training codes for a, b, and c should be determined by the applicant or the supervisor from the instructions on the back of the OF-170 or SF-182. Training codes for 20d are:

- 0 - No special program
- 1 - Executive Development
- 2 - Supervision
- 3 - Upward Mobility
- 4 - Mid-Management Development
- 5 - Paralegal Training
- 6 - Litigative Training
- 7 - Occupational Safety and Health Administration (OSHA)
- 8 - Equal Employment Opportunity

SECTION C - Estimated Costs and Billing Information

21. Information for Blocks A, B, and C should be provided by the applicant by referring to information in the vendor's brochures, or teletypes received. Line D requests that the dollar total include four digits in the "Dollar Column" on line "D". For Attorney training the appropriation code is OE 40-72; for non-attorney training the district's appropriation code is used (i.e., OE40-99-XX).

Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business, should be used to claim reimbursement of training costs or books paid directly by the employee. A copy of the approved SF-182 and the receipts for expenses being claimed must be attached. The claim is submitted to the Accounting Operations Group, Justice Management Division for payment.

22. Information for Blocks A, B, and C will have to be provided by the applicant through consultation with airlines, travel agents, computing mileage where authorized, etc.; computing per diem or Actual Subsistence expenses based on the length and location of the training; and what other incidental expenses may occur such as taxis or limos. Line D and appropriation codes are completed the same way as in Section 21.

Note 1: Approval of the SF-182 does not authorize the expenses shown in Section 22. Authorization for travel, subsistence or per diem, and other related travel expenses must be authorized by use of an Official Travel Request and Authorization, Form DOJ-501 (formerly OBD-1).

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Note 2: The first digit of the appropriation code changes with the fiscal year. For example, training in FY 1979 read 9E 40-72; training in FY 1980 read OE 40-72.

Note 3: For Items 21 and 22, if the training does not have any associated cost in one of those two blocks, enter four zeroes in the amount column on line D for whichever block does not have the expenses.

23. Leave Blank. To be completed by the training office.

24. The eight digit station symbol for offices of the U.S. Attorneys is 15-01-0004.

25. Billing instructions should have the following address:

Accounting Operations Group  
Post Office Box 7405  
Ben Franklin Station  
Washington, DC 20044

SECTION D - Approvals

26. A. The name, title and telephone number of the applicant's immediate supervisor. Leave blank if the U.S. Attorney is being trained.

B. The supervisor's signature and the date of the signature.

27. If the U.S. Attorney is the immediate supervisor, there is no need to duplicate his/her name and signature in this block. Leave blank if the U.S. Attorney is being trained.

28. The training officer is the Personnel Officer, and the telephone numbers are FTS 272-6818 or (202) 272-6818.

SECTION E - Approval/Concurrence

29. A. For any training for U.S. Attorneys, the signature block should read: Director, EOUSA. Mail to:

Executive Office for U.S. Attorneys  
Room 1338  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530

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B. For any Assistant U.S. Attorney training, refer to USAM 10-2.851. Mail to:

Executive Office for U.S. Attorneys  
Room 1338  
10th and Constitution Avenue, N.W.  
Washington, D.C. 20530

C. For any training of non-attorney personnel, refer to USAM 10-2.851. Mail to:

Executive Office for U.S. Attorneys  
PAT Building  
Room 9322  
Washington, D.C. 20530

SECTION F - Certification of Training Completion

30. Leave blank.

SECTION G - Employee's Agreement to Continue In Service

On reverse side of page one of the 10 part OF-170 and SF-182 is an Employee's Agreement to Continue in Service. If any non-government training is to exceed 80 hours, have the employee read, sign, and date this agreement prior to submission.

After approval has been given, the copies of the SF-182 or OF-170 are distributed as follows:

For the 10-part form:

Copy 1 - Held by the Personnel Office until after the completion date of the course at which time it is filed in the Official Personnel Folder.

Copy 2 - Retained by the training assistant.

Copies 3, 4, 5, and 6 - These are the training vendor's copies. For interagency training, the Personnel Office will forward these to the agency conducting the training. For non-government training, these copies will be



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forwarded to the U.S. Attorney's office for distribution.

Copy 7 - Forwarded to the Accounting Office.

Copies 8, 9, and 10 - Forwarded to the U.S. Attorney's office. Copy 8 is to be submitted with the voucher for payment, if necessary. Copy 9 is to be completed and returned to the Personnel Office after completion of the course. Copy 10 is for the office's files.

For the 5-part form:

Copies 1 and 2 - Same as above.

Copies 3, 4, and 5 - Correspond to copies 8, 9, and 10 of the 10 part form.

If travel expenses are incurred during training, such as subsistence or per diem, an Official Travel Request and Authorization, Form DOJ-501 (formerly OBD-1), must be attached to the Travel Voucher, OBD-157. Vouchers are submitted to the Accounting Operations Group, Justice Management Division, for payment. The usual procedures should be followed if a travel advance is required. Travel advances for AGAI courses must be charged against the district's appropriation, not the AGAI's appropriation. Vendors should be advised to submit their bills along with Copy 4 of the OF-170 or SF-182.

#### 10-2.853 Cancellation of Training

Every effort should be made to see that employees nominated and authorized to attend training do so. If an employee is unable to attend authorized training or if the training course is cancelled by the vendor, the following information should be sent to the Executive Office:

A. A copy of the approved SF-182, Request, Authorization, Agreement and Certification of Training; and

B. A brief memorandum explaining whether the training cost obligation was cancelled (in whole or part) so that the funds for the training may be deobligated.

If an employee authorized to attend training is unable to go and the office wants to send another employee as a substitute, the Executive

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Office should be telephoned immediately to obtain approval and to tentatively record the change. Although verbally approved, the following information must be submitted to the Executive Office as soon as possible thereafter to document the training and to pay the vendor.

A. A copy of the approved SF-182 for the employee who was originally authorized to attend the training; and

B. An SF-182 requesting authorization for the employee designated to attend the training course as a replacement.

This applies to both attorney and non-attorney training.

The requested information related to attorney training should be directed and submitted to the Office of Legal Education. Information regarding non-attorney training should be directed and submitted to the Personnel Management Staff, Attention: Programs Unit.

10-2.900 EMPLOYEE BENEFITS

10-2.910 Attendance and Leave

The Department's policies on attendance and leave are contained in Department of Justice Order 1630.1A, (September 20, 1978).

Presidentially-appointed U.S. Attorneys and intermittent employees are excluded from the provisions for earning leave described below.

U.S. Attorneys or their designees are responsible for developing leave policies for their offices to meet the needs of their organizations. Leave policies should include such information as who is authorized to approve leave on scheduled and emergency basis, when documentation is required, what documentation is acceptable, timeframes for requesting leave, and how tardiness will be handled.

Normally, authority to approve leave requests should be delegated to the lowest supervisory level having personal knowledge of the work requirements and the employee's leave record. It is good practice to designate a primary and alternate approving authority. When the day-to-day recording of leave usage is assigned to a time and attendance clerk, it is essential that the approving official be advised when a problem or questionable situation arises and that the approving official assume responsibility for any necessary action because the Payroll Office

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will assume that leave on the T&A is appropriate and has been approved. Denial of a leave request or cancellation of approved leave normally needs to be based on the necessity for the employee's services. Leave may not be denied or cancelled for arbitrary or capricious reasons nor is it to be denied or cancelled as a punitive measure.

All employees should be required to schedule annual leave throughout the year. Unless there have been bona fide efforts to schedule all excess annual leave throughout the year, and only if there is the likelihood that the scheduled leave actually will be taken, requests for extended periods of annual leave during the latter months of the year should not be approved.

Court-appointed U.S. Attorneys are authorized to approve their own leave for periods of up to two weeks. Periods of more than two weeks must be approved by the Director of the Executive Office.

Each U.S. Attorney, Presidentially-appointed and Court-appointed, is encouraged to designate an Acting U.S. Attorney (28 C.F.R. 0.131) if he/she plans to be absent from the office for an extended period of time. The Director, Executive Office for U.S. Attorneys, is to be notified of such a designation.

10-2.911 Annual Leave

A. Earning Rates: Employees serving on appointments of more than 90 days earn annual leave as follows:

<u>1. Full-time Employees</u>	<u>Earning Rate</u>
Less than 3 years of service	4 hours each full biweekly pay period (13 days a leave year)
3, but less than 15 years of service	6 hours each full biweekly pay period plus 4 additional hours for the last full biweekly pay period in any calendar (20 days a leave year)
15 years or more years of service	8 hours each full biweekly pay period (26 days a leave year)

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<u>2. Part-time Employees</u>	<u>Earning Rate</u>
Less than 3 years of service	1 hour for each 20 hours in pay status
3 years but less than 15 years of service	1 hour for each 13 hours in pay status
15 years or more of service	1 hour for each 10 hours in pay status

B. Requesting Annual Leave: Annual leave shall normally be planned and requested a sufficient period of time in advance to permit careful scheduling of leave for all employees and in order to promote the efficient conduct of the work. The taking of annual leave is the right of the employee contingent upon the right of supervisors to establish the time when leave may be taken. Use of Form SF-71 is encouraged for requests for all annual leave and may be required by all supervisors for all annual leave requests.

C. Granting and Advancing Annual Leave:

1. Annual leave may be granted as of the first day of employment.

2. If an initial appointment is less than 90 days, the employee is not entitled to annual leave. However, if employment continues without a break in service under successive appointments for a period of more than 90 days, the employee will earn the annual leave retroactively to the initial appointment.

3. An employee may be permitted to take the annual leave to his/her credit plus the leave that will accrue during the current leave year at any time during the year. Annual leave may be advanced only if there are no reasons known to the supervisor why the employee will not be able to earn the leave advanced. When such leave is granted, the employee is to be informed that if such leave is not earned later during the year, a refund will be required, except in the case of death of the employee, removal for disability, disability retirement, or entrance on active military duty with restoration rights.



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D. Restoration of Forfeited Annual Leave: An employee is entitled to accrue up to 240 hours of annual leave. Annual leave in excess of 240 hours may be restored when it is forfeited because of illness or exigencies of the public business, administrative error or an unjustified or unwarranted personnel action. The annual leave an employee potentially could forfeit is indicated on his/her OMF-44, Justice Earnings Statement, as "use or lose" leave.

There are only three circumstances under which forfeited annual leave can be restored:

1. The correction of an administrative error (i.e., incorrect service computation date, failure to change a leave accrual rate, incorrect calculations on time and attendance records, etc.) which results in the forfeiture of annual leave otherwise accruable after June 30, 1960;

2. A period of sickness of at least one day which occurs during a period of "annual leave scheduled in advance" and results in a reduction in charge of annual leave. In addition, the period of sickness has to be of such duration or occur so late in the leave year that the resulting excess annual leave cannot be rescheduled and used prior to the end of the leave year;

3. "Annual leave scheduled in advance" and subsequently canceled by a supervisor because of an exigency of public business (i.e., unexpected work situation which clearly requires the services of the employee) and the excess annual leave cannot be rescheduled and used prior to the end of the leave year. The use of annual leave, compensatory time off, or LWOP after a canceled period of scheduled annual leave (unless covered by a separate period of "annual leave scheduled in advance") is considered as rescheduled and used annual leave, or as available time for annual leave usage. Therefore, such time off is subtracted from any excess annual leave otherwise eligible for restoration.

For circumstances 2 and 3 above, note that there is a strict requirement that annual leave be scheduled in advance. The definition of "annual leave scheduled in advance" is annual leave that is requested in writing for use on specific dates, and is approved in writing by an official having authority to approve leave no later than six weeks before the end of the leave year. If all or a portion of the "annual leave scheduled in advance" is later canceled by a supervisor because of a work exigency or is interrupted by a period of sickness, and the excess annual

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leave cannot be rescheduled and used prior to the end of the leave year, it is then eligible for restoration.

Annual Leave in "restored leave" accounts must be used by a deadline date or the annual leave is lost and not eligible for restoration. The "must be used by" dates for separate leave accounts are shown on Form OMF-14, Master Card, which are sent to the persons who handle time and attendance reports. The separate leave accounts are administered as follows:

1. For the first leave year during which the separate leave account is established (and possibly the second leave year depending on the deadline date on the Form OMF-14), annual leave is not charged against the separate leave account until all the employee's regular leave account for the leave year (i.e., 104 hours, 160 hours, or 208 hours) is used; and

2. Since any leave in a separate leave account is lost if not used by the deadline date, during the last leave year of a separate leave account all annual leave used is charged first against the separate leave account until it is liquidated. Once the separate leave account is liquidated, subsequent annual leave usage is charged against the regular annual leave account for the leave year.

In addition to the strict criteria for restoration of forfeited annual leave, Department of Justice Order 2120.11 (April 24, 1974), states that requests must be supported by specific documentation. Therefore, employees who may be in a position to forfeit annual leave should retain:

1. Documentation (SF-71's, Application for Leave, memoranda, etc.) showing that annual leave for specific dates was scheduled at least six weeks before the end of the leave year. The scheduling must be in writing and must show the calendar date this leave was approved by an official having authority to approve leave and the amount of leave (days/hours) that was scheduled for use. This requirement applies to U.S. Attorneys who approve leave for themselves.

2. Documentation showing the supervisor's reason(s) for the subsequent canceling of approved leave, or doctors' certificates for periods of sickness which occurred during annual leave that was scheduled for use.

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3. Documentation showing why canceled leave or excess leave resulting from a period of sickness could not be rescheduled and used prior to the end of the leave year.

4. Documentation showing attempts that were made to reschedule the excess annual leave, including the date(s) during which the leave was rescheduled for use and the amount of leave (days/hours) that was rescheduled for use.

5. Documentation showing the amount of leave rescheduled and used or rescheduled and subsequently canceled.

6. Copies of all JMD-44s, Earnings Statements, for each pay period from the date scheduled annual leave was canceled or first interrupted by a period of sickness through the end of the leave year.

Requests for restoration of annual leave must be submitted on Form DOJ-364, Request for Restoration of Forfeited Annual Leave. In addition to copies of the documentation described above, copies of Form DOJ-296, Time and Attendance Report, for each pay period from the date scheduled annual leave was canceled or first interrupted by a period of sickness through the end of the leave year must be submitted with the request. Employees who had forfeited annual leave restored at the end of earlier leave years and again forfeit annual leave at the end of the current leave year must submit copies of Form DOJ-296 for the entire current leave year.

Requests for restoration of forfeited annual leave should not be submitted until after the leave year. A request will not be processed if it is not supported by appropriate documentation.

10-2.912 Sick Leave

A. Earning Rates: All employees, regardless of the length of appointment, earn sick leave as follows:

1. Full-time employees: Four hours for each full biweekly pay period, regardless of type and duration of appointment or total creditable service.

2. Part-time employees: One hour for each 20 hours in a pay status.

B. Accumulation: There are no limitations on the accumulation of sick leave.

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C. Granting Sick Leave: Sick leave is authorized in the following circumstances:

1. When an employee is incapacitated by sickness, injury, pregnancy, or confinement;
2. For medical, dental, or optical examination;
3. Prior to disability retirement; or
4. When a member of the immediate family is ill with a contagious disease and requires the care and attendance of the employee, or the employee's presence would jeopardize fellow employees' health.

D. Approval of Sick Leave: Supervisors may require a medical certificate or other acceptable evidence for use of sick leave in excess of three days. It is incumbent upon supervisors responsible for approving sick leave to determine that the circumstances of the absence justify approval.

E. Reporting Sickness: Employees who are absent on account of illness should notify their supervisors as soon as practicable after the time they are scheduled to report for duty. When such notice is not given, the absence may be charged to leave without pay or absence without leave pending contact with the employee and/or receipt of appropriate medical evidence.

F. Advance Sick Leave:

1. Advance sick leave may be granted only in cases of serious disability or illness and when required by the exigencies of the situation. Except for those serving probationary or trial periods, such leave may be advanced to employees irrespective of whether they have annual leave to their credit. Employees serving probationary or trial periods will be required to exhaust annual leave before any sick leave may be advanced.

2. Advance sick leave may not be granted to an employee:

a. Who is absent because a member of his/her family has a contagious disease;

b. Who has filed application for disability retirement or has signified an intention to resign for disability;



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- c. When a separation date has been established which would preclude an employee from earning leave to cover the advance sick leave; or
- d. When there is evidence that a return to duty is not contemplated.
3. Advance sick leave is subject to the following limitations:
- a. May not exceed 30 days for full-time employees;
  - b. Shall normally not exceed 15 full days for part-time employees;
  - c. Every application for advance sick leave must be in writing and supported by a medical certificate from a practicing physician; and
  - d. Temporary employees may not be advanced sick leave in excess of the amount which they will earn during the period of temporary employment. Employees who have applied for optional retirement may not be advanced sick leave in excess of the amount which they will earn prior to the date of retirement.
4. In the event an employee is advanced sick leave and fails to return to duty (retirement or resignation) due to an illness or disability, offices must request acceptable medical evidence to determine if the failure to return to work is due to an illness or disability.
5. In the event the employee fails to return to work for a reason other than illness or disability, offices should inform employees of the following:
- a. Failure to return to duty after a period of advanced sick leave results in an indebtedness to the government.
  - b. Indebtedness may be repaid from an employee's retirement funds or annual leave account at the request of the employee. This request must be made in writing and should be sent to the Justice Employee Data Service (JEDS). The letter should include at a minimum, the employee's name, social security number, and organization code. The letter must also include the following statement: It is requested that the indebtedness which resulted from the use of (number) hours of

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advanced sick leave be liquidated with funds from my retirement and/or annual leave account.

c. In the event voluntary arrangements cannot be established to resolve the indebtedness, the Department may file a claim against the employee in accordance with DOJ Order 2120.3A, Collection of Indebtedness Resulting From Erroneous Payments to Employees.

6. Administrative Officers must obtain the written statement outlined above from the employee as soon as the employee gives notice of his/her intention not to return to duty. The original statement should be forwarded to JEDS and copy should be retained with the OBD-123, Employee's Clearance Record, for a period of three years.

10-2.913 Holidays

A. Designation. The following days are observed as holidays for federal employees:

1. New Year's Day, January 1
2. Inauguration Day (Washington, D.C. Metropolitan area only)
3. Washington's Birthday, third Monday in February
4. Memorial Day, last Monday in May
5. Independence Day, July 4
6. Labor Day, first Monday in September
7. Columbus Day, second Monday in October
8. Veteran's Day, November 11
9. Thanksgiving Day, fourth Thursday in November
10. Christmas Day, December 25
11. Martin Luther King Day, third Monday in January commencing 1986.
12. Any other day designated as a holiday by federal statute or Executive Order.

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If a holiday falls on a Saturday, the preceding Friday will be observed as the holiday. If a holiday falls on a Sunday, the following Monday will be observed as the holiday.

B. Procedure for Holiday Work: If a non-attorney employee is required to work on a holiday he/she shall receive additional compensation equal to his/her regular hourly rate, not to exceed eight hours (i.e., the employee is paid double time for the first eight hours worked on a holiday).

Anyone required to work on a holiday must be paid for at least two hours of holiday work. Compensatory time off may not be granted for holiday work. See 28 CG 431. Holiday pay is charged to the district's overtime budget. Work beyond eight hours on holidays should be treated as normal overtime and is compensated accordingly.

Intermittent employees (i.e., Special Assistant U.S. Attorneys) are not entitled to premium compensation for holidays. An intermittent employee is defined as an employee of less than full-time status with no pre-scheduled regular tour of duty and paid at per diem or per hour rates.

U.S. Attorneys may authorize holiday work in the same manner that overtime work is authorized. Holiday work for U.S. Attorneys and their regular Assistants should only be authorized in the case of a court appearance falling on a holiday.

Holiday work should be noted in the appropriate space on the Time and Attendance Records.

C. State and Local Holidays: It is the policy of the Executive Office that a U.S. Attorney's office may be closed in observance of a state or local holiday if:

1. The building or office in which the employees work is physically closed; or building services essential to proper performance of work are not operating;

2. Local transportation services are discontinued or interrupted to the point where employees are prevented from reporting to work; or

3. The duties of the employees consist largely or entirely of dealing directly with employees and officials of business or local government offices, and all such establishments are closed in observance of the holiday, and there are no other duties (consistent

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with their normal duties) to which employees can be assigned on the holiday.

When group dismissals occur because of such a closing, the employees are excused without charge to leave and without loss of pay.

Authority to authorize such closings has not been delegated to the U.S. Attorneys. It resides with the Director, Office of Administration and Review, Executive Office for U.S. Attorneys. U.S. Attorneys are to advise the Executive Office at least two days before the date of the proposed closing where they believe such closing would be authorized due to a state or local holiday.

Each employee's Time and Attendance Record should be annotated to show "other leave" for the state or local holiday. If an employee works on a day when the office has been closed for such a holiday, he/she cannot be authorized to receive holiday pay or compensatory time off. Normal payment is all that may be received.

D. Time Off for Religious Observances: The Federal Employees Flexible and Compressed Work Schedules Act of 1978 provides that an employee may elect to work compensatory overtime for the purpose of taking time off without charge to leave when personal religious beliefs require that the employee abstain from work during certain periods of the workweek.

Under the law, any employee who elects to work compensatory overtime in lieu of time off for religious observances shall be granted in lieu of overtime pay an equal amount of compensatory time off from his/her scheduled tour of duty if modifications in work schedules do not interfere with the accomplishment of the office's workload. The supervisor and the employee are to determine a mutually agreeable time before or after the religious holiday when productive overtime work may be performed. The work must be performed within a period of six weeks before or six weeks after the time off.

Time off for religious observances will be charged to object class 1465. The compensatory time worked will be charged to object class 1466.

#### 10-2.914 Leave Without Pay

Leave without pay (LWOP) is solely a matter of administrative discretion. Employees cannot demand it as a matter of right, except in cases of disabled veterans in need of medical treatment and reservists and



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National Guardsmen performing military training duties. Such factors as whether there is a reasonable expectation that the employee will return to government service at the end of the period, whether the individual's health will substantially improve, and whether his/her employment record is commendable, should be taken into consideration. Consideration must be given to the fact that except in the case of an employee on LWOP pending approval of disability retirement, the position remains "filled" while the employee is on LWOP. This will prevent employment of a replacement which may result in additional burdens on the remaining staff.

Maximum periods of LWOP have been established by the Department in Department of Justice Order 1630.1A (September 20, 1978). Additionally, except in rare instances, LWOP for attorneys will be limited to a maximum of 90 days.

Employees who enter a nonpay status (LWOP) should be advised that they must pay their share of the cost of Federal Employees Health Benefits, if enrolled, for each pay period during which their salary is insufficient to cover the required premium. Refer to USAM 10-2.932 for additional information regarding the effect of LWOP on FEHB coverage.

LWOP of more than 30 calendar days must be approved by the U.S. Attorney and an SF-52, Request for Personnel Action, must be completed and submitted to the Personnel Management Staff. A second SF-52 must be submitted when the period of LWOP ends.

[ 10-2.915 Administrative Leave

Administrative leave refers to an authorized absence from duty with pay and without charge to annual or sick leave. Ordinarily, administrative leave is authorized on an individual basis, except where an installation is closed or groups of employees are excused for other general reasons as outlined below.

A. Emergency Situations: The U.S. Attorney may close an office and place employees on administrative leave when it is in the best interest of the government to do so or the personal safety of the office personnel requires it; *i.e.*, bomb threats, snowstorms, floods, etc. Employees are expected to work provided the conditions at their worksite are reasonably adequate, even if these conditions are not normal and involve a few minor discomforts. Dismissals due to unusual employment or work conditions created by a temporary disruption of air cooling or heating systems should be rare and emphasis should be placed on the correction of these conditions.

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If an individual employee becomes incapacitated for duty due to the unusual level of temperature, he or she may be granted annual or sick leave at the supervisor's discretion.

In the event of a prolonged breakdown of essential building services, the U.S. Attorney may close an office or part of an office and place employees on administrative leave. In those cases, it clearly must be established by reasonable standards of judgment that the conditions are such as to actually prevent working. The office should consider the physical requirements of the positions involved as well as the temperature of the work areas. Equity does not require that if a group of employees are dismissed, other employees also must be dismissed.

1. Emergency during working hours:

a. Employees in a duty status are placed on administrative leave for the remainder of the day following early dismissal.

b. Employees in a duty status who depart on leave after official word of early dismissal is received, but before the

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time set for dismissal, are charged annual leave only from the time they departed until the time set for dismissal. They are placed on administrative leave for the remainder of the day.

c. If employees are scheduled to report for duty after an initial period of leave and early dismissal is set before they can report, leave is charged until the time set for dismissal. The remainder of the day is charged to administrative leave.

d. If the employee is absent on approved leave for the entire day or before official work of early dismissal, the entire absence is charged to that leave. No administrative leave is to be authorized.

2. **Emergency during nonworking hours:**

a. When federal offices are closed by administrative order for an entire workday, that day is considered a nonworkday for leave purposes. Employees are to be placed on administrative leave even if they were previously scheduled for leave on those days.

b. When federal offices are open as usual but, due to emergency conditions that develop during nonworking hours, employees have difficulty arriving at work on time, first line supervisors may excuse short periods of tardiness (up to two hours), without charge to leave. Supervisors may excuse tardiness for longer periods on an individual basis at their discretion. Employees who do not report for work at all because of weather conditions should be authorized annual leave.

c. When federal offices open up as normal but, due to the varying impact of the emergency situation, a liberal leave policy applies, an employee can utilize annual leave to his or her credit without obtaining prior approval or providing justification. The normal requirement that an employee notify his or her supervisor within prescribed time limits is suspended.

B. **Voting Leave:** Under the following conditions, employees may be granted administrative leave to vote:

1. The polls are not open at least 3 hours either before or after the employee's regular work hours. The employee should be granted administrative leave which will permit him/her to report

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three hours after the polls open or leave work three hours before the polls close, whichever is the lesser amount.

2. Depending upon the particular circumstances; i.e., the voting place is beyond normal commuting distances, up to one full day of administrative leave may be granted.

C. Admission to the Bar: Administrative leave may be granted to employees who have passed a bar examination for the time necessary to be sworn into membership of the bar. It may also be granted for travel time to and from the ceremony, not to exceed 8 hours each way. Administrative leave may not be authorized for studying or taking bar exams.

D. Tardiness and Brief Absences: Employees may be excused for up to one hour for unavoidable tardiness or brief absences.

10-2.916 Court Leave

Court leave is authorized leave for employees serving on jury duty or appearing as a witness in court in an unofficial capacity on behalf of a state or local government or private party when the federal or D.C. government or a state or local government is a party to the case. An employee who testifies in an official capacity is considered to be in a official duty status.

An employee is not entitled to court leave when he/she is excused or discharged by the court, either for an indefinite period subject to call by the court or for a definite period in excess of 1 day.

If an employee is on paid leave when called for jury service, court leave should be substituted for the paid leave. Court leave may not be granted to an employee who is in a non-paid leave status. Employees called for jury duty usually are paid some fees and/or allowances by the court. Employees on court leave are permitted to retain all payments that are specifically identified as expense allowances, but all fees, per diems, compensation, and other payments that may be classified as payment for services must be transmitted via a check payable to the U.S. Treasury to the Accounting Operations Group, Post Office Box 7405, Ben Franklin Station, Washington, D.C. 20044, Attn: Accounts & Reports Section. Employees performing jury duty on non-work days or during periods in which they would be in non-pay status may retain all fees that are paid.

The following is a ready-reference chart for comparison of types of absence or duty for court service.



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EMPLOYEE ABSENCES FOR COURT OR COURT RELATED SERVICES

Nature of service	Type of Absence		Fees		Govt. travel expense		
			No	Yes	No	Yes	
	Court leave	Official duty or LWOP	Annual leave	Retain in agency	Turn in to agency		
I. Jury Service							
A. U.S. or D.C. court	X			X		X	X
B. State or local court	X				X		X
II. Witness Service							
A. On behalf of U.S. or D.C. government		X		X			X
B. On behalf of state or local government							
1. in official capacity		X			X		X
2. not in official capacity	X				X	X	
C. On behalf of a private party							
1. in official capacity		X			X		X
2. not in official capacity							
a. when a party is U.S., D.C., or state or local government	X				X	X	
b. when a party is not U.S., D.C., or state or local government			X	X			X

(Offset to the extent paid by the court, authority, or party which caused the employee to be summoned.)

10-2.917 Absence Without Leave

Absence without leave (AWOL) is a nonpay status resulting from the supervisor's determination that leave (including leave without pay) will not be granted for a period of absence for which the employee did not

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obtain advance authorization or for which his/her request for leave on the basis of alleged sickness or emergency has been denied.

All AWOL cases should be specifically documented and should be the subject of an inquiry by the supervisor. Disciplinary action may be taken when considered appropriate. An employee who is absent without approved leave for any cause must explain to his/her immediate supervisor, at the earliest possible and practical time, the cause of the absence and the reason for failure to request permission to be absent. If it is found that the employee was absent for insufficient cause, or if his/her failure to obtain permission to be absent is not satisfactorily accounted for, the time lost will be counted as AWOL and pay will be lost for the period of such absence. An employee absent without approved leave on the day immediately following a holiday will not be paid for the holiday.

10-2.918 Maternity Leave

There is no separate category of leave in the federal service called "maternity leave." Any absence for maternity reasons is chargeable to a combination of sick leave, annual leave, and/or leave without pay. Employees can no longer be required to take a set amount of leave prior to or after delivery.

An employee should be requested to advise the U.S. Attorney of her intent to request leave for maternity reasons, approximate dates, and anticipated duration in order to allow for any staffing adjustments. The employee should also be advised to make known whether she will continue employment or terminate. The employee has the option of submitting her resignation at the expiration of her period of incapacitation or at an earlier date, if she desires.

The period during which the employee is unable to work is the period of incapacitation. This period is to be treated like any other medically certified temporary disability. Sick leave may be used to cover this period and to cover the time required for physical examination. If all sick leave is used, up to 30 days sick leave may be advanced at the discretion of the U.S. Attorney provided the employee plans to return to the office. Annual leave or leave without pay may also be authorized during this period.

After delivery and recuperation, the employee may desire a period of adjustment or need time to make arrangements for the care of the child. These additional requirements may be taken care of by the use of available

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annual leave or leave without pay. Approval of both annual leave and leave without pay are at the discretion of the U.S. Attorney. However, efforts should be made to accomodate reasonable requests by the employee.

In order to shorten the period of time in which an employee is away from the office, it may be appropriate to allow the employee to work part-time or to modify her duties. Such changes should be with the concurrence of the employee's doctor.

A male employee may be authorized only annual leave or leave without pay for purposes of assisting or caring for minor children or the mother of his newborn child while she is incapacitated for maternity reasons.

10-2.919 Military Leave

Any employee who is a member of the National Guard or the reserves of the Armed Forces and is employed on a full-time permanent or indefinite basis can accrue military leave at the rate of 15 days per fiscal year. Individuals who are serving on a part-time career employment basis may accrue military leave on a pro rata basis based on the number of hours in the regularly scheduled workweek. These employees are entitled to a leave of absence from their duties, without loss of pay for active duty for training.

The reserve components of the Armed Forces include: the reserves of the Army, Navy, Air Force, Coast Guard, and Marine Corps and the National Guards of the Army and the Air Force.

Employees are not eligible for military leave unless the active duty is as a reservist or a member of the National Guard. Excluded service includes:

- A. Summer training as member of Reserve Officers' Training Corps.
- B. Temporary Coast Guard Reserves.
- C. Participation in parades by members of the State National Guard.
- D. Training with a State Guard or other state military organizations.
- E. Civil Air Patrol.

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F. Time taken on a workday to travel to the place where the training is to begin unless military training orders encompass the period of travel time required (See unpub. Comp. Gen. Dec. B-138990, April 22, 1959).

Temporary and intermittent personnel are not entitled to military leave.

Military leave is limited to a maximum of 15 calendar days during each year, regardless of the number of training periods in the year or whether the active duty is intermittent, one day at a time, or all at one time.

Employees who are unable to use the accumulated leave can carry up to 15 days forward into the next fiscal year.

Intervening non-workdays during military training or active duty are charged against the 15 days of military leave allowed during the year. However, non-workdays occurring at the beginning or end of the period are not counted.

10-2.920 Federal Employees Group Life Insurance

10-2.921 Introduction

Nearly all federal employees are eligible to participate in the Federal Employee Group Life Insurance Program. The main exception to coverage is those employees serving appointments limited to one year or less. The federal government as the employer pays one-third the cost of the Basic Life Insurance, the remaining cost is withheld from the employee's pay.

The overall responsibility for administration of the insurance plan rests with the Office of Federal Employees Group Life Insurance which has the responsibility for settling claims.

The Federal Employees Group Life Insurance Program consists of Basic Life Insurance and three types of optional coverage. An employee must elect Basic Life Insurance before enrolling in one or all of the optional insurances.

A. Basic Life Insurance coverage is based on the employee's salary. It equals the employee's salary rounded to the next \$1,000 plus \$2,000. For example, an employee whose salary is \$19,205 per annum would have \$22,000 coverage. Effective October 1, 1981, the Basic Life Insurance Coverage was increased for employees under age 45 with no corresponding



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increase in premiums. This extra benefit doubles the amount of life insurance of employees age 35 or younger. The extra benefit is reduced 10% each year until the employee reaches age 45 at which time there is no extra benefit.

B. In addition to Basic Life Insurance coverage, employees may elect one or all of the following insurance coverage options:

1. Option A: \$10,000 insurance;
2. Option B: life insurance equal to up to five (5) times one's annual basic salary; or
3. Option C: insurance on the lives of one's spouse and children.

10-2.922 New Enrollments

Every eligible employee must complete Form SF-2817 to enroll or to waive enrollment in the life insurance program. An employee has 31 days after appointment or after becoming eligible for life insurance to file Form SF-2817. Employees who fail to submit Form SF-2817 will be automatically enrolled in Basic Life Insurance. Employees who do not elect Basic Life Insurance and/or one or all of the optional insurances at their first opportunity will be eligible to enroll only if they meet the requirements described in SF-2817, Federal Employees Group Life Insurance Program.

The Administrative Officer must insure that every eligible employee receives Forms SF-2817 and SF-2817A. Form SF-2817 should be reviewed for accuracy and completeness prior to being forwarded to the Personnel Office, Executive Office for U.S. Attorneys. This form should not be separated. The Personnel Office will certify the completed form and return it to the Administrative Officer.

Copies of Forms SF-2817 and SF-2817A are stocked by the Department's warehouse.

10-2.923 Waivers

A properly executed waiver of basic life insurance or a declination of standard optional, additional optional, and family coverage remains in effect until cancelled even though the employee may transfer to another agency.

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An employee who has previously waived basic insurance or declined optional or family coverage, however, will have the declination automatically cancelled if the employee is separated and has a break in service of at least 180 days. An employee whose declination is so cancelled must file an SF-2817A within 31 days.

An employee who previously waived basic or declined standard optional or additional optional life insurance may have the cancellation waived if the employee meets the conditions described in SF-2817A, Federal Employees Group Life Insurance Program, and completes and files a SF-2822, Request for Insurance. This form is a combination request to cancel a waiver, medical certificate, and authorization to insure an employee. The completed form must be forwarded by the examining physician to the Office of Federal Employees Group Life Insurance which will either authorize insurance coverage or deny that coverage and so inform the Personnel Office.

10-2.924 Designation of Beneficiary

When an employee becomes insured he/she should be informed that any life insurance death benefits will be paid to his/her heirs in the order of precedence indicated on Standard Form 2823, Designation of Beneficiary. If the employee does not wish payment to be made in that order, he/she must file SF-2823, which must be completed without erasures or changes and signed and witnessed in duplicate. Forward both copies to the Personnel Office, Executive Office for U.S. Attorneys. One receipted copy will be retained in the employee's official personnel folder and the other copy will be returned to the employee.

An employee who wishes payment to be made to the designated beneficiary, only if that person survives the employee by a specified number of days (up to but not more than 30), may so stipulate on the SF-2823. A statement added on the form following the name of the designated beneficiary (beneficiaries) to the effect", if he (she) survives me by at least \_\_\_\_\_ days." will alert the Office of Federal Employees' Group Life Insurance to hold up payment of the life insurance proceeds until the specified period has elapsed. It will also preclude any right of insurance to vest in the estate of the beneficiary. In the event the designated beneficiary does not survive the specified period, payment of the proceeds will follow the order of precedence as if the beneficiary had predeceased the insured.

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10-2.925 Conversions

Under the conversion privilege, an employee who resigns or separates from the federal government may purchase without a medical examination an individual policy from any eligible insurance company. The policy, at the employee's option, may be in an amount equal to or less than the federal group insurance which the employee had, including optional insurance. It may be in any form customarily issued by the insurance company, except term insurance, but without disability or accidental death or dismemberment benefits. Any insurance policy purchased under the conversion privilege is a private business transaction between the individual and the insurance company.

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There are two forms which explain fully the employee's privilege to convert to an individual policy. Because prompt notice is required and a minimum of work is desirable, SF-2819, Notice of Conversion Privilege, may be issued to the employee. If the employee desires, he/she may receive an Agency Certification of Insurance Status, SF-2821. This form is not an application for conversion but merely gives information required by the insurance company.

10-2.926 Retirement and FEGLI

A. An employee who retires retains regular life insurance (without accidental death and dismemberment clauses) without further cost, if all of the following requirements are met:

1. The employee retires on an immediate annuity from a position in which insured;
2. The employee does not convert to an individual policy when the regular insurance as an employee would otherwise cease; and
3. The retirement is for disability or after at least 5 years service.

B. Employees who meet the criteria described above have the opportunity to elect one of the three post-age 65 rates of reduction in their basic life insurance coverage as follows:

1. 75% of Basic Life Insurance coverage. At age 65 the amount of basic insurance will be reduced by 2% per month to no less than 25% of the amount of basic insurance in force at the time of retirement. This is at no cost to the employee.
2. The employee has had optional insurance from the first time it became available to him/her or for at least 5 years immediately preceding retirement; and
3. The monthly annuity is sufficient after all other deductions, to pay the full cost.

After age 65, the Option A-Standard Life Insurance will be reduced by 2% each month until it reaches 25% of its face value. The employee will continue to pay the full cost of the life insurance until reaching age 65. The Accidental Death and Dismemberment Benefits that are payable under the



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Option A-Standard Life Insurance are discontinued upon retirement. At age 65, the Option B-Additional and Option C-Family Life Insurance will be reduced by 2% each month for 50 months, at which time the coverage will cease. The employee will continue to pay the full cost of the insurance until age 65.

Employees must complete SF-2818, Election of Post-Retirement Basic Life Insurance Coverage, when filing for retirement. Failure to complete this form could delay the processing of the retirement application by the Office of Personnel Management.

10-2.930 Health Benefits

10-2.931 Introduction

The Federal Employees Health Benefits Program (FEHB) provides protection for civilian employees and their families against the cost of illness or accident. The program is entirely voluntary and nearly all federal employees are eligible for coverage except those serving under appointments limited to one year or less. Dual coverage under FEHB is not permitted. The federal government as the employer pays part of the cost and the employee pays the remainder.

10-2.932 New Enrollments and Changes

A. New Enrollments

When a new employee enters on duty or when an employee first becomes eligible for health benefit coverage, he/she should be given the following forms:

1. BRI-41-212, Biweekly list of premium rates for all plans; and
2. BRI-41-331, Enrollment Information and Plan Comparison Chart.

Standard Form 2809-A gives information concerning the program cost; types and description of plans available; types of enrollments; conversion privileges upon separation from the federal service; conditions for continuing health benefits coverage after retirement; and consequences of election not to enroll.

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Each eligible employee must register either to enroll in a plan or not to enroll on an SF-2809, Health Benefits Registration Form. An employee has 31 calendar days after appointment or after becoming eligible for health benefits coverage to file an SF-2809 and have it received by the Personnel Management Staff. If an employee has not returned the completed form within the 31-day period, and he/she has been contacted and urged to do so, a form should be filed for the employee by the Administrative Officer with the notation that he/she was contacted but declined to register.

In completing the SF-2809, only the appropriate sections of Parts A through E should be completed. DO NOT COMPLETE PART F. This part will be completed by the Personnel Management Staff. In the Remarks section, include the district and the employee's position title. The complete SF-2809 should be forwarded to the Personnel Management Staff, Executive Office for U.S. Attorneys. No copies should be removed from the form. Offices with delegated personnel authority should process health benefits forms in accordance with their delegation.

Once a plan has been selected by an employee, the Administrative Officer should give the employee a copy of that plan's brochure.

B. Changes in Enrollment Status

Employees are allowed to make changes in health benefits coverage in accordance with the events stated on the reverse side of the carriers copy of the SF-2809, Health Benefits Registration Form. One change which requires further explanation due to the need for supporting documentation is when an employee becomes eligible to enroll or change enrollment for health benefits coverage due to loss of coverage under a spouse's non-federal plan because the non-federally employed spouse was involuntarily separated from his/her employment because of a lay-off.

Specifically, an employee may change enrollment in the following situations:

a. An employee who loses coverage under a spouse's non-federal enrollment because the non-federally employed spouse was involuntarily separated from his/her employment because of a lay-off, may register to enroll within the period beginning 31 days before and ending 31 days after the spouse's employment terminates. If the employee enrolls under this provision he/she must receive the same forms outlined in Part I, "New Enrollments."

b. An employee whose spouse loses non-federal coverage because the non-federally employed spouse was involuntarily

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separated from his/her employment because of a lay-off, may change enrollment from self-only to self and family within the period beginning 31 days before and ending 31 days after the spouse's employment terminates.

To effect an enrollment change under the conditions stated in paragraphs a and b, the following information should be submitted in addition to the SF-2809:

a. A letter from the spouse's employer stating that the person was laid-off, the effective date of the lay-off, and that the person had health benefits coverage.

b. In part C(3) of the SF-2809, the appropriate date is the date the spouse's non-federal employment terminated.

C. Effect of Nonpay Status on FEHB Premiums

Employees who enter a nonpay status are required to pay the premium on their health benefits coverage. Effective August 22, 1982, the Office of Personnel Management issued regulations which eliminate free health benefits coverage for federal employees who continue their enrollments under the Federal Employees Health Benefits program while in a nonpay status. Under prior regulations, employees were given free coverage for up to 12 months of continuous leave without pay. While this general employee entitlement to one year of continued enrollment (before automatic termination) remains unchanged, employees must now pay their share of the cost of the FEHB enrollment for each pay period during which their salary is insufficient to cover the required premium.

Under the new regulations, an employee is deemed to consent to the withholding of past due health benefits premiums from salary or from any other monies payable to the employee by the federal government. Also, any premiums owed are not subject to waiver by the Department. Therefore, the only way an employee can avoid liability for FEHB premiums during nonpay status is to cancel his or her FEHB enrollment.

Cancellation of health benefits enrollment is an action that could have serious ramifications and should not be taken without careful consideration and consultation with a servicing personnel specialist. A cancellation is effective at the end of the pay period following the one in which the Standard Form 2809 is received by the Personnel Management Staff. Following a cancellation of health benefits enrollment, there is no 31-day extension of coverage nor is there a right to convert to a non-group contract with the carrier of the plan in which enrolled. Also,

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after a cancellation, an employee would not be automatically allowed to re-acquire health benefits coverage upon return to a pay status. Most employees would have to wait until an "open season" in order to re-enroll unless there is another event which would permit enrollment. Before cancelling, employees should be made aware of the eligibility requirements for continuing FEHB coverage during retirement or the receipt of workers' compensation benefits. An employee must have been enrolled (or covered as a family member in another FEHB enrollment) for the five years of service immediately preceding retirement, or for all of the period(s) during which the employee was eligible to be enrolled, if less than five years, in order to continue FEHB coverage into retirement.

No action is required in advance for employees who desire to continue their FEHB coverage during nonpay status. When an employee has a period of at least two pay periods during which there are no withholdings for health benefits, the employee will have the option of either paying the biweekly premiums directly to the Department on a biweekly or advance basis, or having the past-due premiums withheld from salary upon return to pay status. All direct payments must be in exact multiples of the biweekly premium rate (the ninth listed deduction from gross pay on Form JMD-44 or 44A, Employee Earnings Statement). Payments can be made by check or money order, made payable to the Treasurer of the United States and annotated with the employee's Social Security number. A short explanatory memorandum should accompany all such payments and be sent to the U.S. Department of Justice, Justice Employee Data Service, Post Office Box 2922, Washington, D.C. 20013. Do not send payments to the Personnel Management Staff.



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Employees who return to pay status after only one pay period of no premium withholding will automatically and without prior notification have the past due premium and regular premium deducted from their paychecks in order to liquidate the debt. This procedure is necessary due to administrative and cost effectiveness considerations. Those employees who return to pay status after two or more pay periods without premium withholding and who have not made full direct payment to the Department will receive a computer-produced notice from the Justice Employee Data Service informing them that one additional biweekly premium will be automatically deducted from their paychecks each pay period until the debt is liquidated unless other acceptable arrangements are made. Employees who are indebted and separate from the Department will likewise receive notices that establish premium collection procedures.

10-2.933 Retirement and FEHB

An employee must meet all of the following requirements to continue an enrollment after retirement (employees should be periodically reminded of these requirements, particularly before they elect not to enroll or to cancel an enrollment).

A. The employee must retire under the disability provisions of the applicable retirement law or have at least 5 years of creditable service;

B. The employee must retire on an immediate annuity (that is, an annuity which begins to accrue no later than one month after the date of final separation);

C. The employee must have been enrolled (or covered as a family member) in a plan (not necessarily the same plan) under the health benefits program (a) for the five years of service immediately preceding retirement, or (b) for all service since his/her first opportunity to enroll, or (c) continuously for the full period or periods of service beginning with the enrollment which became effective no later than December 31, 1964; and

D. The annuity must be sufficient to cover the withholding required as his/her share of the cost of the enrollment.

10-2.934 Conversion Rights

If an employee's enrollment ends for any reason other than voluntary cancellation, or if the coverage of a family member ends for any reason,

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except when an employee cancels or changes to a self only enrollment, the person whose enrollment or coverage is ended has a right to convert, without evidence of insurability, to a nongroup health benefits contract offered by the carrier of the plan. A family member who loses coverage because the employee cancels or changes to a self only enrollment does not have a conversion right.

Application for conversion should be made to the nearest office of the plan. Normally, the application must be made, and the first premium paid to the carrier, within 31 days after termination of the enrollment or, for a family member, after termination of coverage under the enrollment.

10-2.935 Open Season

A health benefits open season is held each year during the month of November and sometimes is extended into December. During the open season, eligible employees have an opportunity to enroll in a health benefits plan or to change their present enrollment. Generally, open season changes do not become effective until the first full pay period in January. SF-2809 is used for making changes in enrollments during the open season. An open season change should be stated in the Remarks section of the SF-2809. Only Parts A through E should be completed by the district office. Part F will be completed by the Personnel Office, Executive Office for U.S. Attorneys.

10-2.940 Retirement

10-2.941 Introduction

The Office of Personnel Management (OPM) administers the major programs to provide retirement, life insurance, and health benefits to federal employees and annuitants. OPM adjudicates all claims arising under the retirement laws. The Justice Management Division is responsible for the maintenance of individual retirement records and the processing of retirement forms for employees in the offices of the U.S. Attorneys. Administrative officers or servicing personnelists provide individual counselling to employees to include informing employees of their rights and obligations under the law, giving assistance to claimants, including survivors of deceased employees, and promptly processing retirement applications.

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Whether an employee is subject to the Civil Service Retirement Act is governed by the appointment itself, and the individual generally does not have a choice as to retirement coverage. Form SF-50, Notification of Personnel Action, indicates whether the employee is subject to the Act, to Social Security (FICA), or to a congressionally established transitional system in effect from January 1, 1984, through December 31, 1985, during which time a supplemental retirement plan for federal employees is to be developed.

Under the transitional system, employees pay both 1.3 percent to Civil Service Retirement (CSR) and 6.7 percent to FICA. The transitional system applies to all new federal employees first appointed to permanent positions on or after January 1, 1984.

Employees who were serving under temporary appointments as of December 31, 1983, and later appointed/converted to a permanent position are to be treated as "new" employees and are subject to both 6.7 percent Social Security deductions and 1.3 percent CSR deductions. This applies to all employees who served on temporary appointments and who were later converted to a permanent position unless they had a period of service under the Civil Service Retirement System (CSRS) or other federal retirement system within one year of the effective date of their appointment/conversion.

All federal employees with appointments subject to CSR deductions only, pay 7.0 percent to CSR and have the Medicare hospital insurance portion, 1.3 percent of base pay payable to Social Security, deducted from their paychecks.

The obligations, rights and privileges of membership in the CSRS are explained in the Certificate of Membership (Standard Form 105). Every enrolled employee should be given a certificate and urged to preserve it as a part of his/her valuable personal papers.

Each office also should have copies of 1) Pamphlet Number 18, Your Retirement System; 2) "Medicare for Federal Employees," and 3) "Your New Social Security and Medicare Fact Sheet," to provide to employees entitled to benefits.

If an employee is contemplating retirement, he/she may be advised to submit an OBD-45, Annuity Estimate Request, to the Personnel Office, EOUSA. A retirement computation will be prepared and the employee will be advised of the various available options.

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10-2.942 Designation of Beneficiary

When an employee enters on duty in a position in which he/she is subject to the CSR system, he/she should be informed that any lump-sum death benefit under the system will be paid to the person or persons named in the order of precedence shown on Standard Form 2808, Designation of Beneficiary. A designation of beneficiary is for lump-sum benefit purposes only, and does not affect the right of any person who qualifies to receive survivor annuity benefits. If the employee does not wish payment to be made in this order, he/she must file SF-2808, which must be signed and witnessed in duplicate. The SF-2808 should be forwarded to the Office of Personnel Management, Bureau of Retirement, Insurance and Occupations Health, Washington, D.C. 20415. One receipted copy will be retained at the OPM and the other receipted copy will be returned to the employee. Do not send the SF-2808 to the Personnel Office.

10-2.943 Optional Retirement

An employee under the retirement system is eligible for optional retirement annuity if:

A. He/she has been employed under the retirement system for at least one year within the two-year period immediately preceding the separation on which the annuity is based:

B. He/she has had at least five years civilian service; and

C. He/she meets one of the following minimum age and service conditions:

1. Age 62 and five years creditable service; or
2. Age 60 and 20 years of creditable service; or
3. Age 55 and 30 years of creditable service.

Refer to USAM 10-2.949 for procedures for processing retirements.

10-2.944 Disability Retirement

An employee must meet the following conditions to be eligible for an immediate annuity because of disability retirement:



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A. Have completed at least five years of civilian service;

B. While employed subject to the retirement system, have become totally disabled for useful and efficient service in his/her present position and be unqualified for reassignment to a vacant position at the same grade or pay level within the agency and commuting area; and

C. The disease or injury which caused the disability must not be the result of vicious habits, intemperance, or willful misconduct on his or her part within the 5-year period immediately prior to becoming disabled.

Standard Form 2801, Application for Retirement, is used to apply for disability retirement. The employee must make the application for disability retirement except where it has been determined that the employee is mentally incompetent and a decision has been made to separate him/her. The agency, a guardian, a relative, or some other interested person then should apply on the employee's behalf.

Disability retirement, however, should be considered only after the office and employee have exhausted all efforts to continue employment. Offices are to attempt to accommodate the employee's medical condition in his/her current position or to reassign the employee to a position at the same grade or pay. Consideration may also be given to reassignment to a lower graded position with retained pay to retain the services of an experienced, trained employee.

The U.S. Attorney, or a designee, is responsible for determining if there are any available positions to which the employee can be reassigned. The office must review all vacant positions within the commuting area which are at the same grade or pay level and determine if the employee meets the minimum qualification standards. The U.S. Attorney should make every possible effort to reassign the disabled employee to an available position. However, there is no obligation to create or vacate a position for an employee.

If the U.S. Attorney is able to reassign the employee, the disability retirement application and supporting documents must be returned to the employee. If an employee refuses to accept such an offer of reassignment, the application for disability retirement will be denied by OPM.

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All applications for disability retirement (SF-2801) must be accompanied by the following forms:

1. OPM Form 1503, Applicant's Statement of Disability;
2. OPM Form 1504, Supervisor's Statement; and
3. OPM Form 1505, Agency Certification of Reassignment and Accommodation Efforts;
4. OPM Form 1506, Physician's Statement; and
5. OPM Form 1507, Disability Retirement Application Checklist.

It is seldom to the advantage of an employee who is eligible for optional retirement to retire under the disability provisions. In most cases, the annuity is needlessly delayed by the additional time necessary to review the disability application. In addition, there is no tax advantage unless the employee is totally disabled for all gainful employment. The Personnel Office will counsel retirement in their particular cases.

A disabled annuitant may be reemployed in any position for which he/she is qualified without prior approval from OPM. If OPM finds the annuitant to be recovered from his/her disability while the annuitant is reemployed and receiving a disability annuity, the OPM will discontinue the annuity effective on the date of its determination. Until the disabled annuitant has been found to be recovered, the Personnel Office will offset the annuitant's pay by the amount of annuity allocated to the period of reemployment.

#### 10-2.945 Discontinued Service Retirement

An employee under the retirement system who is involuntarily separated from the service is entitled to an immediate annuity if:

A. He/she has been employed under the retirement system for at least one year within the two-year period immediately preceding the separation on which the annuity is based;

B. He/she meets either of the following minimum requirements:

1. Age 50 and 20 years of creditable service, including five years civilian service, or

2. Regardless of age, has 25 years of creditable service, including five years of civilian service; and

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C. He/she, if otherwise eligible, has not declined a reasonable offer of a position in his/her agency for which he/she is qualified. The offered position must be in the employee's same commuting area (unless the employee is under a mobility agreement), have the same tenure and work schedule, and not be more than two grades below the employee's current position.

Resignations of presidentially-appointed U.S. Attorneys are considered involuntary separations for the purpose of discontinued service retirement.

If the retiring employee is under age 55, the basic annuity is reduced by one-sixth of one percent for each full month he/she is under age 55. An annuity rate so determined will not be increased when the annuitant reaches age 55.

10-2.946 Deferred Annuity

Any employee who is separated from the service or transferred to a position which is not under the Civil Service Retirement System before meeting the requirements for an immediate annuity is entitled to a deferred annuity at age 62, if:

A. He/she has completed at least five years of civilian service and has not been refunded the retirement deductions covering the last period of service; and

B. He/she was employed under the Civil Service Retirement System for at least one year within the two-year period immediately preceding the separation on which the deferred annuity is based.

The annuity is computed according to the law in effect on the date of the employee's last separation from a position under the retirement law on which entitlement to the annuity is based.

A separated employee who, except for his/her age, is eligible for a deferred annuity should be instructed not to file an Application for Deferred Retirement (OPM Form 1496 and OPM Form 1496A) earlier than three months before he or she attains age 62. At that time, the individual may obtain the proper application from the Office of Personnel Management. Employees should be advised that, except for employees who leave federal employment at very young ages, it is usually financially advantageous to wait for a deferred annuity instead of taking an immediate refund of retirement deductions, even if the refund is prudently invested and interest earnings are considered.

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10-2.947 Refunds

It is the policy of the Department that employees not be allowed to resign and then return to work sooner than thirty-one (31) days after resignation solely to withdraw their retirement money.

There are two conditions under which a person may receive a Civil Service Retirement refund. The first is if the individual has been separated from federal employment for at least 31 consecutive days. Or second, if reemployed within the 31-day period, then there must be both a three-day break in service and the reemployment appointment cannot convey retirement coverage.

An employee who desires and is eligible to receive a refund of the contributions he/she has made to the Retirement Fund should submit at time of separation a completed Standard Form 2802, Application for Refund of Retirement Deductions (revised December 1983), to the Payroll Office for processing and transmittal. Individuals separated from federal employment for more than 30 days should submit the completed SF-2802 directly to the OPM.

Interest computed at three percent, compounded annually, will be paid on the refund only if the former employee had more than one but less than five years of creditable civilian service. Interest is payable on retirement deductions withheld prior to December 31, 1950, if a former employee has more than five years of creditable service.

Regulations implementing the Interest and Dividend Tax Compliance Act of 1983, require that employees and former employees who apply for a refund of their retirement deductions, and are entitled to receipt of interest on these monies, must designate at time of application whether or not OPM should withhold federal income tax from the interest payment. This designation is to be indicated through completion of item 13, Federal Tax Withholding Election, on the SF-2802. If withholding is elected, the amount withheld will be five percent of the total interest payable.

Applicants who elect no federal income tax withholding must certify on the SF-2802, by checking the appropriate blocks on item 13, that the Taxpayer Identification Number (Social Security Number) recorded on the application form is correct and that the Internal Revenue Service (IRS) has not previously notified the applicant of being subject to "backup withholding," as defined under the form's instructions for users. Under current federal tax law, the OPM must either receive this certification or forward to the IRS 20 percent "backup withholding" of the interest payable. To receive the withheld interest, the individual must file for a refund with the IRS.



# APPLICATION FOR REFUND OF RETIREMENT DEDUCTIONS

## CIVIL SERVICE RETIREMENT SYSTEM

To avoid delay in payment: (1) Complete application in full. (2) Type/write or print in ink.

Expense 83188

(For Agency Use Only)  
Agency Payroll Office Number

OCTOBER 1984  
Ch. 2, B. 278g

NAME (Last, first, middle)	DATE OF BIRTH (Month, day, year)	SOCIAL SECURITY NUMBER	ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA?	YES NO
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LIST ALL OTHER NAMES YOU HAVE USED (including maiden name, if applicable)	PREVIOUS APPLICATIONS FILED (Indicate by "X")	RETIREMENT ANNUITY REFUND	DEPOSIT OR REDEPOSIT VOLUNTARY CONTRIBUTIONS
---------------------------------------------------------------------------	-----------------------------------------------	---------------------------	----------------------------------------------

LIST BELOW ALL OF YOUR CIVILIAN AND MILITARY SERVICE FOR THE UNITED STATES GOVERNMENT OR DISTRICT OF COLUMBIA				PERIODS OF SERVICE		INDICATE WHETHER CS RETIREMENT DEDUCTIONS WERE WITHHELD FROM YOUR SALARY (Check One)		HAVE YOU PAID DEPOSIT OR REDEPOSIT FOR ANY PERIOD, INCLUDING MILITARY SERVICE AFTER 1984? (Check One)	
DEPARTMENT OR AGENCY (including bureau, branch, or division where employed)	LOCATION OF EMPLOYMENT (City, State, and ZIP Code)	TITLE OF POSITION	STARTING DATE	ENDING DATE	Withheld	NOT WITHHELD	FULL OR PARTIALLY PAID	NOT PAID	
					YES	NO	YES	NO	

HAVE YOU ACCEPTED ANY FURTHER EMPLOYMENT WITH THE FEDERAL OR DISTRICT OF COLUMBIA GOVERNMENT (FOR APPLICANTS FOR SUCH EMPLOYMENT) TO BECOME EFFECTIVE WITHIN 31 DAYS FROM THE ENDING DATE OF YOUR LAST PERIOD OF SERVICE?	YES <input checked="" type="checkbox"/> Complete Items 9, 10, 11 and 12	NO <input type="checkbox"/>	9 IF YOU ANSWER "YES" TO ITEM 8, ARE CIVIL SERVICE RETIREMENT DEDUCTIONS BEING WITHHELD FOR WILL THEY BE WITHHELD FROM YOUR SALARY DURING SUCH EMPLOYMENT?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	10 DATE OF NEW APPOINTMENT (Expected date if not yet reemployed)
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------	-----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------	-----------------------------	------------------------------------------------------------------

DEPARTMENT OR AGENCY, INCLUDING BUREAU, BRANCH OR DIVISION IN WHICH YOU ARE (OR WILL BE) EMPLOYED	11 LOCATION OF NEW EMPLOYMENT (City, State, and ZIP Code)	14 <b>APPLICANT CERTIFICATION</b> I understand that I am not legally entitled to receive a refund if I am reemployed or otherwise assigned to a position under the Civil Service Retirement System within 31 days of separating from my most recent position. I agree to notify OPM if I am employed again within this time period, and will return or repay any refund paid to me under those circumstances. I hereby certify that all statements in this application are true to the best of my belief and knowledge, and that the tax withholding election made here reflects my wishes.
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**FEDERAL TAX WITHHOLDING ELECTION**

Although the refund of your contributions to the Civil Service Retirement fund is not subject to Federal income tax, any interest paid on your contributions is taxable. If you elect not to have Federal tax withheld, and if you do not have enough Federal tax withheld, you may be responsible for payment of estimated tax. In addition, you may incur penalties under the estimated tax rules if your withholdings and estimated tax payments are not sufficient.

Indicate below whether you wish to have Federal income tax withheld from the interest portion of your refund:

Withhold Federal income tax from the interest portion of my refund payment.  
If you elect withholding, the amount withheld will be 5% of the total interest payable.

Do not withhold Federal income tax from the interest portion of my refund payment.  
If you elect no withholding, you must also certify the following:

1) The Social Security Number provided in 3 above is correct.  YES  NO

2) The Internal Revenue Service has not notified me that I am subject to backup withholding (see 6, on reverse, for explanation).  YES  NO

YOUR SIGNATURE (do not print) \_\_\_\_\_ DATE \_\_\_\_\_

**WARNING**—Any intentional false statement in this application or willful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001)

15 **ADDRESS FOR MAILING REFUND CHECK**

NUMBER AND STREET	PHONE NUMBER (including area code)
CITY, STATE, AND ZIP CODE	

**WE CANNOT AUTHORIZE PAYMENT IF THIS ADDRESS IS ERASED OR OTHERWISE CHANGED**

**NOTE:** This application should not be offered to a financial institution or other person as collateral or security for a loan. The retirement law (5 U.S.C. 8346(a)) provides that an employee's retirement contributions are not assignable. A former employee must apply for refund personally and payment must be made directly to him or her. However, outstanding debts to the U.S. Government can, at the Government's request, be withheld from a refund, provided all legal requirements are met.

See the back of this form for important information concerning your application for refund of retirement deductions and for a Privacy Act Statement.

**FOR AGENCY USE ONLY**

I certify that this agency received this SF 2802 on the date shown below.

SIGNATURE OF AGENCY OFFICIAL	TITLE	DATE RECEIVED
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10-2.948 Deposit or Redeposit

An employee who wishes to make a deposit to cover a period of service for which no retirement deductions were made or to redeposit money which was refunded from the retirement system, should complete Standard Form 2803, Application to Make Deposit or Redeposit, and forward it to the Payroll Office for processing and transmittal to the OPM. The OPM will advise the employee of the amount due and issue instructions for payment. An employee should not file an Application for Deposit or Redeposit if retirement is contemplated within six months.

Individuals first employed by the federal government under the Civil Service Retirement System on or after October 1, 1982, should be advised that they will receive Civil Service Retirement credit for their post-1956 military service at time of retirement only if a deposit is paid in the amount of seven percent of the military base pay which the individual received.

Individuals who were first employed by the federal government under the Civil Service Retirement System before October 1, 1982, have the option of either:

A. Making the seven percent deposit for post-1956 military service—thereby avoiding a reduction in annuity at age 62 or later, if the individual becomes eligible for Social Security benefits; or

B. Receiving full credit initially, as in the past, and having his/her annuity reduced if and when the individual becomes eligible for Social Security benefits. Included are individuals who were previously employed under the Civil Service Retirement System and who return to employment under the Retirement System after October 1, 1982.

Employees in receipt of retired military pay may waive such pay and receive credit under the Civil Service Retirement System, as appropriate, by paying the deposit. Exceptions to the waiver provision apply to service-connected disability and reserve retirees. If military retired pay has already been waived in favor of a Veterans Administration benefit, a waiver of military retired pay must also be made for Civil Service Retirement purposes before the military service can be credited.

The law requires that deposits for military service be made through the employee's agency prior to the date of retirement. Administrative officers should coordinate requests for computation of amounts owed and filing of applications for military service credit with the Personnel Office. If a deposit is made prior to October 1, 1985, or two years from the date the individual becomes an employee covered under the Civil Service Retirement System, whichever is later, no interest will be charged

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An employee who applies to make a deposit for post-1956 military service, should enter the following statement on Standard Form 2803, Application to Make Deposit or Redeposit: "I wish to pay the deposit necessary to obtain credit for my military service. I understand that the entire deposit must be paid to my agency before I retire. I further understand that any monies I deposit may be refunded to me only if I become eligible for the refund of civil service retirement deductions or retire without having completed the deposit."

1984 USAM (superseded)



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UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
CIVIL SERVICE RETIREMENT SYSTEM  
Washington, D.C. 20415

NOTICE OF FEDERAL TAX WITHHOLDING FROM REFUNDS

Under Federal tax law, payments from the Civil Service Retirement Fund are subject to Federal income tax withholding if the payment can reasonably be expected to be taxable. The portion of your refund consisting of your contributions is not taxable. However, if your refund also contains interest on your contributions, OPM must offer you the choice of having income tax withheld or not having tax withheld from that interest.

If you choose not to have Federal income tax withheld from the interest portion of your refund, you are still liable for payment of Federal income tax on this portion of the refund. You may also be subject to tax penalties under the estimated tax payment rules if your payments of estimated tax, if any, are not adequate.

Please indicate below whether you wish to have Federal income tax withheld from the interest portion of your refund and attach the election to your Application for Refund, SF 2802.

Employee Service and Records Center  
Boyers, PA 16017

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ELECTION OF FEDERAL TAX WITHHOLDING FROM REFUNDS

- Do not withhold Federal income tax from the interest portion of my refund payment.  
If you elect no withholding, you must also complete a Form W-9.  
If you do not submit the W-9, OPM is obliged to withhold 20 percent of the interest amount even if you elect not to have tax withheld.
- Withhold Federal income tax from the interest portion of my refund payment.  
If you elect withholding, the tax withheld will be 5 percent of interest amount.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Social Security Number  
Previous Versions Unusable

BRI 49-459  
Rev. January 1984

(For Local Reproduction)

\_\_\_\_\_  
MAY 25, 1984  
Ch. 2, p. 232e

## Payer's Request for Taxpayer Identification Number

Please print or type

Name as shown on account (If joint account, also give joint owner's name) \_\_\_\_\_

Address \_\_\_\_\_

City, State, and ZIP code \_\_\_\_\_

List account number(s) here (See Instructions) ▶ \_\_\_\_\_

**PART I.—Taxpayer Identification Number**

Enter the taxpayer identification number in the appropriate box. For most individual taxpayers, this is the social security number.

Note: If the account is in more than one name, see the chart on page 2 for guidelines on which number to give the payer.

Social security number
OR
Employer identification number

**PART II.—Backup Withholding On Accounts Opened After 12/31/83**

Check the box if you are NOT subject to backup withholding under the provisions of section 3406(a)(1)(C) of the Internal Revenue Code.

(See Highlight below.)

Certification.—Under the penalties of perjury, I certify that the information provided on this form is true, correct, and complete.

Signature ▶ \_\_\_\_\_

Date ▶ \_\_\_\_\_

**Instructions** (Section references are to the Internal Revenue Code )

**Highlight for Interest or Dividend Accounts Opened After 12/31/83—Backup Withholding**

You may be notified that you are subject to backup withholding under section 3406(a)(1)(C) because you have underreported interest or dividends or you were required to but failed to file a return which would have included a reportable interest or dividend payment. If you have NOT been so notified, check the box in PART II. Note: Backup withholding may apply to existing accounts as well as accounts opened after December 31, 1983.

Caution: There are other situations where you may be subject to backup withholding. Please read the instructions below carefully.

**Purpose of Form**

Use this form to report the taxpayer identification number (TIN) of the record owner of the account to the payer (or broker).

Beginning January 1, 1984, payers must generally withhold 20% of taxable interest, dividend, and certain other payments if you fail to furnish payers with the correct taxpayer identification number (this is referred to as backup withholding). For most individual taxpayers, the taxpayer identification number is the social security number.

To prevent backup withholding on these payments, be sure to notify payers of the correct taxpayer identification number and, for accounts you open after December 31, 1983, properly certify that you are not subject to backup withholding under section 3406(a)(1)(C).

You may use this form to certify that the taxpayer identification number you are giving the payer is correct and, for accounts opened after December 31, 1983, that you are not subject to backup withholding.

If the payer provides a different form than Form W-9 to request the taxpayer identification number, please use it.

**Backup Withholding**

- You are subject to backup withholding if:
- (1) You fail to furnish your taxpayer identification number to the payer, OR
  - (2) The Internal Revenue Service notifies the payer that you furnished an incorrect taxpayer identification number, OR
  - (3) You are notified that you are subject to backup withholding (under section 3406(a)(1)(C)). OR
  - (4) For an interest or dividend account opened after December 31, 1983, you fail to certify to the payer that you are not subject to backup withholding under (3) above, or fail to certify your taxpayer identification number.

For payments other than interest or dividends, you are subject to backup withholding only if (1) or (2) above applies.

(See the section on the back titled "Payees Exempt from Backup Withholding.")

**Payments of Interest, Dividends, and Patronage Dividends**

**Accounts Opened Before January 1, 1984**

To certify that the taxpayer identification number is correct for accounts opened before January 1, 1984, fill out your name and address, enter your account number(s) (if applicable), complete Part I, sign and date the form and return it to the payer.

**Accounts Opened After December 31, 1983**

To certify that the taxpayer identification number is correct and that you are not subject to backup withholding under section 3406(a)(1)(C) for accounts opened after December 31, 1983, fill out your name and address, enter your account number(s) (if applicable), complete Parts I and II, sign and date the form and return it to the payer.

If you are subject to backup withholding and are merely providing your correct taxpayer identification number to the payer, fill out your name, address, enter your account number(s) (if applicable), and complete Part I.

**Other Payments**

If you are merely providing your correct taxpayer identification number to the payer for payments other than interest, dividends, and patronage dividends, you need not sign this form. Fill out your name and address, enter your account number(s) (if applicable), complete Part I and return the form to the payer.

**Account Numbers**

If you have more than one account with the same payer (for example, a savings account and a certificate of deposit at the same bank), the payer may request a separate Form W-9 for each account depending on how the payer's records are kept.

**What Number to Give the Payer**

Give the payer the social security number or employer identification number of the record owner of the account. If the account belongs to you as an individual, give your social security number. If the account is in more than one name or is not in the name of the actual owner, see the chart on page 2 for guidelines on which number to report.

**Obtaining a Number**

If you don't have a taxpayer identification number or you don't know your number, obtain Form SS-5, Application for Social Security Number Card, or Form SS-4, Application for Employer Identification Number, at the local office of the Social Security Administration or the Internal Revenue Service and apply for a number. Write "applied for" in Part I in place of your number. When you get a number, submit a new Form W-9 to the payer.

(Give this form to the payer, not to the Internal Revenue Service)

MAY 25, 1984  
 Ch. 2, p. 232f

**Penalties**

- (1) **Penalty for Failure to Furnish Taxpayer Identification Number.**—If you fail to furnish your taxpayer identification number to a payer, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.
- (2) **Failure to Report Certain Dividends and Interest Payments.**—If you fail to include any portion of an includible payment for interest, dividends, or patronage dividends in gross income, such failure will be treated as being due to negligence and will be subject to a penalty of 5% on any portion of an underpayment attributable to that failure unless there is clear and convincing evidence to the contrary.
- (3) **Civil Penalty for False Information With Respect to Withholding.**—If you make a false statement with no reasonable basis which results in no imposition of backup withholding, you are subject to a penalty of \$500.
- (4) **Criminal Penalty for Falsifying Information.**—Falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Payees Exempt from Backup Withholding**

Payees specifically exempted from backup withholding on ALL payments include the following:

- A corporation.
- A financial institution.
- An organization exempt from tax under section 501(a), or an individual retirement plan.
- The United States or any agency or instrumentality thereof.
- A State, the District of Columbia, a possession of the United States, or any subdivision or instrumentality thereof.
- A foreign government, a political subdivision of a foreign government, or any agency or instrumentality thereof.
- An international organization or any agency or instrumentality thereof.
- A registered dealer in securities or commodities registered in the U.S. or a possession of the U.S.
- A real estate investment trust.
- A common trust fund operated by a bank under section 584(a).
- An exempt charitable remainder trust, or a non-exempt trust described in section 4947(a)(1).
- An entity registered at all times under the Investment Company Act of 1940.
- A foreign central bank of issue.

Payments of dividends and patronage dividends not generally subject to backup withholding include the following:

- Payments to nonresident aliens subject to withholding under section 1441.
- Payments to partnerships not engaged in a trade or business in the U.S. and which have at least one nonresident partner.
- Payments of patronage dividends where the amount received is not paid in money.
- Payments made by certain foreign organizations.

Payments of interest not generally subject to backup withholding include the following:

- Payments of interest on obligations issued by individuals. *Note: You may be subject to backup withholding if this interest is \$600 or more and is paid in the course of the payer's trade or business and you have not provided your correct taxpayer identification number to the payer.*
- Payments of tax-exempt interest (including exempt-interest dividends under section 852).
- Payments described in section 6049(b)(5) to nonresident aliens.
- Payments on tax-free covenant bonds under section 1451.
- Payments made by certain foreign organizations.

Exempt payees described above should file Form W-9 to avoid possible erroneous backup withholding. Because certain payments exempt from backup withholding are nevertheless subject to information reporting, if you file this form with the payer, furnish your taxpayer identification number, write "exempt" on the face of the form, and return it to the payer. If the payments are interest, dividends, or patronage dividends, also sign and date the form.

Certain payments other than interest, dividends, and patronage dividends that are not subject to information reporting are also not subject to backup withholding. For details, see the regulations under sections 6041, 6041A(a), 6045, and 6050A.

**Privacy Act Notice.**—Section 6109 requires most recipients of dividend, interest, or other payments to give taxpayer identification numbers to payers who must report the payments to IRS. IRS uses the numbers for identification purposes. Payers must be given the numbers whether or not recipients are required to file tax returns. Beginning January 1, 1984, payers must generally withhold 20% of taxable interest, dividend, and certain other payments to a payee who does not furnish a taxpayer identification number to a payer. Certain penalties may also apply.

**Guidelines for Determining the Proper Identification Number to Give the Payer.**—Social security numbers have nine digits separated by two dashes; i.e., 080-00-0000. Employer identification numbers have nine digits separated by only one dash; i.e., 00-0000000. The table below will help you determine the number to give the payer.

For this type of account:	Give the SOCIAL SECURITY number of—
1. An individual's account	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, any one of the individuals <sup>1</sup>
3. Husband and wife (joint account)	The actual owner of the account or, if joint funds, either person <sup>1</sup>
4. Custodian account of a minor (Uniform Gift to Minors Act)	The minor <sup>2</sup>
5. Adult and minor (joint account)	The adult or, if the minor is the only contributor, the minor <sup>1</sup>
6. Account in the name of guardian or committee for a designated ward, minor, or incompetent person	The ward, minor, or incompetent person <sup>3</sup>
7. a. The usual revocable savings trust account (grantor is also trustee)	The grantor-trustee <sup>1</sup>
b. So-called trust account that is not a legal or valid trust under State law	The actual owner <sup>1</sup>
8. Sole proprietorship account	The owner <sup>4</sup>
For this type of account:	Give the EMPLOYER IDENTIFICATION number of—
9. A valid trust, estate, or pension trust	Legal entity (Do not furnish the identifying number of the personal representative or trustee unless the legal entity itself is not designated in the account title.) <sup>5</sup>
10. Corporate account	The corporation
11. Religious, charitable, or educational organization account	The organization
12. Partnership account held in the name of the business	The partnership
13. Association, club, or other tax-exempt organization	The organization
14. A broker or registered nominee	The broker or nominee
15. Account with the Department of Agriculture in the name of a public entity (such as a State or local government, school district, or prison) that receives agricultural program payments	The public entity

<sup>1</sup> List first and circle the name of the person whose number you furnish.  
<sup>2</sup> Circle the minor's name and furnish the minor's social security number.  
<sup>3</sup> Circle the ward's, minor's, or incompetent person's name and furnish each person's social security number.  
<sup>4</sup> Show the name of the owner.  
<sup>5</sup> List first and circle the name of the legal trust, estate, or pension trust.  
*Note:* If no name is circled when there is more than one name, the number will be considered to be that of the first name listed.

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10-2.949 Application Procedure

A. Optional Retirement and Discontinued Service: An eligible employee who wishes to apply for optional retirement or discontinued service completes SF-2801, Application for Retirement, and gives it to the U.S. Attorney who should immediately submit a SF-52, Request for Personnel Action, to the Personnel Office, Executive Office for United States Attorneys. After receipt of these forms, the Personnel Office will prepare Form DOJ-50, Notification of Personnel Action, and forward it, and related papers, to the Department's Payroll Office which is responsible for submitting the final retirement papers to the Office of Personnel Management.

B. Disability Retirement: An eligible employee who wishes to apply for disability retirement should have the following forms completed and forwarded to the Personnel Office, Executive Office, for processing and transmittal to the OPM:

1. SF-2801, Application for Retirement;
2. SF-2801-A, Superior Officer's Statement in Connection with Disability Retirement; and
3. SF-2801-B, Physician's Statement for Employee Disability Retirement Purposes. The SF-2801-B must be submitted in a sealed envelope marked with the applicant's name and the words "Disability Retirement-Privileged-Private."

The employee should be permitted to work or be carried in a leave or leave-without-pay status, with his/her permission, until the application is acted upon by the OPM. If the OPM approves the disability retirement, it will forward a notice of approval to the Executive Office, which then will notify the U.S. Attorney. The U.S. Attorney should then submit a SF-52, Request for Personnel Action, with a proposed effective date of the day after the last day the employee was in a pay status or, if the employee is in a pay status the date on which OPM's notice of approval is effective or any date thereafter.

10-2.950 Unemployment Benefits



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10-2.951 Introduction

5 U.S.C. §§8501-8508, states that Unemployment Compensation for Federal Employees (UCFE) is administered by the Secretary of Labor and provides that state unemployment insurance offices will accept claims of former federal employees and will determine their eligibility to receive unemployment benefits under applicable state law. The state eligibility and qualification provisions, and the amount of benefits, vary considerably.

10-2.952 Determination

The major determination in allowing unemployment compensation is whether the individual has performed "federal civilian service" within a base period as determined under applicable state law. "Federal civilian service" includes service performed in the employ of the United States. The only excepted category which is relevant to a U.S. Attorney's office is that service performed on a contract or fee basis is not included.

10-2.953 Employer Responsibilities

Each U.S. Attorney's office must furnish information to employees explaining their rights and responsibilities under the UCFE program. This requirement is met by preparation of a SF-8, Notice to Federal Employee about Unemployment Insurance, which informs the employee that he/she may have rights to unemployment compensation, explains the basic eligibility requirements, tells him/her to go to the nearest employment office, and describes the documents he/she should provide when filing a claim.

The U.S. Attorney's office is responsible for issuing a SF-8 to employees in the following circumstances, and within the indicated time limitations:

- A. Upon termination for any reason, on or before the last day of active duty.
- B. Upon retirement, on or before the last day of active duty.
- C. Upon transfer to another federal agency, on or before the last day of duty.
- D. Intermittent employees who are placed in nonpay status. The SF-8 is issued only the first time in each calendar year that such employees are placed on nonpay status. Issuance of this form is not required for subsequent periods of nonpay status during the same calendar year.
- E. Employees to be placed on involuntary nonpay status; *i.e.*, reduction in force, furlough, suspension pending action, and disciplinary suspension, for a period of seven consecutive calendar days or more, on or before the last day of active duty.

Each federal agency is required to pay the costs of regular and extended UCFE benefits paid to its former employees by state employment security agencies (SESAs). Because an SESA may pay UCFE benefits on the basis of a claimant's statements if the payroll office does not respond to the SESA's request for verification within 12 days, there is a paramount need for providing prompt, complete and accurate wage and separation information.

The SF-8, Notice to Federal Employee about Unemployment Insurance, must list as the address of the office where payroll records are maintained:

Justice Employee Data Service-USA-12  
Post Office Box 2922  
Code 460  
Washington, D.C. 20013

If unemployment compensation forms ES-931 or ES-931A are received by the office, they should be immediately forwarded to the Justice Employee Data Service at the above address.

10-2.954 Occupational Safety and Health Program

A. Authority: Department of Justice Order 1779.2A (February 12, 1982), provides guidance and procedures for the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices in carrying out their responsibilities for implementing an Occupational Safety and Health (OSHA) Program and for assuring effective administration of the Program.

B. Purpose: The purpose of the OSHA Program is to prevent unsafe and unhealthful working conditions and practices which may cause or contribute to occupational accidents or illness to employees. In addition, the program focuses on reduction of other forms of monetary losses caused by accidental property damage to facilities, equipment, vehicles and supplies, as well as losses caused by fire.

C. Policy:

1. It is the policy of the Executive Office for U.S. Attorneys and the U.S. Attorneys' offices to administer an OSHA Program to ensure safe and healthful working conditions for its employees while on the job. Effective administration of this program requires that supervisors, employees and the Safety and Health Manager for the Executive Office for U.S. Attorneys develop and maintain a system for prompt reports, investigations, and corrections of any unsafe and unhealthful working condition.

2. Employees are encouraged to report immediately to their supervisors any condition or situation in any office which they believe may reasonably contribute to an unsafe and unhealthful work site. No employee shall be subject to restraint, interference, coercion, discrimination or reprisal for filing a report of an unsafe or unhealthful working condition or for other authorized participation in the OSHA Program activities.

D. Responsibilities:

1. The Director of the Executive Office for U.S. Attorneys has overall responsibility for the OSHA Program. He or she, possibly through a designee, shall promote employee awareness of occupational

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safety and health matters through the normal information channels such as publishing information, as necessary, in the "For Your Information" news bulletin and distributing pamphlets, handbooks, and posters. The Director shall also ensure that the Safety and Health Manager for the Executive Office adheres to the specific requirements and guidelines to maintain an effective Safety and Health Program as outlined in Department of Justice Order 1779.2A (February 12, 1982).

2. The Safety and Health Manager is responsible for receiving and investigating reports of unsafe or unhealthful working conditions and to make every effort to promptly abate such matters. The manager will effect reasonable actions to abate unsafe working conditions within the timeframes set forth in an established abatement plan. If a condition cannot be abated within the specified timeframe, the manager is responsible for notifying the Director, Executive Office for U.S. Attorneys, or a designee, of the condition, the corrective efforts initiated, the basis for the delay, and a recommended course of action.

3. The U.S. Attorney is responsible for establishing an Occupational Safety and Health (OSHA) Committee in his or her office which pursuant to Department policy will be comprised of at least one management and one nonmanagement employee. The OSHA Committee will monitor and execute safety and health policies of the program. The Administrative Officer will serve the role as the OSHA Coordinator and will be responsible for reporting to the Safety and Health Manager of the Executive Office any unsafe or unhealthful working conditions. Additionally, each local OSHA Committee will be responsible for the following duties:

a. Monitoring and assisting the safety and health program at establishments under their jurisdiction and make recommendations to the Safety and Health Manager on the operation of the program;

b. Monitoring findings and reports of workplace inspections to confirm that appropriate corrective measures are implemented;

c. When requested by the Safety and Health Manager, participating in inspections of the establishment;

d. Reviewing and recommending changes, as appropriate, to procedures for handling safety and health suggestions and recommendations from employees;



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e. When requested by the Safety and Health Manager, commenting on standards proposed pursuant to the provisions of Chapter 3 of Department of Justice Order 1779.2A (February 12, 1982);

f. Monitor and recommend changes, as required, in the level of resources allocated and spent on the safety and health program; and

g. Review OBD, Bureau or establishment responses to reports of hazardous conditions, safety and health program deficiencies and allegations of reprisal.

10-2.955 Incident Investigations

Incident investigations are important and necessary if reoccurrences of the incidents are to be prevented and if general working conditions are to be reasonably free of safety and health hazards. Investigations will be conducted of the following incidents:

A. Any employee injury, occupational disease, or death connected with the performance of official duties;

B. All known public injuries and property damage within the jurisdictional administration of the Department where there is a reasonable possibility of a tort claim to be filed against the United States;

C. Any fire, regardless of its cost, involving equipment, building structures, or contents of any property under Department control;

D. Any motor vehicle accident involving Department or GSA motor pool vehicles and those privately owned, commercially leased or legally seized when used on official business; and

E. Any other property under the control of the Department that is damaged by accident (repaired or replaced for any reason other than a fair wear and tear) irrespective of the cost to repair or replace such property.

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10-2.956 Occupational Safety and Health Committee

[RESERVED]

10-2.957 Occupational Safety and Health Training

[RESERVED]

10-2.958 Recordkeeping and Reporting Requirements

[RESERVED]

10-2.960 Workers Compensation

10-2.961 Introduction

The Federal Employees' Compensation Act (FECA), 5 U.S.C. §8101 provides compensation and medical care for all employees of the federal government (including instrumentalities of the United States wholly owned by the United States) for disability due to personal injuries sustained while in the performance of duty. The term "injury" includes diseases proximately caused by the employment. The law also provides for the payment of funeral and burial expenses and compensation for dependents if an injury or disease causes an employee's death.

10-2.962 Jurisdiction

A federal employee who is injured while in the performance of duty has no right to recover damages from the United States for the effects of an injury except through the FECA. The benefits provided by the Act constitute the exclusive remedy for work-related injuries or deaths.

10-2.963 Application Procedure by Employee

An employee is required to give his/her official supervisor written notice of injury within 30 days after an injury in the performance of duty. Compensation may be denied if notice of injury is not given within 30 days or if the supervisor does not have actual knowledge of the injury. An injured employee is required to file a written claim for compensation within three years after the injury before compensation may be paid.

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Generally, a person may not concurrently receive compensation from the Office of Workers' Compensation Programs and a retirement or survivor annuity from the Office of Personnel Management, but the beneficiary may elect to receive the more advantageous benefits. The one exception to this rule occurs when a widow/widower is being paid the balance of a scheduled compensation award due a deceased employee.

10-2.964 Employer Responsibilities

An employee injured on the job is also entitled to first aid and medical care. This includes hospital care when needed. The medical care is to be provided by any duly qualified local private physician or hospital of the employee's choice. When travel is necessary to receive medical care, the injured employee may be furnished transportation or may be reimbursed for travel and incidental expenses.

A. Traumatic Injury: An employee who sustains a disabling, job-related traumatic injury is entitled to continuation of regular pay without charge to leave for a period not to exceed 45 days. However, there is no requirement for continuation of a person's employment beyond the date it would have terminated had the employee not been injured.

Upon receiving notice that an employee has sustained a job-related traumatic injury, the supervisor is to authorize medical care promptly, if needed. Form CA-16, Request for Examination and/or Treatment, is provided for this purpose. In addition, the following steps should be initiated:

1. Provide the employee with Form CA-1, Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, for reporting the injury and, upon receipt of the completed form, return to the employee the Receipt of Notice of Injury copy;
2. Advise the employee of the right to elect continuation of regular pay, if the injury is disabling;
3. Inform the employee whether continuation of regular pay will be controverted, and if so, whether it will be terminated, and the basis for this action. An explanation of the controversion is to be submitted to the Office of Workers' Compensation Programs (OWCP) on the supervisor's portion of Form CA-1, or by separate narrative report, or both;

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4. Form CA-1, fully completed by both employee and supervisor, and all other documents and pertinent information must be submitted to the appropriate regional Office of Workman's Compensation and two copies mailed to the Personnel Office, Executive Office for U.S. Attorneys.

5. Notify OWCP immediately when employee returns to work or disability ceases. Form CA-3 is provided for this purpose.

B. Occupational Disease: An employee who sustains an occupational disease is not entitled to continuation of pay for the period of the illness. The employee may elect annual leave, sick leave, or leave without pay.

Upon receiving notice that the employee has sustained an occupational disease, the supervisor, before authorizing medical care, will initiate the following steps:

1. Provide the employee with Form CA-2, Notice of Occupational Disease and Claim for Compensation, and upon receipt of the completed form, return to the employee the "Receipt of Notice of Injury" copy;

2. Advise the employee to furnish supporting medical and factual information requested on the instruction sheet attached to the CA-2;

3. Advise the employee of the right to elect sick or annual leave pending adjudication of the claim by the OWCP; and

4. Form CA-2 fully completed by both employee and supervisor, together with all other documents and pertinent information must be submitted to appropriate regional OWCP district office and a copy mailed to Personnel Office, Executive Office For U.S. Attorneys.

C. Forms: U.S. Attorneys' offices are expected to maintain an adequate supply of the basic forms needed for the proper recording and reporting of injuries or diseases. Below is a listing of the basic CA forms.

<u>Form</u>	<u>TITLE</u>
CA-1	Federal Employee's Notice of Traumatic Injury and Claim for Compensation
CA-2	Federal Employee's Notice of Occupational Disease and Claim for Compensation



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- CA-2a Notice of Recurrence of Disability
- CA-3 Report of Termination of Disability and/or Payment
- CA-4 Claim for Compensation on Account of Injury or Occupational Disease
- CA-7 Claim for Compensation on Account of Traumatic Injury
- CA-8 Claim for Continuing Compensation on Account of Disability
- CA-16 Request for Examination and/or Treatment
- CA-17 Duty Status Report
- CA-20 Attending Physician's Report
- CA-20a Attending Physician's Supplemental Report
- CA-1333 Federal Employees' Compensation Medical Provider's Claim Form

The Office of Workers' Compensation Programs (OWCP) has adopted Form CA-1333, Federal Employees' Compensation Medical Provider's Claim Form, for payment of medical services and/or supplies. This form should be reproduced locally. Use by hospitals of Form CA-1333 is optional. In all other cases use of this form is mandatory as of June 2, 1980. Medical claims not submitted on the CA-1333 after June 2, 1980 will not be processed by OWCP but will, instead, be returned for completion of that form.

Any employee who is authorized by Form CA-16 to obtain medical services and/or supplies should be furnished with two copies of Form CA-1333, Federal Employees' Compensation Medical Provider's Claim Form. Use of this billing form, with the exception of hospitals, is mandatory for payment of medical services and/or supplies.

D. Leave Buy Back: If an employee has elected to use leave pending the settlement of a compensation claim, he/she maybe entitled to the "reinstatement of leave" (leave buy back). In those cases, the Office of Federal Employees' Compensation will forward a form CA-1207 to the employee. Items 1 through 4 of the CA-1207 should be completed by the employee. The remainder of the form will be completed by the Payroll

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Office. U.S. Attorneys' offices should not complete items 5 through 8 of the CA-1207. Forward it for completion to: Justice Employee Data Service, P.O. Box 2922, Washington, D.C. 20013.

E. Offices of Workmen's Compensation:

<u>Region Address</u>	<u>Area of Jurisdiction</u>
Region I - Boston  Rm. 1800, John F. Kennedy Bldg. Government Center Boston, Massachusetts 02203	Connecticut, Maine Massachusetts, New Hampshire, Rhode Island and Vermont
Region II - New York  1515 Broadway (at West 44th) Rm. 3324 New York, New York 10036	New Jersey, New York Puerto Rico, and the Virgin Islands
Region III - Philadelphia  Rm. 15100, Gateway Bldg. 3535 Market Street Philadelphia, Pennsylvania 19104	Delaware, Pennsylvania, Virginia, West Virginia and the District of Columbia
Region IV - Atlanta  Rm. 325 1365 Peachtree Street, N.E. Atlanta, Georgia 30309	Alabama, Florida, Georgia Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee
Region V - Dallas  555 Griffin Square Bldg. Rm. 100 Griffin & Young Streets Dallas, Texas 75202	Arkansas, Louisiana, New Mexico, Oklahoma and Texas
Region VI - Chicago  230 South Dearborn Street 8th Floor Chicago, Illinois 60604	Illinois, Minnesota, and Wisconsin

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Rm. 867  
1240 East Ninth Street  
Cleveland, Ohio 44199

Indiana, Michigan  
and Ohio

Region VII - Kansas City

1910 Federal Office Bldg.  
Kansas City, Missouri 64106

Iowa, Kansas, Missouri  
and Nebraska

Region VIII - Denver

Drawer 3558, Federal Bldg.  
1961 Stout Street  
Denver, Colorado 80294

Colorado, Montana,  
North Dakota, South Dakota,  
Utah, and Wyoming

Region IX - San Francisco

450 Golden Gate Avenue  
P.O. Box 36066  
San Francisco, California 94102

Arizona, California  
and Nevada

300 Ala Moana Boulevard  
Rm. 5108, P.O. Box 50209  
Honolulu, Hawaii 96815

All land and water areas  
west of the continents of  
North and South America  
to 60° East Longitude  
(Excluding Iran)

Region X - Seattle

4010 Federal Office Bldg.  
909 First Avenue  
Seattle, Washington 98174

Alaska, Idaho,  
Oregon, and Washington

10-2.970 Death Benefits

10-2.971 Possible Benefits

The beneficiary of a deceased employee may be eligible to receive the following benefits:

A. Federal Employees Group Life Insurance, if the employee was covered. See USAM 10-2.920.

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B. A survivor's annuity under the Civil Service Retirement System, (CSRS) or lump sum payment; or Office of Federal Employee's Compensation (OFEC) death benefits, if the death is job-related.

C. Federal Employees Health Benefits.

D. Unpaid compensation.

10-2.972 CSRS Survivor's Annuity

For a deceased employee's survivor(s) to be eligible for an annuity, the employee must have completed at least 18 months civilian service and have died while employed in a position covered by the CSRS. See USAM 10-2.940. A survivor's annuity may be payable to:

A. A widow/widower who was married to the employee for at least 2 years immediately before the employee's death or, if married less than 2 years, was the parent of a child born of the marriage.

B. A child, including one who is legally adopted, of the deceased employee who is unmarried and under the age of 18. A step child or illegitimate child is eligible if the child lived with the employee in a regular parent-child relationship.

C. An unmarried child who is over 18 and is incapable of self-support because of a physical or mental disability which began before age 18, or an unmarried child between ages 18 and 22 who is a student.

Survivors' annuities are adjusted for cost-of-living increases which occur after the death of the employee.

If the employee did not meet the basic eligibility requirements or if there are no surviving spouse or children eligible for the annuity, a lump sum benefit is payable.

10-2.973 OFEC Death Benefits

OFEC death benefits cover deaths due to personal injury sustained while in performance of duty or due to employment related disease. The proximate cause of death must be the employment. Benefits include burial expenses and a monthly annuity for the employee's spouse, children, and other dependents. These benefits and a Civil Service Retirement annuity cannot be paid concurrently. Therefore, the survivors should apply for both and elect whichever one is most advantageous.



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The OFEC has the right to be reimbursed for damages recovered in any case of death caused under circumstances creating a legal liability upon someone other than the United States. No person claiming compensation should attempt to settle a third party claim arising out of the death without first obtaining advice and approval from the Secretary of Labor.

10-2.974 Health Benefits

A deceased employee's survivors may continue his/her health benefits coverage if all the following requirements are satisfied:

- A. The deceased employee was enrolled for self and family at the time of death;
- B. At least one family member is entitled to an annuity as the survivor of the deceased employee; and
- C. The total survivor's annuity is sufficient to pay the withholdings required for enrollment in the plan.

If there is only one survivor annuitant, the health benefits enrollment will be changed automatically to self only, and there will be a reduction in the amount of the premium.

10-2.975 Unpaid Compensation

The survivor(s) will receive payment for unpaid compensation, which includes:

- A. The final salary;
- B. Any annual leave in the deceased employee's leave account; and
- C. Any partial contributions for U.S. Savings Bonds.

Any money owed to the government for such items as travel advances and excess leave will be deducted from the compensation payment.

10-2.976 Responsibilities of the Employing Office

The U.S. Attorney's office is responsible for contacting the Personnel Office, Executive Office for U.S. Attorneys, immediately upon

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the death of an employee and providing the following information:

- A. Date of employee's death;
- B. Whether the death was job related; and
- C. The name, current address, and telephone number of next-of-kin, designated beneficiaries, and executor of the estate, if one is appointed.

The office may be asked by the Personnel Office to assist in transmitting information to the beneficiaries and assisting the beneficiaries in submitting the required forms.

10-2.977 Responsibilities of the Personnel Office

The Personnel Office, Executive Office for U.S. Attorneys, will inform the beneficiaries, next-of-kin, or executor of all benefits and entitlements and will supply them with the necessary forms and instructions for their completion. Upon receipt of the completed forms, the Personnel Office will take the necessary action to process them.

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10-3.000 OPERATIONAL EXPENSES

10-3.100 INTRODUCTION - ECONOMY OF OPERATIONS

In all instances, expenses of operating the U.S. Attorneys' offices should be kept to a minimum.

Among the economies which should be effected by U.S. Attorneys are:

A. Reducing the number of Assistants and support personnel traveling to places of holding court, and reducing the number of autos used in transporting personnel to such places.

B. Keeping under control the number of witnesses subpoenaed, and limiting the number to those without whom the case could not be litigated successfully.

C. Notifying witnesses promptly of postponement

D. Calling cases to trial as promptly as the state of the docket and legal problems permit, particularly actions involving seizures.

E. Using every expedience available to reduce storage expenses on seized automobiles, foodstuffs, and the like.

F. Utilizing government physicians whenever possible for medical examinations.

G. Limiting transcript purchases to essential needs.

H. Negotiation of fees of expert witnesses, to keep them as moderate as possible.

I. Using the most economical means of communication for transaction of official business.

J. Centralizing procurement activities in one officer, to insure that equipment and services are purchased only when needed and at the lowest possible costs.

K. Utilizing annual position reviews to eliminate unnecessary positions or reduce grades when appropriate.

L. Planning travel to minimize layovers and the number of nights spent away from the district.

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M. Requesting parking spaces only when absolutely necessary and only for those in need.

N. Ensuring that available space is used as efficiently as possible.

O. Limiting the use of commercial telephone networks for long distance telephone calls.

10-3.200 CONDITIONAL EXPENSES

10-3.210 Depositions

Depositions should be taken whenever possible, to reduce expenditures. Depositions should be taken before notarial officers or other officer authorized for administering oaths. Depositions before magistrates should be taken only when other such officers are not available.

U.S. Attorneys are authorized to incur the necessary expenses of taking depositions. Whenever a salaried federal court reporter takes a deposition, the reporter is entitled to compensation for the production of transcript, but no attendance fee may be paid. To pay an attendance fee to a salaried federal court reporter would be considered a violation of the prohibition against dual compensation. 5 U.S.C. §5533. The salaried federal reporter is not controlled by the court-reporting law (see 28 U.S.C. §753) as to charges for work not regulated by that statute. Payment to stenographers for services should be in accord with prevailing local rates.

Payment for reporting or transcribing depositions, expenses of notaries, etc., will be made from the appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice." Payment can be accomplished by completing a Voucher Cover Sheet (OBD-50) in accordance with Department of Justice Order 2110.27 (August 31, 1973).

All expenses, including witness payments, should be coded to the district in which the case requiring the deposition is being conducted, even though the deposition may have been taken in another district.

Stenographic and notarial charges related to depositions for indigent persons are paid by the Department of Justice only in the case of fact

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witnesses. In these cases, such charges should be vouchered in the same manner as expenses for depositions of government fact witnesses. They should be signed by the district judge as required by statute. 18 U.S.C. §1825.

Depositions to be taken in a foreign country must be channeled through the Department of State in the same manner as subpoenaing a witness who resides in a foreign country to appear in court. If a foreign witness must travel to the place designated for taking the deposition, proceed in the same manner as meeting travel expenses for bringing such a witness to trial. Authorization can be obtained to pay for the services of interpreters and stenographers, if none are available in the embassy or consulate, by notifying the Financial Manager, Administrative Services, Executive Office for U.S. Attorneys, approximately one week in advance, so that that office may authorize the consular officer to pay for the services.

The Office of International Affairs in the Criminal Division, or the Office of Foreign Litigation in the Civil Division, should be consulted in the case of depositions to be taken in the United States at the request of a foreign court.

If, in connection with depositions to be taken abroad, witnesses are to be examined on the premises of the diplomatic or consular mission, arrangements should be made in advance with the Special Authorization Unit, Justice Management Division (JMD), to provide advance authority to the consular official to reimburse these witnesses in the same manner as those appearing in federal courts.

U.S. Attorneys' offices desiring to send letters rogatory, depositions, service of summons, or other court orders abroad should forward them to the Office of Special Consular Services, Department of State, Room 4800, 2201 C Street, N.W., Washington, D.C. 20520, which will send the documents to the country involved in diplomatic pouch. Should further assistance be desired regarding letters rogatory, they should be forwarded to the Civil Division, Attention: Office of Foreign Litigation, for transmittal to the Department of State. It is necessary in this case to indicate the desired method of handling for the consular officer performing the service. Certain foreign countries do not permit consular officers to perform these services; in those countries, public officials or local attorneys are required to effect the service or conduct the examination. Letters rogatory should be addressed "To the Appropriate Judicial Authority in (name of country)."



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10-3.211 Depositions Taken for the Purpose of Discovery

Expenses incurred in the taking of depositions of expert witnesses who will not be government witnesses may not be charged to the Department of Justice's "Fees and Expenses of Witnesses" appropriation, since this appropriation may only be charged for the expenses of government witnesses and not for depositions taken to discover the testimony of expert witnesses who will testify for opposing counsel.

Such expenses are considered litigative expenses and should be charged to "Salaries and Expenses, U.S. Attorneys and Marshals."

10-3.220 Extradition

Fees and expenses, including travel expenses for witnesses who are to testify in foreign extradition proceedings may not be charged to the appropriation "Fees and Expenses of Witnesses," since that appropriation refers specifically to witnesses before U.S. Courts.

If the witness is employed by a United States government agency which has investigative or law enforcement power and will testify as to the witnesses' official duties, his/her costs, including travel, are properly chargeable to the agency.

If the witness is a United States government employee but does not fit the criteria in the preceding paragraph, the witness/employee should travel in accordance with the costs charged to the office securing the extradition.

If the witness is not a United States government employee, the witness may be paid a fee and expenses, with such costs chargeable to the office securing the extradition. The Assistant Attorney General for Administration is responsible for setting the rates for fees and expenses of witnesses and, since schedules have not been established, it is necessary to obtain approval from the Assistant Attorney General for Administration in each case.

For any extradition proceeding, immediately contact the Criminal Division, Office of International Affairs, which will provide specific guidelines, and suggestions, as well as the necessary clearances. All other information relating to extradition should be obtained from the Executive Office, as well as the other relevant sections of other titles of the U.S. Attorneys' Manual.

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10-3.230 Foreign Counsel and Witnesses

10-3.231 Foreign Counsel

After the necessity for such counsel has been approved by the head of the division or office, the United States embassy or consulate in the country involved should be requested to furnish a list of qualified and suitable counsel. The letter should explain the nature of the suit and the type of special qualifications, if any, which may be required. As a general policy, consular officers do not recommend a particular attorney with respect to private matters. However, in government cases, consular officers will recognize the government's interest and will be prepared to give information. These officials maintain lists of qualified counsel based on their experiences with such counsel. They know which counsel have previously represented the United States and the rates they have charged.

Upon receipt of the above list, the various attorneys should be sent a uniform letter explaining in detail the facts and issues involved and requesting that those interested submit a daily fee for preparation of the case, a daily fee for courtroom attendance, and travel and other miscellaneous expenses.

After it is determined which counsel is most suitable on the basis of both qualifications and cost, and before any final commitment is made, a written request explaining the purpose for which foreign counsel is required and providing an estimate of the cost should be submitted to the Executive Office for U.S. Attorneys. The Executive Office will review the request and inform the U.S. Attorney's office what expenses have been authorized. It will also inform the U.S. Attorney of the arrangements made to procure services of foreign counsel and the procedure for payments of the foreign counsel's fee. Foreign counsel may be reimbursed in either U.S. currency or foreign currency. Payment may be made either through the Department of Treasury or State.

10-3.232 Foreign Witnesses

In most cases, consular officials will serve subpoenas on American Citizens (including American Nationals who, while not citizens, owe permanent allegiance to the United States, as well as alien residents, who have been lawfully admitted for permanent residence in the United States, although not citizens) residing abroad, except in those countries (such as Switzerland) which prohibit foreigners from serving legal documents. In

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these cases, the Office of International Affairs in the Criminal Division or the Office of Foreign Litigation in the Civil Division should be consulted, as appropriate.

American citizens are entitled to compensation for travel and expenses in these cases. The Consular Mission can make such payments directly from Department of Justice funds when effecting service of the subpoenas, provided the Assistant Attorney General for Administration gives disbursing authorization. To guard against possible misuse of funds or failure to appear, it is urged that court orders be drafted and employed which call for the provision of a ticket, as opposed to cash. Attendance expenses may be in cash, on the basis of rates prescribed in 28 U.S.C. §1821, for the first two or three days' absence from home. There may also be a cash allowance in an estimated amount for incidental expenses such as transportation to and from terminals.

U.S. Attorneys and their Assistants should:

A. Secure a court order in accordance with above and 28 U.S.C. §1783 least two weeks prior to trial, if possible.

B. Send the original and one copy of the subpoena and court order to the Office of Special Consular Services, Department of State, Room 4800, 2201 C Street, N.W., Washington, D.C. 20520. In the letter of transmittal, advise the consular officer that the return may be made on the reverse side of the subpoena or on a separate paper, and indicate where the return should be forwarded.

C. Send one copy of the court order to the Assistant Attorney General for Administration, attention: Special Authorizations, to serve as a basis for disbursing authorization.

Since foreign nationals residing abroad are not subject to the subpoena power of United States courts, their attendance can be only voluntary. Obtaining such testimony is often a delicate matter, and care must be taken during negotiations not to offend the sovereignty of the nation involved. When the testimony of the employee of a foreign government is contemplated, it is imperative that the attorney submit a request directly to the Office of International Affairs in the Criminal Division, or the Office of Foreign Litigation in the Civil Division, prior to communicating with the witness or the foreign government. The appropriate office will request the Department of State to obtain the approval of the foreign government involved.

Payment for subsistence, witness fees, and actual cost of travel, for both American and foreign citizens, is fixed by 28 U.S.C. §1821. This

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payment can be made on the basis of the witness attendance certificate, and additional forms are not necessary. If the witness requires an advance of travel funds from the embassy or consulate, the U.S. Attorney should notify the Assistant Attorney General for Administration one week in advance, if possible, so that the consular officer can be authorized to furnish a ticket and, if necessary, the first day's witness allowance. The U.S. Marshal will be notified of such authorization and will adjust witness payments accordingly.

For assistance on witness matters, call the special Authorization Unit, Administrative Programs Management Staff, Justice Management Division.

10-3.233 Payment of Travel Expenses of Defendant and Counsel to Attend Depositions Taken at the Instance of the Government

As provided in 18 U.S.C. §3503(c), whenever a deposition is taken at the instance of the government, the court may direct that the expenses of travel and subsistence for the defendant and his/her attorney for attendance at the deposition be paid by the government. A November 26, 1975, Decision of Administrative Counsel (Justice Management Division), Department of Justice, stated that such costs are rightly the responsibility of the prosecution and should be paid by the division or office within the Department responsible for litigating the particular case.

Thus, in those instances where a U.S. Attorney's office is the prosecuting office and is directed by the court to pay such costs, the expenses will be considered to be litigative expenses chargeable against the U.S. Attorneys' appropriation and payable through the U.S. Marshals. Defendant and his/her counsel will be reimbursed for "reasonable expenses", i.e., only those expenses for which a government employee traveling under government travel regulation would be reimbursed.

10-3.240 Interpreters

The Court Interpreters Act of 1978 requires the Director, Administrative Office of the U.S. Courts (AOUSC) to "establish a program to facilitate the use of interpreters in courts of the United States." The AOUSC will prescribe standards for interpreter qualifications and will certify the qualifications of individuals who may serve as interpreters in bilingual proceedings and in proceedings involving persons whose hearing is impaired. All costs for interpreter services necessary to enable a



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party to comprehend the proceedings in the courtroom or in chambers, to communicate with counsel in the immediate environs of the courthouse in connection with ongoing judicial proceedings and to communicate with the presiding judicial officer are payable from funds appropriated to the judiciary. Interpreter services required by a criminal defendant to whom the government furnishes representation under the Criminal Justice Act are payable from funds appropriated to support that Act. The U.S. Attorney is generally chargeable only for interpreter services necessary to interpret the testimony of government witnesses. Although testimony situations are the most common occasion for the use of interpreters, interpreters may also be engaged for services necessary to determine the course of litigation. They may be paid for, or provided transportation, facilities, equipment or materials as necessary and appropriate to satisfy the U.S. Attorney's requirements.

Interpreters are required to execute a written oath as prescribed by AOUSC. The rate of compensation should be fixed by agreement with the interpreter before the interpreter renders the service required by the U.S. Attorney. Rates of compensation should correspond to rates paid by the court. The AOUSC regulation (Sec. 1.72) currently permits the presiding judicial officer to fix reasonable compensation according to the prevailing rates at the location where the designated interpreter regularly works.

Payment for interpreter services can be accomplished by obtaining a bill from the interpreter and completing a voucher cover sheet (OBD-50) in accordance with Department of Justice Order 2110.27 (August 31, 1973).

10-3.250 Subpoenas

10-3.251 Compliance with Subpoenas Duces Tecum

Whenever such a subpoena is served on a U.S. Attorney or any other Department of Justice officer or employee, he/she should proceed in compliance with Departmental policy regarding property management, disclosure of information, and records management.

In lieu of subpoenas duces tecum involving Armed Forces documents, it is urged that letter requests be forwarded for certification and authentication under the seal of the branch of the service. See Rule 44, Fed. R. Civ. P. and Rule 27, Fed. R. Crim. P. As much notice as possible should be provided prior to the date of trial. In the request, the U.S. Attorney should indicate the purpose or use of the documents to give the

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service the ability to supply the exact evidence required. In exceptional cases where production of official documents or records by a representative of the Armed Forces is required, the attendance procedure for Armed Forces witnesses should be followed. See USAM 3-2.510-2.520.

To expedite production of fiscal records, a letter should be directed to the Comptroller General, attention: Records Management and Service Branch, General Accounting Office, Washington, D.C. 20548. Maximum lead time should be allowed.

10-3.252 Employees Under Subpoena

See 28 C.F.R. §§16.21 et seq.

When a subpoena is served on an officer or an employee of the Department by or on behalf of a private litigant, the Federal Rules of Civil Procedure require that the employee be tendered one day's witness fee plus mileage. Any other service is not legal service under the Rules.

Frequently, the purpose of the subpoena is served by the submission of documentary evidence or other written instrument to the court, instead of by personal appearance. If the substituted type of compliance is accepted by the litigant, it is the policy of the Department of Justice to consider that the fee and the mileage have been earned. In such cases, the fee and mileage previously received will be forwarded to the Accounting Operations Group, Justice Management Division, for deposit into the appropriate Miscellaneous Receipt Account.

If the officer or employee complies with the subpoena by appearing in court in his/her official capacity, he/she must look to the private litigant for his/her fees and mileage. No charge will be made against annual leave. Any amount received in excess of actual expenses will be forwarded in the same manner as above. See Department of Justice Order 1630.14 (September, 20, 1978).

If subpoenaed in his/her private capacity, on behalf of a private party, the Department of Justice employee will look to the litigant for fees and mileage. Such absences are charges to annual leave. All fees and mileage received are retained by the employee.

10-3.260 Witnesses

For problems on witness matters call the Special Authorizations Unit, Justice Management Division.

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Attendance expenses for fact witnesses are prescribed in 28 U.S.C. §1821. See USAM 3-2.000, and call the above unit for specific information on rates and information as to what expenses the Department of Justice will pay.

A. Fact Witnesses: When absolutely essential, advances may be obtained by completing OBD-158, application for Advance of Funds, and submitted to the U.S. Marshal for payment. See OBD Order 2110.6 (July 22, 1975). Form OBD-3 (Superseding form LAA 3), Witness Attendance Certificate, provides for certification of attendance and payment of fees. Payments are made by the U.S. Marshal for the district in which the hearing is held. See USAM 3-2.100-2.210. Fact witnesses for defendants proceeding in forma pauperis are paid in the same manner as other fact witnesses.

See Department of Justice Order 2110.24A (July 17, 1978); USAM 3-2.200 and 3-2.422.

B. Government Employee Witnesses: Requests for such witnesses should be made on OBD-16, Request for Armed Forces or Government-Employee Witness. For procedures, see USAM 3-2.400-2.422.

C. Armed Forces Witness: OBD-16 is also used. See USAM 3-2.510-520.

D. Prisoners as Witnesses: See Department of Justice Order 2110.25 (October 23, 1973); USAM 3-2.600. Generally, prisoners may be produced to testify in another district only upon presentation of a writ of habeas corpus, naming the U.S. Marshal serving the writ and the warden having custody. Only unconvicted prisoners awaiting trial may be paid fees and expenses.

E. Expert Witnesses: Whenever experts are required, every effort should be made to use government employees in the specialized fields, from field offices or, in some circumstances, from Washington. Each office should establish an expert witness list to assist in locating and negotiating fees with such witnesses. See Department of Justice Order 2110.25 (Oct. 23, 1973). For information on what fees and expenses may be paid government employee witnesses, see USAM 3-2.711. For a description of available FBI services, see USAM 3-2.720. Careful consideration should be given to a potential expert witnesses' personal character, integrity, and loyalty to the United States. If there are any doubts as to the latter, a name check should be requested from the FBI. For

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information on negotiations with expert witnesses, see USAM 3-2.740. Authorization and payment procedures are described in USAM 3-2.750-2.770.

10-3.261 Witness Protection and Maintenance Policy and Procedures

28 U.S.C. §524 authorizes the Department to pay for compensation of witnesses and informants at rates approved by the Attorney General or the Assistant Attorney General for Administration. Title V of Pub. L. 91-452 authorizes the Attorney General to provide for the security of government witnesses and potential witnesses, and members of their families. A detailed explanation of this program is found in USAM 9-21.000.

10-3.262 Payment of Expert Witnesses Appointed by the Court Under Federal Rules of Evidence

Federal judges are allowed to appoint expert witnesses to assist the court in the performance of its duty on a particular case or proceeding under Fed. R. Evid. 706. The court may either appoint an expert of its own choosing or one agreed upon by both parties. The expert's deposition may be taken by any party and he/she may be called to testify by the court or any party.

A. Criminal Proceedings and Civil Condemnation Proceedings: The compensation of expert witnesses appointed by the court under Fed. R. Evid. 706 is treated as a litigative expense chargeable to the litigating agency of the Government. 58 COMP. GEN. §259 (1979). In those instances where the Department of Justice is the litigating agency, the expenses of the court-appointed expert witness are payable from the appropriation "Fees and Expenses of Witnesses."

B. Civil Proceedings: Fed.R.Evid. 706 provides that in other civil actions, the compensation of court-appointed experts shall be paid by the parties in such proportions and at such times as the court directs. Any compensation charged to the Department of Justice will be paid from the appropriation "Fees and Expenses of Witnesses."

C. Authorization and Payment Procedures: When the expert is appointed by the court, the U.S. Attorney should submit to Justice Management Division (JMD) an OBD-47 accompanied by a copy of the court order appointing the expert witness under Fed. R. Evid. 706. Prior approval by JMD is not required in such situations; instead, JMD will accept the court order and automatically authorize use of the expert witness.



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For instructions on submitting expert witness expenses, see USAM 3-2.770 and contact the Accounting Operations Group, JMD, if further information is needed.

D. Exclusions Under Fed. R. Evid. 706: The appointment of expert witnesses for an indigent defendant in criminal cases or in civil habeas corpus cases is not provided under Fed. R. Evid. 706. In such instances, the Criminal Justice Act authorizes the court-appointed defense attorney to hire an expert witness on behalf of indigent defendant. The expenses of the expert will be paid by the Administrative Office of the U.S. Courts from funds appropriated for the implementation of the Criminal Justice Act. See generally, USAM 10-3.330 and DOJ Order 2110.24A (July 17, 1978).

10-3.270 Lapse in Appropriations

10-3.271 Phasing Down U.S. Attorney Operations

In the event there arises a situation in which an appropriation of funds may not be available for operation of the Department of Justice, the U.S. Attorneys' offices will proceed under the guidelines set forth below, in compliance with the Antideficiency Act, 31 U.S.C. §665. The Antideficiency Act, as construed by the Attorney General, provides that, in the absence of appropriation, no obligation can be incurred except for the protection of life and property, the orderly suspension of operations or as otherwise authorized by law.

A. Administrative Operations

1. Notification: In the event of an impending lapse in appropriations, the Assistant Attorney General for Administration will notify all Department personnel of pending furloughs and phasing down operations. The Executive Office for U.S. Attorneys will then contact each U.S. Attorney with more specific information and instructions and will keep them aware of any more current information available from the Justice Management Division and Office of Management and Budget.

2. Essential/Non-Essential Personnel: Upon notification of a pending lapse in appropriations, the U.S. Attorney shall identify employees who are necessary to sustain legal operations as defined in USAM 10-3.271(B) below. At the instance of a lapse in appropria-

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tions, only those employees necessary to sustain the legal operations defined in USAM 10-3.271(B) shall be permitted to continue working. All other employees may only remain in duty status to the extent necessary to facilitate an orderly phasedown of non-essential activities. The U.S. Attorneys shall identify the individual employees who are considered essential and shall notify each employee of his/her status, in the event of a lapse in appropriations. The U.S. Attorney has authority to recall individual employees as the need arises and to substitute furloughed employees for non-furloughed employees if the furloughed employees are able to assume the case load designated as "essential." The U.S. Attorney does not have the authority to recall employees because of the financial hardships they may be suffering.

3. Furloughs: Any employee designated non-essential will be furloughed upon a lapse in appropriations. During this time the employee will be in a non-pay, non-duty status. The employee will be notified by his/her supervisor or through some other communication channel when to return to work. Reduction-in-force procedures (5 C.F.R. Part 351 and Chapter 351 of the Federal Personnel Manual) will be followed whenever an employee must be furloughed for more than 30 days.

4. Travel During a Lapse in Appropriations: All travel, although previously authorized, will be cancelled, upon a lapse in appropriations. Any employee on travel when a funding lapse occurs should immediately contact his/her superior. If time is needed to seek a continuance or the employee is involved with a matter that poses a life or property constraint, (see USAM 10-3.271(B)) he/she will receive further instructions from his/her superior. In all other cases, the employee will be required to return home. Return travel and per diem/subsistence expenses incurred in returning are authorized.

5. Payment of Fees and Expenses of Witnesses During a Period of Lapsed Appropriations: The Antideficiency Act, 31 U.S.C. §665(a) prohibits the government from routinely continuing to make expenditures under the Fees and Expense of Witnesses ("FEW") account or creating obligations in connection with its use of fact or expert witnesses. The Office of Legal Counsel has noted several exceptions:

a. If a witness traveled to and from the courthouse because his/her appearance was directed by a court order issued prior to a lapse in appropriations, an obligation in an amount sufficient to permit the witness to return home, or if travel

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overnight is impracticable at that time, to secure overnight accommodations and meals is authorized. Disbursement will not be made until the Department's funding has resumed unless it can be shown that, where the witness lacks financial resources necessary to return home, his/her safety would be compromised by not providing a means home. In such case, a cash disbursement for that purpose is warranted;

b. Use of a witness and any obligations incurred as a result are authorized where the court denies a motion for a continuance;

c. Other instances which are not covered by the above exceptions but appear significant enough to justify use of the FEW account will be evaluated on a case-by-case basis by JMD and/or Office of Legal Counsel.

B. Legal Operations

1. Matters to be Continued During a Lapse in Appropriations: Only ongoing litigation and investigations which are essential to the protection of life and property are to continue, subject to any order of the court as indicated in subparagraphs (B)(1)(b) and (B)(1)(c). Government attorneys should take all procedural steps reasonably necessary to protect the government the government's rights in on-going litigation. Generally speaking, an attorney may act during the funding hiatus if failure to do so would permit the running of a statute of limitations or other period cutting off property rights of the government or another person. He/she may not act, however, unless or until it becomes apparent that he/she must do so in order to protect the right. In other words, an attorney should not act now if he/she can delay doing so by seeking a continuance or an extension of time without prejudice to the right.

a. Criminal Matters

(1) Trials: Attorneys handling criminal trials in which jeopardy has attached are to inform the court that, in the opinion of the Department of Justice, continuation of the trial is legally authorized.

(2) Grand Juries: Courts should all be informed that grand juries in session which are scheduled to return indictments on the day appropriations lapse may continue in operation. Other grand juries should not meet until and unless speedy trial, statutes limitations or other such problems require them to meet.

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(3) Pretrial-Postrial Matters: Attorneys handling pretrial and postrial matters in criminal cases should conform to Subparagraphs (B)(1)(a)(1) and (B)(1)(a)(2), when the defendant is in custody, and to subparagraph (B)(1)(b), when the defendant is not in custody.

b. Civil Matters: Attorneys handling on-going civil litigation, whether in trial or pretrial, should ask for a continuance or extension of time (see USAM 10-3.272) for any action required to be taken by them with respect to such litigation unless they can articulate facts demonstrating that the granting of a continuance or extension of time would jeopardize life or property or is necessary to the orderly suspension of government activities.

c. Continuances: Other than as stated in subparagraph (B)(1)(b), attorneys are to move for a continuance on the ground that the court is not authorized to be in session in absence of appropriations for the judicial branch except as authorized under 31 U.S.C. §665, and that officials of the executive branch may not make any court appearances or engage in pre- or post-trial litigation activities unless specifically ordered to do so by the court. In the event that opposing counsel objects or the court denies the requested continuance, attorneys should urge the court to make a finding and enter an order: (1) that continuance of the proceedings is necessary to the protection of life or property or to the orderly termination of operations, and (2) directing the parties to proceed. If the court declines to make a finding of fact and issue an order as noted above, but also directs the continuance of the litigation, attorneys are to obey the directions of the court.

2. Matters Prohibited During a Lapse in Appropriations

a. Non-essential activities: U.S. Attorneys should not engage in any other activities that are not essential to the protection of life and property or the orderly phase down of activities.

b. New cases: No new cases (unless there is a risk of a default judgment, or the running of a statute of limitations), investigations, or other initiatives are to be undertaken.



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10-3.272 "Sample" Motion for Continuance of All Further Proceedings

THE UNITED STATES OF AMERICA (SECRETARY OF \_\_\_\_\_), (ADMINISTRATOR OF \_\_\_\_\_) HEREBY REQUESTS OF THIS COURT A CONTINUANCE UNTIL FURTHER NOTICE OF ALL PENDING PROCEEDINGS IN THIS CASE.

THE BASIS FOR THIS MOTION IS THE MANDATE CONTAINED IN THE ANTIDEFICIENCY ACT, 31 U.S.C. §665, WHICH REQUIRES THAT IN THE ABSENCE OF APPROPRIATIONS, NO OBLIGATIONS MAY BE INCURRED EXCEPT FOR THE PROTECTION OF LIFE AND PROPERTY, THE ORDERLY SUSPENSION OF OPERATIONS, OR AS OTHERWISE AUTHORIZED BY LAW. AT THE PRESENT TIME, THERE IS NO FUNDING AUTHORIZATION WHICH HAS BEEN ENACTED INTO LAW TO REPLACE THE CONTINUING RESOLUTION THAT EXPIRED AT \_\_\_\_\_. ACCORDINGLY, THE PROHIBITIONS OF THE ANTIDEFICIENCY ACT TAKE EFFECT UNLESS THIS MATTER FALLS INTO ONE OF THE ACT'S EXCEPTIONS AS LISTED ABOVE.

BECAUSE IT DOES NOT APPEAR THAT THIS MATTER QUALIFIES AS ONE OF THE EXCEPTIONS SET FORTH IN THE ACT, THE FEDERAL GOVERNMENT IS WITHOUT LEGAL AUTHORITY TO PROCEED WITH THIS CASE AT THIS TIME. ACCORDINGLY, A CONTINUANCE OF ALL PROCEEDINGS IN THIS MATTER, UNTIL FURTHER NOTICE, IS REQUIRED.

AT THIS TIME, AND UNTIL A NEW CONTINUING RESOLUTION IS ENACTED INTO LAW, ONLY GOVERNMENT PERSONNEL DEEMED ESSENTIAL FOR THE CRITICAL OPERATIONS AND ORDERLY CESSATION OF BUSINESS WILL CONTINUE IN THE PERFORMACE OF THEIR DUTIES. SUCH ESSENTIAL PERSONNEL SHALL ADVISE THIS COURT PERIODICALLY OF THE STATUS OF THE GOVERNMENT'S ABILITY TO PROCEED IN THIS MATTER. ANY INQUIRIES WHICH THIS COURT OR OTHER COUNSEL MAY HAVE CONCERNING THIS MATTER CAN BE MADE TO \_\_\_\_\_, CHIEF, \_\_\_\_\_ SECTION, AT (202) 633-\_\_\_\_\_.  
(FTS 633-\_\_\_\_\_).

RESPECTFULLY SUBMITTED,

10-3.300 FEES AND EXPENSES

10-3.310 Appraisers and Masters

The Department of Justice generally pays for the compensation of special masters or appraisers the fees and expenses set by the court, but it reserves the right to refuse payment of unusual or unreasonable fees and/or expenses. U.S. Attorneys may authorize reasonable compensation.

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U.S. Attorneys may authorize payment of reasonable compensation for special masters, guardians ad litem, or appraisers appointed by the court as the result of an action brought by the United States. Vouchers for compensation and expenses of such individuals must be supported by copies of the order making the appointment and fixing compensation and expenses. Until the Justice Management Division prescribes a form for special masters, OBD-47, "Request and Authorization for Fees and Expenses of Witnesses," will be used. The attorney should note on the form that it is being used for a special master. The division administrative officer will forward the OBD-47 to Financial Operations Services, and administrative officers for U.S. Attorneys' Offices, to the U.S. Marshal's Office for that district.

Internal procedures for paying the master will follow the same procedures used for payment to experts and consultants. The master will submit an itemized invoice (OBD-84 and 85, "Pay Voucher for Special Services," may be used for this purpose) to the government attorney who, in turn, will submit the invoice to the administrative officer to be forwarded to the U.S. Marshall's Office, as prescribed above. Upon the order of the court, partial or advance payment of fees and expenses will be handled through these same procedures.

Fees and expenses of land commissioners will not be paid by the Department. Land commissioners appointed pursuant to Rule 71A, Federal Rules of Civil Procedure are payable from funds appropriated to the judiciary. Arrangements for the payment of land commissioners' compensation and expenses should be handled by the Administrative Office of the U.S. Courts.

10-3.320 Court Reporting and Transcripts

10-3.321 Salaried Court Reporters

As provided in 28 U.S.C. §753, each district court shall appoint one or more salaried court reporter who shall attend each session and record verbatim all proceedings in open court, and all other proceedings as specified by statute, rule, order of the court or as requested by any party to the proceedings. Executive Office for U.S. Attorneys interpretation of the statute requires that every word in criminal proceedings be recorded, including closing arguments. It is suggested that, in districts where it is not the practice to record proceedings in full, application should be made to the court to take corrective measures insuring compliance with the statute.

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The court reporter shall transcribe and certify all arrangements, pleas and proceedings in connection with the imposition of sentence in criminal cases unless they have been recorded by electronic sound recording and the original records so taken have been certified by the reporter and filed with the clerk of the court. Upon request of the judge or any party to the proceeding, the reporter is to transcribe the requested portions, promptly furnishing a certified copy to the clerk for the records of the court.

Court reporters may also use electronic sound recording equipment to record arraignments, pleas, and proceedings in connection with the imposition of sentences in criminal cases, in most magistrate proceedings and in bankruptcy proceedings. Electronic sound recording includes only recordings of the voices heard in court in a specific proceeding on a standard-make, commercially available recorder. It does not include steno-mask recording or other recorded dictation by the court reporter.

If, in lieu of transcription the court reporter elects to file an electronic sound recording of the proceeding, the reporter shall file such recording with the clerk of the court. The court reporter will also be responsible for making and filing in the clerk's office, without charge, any transcript of an electronic sound recording which may be requested for any subsequent court action. Court Reporter Manual, Chapter XVI at 1-4.

Standards for equipment to be used for electronic sound recordings have been established by the Administrative Services Division of the Administrative Office of the U.S. Courts. Court Reporter Manual, Chapter XVI at 5-8.

The salaried reporter is entitled to receive, in addition to salary, such fees for transcripts as may be prescribed from time to time by the court with the approval of the Judicial Conference. These fees are collectible from the parties, including the United States. The Department of Justice is not chargeable for any part of a transcript furnished to: the court; to its opponent; to persons proceeding in forma pauperis; nor for the reporter's travel expenses except that, on approval of the court, the cost of the original and copies may be apportioned among the persons to whom they are furnished. If the government requires daily transcripts, any additional expense involved in providing more rapid delivery must be borne by the reporter. The only exception to this is in rural areas, where the court reporter may need to hire reporters from outside the community area to help produce hourly, daily, or expedited transcripts. In such cases, the reporter may bill the ordering party for the subsistence costs of other reporters or auxiliary personnel. These costs are authorized up to the amount of travel subsistence that a government employee may be reimbursed for the same travel. An attendance fee for

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auxiliary personnel is not billable to the ordering party. Court Reporter Manual, Chapter XX at 10.

Hourly, daily, or expedited transcripts should not be ordered unless absolutely necessary. All orders for hourly or daily transcripts must be expressly authorized in advance by the U.S. Attorney or First Assistant U.S. Attorney, and documentation of such authorization must accompany all payment vouchers for hourly or daily transcripts.

1984 USAM (superseded)

APRIL 1, 1986  
Sec. 10-3.321  
Ch. 3, p. 18a



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In March 1980, the Judicial Conference established the following maximum rates per page for transcripts. Court Reporter Manual, Chapter XX at 4-5:

	<u>Original</u>	<u>First Copy to Each Party</u>	<u>Each Add'l Copy to the Same Party</u>
<u>Ordinary Transcript</u>			
A transcript to be delivered within thirty (30) calendar days after receipt of order.	\$2.00	\$ .50	\$ .25
<u>Expedited Transcript</u>			
A transcript to be delivered within seven (7) calendar days after receipt of order.	\$2.50	\$ .50	\$ .25
<u>Daily Transcript</u>			
A transcript to be delivered following adjournment and prior to the normal opening hour of the court on the following morning whether or not it actually is a court day.	\$3.00	\$ .50	\$ .25
<u>Hourly Transcript</u>			
A transcript of proceedings ordered under unusual circumstances to be delivered within two (2) hours.	\$3.50	\$ .50	\$ .25

In March 1981, the Judicial Conference reviewed the current transcript rates and found that in some localities, circumstances justified higher transcript rates. As a result, the Conference authorized the Director of the Administrative Office to increase transcript rates for original copies only by no more than 20% of the existing maximum rate. The following is a listing of the approved districts and the amounts they can charge above the maximum rate:

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<u>District</u>	<u>Amount</u>
New York, Southern	20%-all categories
New York, Eastern	20%-all categories
Texas, Southern	20%-all categories
Michigan, Eastern	15%-daily and hourly only
Texas, Northern	20%-daily and hourly only
California, Northern	20%-expedited, daily and hourly only
New Jersey	10%-daily and hourly only

It is the responsibility of the certifying officer to insure that the U.S. Attorney is charged at the correct rate and in the correct amount by verifying that all transcripts received comply with the format standards established by the Judicial Conference.

The format standards require that a page of transcript shall consist of 25 lines of actual testimony written on paper 8-1/2 by 11 inches in size, prepared for binding on the left side, with a 1-3/4 inch margin on the left side and a 3/8 inch margin on the right side. Typing shall be 10 letters to the inch.

All "Q" and "A" designations shall begin on the second space from the left margin. The statement following the "Q" and "A" shall begin on the fifth space from the left margin. Subsequent lines shall begin at the left margin.

Speaker identification (colloquy) shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space from the colon. Subsequent lines shall begin at the left margin. See Report of the Proceedings of the Judicial Conference, Oct. 1946, p. 12; Court Reporter Manual, Chapter XVIII at 2-4.

In the event the U.S. Attorney's certifying officer finds instances of failure to comply with established rates, format or requirements, the certifying officer shall notify, in writing, the court reporter and request an amended bill. If the incorrect bill has been inadvertently paid, the court reporter shall refund any overbilling to the ordering party.

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10-3.322 Employment of Independent Reporters

Departmental appropriations are not available for payment of court reporters' fees for recording court proceedings. If the salaried reporter is unable to report on court proceedings, the matter of obtaining additional reporters is a consideration for the court.

10-3.323 Employment of Additional Reporters in Lands Cases

In view of the difficulty of obtaining the services of a salaried court reporter in Lands Commissioner cases, and because Department of Justice appropriations may not be used for additional reporters, the Director of the Administrative Office of U.S. Courts has advised that, in special cases when the salaried court reporter is unavailable to report these hearings, it will authorize the appointment of a temporary court reporter for that purpose. In such cases, the U.S. Attorney should request that the judge secure authority for appointment from the Administrative Office for U.S. Courts.

10-3.324 Grand Jury Reporting

Grand jury reporting may be performed by an employee of the U.S. Attorney's office (Fed. R. Crim. P. Rule 6(d)) or by a commercial reporter engaged for the purpose. The salaried federal court reporter may report grand jury proceedings, but he/she may only be paid for transcript produced, not for time worked; payment to a salaried federal court reporter for time worked would be considered a violation of the statutory prohibition against dual compensation. 5 U.S.C. §5533.

In establishing rates for commercial court reporters, it is usually best to establish separate rates for recording proceedings and for transcribing the record. The first charge would be based on time worked and could be assessed on a hourly, half-day, or daily rate, depending upon the requirements of the U.S. Attorney. In this fashion, a court reporter will be guaranteed compensation for recording the proceedings regardless of whether the U.S. Attorney requests a transcript. If a transcript is ordered, the reporter should be paid at a per page rate for the additional service performed. Court reporters may be paid for travel expenses if required, but the rates allowed should not exceed the rates allowed government employees.

Payment for commercial reporting services may be arranged through the U.S. Marshal. A Voucher Cover Sheet (OBD-50) may be used to transmit the

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reporter's bill to the Marshal's office for payment. See Department of Justice Order 2110.27 (August 31, 1973).

Pursuant to Rule 6(e), Fed. R. Crim. P., an obligation of secrecy is imposed on all participants with regard to the disclosure of matters before the grand jury. Interpreters, stenographers, and all other participants should be informed of this obligation and administered an oath in accord with that set down in Rule 6(e). A record of all oaths should be kept on file.

10-3.325 Expenses

Ordinarily, only one transcript should be purchased in any case, except Court of Claims cases or depositions. Any decisions by the U.S. Attorney to order more than one transcript must be based on absolute necessity for and availability of funds. Transcripts should only be purchased as required, for heads of the legal divisions of the Department of Justice and their assistants, U.S. Attorneys and their Assistants, and other attorneys assisting in the case. Other government agencies interested in obtaining transcripts should make arrangements for purchase directly from their own appropriations. No Department of Justice funds are available for payment of transcript furnished to the court, either at its request or that of the government. The official copy in the files of the clerk of the court should be used by the court in these cases.

10-3.330 Expenses Incurred on Behalf of Indigents

Following is a listing of expenses which may be incurred for persons proceeding in forma pauperis, and the responsibility for such expenses.

A. Fact Witnesses: Costs relating to subpoena and fees of indigent defendant's fact witnesses are the responsibility of the Department of Justice and payable at the rates prescribed for witnesses pursuant to 28 U.S.C. §1821. See USAM 3-2.000 for a discussion of witness fees and expenses.

B. Expert Witnesses: Expert witnesses called by the defense and necessary to the adequate defense of an indigent person are paid from funds appropriated for the implementation of the Criminal Justice Act by the Administrative Office of the U.S. Courts. These expenses are authorized on Form CJA-21 after certification by counsel for the indigent defendant and approval by the presiding court or magistrate. Experts



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called by the court are paid by the Administrative Office of the U.S. Court. See USAM 3-2.210. The Department of Justice will pay for expert witness fees and expenses for expert witnesses appearing on behalf of the government. These expenses require prior approval on form OBD-47. See USAM 3-2.700 and Department of Justice Order 2110.25 (October 23, 1973).

C. Mental Examinations for Indigent Persons: Expenses for examinations under 18 U.S.C. §4244 to determine a defendant's mental competency to stand trial are always the responsibility of the Department of Justice. Expenses for examinations to determine a defendant's mental responsibility at the time of the alleged offense are paid by the Administrative Office of the U.S. Courts except when the request is made by the United States, in which case the Department of Justice is responsible. See USAM 3-3.333 and Department of Justice Order 2110.24A (July 17, 1978).

D. Depositions: Expenses for travel and subsistence of a defendant and defendant's counsel for attendance at a deposition taken pursuant to Rule 15(c) Fed. R. Crim. P. are payable by the prosecuting agency. The purpose of such a deposition is to preserve evidence for the prosecution, and all costs should be assigned to the prosecuting agency regardless of the availability of funds appropriated for the Criminal Justice Act. Decision of Administrative Counsel, Department of Justice, November 26, 1975. The U.S. Attorney may authorize such expenses in a similar fashion as other litigative expenses. Payments for expenses may be arranged through the local U.S. Marshal.

Fees and expenses for depositions of fact witnesses, including the cost of recording and transcribing the proceeding, for indigent persons shall be paid by the Department of Justice in the same manner as expenses and fees for fact witnesses testifying in court. See above. Fees and expenses for depositions of expert witnesses of the indigent defendant are paid by the Administrative Office of the U.S. Courts. 39 COMP. GEN. 133.

A chart indicating the controlling rule or law which affects the financial responsibility for the payment of certain expenses of litigation in indigent proceedings and sets forth the appropriations chargeable for expenses, may be found in Department of Justice Order 2110.24A (July 17, 1978), and USAM 3-12.210.

10-3.340 Payment of Judgments Against the United States

All payments of judgments against the United States, including judgments taxing the government for court costs, are to be made from funds

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administered by the General Accounting Office (GAO). See 28 U.S.C. §2414. In order to arrange for payment in satisfaction of such judgments, U.S. Attorneys should submit a request to the GAO, following the same procedure as outlined in USAM 4-3.200-4-3.210 with regard to effecting payment of judgments in Federal Tort Claims Act cases. Two certified copies of the judgment order must be included with the request for payment, along with the name of the payee and instructions to forward the check "in care of" the U.S. Attorney. The U.S. Attorney should indicate that no appeal will be sought and that the check will be delivered to counsel for the judgment creditor upon entry of a satisfaction of judgment.

10-3.350 Notarial Expenses of Employees

Officers and employees of the Department of Justice who are required to serve as notaries public in connection with the performance of public business may be allowed their expenses under the following conditions:

A. Performance of notarial duties must have been ordered as part of the duties of the employee.

B. If the individual first qualified as a notary for a personal purpose, and subsequently was required to serve officially, such percentage of his/her expenses shall be paid as the official use of his/her authority bears to the use of the notarial powers, the individual's certificate being acceptable as to percentage.

C. The expense of obtaining commissions includes bond premiums, official seal, etc.

D. Payments subsequent to initial qualifications are limited to actual expenses of maintaining notarial authority.

E. Funds available for personal services or general administrative expenses for the fiscal year in which the expense was incurred shall be used.

F. Receipts are only required for amounts in excess of \$15.

Procedures for reimbursement of qualification expenses are established in Department of Justice Order 2110.7A (July 15, 1975). Payments are made by use of SF-1164, Claim for Reimbursement for Expenditures on Official Business, which should be submitted to the U.S. Marshal for payment.

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10-3.360 Office Funds

Most U.S. Attorney's offices desire the establishment of an office fund from which small miscellaneous expenses may be paid. The following is the procedure for the creation and maintenance of such a fund:

A. The administrative officer or designate should be authorized by the U.S. Attorney to request an advance of funds. This advance can be obtained by submitting an OBD-158 (Application for Advance of Funds) to the Accounting Operation Group, Justice Management Division.

B. A check will be returned in the amount requested, made out to the administrative officer, who should then cash this check. This cash constitutes the office fund.

C. When a miscellaneous expense arises, the employee who must pay such expense should request cash from the administrative officer, and should sign a receipt for any cash received.

D. When the office fund must be replenished, the administrative officer should prepare an SF-1164, Claim for Reimbursement of Expenditures of Official Business. Only the total amount need be shown. This covering SF-1164 should be supported by other SF-1164s, which the administrative officer should receive from employees whenever they are reimbursed for miscellaneous expenses. All receipts received by employees should be included. The covering SF-1164 and supporting documents should be submitted to the Accounting Operation Group, where it will be audited and a check issued to the claimant for the amount indicated, with which the office fund may be replenished. The description on the covering SF-1164 need only refer to the subvouchers attached. The fund may not be used for procurement of supplies or equipment for which another procedure is prescribed. See Procurement/Property Management, USAM 10-4.000. Although the advance is in the nature of a field advance, it will, because of the mechanics involved, appear on the monthly travel advance listing submitted to U.S. Attorney's offices.

When the administrative officer leaves the U.S. Attorney's office, he/she must repay the advance by writing the government a check for the outstanding balance.

10-3.370 Expenses Requiring Prior Authorization

Litigative expenses are defined in OBD Order 2100.1A (April 6, 1976), as "those which result directly from actions of the courts or have a

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direct connection with the prosecution of a case." They include court reporting, filing, fees, interpreters, consultants, advertising legal notices, transportation of evidence, special masters, and advisory reports from experts who will not serve as witnesses (e.g., appraisals). U.S. Attorneys may incur litigative expenses without specific authorization from the Executive Office for U.S. Attorneys.

10-3.380 Out-of-Pocket Litigative Expenses

In 38 COMP. GEN. 343, the Comptroller General ruled that when Congress has specifically authorized a particular government agency or corporation to undertake litigation in the pursuance of its duties and responsibilities, i.e., the agency can "sue or be sued", the out-of-pocket expenses incurred in prosecuting or defending such actions will be properly chargeable to the appropriations of that agency or corporation, even though the Department of Justice may prosecute or defend any litigation in which the agency or corporation becomes involved.

Further, those government agencies that lack Congressional authorization to institute suit or defend against legal actions (e.g. Farmers Home Administration) are also prohibited by the Comptroller General from using their appropriation to pay for litigative services. These agencies must rely upon the Department of Justice to act in their behalf and, as a result, all out-of-pocket expenses relating to the litigation are properly chargeable to the U.S. Attorneys' appropriation as litigative expenses.

Out-of-pocket expenses are generally defined as those expenses incurred by the U.S. Marshals for services provided by a private vendor (i.e., persons or firms outside the federal government) which are directly related to conducting the litigation at hand.

10-3.381 Expenses Incurred in a Foreclosure Proceeding Brought in Behalf of a Government Agency or Corporation

In assisting in foreclosure proceedings, the U.S. Marshals Service incurs various out-of-pocket expenses associated with the proceedings. Out-of-pocket expenses are defined as those costs incurred for advertising, property appraisals, abstract supplementation and any other services provided by private vendors which are directly related to conducting the foreclosure proceedings. Intrinsic expenses such as U.S. Marshals' fees, commissions, mileage, per diem, salaries, etc., are



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assumed by the U.S. Marshals Service to be constructive earnings and are not expenses that are chargeable to the U.S. Attorneys' appropriation.

The U.S. Marshals Service will be reimbursed for the out-of-pocket expenses incurred in foreclosure proceedings in either one of two ways. First, when a third (i.e. non-government) party is the successful bidder for the mortgaged property at the foreclosure sale, the bid is paid into the court and a fund is created. The U.S. Marshals Service is reimbursed from this fund for all appropriate expenses incurred before the fund is then disbursed to the first lien creditor, then to other creditors in order of priority or the court for distribution as the court may direct. The U.S. Attorneys' appropriation may not be billed by the U.S. Marshals for out-of-pocket expenses incurred in a third-party sale. If the U.S. Attorney's office in the district in which the litigation occurred had inadvertently been billed and paid for any of the out-of-pocket expenses associated with the litigation, the U.S. Attorney should seek reimbursement for the payments from the U.S. Marshals Service.

Secondly, in those cases where the government, through the Farmers Home Administration, is the successful bidder at the foreclosure sale, no fund is created. Instead, all out-of-pocket expenses incurred will be properly chargeable to the U.S. Attorneys' appropriation. The U.S. Marshals Service should submit an itemized voucher for appropriate out-of-pocket expenses incurred during a foreclosure proceeding to the U.S. Attorney in the district responsible for handling the litigation. The U.S. Attorney must sign the voucher and certify that the charges billed are appropriate for payment.

Administrative expenses which the U.S. Attorneys may approve include the purchase of supplies (as approved under established procurement instruments), employee travel, overtime, and changes to telephone service (except complete system overhaul).

Administrative expenses which must be approved by the Executive Office include work-study agreements, equipment purchases, equipment rental, foreign travel, transportation of property, space acquisition/release, and alteration to space. Request for such approval should be sent, with appropriate justification, to the Executive Office. See Space Management, Procurement and Services, USAM 10-5.000.

The disbursement of funds may be accomplished through the U.S. Marshals Service except where payment by the Department is required by general order, such as payroll (payment request is made by the Fiscal Services Section, Justice Management Division. P.O. Box 7405, Washington, D.C. 20044, Ben Franklin Station); GSA telephone bills, GSA space

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assignment charges (SLUC); prior year obligations (bills received after January 1 for expenses incurred in the prior fiscal year, i.e., bills for expenses incurred prior to October 1, which are handled the same way as travel); or by specific order, such as purchase orders, printing orders, or work authorization, the bill for which are sent by the vender directly to the Fiscal Service Section. Generally, litigative expenses, work-study charges, and charges for rental equipment with variable rates such as copiers and telephones are payable through the U.S. Marshals service.

Procedures for securing prior authorization vary according to the type of expense incurred. Consult the appropriate section of this Title in order to determine how specific types of prior authorizations may be obtained.

10-3.400 PAYMENT OF BILLS

10-3.410 Advance Payments

In accordance with 31 U.S.C. §3324, prohibiting advance payments of public monies, no disposition of funds should be made for services rendered, purchases made, etc., until the transaction has been accomplished. An exception to this rule is permitted if advance payment is authorized by "other law." This provision has been interpreted to include state law. Therefore, if state law requires the advance payment of filing fees, for instance, such payments may be issued upon appropriate showing of the requirement in law. A voucher prepared for issuance of an advance payment should specifically identify the statute requiring payment in advance.

10-3.420 Appropriations Chargeable

The appropriation "Salaries and Expenses, United States Attorneys and Marshals, Department of Justice," is chargeable with the expense of operating the U.S. Attorneys' offices.

The date on which fees are earned, services rendered, or expenses incurred, and not the date of certification of payment, determines the fiscal year from which payment shall be made, except that bills for metered commodities or services such as electricity, telephone, etc., shall be paid from the appropriation current at the end of the billing period.

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10-3.421 Chargeable to United States Attorneys' Appropriation

A. Salaries of U.S. Attorneys, Assistant U.S. Attorneys, and support employees;

B. Interpreters for witnesses;

C. Advisory reports obtained by U.S. Attorneys;

D. Compensation of Special Masters;

E. Appraisers (except in Land matters), guardians ad litem, if obtained by U.S. Attorneys. See USAM 3-7.000-7.100;

F. Travel and subsistence expenses of U.S. Attorneys, Assistant U.S. Attorneys, and support employees;

G. U.S. Attorneys' communications expenses, including postage, telecommunications and messenger services. See Communications, USAM 10-6.000;

H. Advertising, as required in the course of litigation conducted by the U.S. Attorney;

I. Cost of space assigned by the General Services Administration. See Space Management, USAM 10-5.000;

J. Equipment, supplies and services required to maintain the offices of the U.S. Attorneys. See Procurement, USAM 10-4.000;

K. Court reporting, transcripts, and notarial expenses, as required in the course of litigation conducted by U.S. Attorneys;

L. Filing and recording fees in state or local courts;

M. Notarial expenses of employees;

N. U.S. Attorneys' printing and binding. See Printing, USAM 10-4.220;

O. Expenses of producing records under subpoena duces tecum, including the search and reproduction costs incurred by financial institutions. See USAM 9-4.800 et seq., for information concerning the payment of expenses incurred under the Right to Financial Privacy Act.

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P. Physical examination of injured persons, where trial may result, for the purpose of making the record for future use, and of defendants in criminal cases and witnesses who allege illness for the purpose of delaying trial, reason for not appearing, etc. See USAM 3-3.000-3.140;

Q. Awards to employees under incentive awards program. See Employee Performance Awards, USAM 10-2.650; and

R. Deposition transcripts for individuals proceeding in forma pauperis cases.

In short, all expenses related to salaries, space, administrative expenses and certain litigative expenses for indigent defendants are chargeable to the U.S. Attorneys' appropriation.

10-3.422 Chargeable to "Fees and Expenses of Witness" Appropriations

Expenses chargeable to the appropriation "Fees and Expenses of Witness" are as follows:

A. Fees for attendance, per diem and traveling expenses for attendance of witnesses, both expert and fact, for witnesses testifying for the United States in proceedings in U.S. courts or U.S. Magistrates' hearings. See USAM 3-2.100-2.130 and 3-2.700-2.770;

B. Traveling expenses of government employees attending on court when properly payable. See USAM 3-2.400-2.422;

C. Physical examinations of plaintiffs, witnesses, or defendants in contemplation of testimony in court. See USAM 3-3.000-3.140; and

D. Expenses of examining prisoners to determine sanity as provided in 18 U.S.C. §4244-8, including competency to stand trial exams, and employment of psychiatrists, hospital expenses incident thereto, and testimony. See USAM 3-3.000-3.230.

10-3.423 Chargeable to Legal Divisions

Expenses chargeable to the Legal Divisions include:

A. Litigation expenses in cases for which a division has assumed direct responsibility; and



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B. Foreign counsel in extradition cases.

10-3.424 Chargeable to United States Courts

- A. Lands Commissioners (see USAM 3-7.000-7.100);
- B. Interpreters, except for government witnesses; and
- C. Expenses authorized on behalf of indigent defendants.

10-3.430 Certification of Vouchers

10-3.431 Certifying Officers

Vouchers involving expenses of the U.S. Attorney's offices must be certified by an authorized certifying officer of that office before submission to the Marshal for payment. 31 U.S.C. §82b.

Certifying officers are held responsible for the existence and correctness of the facts stated on vouchers and their supporting papers, the legality of the proposed payment, and the correctness of computations. 31 U.S.C. §82c,f.

Certifying officers are notified of exceptions in the audit of their vouchers by the General Accounting Office on SF-1100-Rev., "Notice of Exception and Reply to Exception" and informal "Request for Information." These should be answered immediately. If there will be a delay in securing the necessary information or collection, the GAO should be so advised.

The reply should be made on the above forms, signed by the responsible officer, and forwarded to the GAO. If a collection is involved, the collection schedule number, name of the disbursing officer, and the disbursing symbol number must be shown. The U.S. Marshal's office will furnish this information on request.

There should be at least two certifying officers in each U.S. Attorney's office, one of whom should be the U.S. Attorney.

When a new U.S. Attorney enters on duty, any employee who is already a certifying officer continues on in such capacity unless the U.S.

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Attorney requests the termination of that designation and the designation of someone else. Authorized certifying officer designations remain in effect until revoked by the Director, Executive Office for U.S. Attorneys.

Should a certifying officer cease to function in such capacity, the Director of the Executive Office should be notified immediately and informed of any proposed replacement or addition.

Vouchers for payment must be signed by an authorized certifying officer and the words "Authorized Certifying Officer," the date of certification, and the name of the certifying officer must be typed or stamped on the voucher.

SF-210 should be executed by each U.S. Attorney and by any person nominated to be a certifying officer. This form should be sent to the Executive Office for approval. Upon receipt of authority from the Executive Office, the nominee may begin to certify.

#### 10-3.432 Comptroller General and Departmental Review

Vouchers containing questionable items of expense may be submitted to the Assistant Attorney General for Administration for administrative audit and advice prior to payment.

Decisions are also rendered by the Comptroller General on any question of law involving certifications and payment on vouchers by certifying and disbursing officers. Any such decision rendered shall govern the General Accounting Office in passing upon the account containing such voucher.

A U.S. Attorney desiring to secure a ruling or decision of the comptroller General shall set forth the facts pertaining to the case in full in a letter and forward it to the Assistant Attorney General for Administration for submission to the GAO. This requirement does not apply to appeals to the Comptroller General in connection with exceptions or disallowances made by that office.

#### 10-3.500 TRAVEL

##### 10-3.510 Authority

Travel is governed by standardized government travel regulations as supplemented by the Department's travel regulations, see Order OED 2200.1A (November 14, 1977).

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U.S. Attorneys may authorize their own travel as well as that of their subordinates anywhere within the United States by common carrier (coach class); personal vehicle (auto or airplane); or car rental, either commercial or through GSA. They may also authorize per diem and actual subsistence to designated high-rate areas, and other miscellaneous expenses such as official telephone calls and taxis. They may not authorize relocating expenses, foreign travel, actual subsistence for travel to a non-designated high-rate area, or first class travel. Authority to authorize these categories remains with the Director, Executive Office for U.S. Attorneys. Special Assistants who perform the work of regular Assistants are authorized to travel in the same fashion as Assistant U.S. Attorneys. Travel of employees of the legal divisions who are working with U.S. Attorneys' offices must be authorized by submission of OBD-1, Official Travel Request and Authorization, to the Executive Office. U.S. Attorneys are delegated authority to authorize in cases of emergency the use of cash instead of GTR's to procure domestic passenger transportation services costing more than \$100. This authority may not be redelegated by the U.S. Attorney. In order to obtain reimbursement for the purchase of passenger transportation costing in excess of \$100, all vouchers containing such claims must be accompanied by a statement from the U.S. Attorney explaining the emergency situation which required the use of cash (or credit card). In addition, the traveler must initial a statement on the voucher assigning to the United States government the right to recover any excess payments involving carriers' use of improper rates. Passenger coupons or other evidence as appropriate should also accompany the voucher.

To obtain authorization for first class transportation, U.S. Attorneys should submit a First Class Authorization Request (see infra) to the Director of the Executive Office for U.S. Attorneys. First class travel should only be requested for the reasons allowed by travel regulations (Department of Justice Order 2200.1A, para. 3.34d(3)); or when it can be shown that first class accommodations will result in an overall savings to the government based on economic considerations such as additional subsistence costs that would be incurred while awaiting availability of less-than-first-class accommodations. 45 Fed. Reg. 27,436 (1980). In most instances, U.S. Attorneys should only request first class travel after all other efforts have been made to obtain regular coach fare or contract air carrier flight fare for the intended trip.

The power to authorize travel is reserved to the U.S. Attorney or an Assistant U.S. Attorney designated as Acting U.S. Attorney in accordance

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with 28 C.F.R. §0.131. The U.S. Attorney may exercise his/her authority by signifying his/her authorization of a travel authorization form (OBD-1). The U.S. Attorney may not redelegate this authority to another official. Only the Director, Executive Office for U.S. Attorneys may delegate authority to authorize travel and only in accordance with the criteria established in OBD Order 2200.1A, para. 2.3a (November 14, 1977).

All requests for travel made to the U.S. Attorney should be scrutinized carefully to insure that the travel is essential and the cost justified. To obtain authority for relocation expenses, forms DJ-10A, OBD-1, and 33 must be submitted to the Executive Office for U.S. Attorneys. To obtain authority for foreign travel or actual subsistence in a nondesignated high rate area, an OBD-1 must be submitted to the Executive Office for U.S. Attorneys. See also OBD Order 2200.1A, para. 2.3a (November 14, 1977).

10-3.520 District Travel Budgets

In order to manage the funds available to U.S. Attorneys for travel expenses, the Executive Office allots an annual budget to each U.S. Attorney. The allotments are based on the individual estimates of each U.S. Attorney but are of course limited by the overall availability of funds.

Each U.S. Attorney is responsible for monitoring the district travel allotment. As travel is authorized by the U.S. Attorney, an estimated cost should be deducted from the travel allotment. By maintaining a declining balance in this fashion, the U.S. Attorney will know on a day-to-day basis the approximate level of funds remaining in the district travel allotment.

The Executive Office issues monthly status reports for each district travel allotment, but these reports refer to time periods well in advance of the report's issuance and should not be relied upon for the day-to-day management of the district travel allotment. The charges reported in the Executive Office status reports are based on payments made during the previous month, which are generally the consequence of obligations incurred in the month prior to the month in which payments are accomplished. The status reports are thus simply intended to permit the U.S. Attorney to verify the level of charges against the district allotment as reported by the paying office--the Accounting Operations Group, Justice Management Division. Suspected inaccuracies in the monthly status reports should be reported promptly to the Financial Manager, Administrative Services, Executive Office for U.S. Attorneys. The



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Executive Office can provide a schedule of charges (employee reimbursement, carrier payments, GSA Motor pool charges, etc.) for each month if necessary.

If the U.S. Attorney determines that the travel funds available to the district will be insufficient, he/she should advise the Financial Manager, Administrative Services, Executive Office for U.S. Attorneys, accordingly. The U.S. Attorney should indicate in a memorandum the action(s), if any, which have been taken to minimize travel costs. The causes for the anticipated deficit should also be identified, as well as an estimate of additional funding requirements provided.

10-3.530 Payment for Travel Expenses

Reimbursement for employee travel expenses is paid by the Accounting Operations Group, Justice Management Division. All travel expenses must be authorized by the U.S. Attorney and approved by an official designated by the U.S. Attorney. See OBD Order 2200.1A, para 12.58 (November 14, 1977). The Accounting Operations Group is responsible for auditing vouchers and certifying to the correctness and propriety of payments.

Travel advances should be held to a minimum and allowed only when it is indicated that such an advance is required and justified. In no case should the amount of the advance exceed the amount of the estimated per diem cost of the trip. When the advance exceeds the amount subsequently claimed on the OBD-157, Travel Voucher, the excess shall be returned along with the OBD-157, in the form of a check made out to the Treasurer of the United States. In the event of cancellation or indefinite postponement of travel, the advance shall be refunded within one week of the date of cancellation or postponement. All advance applications should be coded to the cost center (E4099) of the district employing the traveler (i.e., the district to which the employee's salary is charged). The proper coding of advance accounts is necessary so that the monthly travel advance listing provided to each office is complete (see OBD Order 2200.1A, para. 9.25 (November 14, 1977)) and so that the quarterly traveler's account statement is forwarded to the correct office (see OBD Order 2200.1A, para. 9.27 (November 14, 1977)). Aside from the production of erroneous reports, the improper coding of advance applications could affect the accurate completion of the Employee's Clearance Record (OBD-123) upon separation. See OBD Order 1300.4 (February 18, 1981).

Requests for advances of funds should be made on OBD-158, application for Advance of Funds. See OBD Order 2200.1A Chapter 9 (November 14, 1977). An emergency travel advance may be obtained from the U.S. Marshal.

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Advances should not be given to non-Department of Justice personnel. Exceptions may be made for state and local officials in cases where there is no money in the state or local budgets to pay for the travel. A letter from the U.S. Attorney explaining the hardship, along with the Official Travel Request and Authorization, should be sent to the Deputy Director of the Executive Office prior to the travel. The certifying officer in the U.S. Attorney's office must take the responsibility to see that the advance is paid back by submitting a voucher to Fiscal Services, Justice Management Division, to clear the advance.

If travel expenses are paid for non-Department of Justice personnel, the traveler should pay the expenses and then seek reimbursement from the U.S. Attorney's office. Itemized travel expenses and receipts, not to exceed government rates, should be submitted for review by the certifying officer before payment is made. After all valid expenses have been approved, the certifying officer should attach an OBD-50 (Voucher Cover Sheet), along with the receipts, to the U.S. Marshal's office for disbursement. Regardless of the method of payment, such expenses are to be deducted from funds made available in the U.S. Attorneys' travel allocation.

10-3.540 Foreign Travel

The Executive Office requires at least two weeks' advance notification of proposed foreign travel. Definite dates of travel do not need to be provided for purposes of this notification; however, the approximate period of time in travel status must be indicated so that an estimate of per diem expenses can be computed. Two weeks' advance notification is required so that necessary coordination can be accomplished within the Department and with the Department of State.

In order to insure that the international ramifications of proposed foreign travel are fully considered, each travel proposal must receive the consent of either the Office of International Affairs in the Criminal Division or the Office of Foreign Litigation in the Civil Division. The Executive Office also requires the consent of that section of the organization having general supervisory responsibility over the type of case to which the travel pertains. If preliminary contact has been made with either organization, this request should indicate the name(s) of individuals who are familiar with the proposed travel.

All foreign travel by employees occupying Executive Schedule positions must be authorized by the Attorney General. See OBD Order 2200.1A, para. 2.9 (November 14, 1977) for procedure.

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Foreign travel requests may be submitted on an OBD-1 Official Travel Request and Authorization form, or in a teletype message transmitted to the Executive Office. In either case, the request must provide all applicable information as indicated in the following format. If the request is submitted in a teletype message, items responding to the following format may be listed in numerical sequence corresponding to the format.

10-3.550

1. Names of individuals travelling abroad for purposes of investigation with titles, district, FTS and home telephone numbers: \_\_\_\_\_

2. Name of case: \_\_\_\_\_

3. What is the nature of the case (briefly)? \_\_\_\_\_

4. Is the prosecution of foreign national foreseen? \_\_\_\_\_

5. Purpose of investigation; in particular specify interviewing witnesses, taking depositions, or conducting other investigation: \_\_\_\_\_

6. Has Interpol or other police agency cleared visit and are local police prepared to cooperate? Please explain in detail. \_\_\_\_\_

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7. Have foreign embassy, consular, or diplomatic officials been consulted regarding travel? If so, whom? \_\_\_\_\_

8. Are the individuals travelling abroad in possession of official government passports? Have the passports been appropriately visaed? \_\_\_\_\_

9. How sensitive is the case in your estimation? \_\_\_\_\_

10. Names and nationalities of persons to be interviewed or deposed: \_\_\_\_\_

11. Itinerary: \_\_\_\_\_

12. If assistance of American embassy/consulate or other personnel is required, (e.g., consular officer to administer oath) or if office space at post is required, please specify: \_\_\_\_\_

13. If assistance of stenographer, court reporter or interpreter is desired, please provide Department of Justice appropriate number and fund code: \_\_\_\_\_



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14. Any other details which would help us and that we should know to ensure that difficulties do not arise: \_\_\_\_\_

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15. Approving offices in legal divisions, Department of Justice:

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16. Approving official in Office of International Affairs: \_\_\_\_\_

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10-3.550 First Class Transportation

First class transportation may only be authorized by the Director, Executive Office for U.S. Attorneys, in accordance with the criteria established in Department of Justice Order 2200.11 (May 15, 1984). All requests for first class transportation must be submitted in advance to the Executive Office for review and approval.

10-3.560 Relocation

New or transferring employees may be entitled to reimbursement for a number of expenses such as moving costs, shipment of privately owned vehicles outside of the United States; transportation of a mobile home, transportation and storage of household goods and/or personal effects; allowances relating to real estate transactions such as the sale of a home, purchase of new home, or settlement of unexpired lease; round-trip travel to seek permanent residence quarters; allowances for expenses while occupying temporary quarters; or travel allowance. New appointees are entitled to relocation expenses only in circumstances governed by the

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travel regulations and employees transferring within the Department of Justice only when the transfer is determined to be primarily in the interest of the government and not primarily for the benefit of the employee. The eligibility of new or transferring employees to relocation expenses is depicted in Travel Regulations figure 2.1.2, DOJ Order 2200.11, pg. 2-1 (November 14, 1983). Authority to authorize such expenses rests with the Director of the Executive Office for U.S. Attorneys. Decisions will be made upon written justification submitted over the U.S. Attorney's signature. Oral commitment will not be given in advance by the Director or any member of his staff.

Payments of relocation costs will not be considered when the employee has requested the transfer for his or her own benefit.

Payments of relocation costs also will not be considered unless the U.S. Attorney shows evidence that every effort was made to find applicants from the local area. (Example: submit evidence of advertising in the local newspaper, local bar association newsletter or nearby law schools.) When all efforts to hire someone locally have failed, the U.S. Attorney may then seek out employees from other areas with the particular expertise to fill the position.

When the above requirements are met the U.S. Attorney may request authorization of relocation expenses for a new or transferred employee. The U.S. Attorney should send a memorandum to the Director of the Executive Office for U.S. Attorneys containing a justification for authorization of these expenses. The justification should state why local applicants were not acceptable. A copy of the employee's SF-52, Request for Personnel Action, should be attached. The Executive Office for U.S. Attorneys will take the request under advisement, and inform the U.S. Attorney of the Director's decision when the prospective employee's appointment is approved. If relocation expenses are authorized, the U.S. Attorney must complete a DOJ-501 (Official Travel Request and Authorization), a DOJ-502 (Supplement to Official Travel Request and Authorization), and an OBD-33 (Service Agreement--Relocation Allowances). These forms must be sent to the Executive Office for U.S. Attorneys for confirmation of exact entitlements.

There is no separate fund available for the payment of relocation expenses. Funds expended for such purposes reduce the amount of funds available for payment of litigation costs in your offices. Accordingly, the cost of relocation expenses should be borne by the individual districts which initiate the employment actions. Hence, effective March 1, 1986 the cost of relocation expenses which are approved by the Director, Executive Office for U.S. Attorneys will be assessed against

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individual districts, through a combination of reduced financial allowances and workforce levels. For example, in the event that a relocation expense in the amount of \$20,000 is approved for an attorney, this sum would be recouped by reducing the financial allowance and/or the attorney workyear level of the requesting district to achieve offsetting reductions.

Since U.S. Attorneys' Offices have relatively few changes in duty station or overseas assignments, the preceding paragraphs do not contain detailed explanations regarding relocation entitlements. Further information may be obtained from DOJ Order 2200.11 (November 14, 1983), or by contacting the Executive Office for U.S. Attorneys.

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10-4.000 PROCUREMENT/PROPERTY MANAGEMENT

10-4.100 ADVERTISING

10-4.110 Legal Advertising

All advertising and publication on behalf of the United States, when required by law, rule of court, or court order is authorized generally and may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts, without Departmental approval. Invoices of this type are payable through the U.S. Marshal.

Advertising under the name of the U.S. Attorney or clerk of the court will be handled by the U.S. Attorney, who will also advise the U.S. Marshal on the manner of the publication. Such advertising is considered a litigation expense and therefore requires no prior authorization. An "Advertising Order," SF 1143, should be prepared in triplicate, fully executed and certified.

The Advertising Order should be worded, or such information added to the printed matter appearing on it, so that the style of type, setup, and rate applicable are clearly shown. Instructions on the Advertising Order form require the matter to be set solid. Therefore, all published matter must be set solid as required, unless otherwise specially authorized by the Department. When the matter is not to be set solid, typewritten instructions to this effect should be added to the form. The copy of material to be printed accompanying the order should also be prominently marked as to whether or not it is to be set solid. This marking should correspond to the instructions on the Advertising Order. Where it is the local practice to publish legal notices with paragraphs and display headings and no deviation from this practice is permitted, the Department has no objection to following the local practice but payment will be made for only the same necessary for setting up solid.

Copies of the advertisement must be attached to the original and duplicate copies of the Advertising Order.

In those cases where multiple bills or invoices are received from a single newspaper publisher for advertisements over an extended period of time, and no objection is raised by such publisher to making a single payment, such may be processed for payment on a single OBD-50, "Voucher Cover Sheet," attaching copies of the various SF 1143's as supporting documents.

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10-4.120 Employment Advertising

Offices are generally encouraged to use publicity and other forms of unpaid advertisement to attract applicants, i.e., local state employment service, legal bulletins, public service announcements, etc. However, it may occasionally be appropriate to use paid advertisements. For non-attorney advertisements, the concurrence of the U.S. Office of Personnel Management is required. Contact the Personnel Section, Executive Office for U.S. Attorneys, for procedures and help in obtaining this concurrence.

Complete procurement authority has been delegated to the Assistant Attorney General for Administration. With the exception of legal advertisements (covered in the following section), authority has not been redelegated to the U.S. Attorneys. See 28 C.F.R. §0.140; 44 U.S.C. §§3702, 3703; 5 U.S.C. § 502(b). Further, volume 35 of the Decisions of the Comptroller General (7-67), Reference B-125630, pp. 235-7, specifically prohibits ratification of invoices "after the fact." This means that bills incurred without prior approval cannot be authorized for payment.

The correct procedure for obtaining approval for advertising, other than legal, is as follow:

A. Complete Form SF 1143, "Advertising Order," only up to the point beginning, "Instructions to Publishers," and attach a separate sheet of plain paper on which is typed the advertisement as you would like it to read.

B. Forward the original plus three copies of the above form to the Executive Office for U.S. Attorneys, Attention: Personnel Section and retain one copy for your files.

C. Executive Office staff will obtain the necessary approval. (Because wording of advertisements for personnel must be approved by the Office of Personnel Management and if this approval has not already been obtained locally, wording may be altered slightly from the original request to comply with Office of Personnel Management requirements.)

D. The signed Form SF 1143 (indicating approval) will be returned to the U.S. Attorney, whereupon he/she may contact the newspaper and arrange for the advertisement to be run.

E. The newspaper will complete the back of the form and submit it, with a copy of the advertisement, to the Accounting Section for payment.



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Please note that when requesting dates for the advertisement to be run, sufficient time should be allowed for processing through the various phases. If expedited treatment is required, please so specify on the request.

10-4.200 PROCUREMENT

10-4.220 Printing

The Regulations governing printing, duplicating, copying and related services are as follows:

Title 44, United States Code  
Government Printing and Binding Regulations, No. 24, April 1977  
Federal Property Management Regulations (FPMR)  
Code of Federal Regulations, Title 41 (CFR)  
Department of Justice Order 2510.9 (Nov. 24, 1975)  
Department of Justice Order 2510.10 (Dec. 7, 1979)  
Department of Justice Order 2520.4 (Aug. 22, 1979)  
Justice Publications and Printing Guide, May 1977

10-4.221 Printing - General

All printing must be authorized in advance by the Support Services Office, Facilities Management and Support Services Staff of the Executive Office for U.S. Attorneys, notwithstanding instructions from other offices of the Department. In some cases, this can be a one-time approval, written or verbal, for a particular type of job; in all cases, authority must be obtained in advance.

Requests for the printing of forms, labels, letterhead, envelopes and all other printed requirements should be submitted on Form DOJ-2, "Printing Requisition." Wherever possible, submit artwork previously done, "camera ready" copy or samples of the printed matter (include 3 samples if available). Indicate required delivery date and complete shipping (not mailing) address on all requests. An indication of "ASAP" as a delivery date is not acceptable. In determining required delivery, allow time for mailing and processing of the request and shipping time for the completed job. In general, letterhead takes about 4 weeks to complete; envelopes, 6 weeks; labels, 4 weeks; single sheet forms, 4 weeks; publications, 8 weeks; snap out multi-copy, 6 weeks. If proofs are required, add

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approximately 2-3 additional weeks. Letterhead and other single-page jobs requiring 5000 copies or less can be done on a "rush" basis if such need is indicated.

Premium prices (several times the normal rate) are paid when printing jobs have to be expedited and/or overtime paid. Someone in each U.S. Attorney's office should be designated as the person responsible for maintaining printed supplies and reordering before these "rush" procedures become necessary. The greatest expense in printing is not the number of copies but the initial set-up charges on each job. Forms and letterhead as well as envelopes should be ordered in sufficient quantities to make reprinting as infrequent as is reasonable. Suggested quantities are a six-month to one-year supply.

The following general rules are provided for informational purposes:

A. Personal names on any printed items are not permitted. Letterhead and business cards using the Department of Justice seal may be printed for official use at the user's personal expense. Sources and "camera ready" copy for the Department of Justice seal are available from the Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys.

B. On U.S. Attorney letterhead, one main FTS and one main commercial phone number and the return address of the office may be printed. The standard format and size accepted and designated by the Joint Committee on Printing and the Department of Justice Design Standards must be used.

#### 10-4.222 Consultation Services on Publishing Projects

Justice Publications Service is available to consult with the user on printing and publishing methods and sources. When a publication is required, the Chief of the Publications Management Unit, FTS 633-3215, should be consulted for preliminary guidance.

Follow the guidelines on page 23 of the Justice Publications and Printing Guide for preparation of material to be typeset. For camera ready copy, see additional guidelines on page 24 of the Printing Guide. In addition, the folio numbers on all camera ready copy should be in non-photo blue pencil.

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10-4.223 Printing of Official Court Instruments

The printing of official court instruments should always receive advance approval. Such approval and requisition number should be obtained from the Publications Management Unit (JPS), FTS 633-3215 and the Executive Office. This can be done by telephone. If the need is recurring, a DOJ-2 should be forwarded to the Executive Office requesting that a contract be negotiated through the Government Printing Office for a fiscal year period. On the basis of such contracts, U.S. Attorneys may place orders directly with the public printer. (U.S. Government Printing Office, Regional Printing Procurement Offices.)

Commercial printing bills, other than for services obtained through a regional Government Printing Office, should be paid through the U.S. Marshal. Upon completion of the work, the printer should execute a voucher on SF 1034. The printing charges must be itemized therein. The following certification must be on or attached to all vouchers involving payment for field printing. It must be signed by the responsible officer in the field under whose authority field printing is procured.

I hereby certify as responsible officer that the field printing covered by this voucher was procured in accordance with the applicable Government Printing and Binding regulations of the Joint Committee on Printing.

Signed: \_\_\_\_\_

United States Attorney

The voucher should be certified by an authorized certifying officer and transmitted to the U.S. Marshal for payment.

Services approved by JPS and obtained through a regional government printing office are always billed to and paid in Washington, D.C.

28 U.S.C. §915(b) provides that "In any civil or criminal case the court may, upon the filing of like affidavit, direct that the expense of printing the record on appeal, if such printing is required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts." Printing expenses in such cases are not payable from Department of Justice appropriations but must be paid by the Administrative Office of the U.S. Courts.

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10-4.224 Reporting Requirements

The following reports should be submitted to:

Assistant Director for Publications Services  
Records and Publications Staff/OPA/JMD  
Room B-244, 10th and Pennsylvania Avenue, NW  
U.S. Department of Justice  
Washington, D.C. 20530

A. Commercial Printing Report (JCP Form 2)

This report is required on a semi-annual basis and covers all transactions concerning composition, printing, binding and blank book work procured from commercial sources other than those obtained through a regional Government Printing Office during the reporting period. The period October through March is due in the Publications Management Unit (JPS) on or before April 15 and the reporting period April through September is due in JPS on or before October 15. The JPS Form No. 2 is filed in triplicate. A negative report is necessary and may be submitted by memorandum. See Department of Justice Order 2510.9 (Nov. 24, 1975), paragraph 40b. Any questions may be addressed to the Chief, Publication Management Unit on FTS 633-3215.

B. Duplicating Production (Form DOJ-369)

This report covers all production data for duplicating equipment in headquarters and field offices used to produce reportable duplicating. This is defined as any job exceeding 500 production units of any one page or 25,000 production units in the aggregate of multiple pages. This form should be submitted to JPS within 20 days after the close of each quarter, i.e., January 20, April 20, July 20 and October 20. Negative reports should be sent. See Department of Justice Order 2510.9 (Nov. 24, 1975), para. 40e.

10-4.230 Purchase of Equipment (Other Than Word Processing)

10-4.231 General

This category includes furniture, machines, draperies, carpets, pictures, and other miscellaneous items. All requests for equipment, machines, etc., with the exception of books and other publications, and notwithstanding instructions from other offices, must be submitted to the



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Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys in advance of the purchase. These requests must be submitted on an OBD-186, "Requisition for Equipment, Supplies, or Services."

10-4.232 Criteria

Some criteria for approval of requests for equipment are listed below. Standards are listed by priority.

A. Equipment Purchase (furniture, machines)

1. New furniture for newly-allocated positions. Standard items approved with justification and reference to date of new allocation(s):

ATTORNEY PERSONNEL	NON-ATTORNEY PERSONNEL
desk	desk
chair	chair
chairmat	chairmat
2 side chairs	typewriter
credenza and/or table	transcriber
dictating machine	(if use is standard
(if use is standard	operating policy)
office policy)	

Traditional executive furniture is approved for the U.S. Attorney and the U.S. Attorney's secretary, (and paid supervisory Assistants in larger districts) and "unitized" wood furniture for other staff. Other items must be specifically justified.

2. New equipment essential to office operation. Example: calculators, new systems such as dictation equipment, items of furniture not listed in standards.

Specific justification is required on all requests in this category. Justification should include such information as what is requested, who will use item and for what specific purpose, what conditions have changed within the office making the equipment currently used inadequate or creating the need for new types of equipment, and how is need currently handled.

3. Replacement of worn out furniture and equipment used by a specific staff member.

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Required justification should include age and general description of equipment to be replaced, history of repair costs if deemed appropriate, planned disposition of old equipment (excess, trade-in, etc.). See 41 C.F.R. §101 for standards to replace furniture and equipment. See also 41 C.F.R. §101-25.403 and PROPERTY MANAGEMENT, USAM 10-4.300.

4. Replacement, or new purchase of furniture not used by specific staff members that are not essential to daily office operations. Example: conference room furniture, library furniture, carpet, draperies, etc.

Required justification should include: whether an item is a replacement or a new purchase, where it will be used and for what purpose, plus any additional information deemed appropriate to include.

Furniture standards for these types of items are as follows:

B. LIBRARY. Sufficient freestanding bookshelves (wood if desired) for all existing volumes and approximately 200 linear feet for expansion, work space within the library, such as tables and chairs or carrels for a limited number of people, depending on the size of the library.

C. CONFERENCE ROOM. Conference table, 8-12 chairs, telephone stand.

D. RECEPTION AREA. Coffee or end table, 6-8 chairs, smoking stand. In the headquarters office only, a settee may be substituted for 3-4 chairs.

E. VISITING ATTORNEY OFFICE (if applicable). Desk, chair, chairmat, side chair.

F. CARPET. Provided for all office space except closets, storage rooms, etc. Cost limits are \$10.00 per square yard plus padding and installation costs. The U.S. Attorney's private suite may have any carpet on the General Services Administration schedule.

G. DRAPERIES. Provided for offices of the U.S. Attorney, his/her secretary and designated division chiefs/paid supervisors/Assistants. Requests for draperies in other offices are reviewed and approved depending on availability of funds and justification provided.

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H. FILING EQUIPMENT. Basic types of filing equipment are:

1. Standard legal and letter-size filing cabinets;
2. Lateral file cabinets;
3. Power files (e.g., Lektrievers);
4. Space-saver files which are not automated (e.g., Times II);

and

5. Security file cabinets with combination lock or lock bar.

Justification for filing equipment must include answers to the following:

1. How long are closed files kept before forwarding to the Federal Records Center?

2. When were files last sent to the Center?

3. How many filing inches in your office at present? What is the anticipated increase over the next year?

4. Are any cabinets on present inventory being replaced by those requested?

5. In the case of power files, the following information is also required:

- a. A floor load study by the building manager must be included in the request.

- b. Why will other types of filing equipment not meet office needs? Power files are quite expensive, require maintenance, cost approximately \$2,500 to move, and cause stress to floor space. Only one person at a time can use a power file and, in the case of breakdowns, they can be used either with great difficulty or not at all.

6. Special requirements - e.g., security storage for grand jury material.

See 41 C.F.R. §101-25.301 for details of justification requirements.

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10-4.233 Procedure

All items must be purchased under the General Services Administration's (GSA) Mandatory Use Contract Schedules. Open market procedures may be used if no GSA schedules are available for item(s) desired or if a waiver is requested and obtained from GSA. The Support Services Office of the Facilities Management and Support Services Staff will work closely with any office involved in an open market procurement. All approvals for purchases are dependent on the availability of funds. Although these standards constitute basic office policy, they are subject to change due to special or unusual circumstances.

When submitting requests, please note the following:

A. Information for requesting supplies and equipment can be obtained from the following sources: Regional GSA customer service. Numbers are located in GSA supply catalogs; and Federal Supply Schedules (GSA contractor listings) and various brochures. These may be obtained on a regular basis from GSA in Denver by submitting GSA Form 457. See instructions in the back of the GSA Supply Catalog marked GUIDE.

B. Requests on Form OBD-186 should be as complete as possible including estimated price. Provide stock and model numbers, color selection, and any other information necessary to place an accurate order with the vendor. In the case of typewriters, provide model number, carriage width, requirement for legal keyboards, and typestyles selected. In the case of books, indicate whether or not you wish updates to be ordered automatically. If this is the case, please type the following in the body of the request: "Please put this publication on automatic continuation."

There is a distinction in the justification required. The Executive Office for U.S. Attorneys requires a Justification of Need. This is then compared with other U.S. Attorneys' needs and against available funds. After a request is funded by the Executive Office, further justification is usually required to meet federal procurement regulations. All administrative officers should become familiar with 41 C.F.R. §101. Keep in mind that the justification at this point should contain the salient characteristics necessary to meet the requirements of the activity and the reason for each particular characteristic. This is especially important if a specific characteristic limits the range of competition. When Justice Procurement does a cost analysis with the various products on schedule which meet the requirements, the administrative officer may be called on to compare the lowest priced item with the suggested source. Once this is accomplished, either a written acceptance of the lowest priced item or a justification stating specifically why the lowest priced



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item cannot meet the requirements must be submitted to Justice Procurement for further determination.

A description of the flow of requests submitted to the Executive Office follows. Note that requests for various items are routed differently. Please put items from different categories or vendors on separate request forms. This will avoid the need for Executive Office personnel to rewrite or return requests and will eliminate delays in filling needs of the U.S. Attorneys.

OBD-186 need only be used for the first page of each request. If continuation sheets are necessary for itemization and/or justification, plain bond paper may be used. Indicate the requisition number on each sheet and provide an original plus three copies.

Flow Charts for Various Requests:

A. Standard furniture/equipment/supply requests:

1. Received in the Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys,

2. Reviewed by Support Services Manager for appropriate justification and availability of funds,

3. Approved or disapproved, and

4. Support Services Office then:

a. returns denied or incomplete request to U.S. Attorney with explanation, or

b. arranges for document control number to be assigned and status letter to be sent to the district, and forwards two copies of approved request to the Procurement Unit, one copy to the Fiscal Services Unit, Justice Management Division (JMD) for obligation purposes, and retains one copy for Executive Office files.

B. Printing requests:

1. Received in Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys,

2. Reviewed by Support Services Manager, and

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3. As above, steps 3 and 4.

C. Copier requests:

1. Received by Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys,

2. Reviewed by Support Services Manager,

3. Forwarded to Justice Publications Service for review and approval by Copying Specialist,

4. Returned to the Executive Office, and

5. As above, steps 3 and 4.

NOTE: Material Management Staff, (JMD) reviews all requests, both purchase and rental, before being forwarded to the Procurement Unit.

For all requests processed through the Procurement Unit: A copy of the purchase order is received in the Executive Office and matched with a copy of the original request. The amount on the purchase order is compared with the amount on the request and an appropriate adjustment is made. The request and purchase order are filed by district.

When goods are received or services rendered, a copy of the receipt package is sent to the Support Services Office of the Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys for proper closing of the action filed.

10-4.240 Books

Historically, in excess of one-half of the budget provided for equipment purchase has been spent on new publications or upkeep for existing ones. Because of this expense, the following should be considered before requesting books:

A. Does the office already have at least one copy/set of the item requested? If so, what is the need for multiple copies?

B. How often will this publication be used? If use is infrequent, is there another library where the book/set could be borrowed as needed?

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C. Will upkeep (e.g., pocket parts) be necessary? If so, how much will they cost?

D. What will be the consequences if the book/set is not purchased?

SUGGESTION: Periodically review publications being received on a regular basis. If publications are found to be no longer needed, consider stopping subscriptions and excessing inventory. In all cases, review carefully the complete subscription listing sent to each office approximately each July for unnecessary books/sets.

At the beginning of the fiscal year a budget will be allocated to each U.S. Attorney by the Executive Office for use during that fiscal year. This budget includes the cost of all continuing subscriptions, pocket parts, bound volumes and new purchases, legal or other. Each U.S. Attorney will be provided a monthly list of all items ordered on a continuing basis to date in the current fiscal year as well as new one-time publications ordered to date. The September listing will contain all publications ordered for the entire year and should be saved from one year to the next. One person should be delegated in each office to be responsible for maintenance of this budget, i.e., to verify lists as described above, and to sign all requests.

10-4.241 Ordering Procedures

Ordering procedures for publications are as follows:

A. Complete Form OBD-186 (requisition form) as usual, with the following exceptions:

1. Block 1 - assign a sequential number, beginning with "1" each fiscal year for library purchases only.

2. Block 11 - assign appropriation or cost center code only as follows: Fiscal Year - E40 99 - district number - city code. Example: A FY 1982 request for Newark, New Jersey, would read 2E409950ne. (City codes are listed in this section.)

3. Block 12 - only the person designated to be responsible for the publications budget and to authorize purchase against it should sign.

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4. Block 21 - Fill in the "ship to" address ONLY if there is a permanent change to the address or if a new branch office has been established. Otherwise, this block should be left blank.

B. Forward request DIRECTLY to the Department of Justice Library for processing. (Executive Office approval is no longer required.)

C. Library staff will prepare purchase order and forward to publisher.

D. Invoices will be sent directly to the library and forwarded to the Fiscal Services Unit, Justice Management Division for payment with or without the receipt copy. Refunds will later be sought should it become necessary. Where necessary, advance payments will be made.

E. Questions concerning status or problems should be referred to the Acquisitions Section, Main Justice Library on FTS 633-3775.

F. Any publication which is on an automatic renewal status will appear in the reports with a beginning and ending subscription date. These will not require a new OBD-186 each new fiscal year. Any publication which shows only one subscription date does require a new OBD-186 at the beginning of each fiscal year. Please check the September reports carefully for the exact status of each publication. If there is a question, it may be referred to the library on FTS 633-3115.

The following items are provided automatically, without request, and with distribution as shown. Cost of these items (initial supplies only) is not deducted from district library budgets.

A. Public and Private Laws - One copy to each U.S. Attorney's headquarters office as printed.

B. Position Classification Standards - One set currently located in all U.S. Attorneys' headquarters offices; upkeep ordered automatically.

C. Handbook X-118 - Same as item B.

D. U.S. Government Manual - One copy ordered annually for each U.S. Attorney's Office, both headquarters and branch offices.

E. 831-1 (Retirement), 871-0 (Life Insurance) and 891 Federal Employee Health Benefits Program - Same as item B.

F. Federal Criminal Trials - One copy ordered automatically at original printing for each U.S. Attorney and each Assistant U.S. Attorney.



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Additional copies available through Support Services Office of the Facilities Management and Support Services Staff, Executive Office. For other than U.S. Attorney personnel, copies are available through the Government Printing Office, Superintendent of Documents.

G. Federal Rules of Civil Procedure - One copy ordered automatically at original printing for each U.S. Attorney and each Assistant U.S. Attorney handling civil cases. Additional copies are available by telephone request to the Support Services Office.

H. Federal Rules of Criminal Procedure - Same as item G, but for attorneys handling criminal cases.

I. Georgetown Law Journal - An initial supply is ordered for each U.S. Attorney's office. Additional copies are available through the Support Services Office.

J. From time to time, other publications are ordered and distributed to U.S. Attorneys' offices as deemed appropriate. When such orders are placed, U.S. Attorneys will be notified that individual requests are not required.

A basic list of library materials is provided below for reference. All districts will not require all items on the list; it is merely a guide. Additional information or assistance may be obtained by calling the Department of Justice Library.

U.S. Code	State Reports **
U.S. Code Annotated	State Statutes Annotated **
Code of Federal Regulations*	Regional Reporter**
Federal Register	Shepard's Regional Reporter
U.S. Reports*	Citations**
Supreme Court Digest (West)	American Jurisprudence
Shepard's U.S. Citations	Moore's Federal Practice or Wright's Federal Practice
Federal Reporter	Law Week and Criminal Law Reporter
Federal Reporter, 2d	

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Federal Supplement	Witmore on Evidence or McCormack on Evidence
Shepard's Federal Reporter	Wharton's Criminal Evidence and Procedure
Federal Rules Decisions	Devitt & Blackmar's Federal Jury Instructions
Modern Federal Practice Digest	West's Federal Forms
West's Federal Digest 2d	Subscriptions to two law reviews, if desired
Weinstein's Evidence	

\*From Distribution Unit, Department of Justice, through Executive Office.

\*\*State or regional publication appropriate for the area involved.

CITY CODES

<u>City</u>	<u>Code</u>	<u>City</u>	<u>Code</u>
ALABAMA, Birmingham	bi	DELAWARE, Wilmington	wi
Mobile	mb		
Montgomery	mn	DISTRICT OF COLUMBIA	
		District Ct.	wa
ALASKA, Anchorage	an	Superior Ct.	sco
Fairbanks	fa	Superior Ct. Library	scl
ARIZONA, Phoenix	ph	FLORIDA, Ft. Lauderdale	fl
Tucson	tu		
		Jacksonville	ja
ARKANSAS, Fort Smith	fs	Miami	mi
Little Rock	lr	Orlando	or.
		Pensacola	pe
CALIFORNIA, Fresno	fr	Tallahassee	tl
Los Angeles	la	Tampa	tm
Sacramento	sa	West Palm Beach	pb
San Diego	sd		
San Francisco	sf	GEORGIA, Atlanta	at
San Jose	sj	Augusta	au
		Macon	ma
COLORADO, Denver	de	Savannah	sa
Grand Junction	gj		
CONNECTICUT, Hartford	ha		
New Haven	nh		

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CITY CODES

<u>City</u>	<u>Code</u>	<u>City</u>	<u>Code</u>
GUAM	ag	MICHIGAN, Bay City	bc
HAWAII, Honolulu	ho	Detroit	de
IDAHO, Boise	bo	Flint	fl
ILLINOIS, Chicago	ch	Grand Rapids	gr
Danville	da	MINNESOTA, Minneapolis	mi
East St. Louis	es	St. Paul	sp
Peoria	pe	MISSISSIPPI, Aberdeen	ab
Springfield	sp	Biloxi	bi
INDIANA, Fort Wayne	fw	Jackson	ja
Hammond	ha	Oxford	ox
Indianapolis	in	MISSOURI, Kansas City	kc
South Bend	sb	St. Louis	sl
IOWA, Cedar Rapids	cr	Springfield	sp
Des Moines	dm	MONTANA, Billings	bi
Sioux City	sc	Butte	bu
KANSAS, Kansas City	kc	NEBRASKA, Lincoln	li
Topeka	to	Omaha	om
Wichita	wi	NEVADA, Las Vegas	lv
KENTUCKY, Lexington	le	Reno	re
Louisville	lo	NEW HAMPSHIRE, Concord	co
LOUISIANA, Baton Rouge	br	NEW JERSEY, Camden	ca
Lafayette	la	Newark	ne
New Orleans	no	Trenton	tr
Shreveport	sh	NEW MEXICO, Albuquerque	al
MAINE, Bangor	ba	NEW YORK, Albany	al
Portland	po	Brooklyn	br
MARIANA ISLANDS	mi	Buffalo	bu
MARYLAND, Baltimore	ba	New York City	ny
MASSACHUSETTS, Boston	bo	Rochester	ro
Springfield	sp	Syracuse	sy

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CITY CODES

<u>City</u>	<u>Code</u>	<u>City</u>	<u>Code</u>
NORTH CAROLINA, Asheville	as	TENNESSEE, Chattanooga	ch
Charlotte	ch	Greenville	gr
Greensboro	gr	Knoxville	kn
Raleigh	ra	Memphis	me
		Nashville	na
NORTH DAKOTA, Bismark	bi		
Fargo	fa	TEXAS, Austin	au
		Beaumont	be
OHIO, Akron	ak	Brownsville	br
Cincinnati	ci	Corpus Christi	cc
Cleveland	cl	Dallas	da
Columbus	co	El Paso	ep
Dayton	da	Fort Worth	fw
Toledo	to	Houston	ho
		Laredo	la
OKLAHOMA, Muskogee	mu	Lubbock	lu
Oklahoma City	oc	San Antonio	sa
Tulsa	tu	Tyler	ty
OREGON, Eugene	eu	UTAH, Salt Lake City	sl
Portland	po		
		VERMONT, Burlington	bu
PENNSYLVANIA, Erie	er	Rutland	ru
Harrisburg	ha		
Lewisburg	le	VIRGIN ISLANDS, Christiansted	ch
Philadelphia	ph	Charlotte Amalie	ca
Pittsburg	pi	St. Thomas	st
Scranton	sc		
		VIRGINIA, Alexandria	al
PUERTO RICO, Hato Rey	hr	Newport News	nn
		Norfolk	no
RHODE ISLAND, Providence	pr	Richmond	ri
		Roanoke	ro
SOUTH CAROLINA, Charleston	ch		
Columbia	co	WASHINGTON, Seattle	se
Greenville	gr	Spokane	sp
		Takoma	ta
SOUTH DAKOTA, Pierre	pi	Yakima	ya
Rapid City	rc		
Sioux Falls	sf		



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CITY CODES

<u>City</u>	<u>Code</u>	<u>City</u>	<u>Code</u>
WEST VIRGINIA, Charleston	ch	WISCONSIN, Madison	ma
Elkins	el	Milwaukee	mi
Huntington	hu		
Wheeling	wh	WYOMING, Cheyenne	ch

10-4.250 Rental of Equipment (Other Than Word Processing)

10-4.251 General

This category includes copy machines and miscellaneous equipment.

10-4.252 Copier Equipment

A. Normal Procedures

Procedures for rental and criteria for approval are as follows: Requests for copying equipment should be submitted on Form OBD-186 and justification must be submitted on Form DOJ-450 (See Department of Justice Order 2510.9 (Nov. 24, 1975) and accompanying Justice Publications and Printing Guide). On request form, list any equipment to be replaced by serial number(s), model number or name, and purchase order in effect at the time of request. Give a complete description of the item(s) requested, including any accessories, and specify rental plan desired. In the case of most lease plans, removal of equipment will not be authorized before the end of the lease period if any cancellation penalty is involved. If help is needed in selecting equipment, contact the Support Services Manager, Executive Office, or the Copy Specialist in the Justice Publications Service. Generally, the most economical equipment (based on number of copies per month and special features required) will be selected. If there are special reasons for selection of a certain brand or model which is not the most economical, justification should be provided. Refer to Copier Matrix which is provided yearly by the Copy Specialist as a guide to copier selection.

B. Emergency Temporary Procedure

In the case of an emergency temporary requirement (90 days maximum) rentals under SF 44 authority may be used. Executive Office approval must

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be requested in writing prior to renting. This may be accomplished by teletype and should be followed up with a confirming Form DOJ-450. Additionally, telephic approval by the Copy Specialist on the selection must be obtained.

C. Reporting Requirements

Form DOJ-369, "Copying/Duplicating Inventory," must be completed quarterly (See Department of Justice Order 2510.9 (Nov. 24, 1975)) by all offices who have copier equipment regardless of brand. October through December 31 report is due January 30, January through March 30 is due April 30, April through June 30 is due July 30 and July through September 30 is due October 30. All reports are mandatory and should be submitted directly to the Support Services Office of the Facilities Management and Support Services Staff, Executive Office. Any question may be addressed to the Support Services Manager or the Copy Specialist.

D. Charges for Outside Use of Copier Equipment

Copy/duplicating equipment rented for U.S. Attorney offices is intended for use by U.S. Attorney staff in the conduct of official business. In the case of outside use of this equipment, the following information should be considered: charges collected for outside use of the equipment are not refunded to the U.S. Attorney's appropriation but are returned directly to the U.S. Treasury. Any cost for use of this equipment (whether or not a charge is levied against the user) is paid from U.S. Attorney funds.

Opposing counsel and other non-government users should be charged according to instructions given in USAM 1-5.130 (FOIA requests). In the case of voluminous documents to be copied, consideration should be given to reproducing the documents commercially, and billing the recipient directly.

Use by other government offices/agencies should be considered only at the convenience of the U.S. Attorney's staff. In the case of extensive use, U.S. Attorneys are encouraged to make informal agreements with the users to replace supplies and/or to provide operators.

10-4.253 Miscellaneous Equipment

Miscellaneous equipment such as telecopiers, stitchers, water coolers, etc. should be submitted on Form OBD-186 with a sufficient

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justification stating need, how need was met prior to request, etc. See USAM 10-4.233 on procurement procedures.

10-4.260 Supplies and Services

10-4.261 Supplies

One person in each U.S. Attorney's office should be assigned the responsibility of ordering supplies and maintaining a simple inventory system. Quantity requirements should be estimated carefully, to avoid overstocking and to keep the number of special requisitions at a minimum.

10-4.262 Procedures for Obtaining Supplies

A. General Services Administration (GSA) Self-Service Stores: In those cities where the GSA Federal Supply Service operates retail stores convenient to U.S. Attorneys' offices, such stores should be patronized. Applications for GSA store charge plates should be sent, in memorandum form, to the Support Services Office of the Facilities Management and Support Services Staff, Executive Office. Indicate in the memorandum both the GSA account code (refer to Department of Justice Order 2300.3 (July 2, 1973)) and the appropriation code of your office. Use of these stores is limited to purchase of "consumable" supplies. Bills are sent from GSA directly to the Fiscal Services Unit in Washington, D.C.

B. National Blanket Purchase Agreements: The Procurement Unit, Justice Management Division, automatically issues a number of National Blanket Purchase Agreements for supplies used Department-wide. Copies are provided to all potential users who may then place telephone or memorandum orders for items listed on the various agreements. The number of the agreement and "call number" of work should be given with each order and noted by the vendor on all invoices. There is a \$500.00 limit on most of these orders unless otherwise noted on the agreement. Bills will be sent to the U.S. Attorney and should be receipted with the order numbers noted and forwarded to the Fiscal Services Unit, Accounting Section, Washington, D.C.

C. Local Blanket Purchase Agreements: These agreements should be obtained when there is a recurring need for supplies from a particular vendor. The term "local" refers to a need of a particular U.S. Attorney's office, not the geographic location of the vendor. Some examples of local blanket purchase agreements are a charge account at a nearby office supply

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store or an agreement with a vendor for a particular or specialized item such as brief covers or exhibit labels. These purchase agreements have an indefinite status and do not need to be renewed yearly. Cancellation is made only at the request of the vendor or the U.S. Attorney's office. Efforts should be made to maintain the names of the individuals authorized to make purchases against the agreements current. Changes to or cancellation of an agreement can be accomplished by submission of Form OBD-186. Make sure agreement number is referenced.

The number of agreements is not limited; however, purchases are restricted to "consumable" supplies and services. No equipment may be ordered against these agreements. Bills are sent directly from the vendor to the Fiscal Services Unit, together with copies of individual sales slips.

D. GSA Depots: These orders are limited to "consumable" supplies. They may be placed via the FEDSTRIP (SF-344) using procedures set forth in Department of Justice Order 2300.3 (July 2, 1973). Bills are sent directly from GSA to Fiscal Services Unit.

10-4.263 44 Authority

A concerted effort should be made to use one of the four sources referenced in USAM 10-4.262. If a particular item is not available through one of these sources, additional authority in the form of Form SF-44 is available. Upon written request by the U.S. Attorney, one specific individual in a given office may receive Contracting Officer delegation to use the SF-44. This authority is NOT transferable. If any change is necessary, a memorandum requesting this change should be submitted to the Support Services Office of the Facilities Management and Support Services Staff. Please list the name of the individual who should receive this delegation as well as the name of the individual who is having this delegation rescinded.

Form SF-44 may be used to purchase emergency supplies and services under the following conditions:

- A. The amount of each individual purchase is \$500 or less;
- B. The supplies or services are immediately (locally) available;
- C. One delivery and one payment is made; and
- D. Use of an SF-44 is determined to be more economical and efficient than use of other small-purchase procurement methods.



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The SF-44 is limited to use outside of the Department for purchase of small quantities of materials, supplies and services necessary to accomplish the objectives of the operation, provided such expenditures are limited to emergency situations when normal channels are not available. It cannot be used as a means to circumvent purchase from a primary source in the absence of adequate written justification, or to make "split" purchase of like commodities in order to avoid monetary limitations. Additionally, the SF-44 may not be used for the purchase of supplies or services in the following categories:

- A. Office machines and equipment;
- B. Furniture, carpet, draperies, pictures, planter, etc; and
- C. Items of foreign manufacture.

Rental of equipment and furniture via an SF-44 on an emergency basis for periods not to exceed 90 days is permissible only after written request to and approval from the Executive Office has been obtained. Requests may be made by teletype if time does not permit normal channels of communication.

A copy of all orders placed on Form SF-44 must be sent to the Executive Office immediately on issue of the order. Authority includes emergency purchase of books when they also meet the above criteria.

All payments against Form SF-44 will be made from Washington, D.C.

#### 10-4.264 Services

Services include repair or rehabilitation of equipment, cleaning services, local labor services, etc. Requests for these services should be submitted on Form OBD-186. See USAM 10-4.263. The same guidelines and procedures apply to the use of Form SF-44 to obtain services. In all cases, General Services Administration contractors must be used when applicable and available.

10-4.270 Word Processing

10-4.271 General

Word processing involves the application of the latest electronic technology to the production of documents. Modern word processing equipment normally includes the following features:

- A. A typewriter-like keyboard with special purpose function keys;
- B. A cathode ray tube (CRT) screen display unit on which the document to be prepared or revised appears;
- C. An electronic storage medium which holds pre-recorded documents;
- D. A printing device;
- E. A processing unit. In a "standalone" word processor, the processing unit is combined with the CRT, the disk drives and sometimes the keyboard into one component. In a shared logic system the processing unit is a separate component and is shared by all terminals (CRT/keyboard, printer); and
- F. A software program(s).

Other special-purpose features may include:

- A. The ability to communicate electronically with other, remote word processing machines, computers, or optical character recognition (OCR) devices;
- B. The ability to perform record keeping functions (sort and select); and
- C. The ability to perform arithmetic computations.

U. S. Attorneys' offices can benefit substantially from the appropriate application of this technology to meet their typing needs. The benefits of a good word processing operation should include production of higher quality work, faster turn-around time on typing jobs, and better administrative support from the secretarial staff. Offices implementing word processing

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systems, however, must be prepared to invest time in planning and managing the equipment to make it maximally cost effective and efficient.

Word processing equipment is particularly useful in the production of two types of documents:

A. Standardized forms, letters, motions, etc., which require only minor variations such as defendant name, dates, etc.

B. Long, original documents which require revisions before they are approved in final form.

Short, one-of-a-kind types of documents are just as effectively produced on standard typing equipment.

To make efficient use of the equipment, it is necessary to analyze typing requirements and the distribution of clerical work in the office. It will often be necessary to reorganize the clerical support staff and/or reassign certain typing responsibilities. It may also be useful, especially in large offices, to establish a word processing center or several mini centers to handle high volume document production. In all offices it will be necessary to appoint system managers, train word processing operators and develop procedures which will ensure efficient use of the word processing system.

The staff of the Office of Management Information Systems and Support (OMISS) is available to assist individual offices in their efforts to implement efficient, effective word processing systems by providing technical and/or management consultation services. OMISS staff will also assist offices in determining how much and what type of equipment they need, in procuring equipment and in upgrading equipment as new software becomes available.

Because of the increasing costs of word processing equipment and increasing demands that government agencies manage their resources well, U.S. Attorneys' offices will have to verify the productivity of their word processing operations before lease agreements for the equipment can be renewed. Similarly, all requests for new or additional word processing equipment will have to be justified. The type and quantity of equipment approved for an office depends on several factors:

A. The volume and type of written work produced in the office;

B. The proposed organization of word processing operations in the office;

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C. Any special records management applications planned for the equipment; and

D. The personnel resources of the office.

Information on these variables must accompany every request for continued lease of word processing equipment or additional equipment as outlined in USAM 10-4.272 through 10-4.275, infra.

The following sections will detail the Lanier contract and the information required for new or additional equipment for:

A. Lanier PROMIS contract (all small, most medium, and some large sized offices); and

B. All other vendors (most large and some medium sized offices).

Information will also be provided regarding a new yearly report that is being required as well as definitive requirements for the report.

#### 10-4.272 Ordering Procedure

The procurement process for word processing items, which are now classified as ADP (automated data processing) equipment, is quite elaborate. Word processing equipment is currently located on GSA's ADP schedule. Procedures for justifying and ordering ADP equipment are described in Orders DOJ 2830.3, Word Processing Program, and DOJ 2830.1C, Automated Information Systems Policies. Justification requirements are mandated by 41 C.F.R. 101-26.408, paragraphs 2 and 3.

All word processing procurement requests should be directed to:

Department of Justice  
Procurement Specialist  
OMISS/EOUSA - Room 1035  
Universal North Building  
Washington, D.C. 20530

When your equipment request package is received in OMISS, it will be logged into a tickler system by the Procurement Specialist and reviewed by one of the Management Analysts. The request will then be approved or disapproved. If disapproved, it will be returned to the requesting office. If the request is approved, in the case of Lanier equipment, the Contracting Officer's Technical Representative (COTR) will request an appropriate contract modification and contact Lanier to arrange a time for delivery of



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the equipment. If the request is approved for other vendors, the package will be forwarded to Justice Procurement for action.

A. PROMIS Equipment Contract: OMISS has awarded a contract for equipment (hardware, software, and associated support), #3C00016, to Lanier Business Products for the Shared System II. In conjunction with the PROMIS case-tracking project, all small and most medium sized U.S. Attorneys' offices will be provided with Lanier Contract equipment. This equipment is capable of performing records processing (the PROMIS application) and word processing (text creation and editing applications).

This contract includes terms and conditions which are unique to the lease of Lanier systems in U.S. Attorneys' offices. All aspects of word processing implementation, including, but not limited to, training, support, and service, are included in these terms and conditions. Contract 3C00016 information is available to Administrative Officers and designated Word Processing System Managers in a notebook from the Contracting Officer's Technical Representative, Office of Management Information Systems and Support, EOUSA.

Each request for Lanier equipment should include:

1. Equipment request, (a memorandum listing contract line items requested.);
2. Justification of need; and
3. Productivity report.

B. Other Than PROMIS Contract Equipment: All large offices and some medium sized offices are using the computer-based version of PROMIS for case tracking. Most of these offices are not covered by the Lanier contract. Equipment orders from those offices should include:

1. Equipment Request, (OBD-186, "Requisition for Equipment and Services");
2. Justification of need; and
3. Equipment Justification:
  - a. For procurement in excess of \$10,000; and
  - b. For procurement less than \$10,000.

4. Productivity report.

10-4.273 Definition Of Requirements.

This section breaks down and describes the components of the word processing procurement request packages.

A. Equipment Requests:

1. For Lanier PROMIS equipment, a memorandum listing the additional Lanier equipment needed by line item as spelled out in the PROMIS Hardware Contract Manual on pages 7 and 8.

2. For all other equipment, submit an OBD-186, "Requisition for Equipment, Supplies, or Services." The 186 should include the following:

a. Provide stock and model numbers. Provide typestyle, cable lengths, and any other information necessary to place an accurate order with the vendor. Your vendor sales representative should prepare an exact equipment component list.

b. Description of Articles, Block (15), should include the quantity requested after each line item description.

c. Quantity, Block (16), should be the number of months in the fiscal year that the procurement will be applicable (allow at least ten weeks from the time your procurement package is mailed to EOUSA).

d. Unit, Block (17), should read "month" for leased items and one-time for purchase items and installation or destination charges.

e. Estimated Unit Price, Block (18), is the total one month lease charge for the quantity of each line item described.

f. Amount, Block (19), is the Estimated Unit Price times the number of months lease or the one-time charges.

B. Justification of Need: The following Word Processing System Outline is the designated format for representing your present office system and your need for additional equipment. This information is required by EOUSA.

WORD PROCESSING SYSTEM OUTLINE

I. DESCRIPTION OF PRESENT SYSTEM

A. Equipment. Describe each system component [including serial number, date installed and location in the office]:

1. Where is the equipment physically located? Provide a floor plan if possible.

2. Where is the equipment located organizationally? In what section[s]?

3. Is the equipment used in a word processing center, shared by several individuals, or assigned to a particular individual?

4. What specific types of work are done on this equipment?

B. Operators. Who is [are] the operator[s] of each work station? Is this person a full-time operator? If not, how is use time divided?

C. Management of the System. Who is the word processing system manager? Is this a manager, supervisor, lead operator, or other position?

D. Procedures. Please describe in some detail the procedures [standard and emergency] used in managing the system. Include a description of your training program. Include as well a description of your guidelines regarding retention, deletion, and archiving of documents. What is the retention time frame? Who maintains archived media? How are archived materials reclaimed?

E. Function. What is the average turn-around time on a routine typing job?

II. DESCRIPTION OF ADDITIONAL EQUIPMENT REQUESTED AND ITS PLANNED USE.

Please list each additional piece of equipment requested and provide a detailed description of how the new equipment will affect use of other items already in place. What work is targeted for this equipment? How is that work being performed now? Have there been any personnel increases and do you expect any personnel changes as a result of this procurement?

C. Productivity Report: A standard word processing management procedure for determining productive utilization is to require word processing productivity reports. A productivity report is a count of pages or lines input and output on a word processing terminal over an extended period of time. Productivity reports covering at least a two month period of time will now be required for the annual word processing report as well as for all requests for new or additional equipment. This information can be gathered in a couple of ways. A few word processing systems keep administrative records automatically as part of the indexing of typing jobs. Most word processors, however, do not currently have this capability and so the information must be gathered manually by productivity logs.

We recommend that productivity logs be maintained for each terminal as well as for each operator. We also recommend that these logs be maintained on an ongoing basis so that they can serve as a management tool for the U.S. Attorneys' offices as well as for the EOUSA. For the offices, the logs can be used to:

1. Evaluate employee performance;
2. Determine if additional equipment is necessary;
3. Pinpoint what documents are done repetitively and should be kept on-line;
4. Measure effectiveness of department achievements and standards; and
5. Enable a supervisor to measure the effectiveness and learning rate of new employees, etc.



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For the EOUSA, the logs will be used to:

1. Provide statistical verification of the productive use of word processing equipment to justify continued lease of equipment.
2. Justify additional equipment needs for U.S. Attorney offices.

These logs may be in any form as long as the end result is a line or page count of typing input and output on the word processing equipment. A sample log is included in the forms appendix for your information/use. You should count any page that is more than half full and not count any pages that are less than half full. Page counts can be converted to line counts by using the formula described on the report form and below.

Single space, 8 1/2 x 11	counts	50 lines
Double space, 8 1/2 x 11	counts	25 lines
Mixed spacing	counts	40 lines
Fill in form	counts	15 lines
Envelope	counts	5 lines

The Productivity Report submitted to OMISS should include the following:

1. Total number of pages produced (printed).
2. Breakdown of lines of input by the following categories:
  - a. One-time only
  - b. Draft
  - c. Revision
  - d. Standard form
  - e. Miscellaneous charts, tabular typing, data input, etc.
3. Special application. For example, designing files; report how much time was spent on these applications.

We are requesting the productivity information in this manner so that we may qualify it. For example, a word processing operator who does extensive revision work can have a significantly lower line count than one who does mostly fill-in or standard document generation, although both may be spending the same amount of time on the typing station. Designing files can tie up a typing station and a line count would not be applicable. If you cannot categorize a job you are doing, please provide a narrative

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explanation under Special Applications. Most typing jobs should fit into one of the designated categories as described below.

One-time only typing jobs are those first typed in a final format, are very short (one or two pages) and usually not retained on magnetic media.

Draft typing jobs are those more lengthy and are stored on magnetic media in anticipation of revisions or for manipulation into a new format. This would include the production of lists of variables used in list/merge applications or block of information used as glossaries or building blocks. If you are doing a list/merge application for a mailing as an example, count your new input (the list of addresses) and your total output (quantity of letters produced). It would be helpful if you would add the statement, list/merge, as a comment.

Revisions are typing jobs that involve editing a previous effort. Only a portion of the lines in the job will presumably be edited and only a portion of the pages in the document are therefore counted. You should count those number of pages that are being worked on. For example, a fifty page brief is returned with revisions on twenty pages. On the sample work log, you would list the job as twenty pages input, check the category "revision", and count all fifty pages as output (printed).

Standard form typing jobs are those jobs that involve filling variables into a standard document. These standard documents may be forms, letters, documents, etc. Filled-in standard forms are usually not stored on magnetic media.

Miscellaneous charts, tabular typing, and data input are typing jobs that are more difficult to create and usually include at least one numeric column of information. Some Lists of Exhibits may fit into this category as would data input into budget or inventory files.

D. Equipment Justification: Title 41 of the United States Code requires competition in the procurement of goods and services for the federal government except in those rare circumstances where the governments requirement is available from only one source.

The fact that a desired source is considered the best source does not mitigate the statutory requirement to afford all qualified sources the opportunity to set forth in a bid or proposal their respective capabilities for our unbiased consideration.

Following are outlines for preparing a justification when your office has designated a preferred vendor source. This information is required by Justice Procurement.

Equipment Justification Outline Value of  
Procurement in Excess of \$10,000

I. INTRODUCTION - (Identify originating office, requirement, and proposed contractor)

II. ORGANIZATION OR VENDOR HAS UNIQUE QUALIFICATIONS

A. Unique knowledge or capability.

B. Unique facilities or personnel.

C. Relate unique qualifications to your distinct program.

III. PROPOSED ORGANIZATION OR VENDOR IS ONLY KNOWN SOURCE

A. (Include the following statement: "The required equipment is only available from \_\_\_\_\_. This equipment (or service) possesses the following characteristics which are not found in any other type of equipment." Describe the characteristics.)

B. (Include the following statement: "These characteristics or features are essential to our program for the following reasons:" Describe these reasons.)

IV. URGENCY OF REQUIREMENT

(Note: If claim for urgency is made, it must be substantiated. A mere recitation of an administratively established deadline or implementation schedule is NOT sufficient. If urgency is not a factor, state that such is the case.)

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A. The need for this requirement was realized about (date) \_\_\_\_\_.

B. Failure to complete this requirement on schedule would cause the following losses to the originating office's program.

V. OTHER FACTORS TO BE CONSIDERED

A. Continuation of previous effort.

B. Technical data and information.

C. Other sources considered (List other sources considered and the essential capabilities which they lacked—i.e. basis for their elimination from further consideration.)

D. The proposed vendor is the only source able to fill the requirement and meet the requested delivery schedule based upon the following (as applicable):

1. Particular capabilities of vendor
2. Facilities and/or specialized equipment
3. Substantial investment made by vendor
4. Patents, data, copyrights held by vendor
5. Follow-on procurement (phasing)

VI. SUMMARY AND SIGNATURE

Equipment Justification Outline—Value of  
Procurement is Less Than \$10,000

With respect to those actions for which item III does not apply, please so indicate.

I. A brief description of the procurement objective and the purpose the proposed acquisition will serve. Include all compatibility requirements or salient characteristics, when appropriate, and all plans for subsequent



phases which will proceed from, but are not included within, the scope of the proposed procurement objective.

II. A description of the essential capabilities or facilities which a firm must possess in order to successfully accomplish the proposed procurement objective.

III. An explanation as to what characteristics the required equipment possesses which are not available from any other type of equipment together with a discussion as to why such characteristics are essential to your program.

IV. A description of the degree to which the proposed source possesses such capabilities.

V. An evaluation of the degree to which the essential capabilities are available from other sources.

#### 10-4.274 Receipt of Equipment Procedure

Receipt delivery of word processing equipment (excluding PROMIS hardware contract equipment) as described in USAM 10-4.331, infra, "Deliveries to Field Offices". The EOUSA copy of the receipt package, however, should be sent to the Procurement Specialist, OMISS/EOUSA.

Receipt delivery of PROMIS hardware contract equipment (Lanier) using a copy of the manual's "Equipment List by Line Item" found on pages 7 and 8. Write the quantity and serial numbers of each item received next to the appropriate line item description. Two copies should be sent to the Procurement Specialist, OMISS/EOUSA.

Receipt partial deliveries if any portion of the system is operational. Receipt additional equipment as it is installed.

#### 10-4.275 Annual Reporting Requirement

Because of the ever-increasing cost to lease sophisticated, automated word processing equipment and the limited funds available we must be certain that use of this equipment is optimal. To accomplish this goal and to provide an annual word processing equipment inventory to the EOUSA, annual renewal of equipment leases must be justified.

Please provide the following on or before June 1, 1984, and each June 1 thereafter.

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- A. Word Processing System Outline; and
- B. Productivity Report.

Both of these items were described in USAM 10-4.273, supra, and the information should be readily available from your word processing system manager. This report should be directed to the Procurement Specialist, OMISS/EOUSA.

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WORD PROCESSING WORKLOAD REPORT

For the Period: \_\_\_\_\_ Through: \_\_\_\_\_ Total # Work Days:

# Pages one time only \_\_\_\_\_ = \_\_\_\_\_ lines

# Pages first draft \_\_\_\_\_ = \_\_\_\_\_ lines

# Pages revised \_\_\_\_\_ = \_\_\_\_\_ lines

# Standard documents \_\_\_\_\_ = \_\_\_\_\_ lines

# Miscellaneous \_\_\_\_\_ = \_\_\_\_\_ lines

TOTAL INPUT \_\_\_\_\_ = \_\_\_\_\_ lines

# Special applications \_\_\_\_\_

Description of Special Applications:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOTAL OUTPUT \_\_\_\_\_ pages





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10-4.300 PROPERTY MANAGEMENT

The Department of Justice has established principles, standards, procedures, and related requirements with respect to the maintenance of inventory records and the control of personal property. Personal property management involves the acquisition, receipt, storage, issue, utilization, maintenance, protection, accountability, and disposal of personal property. Proper management of property will achieve a greater degree of efficiency within acceptable economical limitations.

10-4.310 Definitions

For purposes of clarifications regarding nomenclature used in this section, the following definitions apply:

Accountability: The responsibility for personal property control and records maintenance according to a prescribed auditable system. (See OBD Order 2450.1, Jan. 8, 1981).

Property Management Officer (PMO): The individual responsible for the overall administration, coordination and control of the Property Management Program for the Offices, Boards and Divisions (OBD). The PMO for the OBD is the Assistant Director for the Property Management Group, Administrative Staff (PMG), Justice Management Division (JMD).

Accountable Officer (AO): The principal officer of any OBD or field office who is responsible for the accountability and control of personal property. The AO for each U.S. Attorney's office is the U.S. Attorney.

Property Custodian (PC): An individual responsible for the immediate physical custody of personal property under his/her control and for providing documentation as required of all actions affecting the property within his/her jurisdiction. In each U.S. Attorneys' office the PC is the administrative officer.

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Property Control Officer (PCO): An individual responsible for the overall administration, liaison activities and coordination of personal property within the Executive Office and all U.S. Attorneys' offices. The PCO is the Support Services Manager in the Executive Office for U.S. Attorneys.

Personal Property: Any property owned or controlled by the federal government other than land, buildings, and building fixtures. Does not refer to property owned by employees.

Expendable Property: An article of personal property which has only incidental value and which, when applied to use, is consumed, loses its identity or becomes a component part of other property.

Accountable Property: An article of personal property which has a useful life of one year or longer and has a distinct identity.

Accountable personal property includes:

A. Property with a minimum unit acquisition cost of \$1000 or more (capitalized).

B. Property with a minimum unit acquisition cost under \$1000 if it is included either in the controlled (sensitive) property listing or in the aggregate furniture property listing (noncapitalized).

C. All leased property regardless of rental cost.

A listing of example sensitive items as well as the listing of aggregate items follows:

SAMPLE LISTING OF CONTROLLED (SENSITIVE) ITEMS

Adding machines  
Air conditioners  
Calculators  
Clocks  
Communications equipment (owned)  
Dictator/Transcriber  
Dehumidifier  
Electronic Data Processing Equipment such as Acoustical coupler, Disk pack, program cassette  
Humidifier  
Mail handling equipment  
Material handling equipment, such as hand truck

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Paper shredder  
Phonograph and equipment  
Photographic projection equipment  
Readers, microfiche/microfilm  
Tape recorder, audio  
Telephone message recorder  
Television  
Typewriter

ITEMS TO BE ENTERED INTO THE AGGREGATE ACCOUNT

Bookcase	7110-00-000-0300
Bookcase, sectional	7110-00-000-0375
Bookrack	7110-00-000-1050
Cabinet file, card	7110-00-000-1700
Cabinet file, lateral	7110-00-000-2500
Cabinet file, legal	7110-00-000-4300
Cabinet file, letter	7110-00-000-4850
Cabinet file, security	7110-00-000-5800
Cabinet storage	7125-00-000-1100
Cabinet telephone	7110-00-001-0450
Chair, miscellaneous	7110-00-001-3750
Chair, rotary professional	7110-00-001-4550
Chair, rotary secretarial	7110-00-001-4650
Costumer	7110-00-001-7050
Credenza	7110-00-001-7100
Davenport	7110-00-002-0400
Desk, double pedestal	7110-00-002-9300
Desk, secretarial left ped.	7110-00-003-3725
Desk, secretarial right ped.	7110-00-003-3750
Divider	7110-00-003-6450
Magazine rack	7110-00-003-7200
Screen, folding	7110-00-003-8150
Stand office machine	7110-00-003-9425
Storage unit	7110-00-003-9650
Table	7110-00-003-9775
Table, coffee	7110-00-004-0100
Table, end	7110-00-004-3825
Table, round	7110-00-004-4950

Individual items listed above MUST cost less than \$1000 to be considered in the aggregate count.

The following items are not included in inventories as aggregate items but should be included if costing more than \$1000.

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Blackboards  
Bulletin boards  
Easels  
Flags and stands  
Lamps  
Mirrors

Pencil sharpeners  
Planters  
Shelving  
Smoking stands  
Wastebaskets

10-4.320 Responsibilities

Accountable Officer: U.S. Attorneys, as Accountable Officers, are responsible for the accountability of personal property, supervision of property recordkeeping and the certification of correctness of the annual inventory report submissions for all offices under their supervision.

Property Custodian: The administrative officers, as Property Custodian, are responsible for the immediate physical custody of all property under their control, and for providing the Accountable Officer documentation on all actions affecting the property. Specific responsibilities include:

A. The proper use, maintenance and protection of personal property under their control.

B. Selecting the most economical and efficient method of repair or rehabilitation of property within their jurisdiction.

C. Initiating repair requests for property in their jurisdiction.

D. When property passes are not controlled elsewhere, issuing a property pass, such as OF 7 "Property Pass Form" for removal of government property from the building. This form should be filled out as an original and one copy. The original should be given to the individual removing the property and the copy held by the Property Custodian until the property is returned.

E. Designating employees to conduct actual physical inventories whenever necessary and providing technical guidance and assistance to those employees. The Property Custodian as well as the Accountable Officer may not conduct the actual inventory.

F. Initiating report of survey action as prescribed by OBD Order 2450.1 (January 8, 1981), in connection with the loss, theft, damage, or destruction of personal property.



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G. Ensuring that all employees are properly instructed on their responsibilities for the proper use, maintenance and protection of government property.

10-4.330 Property Accountability

10-4.331 Deliveries to Field Offices

When furniture, supplies, equipment and/or services are delivered directly to an office, the following procedures apply:

A. Complete Delivery

1. Verify the quantity delivered versus the quantity ordered.
2. List the manufacturer's serial number for all equipment next to the appropriate line item.
3. Assign a decal number to furniture or non-serialized equipment costing \$1000 (capitalization criteria) or more and write the number(s) on the face of the receipt document next to the appropriate line item.
4. Write or stamp "approved for payment" on the receipt package.
5. The Property Custodian should sign and date the receipt package.
6. Make three photocopies of the receipt package and mail two to the Department of Justice, Accounting Operations Group, PO Box 7405, Ben Franklin Station, Washington, D.C. 20044. The Accounting Operations Group will forward a copy to Property Management (PMG) so that the item(s) may be entered into the Property Management System (PMS). The third copy should be sent to the Support Services Office of the Facilities Management and Support Services Staff.

B. Partial Delivery

When the delivery is only a portion of the total amount of the purchase order:

1. Indicate the exact quantity received and date the entry on each separate affected line item on the receipt package.

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2. Record the manufacturer's serial number or Department decal number, as appropriate, next to the correct line item.

3. Make three photocopies of the receipt package and write or stamp on two copies "approved for payment - partial receipt" and indicate the specific line items involved.

4. The Property Custodian should sign and date the receipt package.

5. Mail copies as indicated under USAM 10-4.331(A)(6) "Complete Delivery," item 6, supra.

6. Repeat this process for subsequent deliveries until complete. The last partial receipt package should be marked or stamped "final". A copy of the new completed "original" receipt package should be kept on file by the receiving office to prevent any possibility of making duplicate payments to vendors for the same delivery.

C. Lease/rental agreements

Receipt packages for either initial or renewal leases or rentals of equipment should be verified for accuracy, signed, dated and returned to the Accounting Operations Group immediately. A copy of the receipt package must also be sent to the Facilities Management and Support Services Staff, Executive Office.

10-4.332 Delivery Problems

If a contract vendor other than the General Services Administration (GSA) refuses to effect inside delivery, and if the above statement appears on the purchase order, shipment can be refused until delivery is correct according to the order. To expedite this process it may be wise to call the vendor while the carrier is present so the problem can be resolved immediately.

In the case of failure to execute inside delivery from GSA (fedstrip) order, do not refuse the shipment. Call the regional customer service representative while the carrier is on the premises. If necessary, obtain local labor using Form SF 44 contracting authority. Indicate on the receipt package and the bill of lading that delivery was not effected according to the original request.

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If goods from a contract vendor other than GSA are obviously damaged (see 41 C.F.R. §101-26.8), do not accept delivery. The fact that goods were not accepted because of obvious damage should be noted on the delivery ticket. For items shipped from GSA depots, accept delivery but indicate on the delivery ticket that items were in obviously damaged condition. If the carrier is obviously responsible, settlement may be made locally and directly by check. If so, send the check with request for replacement through the usual procedure.

If damage is not detected until delivery is accepted, obtain a cargo inspection report from the carrier and send that, with all support documents (fedstrip or purchase order, packing with all correct slips, etc.) to the Procurement Management Unit, Department of Justice, 10th & Constitution Avenue, NW, Washington, D.C. 20530, requesting that appropriate adjustments be made. In the case of GSA depot shipments, contact GSA customer service before proceeding to the last step. In general, if you can handle the matter locally it will be resolved much faster. If there is a problem, either the Executive Office or the Procurement Unit staff will be glad to help but, as "middlemen," will not be as well informed in the situation as are the parties involved. If adjustments can not be made immediately, submit Form OBD-186 for replacement of the damaged goods pending settlement.

#### 10-4.333 Determination of Accountable Property

Each item obtained whether by purchase/delivery order, contract action or fedstrip is coded on the document to assist in the identification of accountable property. If coding is missing, a call should be placed to Property Management Group (PMG) for appropriate coding if the item is in question. These identification codes are:

- AC Accountable Capitalized (items on purchase/delivery orders or contracts)
- A Accountable Capitalized (items on fedstrips)
- AS Accountable Sensitive
- G Accountable Non-capitalized (items on fedstrips)
- AN Accountable Non-capitalized (items on purchase/delivery orders)
- N Not accountable
- S Supplies
- R Lease items

Items received with codes AC, AS, A and R require the receiving office to either assign a Department of Justice decal or to record the

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full manufacturer's serial number on the receipt document prior to forwarding.

Items coded AN or G will be accounted for in aggregate and will not be identified in the inventory with a decal or serial number. The location of the coding on fedstrips is in Position 40 "serial" field. See also listing at end of USAM 10-4.310.

10-4.340 Physical Inventories

Physical inventories are required to assure reconciliation of accountable personal property on hand with the quantities on the property accountability records. Inventories will generally be performed on an annual basis. In addition, they are required upon the change of U.S. Attorney (Accountable Officer) and administrative officer (Property Custodian). The outgoing individual must conduct a physical inventory prior to departing. The incoming individual is not required to conduct an inventory on arrival, but is advised to do so if at all possible.

10-4.341 Conducting Physical Inventories

The physical inventory must be performed by a team of at least two members designated by the Accountable Officer and the Property Custodian. Neither of these individuals can participate on the team. Each team member is required to sign a statement describing his/her role in the inventory process as briefly and accurately as possible. This statement must be forwarded to PMG together with other inventory documentation upon completion of the inventory.

Based on property overages and shortages determined during the inventory, the Property Custodian should complete Form OBD-215, "Inventory Adjustment Voucher," providing a complete explanation of each overage or shortage and attaching appropriate backup documentation. For overage, this would mean a copy of the purchase order (for trade-ins); Form SF 122, "Transfer Order-Excess Personal Property;" Form OBD-14, "Property Transfer Request;" Form OBD-216, "Report of Survey;" or other documentation in the case of lost, stolen, damaged or destroyed property.

The inventory must be completed within 30 calendar days from the date of the memorandum from PMG transmitting the computer printout. All accountable property on hand must be inventoried and Reports of Survey promptly initiated to account for any lost, stolen, damaged or destroyed property. When completed, that inventory will be matched to the computer



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printout. Discrepancies will be rechecked by a different person. The computer printout, annotated with current information, should then be returned to PMG, together with the following documentation:

A. Form OBD 217, "Certification of Inventory" signed by U.S. Attorney;

B. Form OBD 215, "Inventory Adjustment Voucher," and all supporting documentation;

C. Statement from inventory team members describing their role in the inventory process.

10-4.342 Summary of Records to be Maintained

A. Physical Inventory Report

As discussed previously, physical inventories will generally be performed on an annual basis. Additionally, when a U.S. Attorney, therefore an Accountable Officer, or an administrative officer, therefore a Property Custodian, is being replaced, a physical inventory must be accomplished. The incoming U.S. Attorney and/or administrative officer may elect to perform a property inventory also.

B. Monthly Customer Activity Transaction Listing

This is a monthly computer printout reflecting all additions, changes and deletions to the office's accountable personal property during a given month. All documents relating to flow of property such as Forms OBD-14, and SF 120, copies of receipts, etc. should be maintained in a separate file. Each month's Transaction Listing should be reconciled with the documents on file. When the item(s) appear properly on the Listing, the documents may then be filed away in the appropriate files. If there is a discrepancy, please contact PMG immediately.

C. Annual Customer Activity Transaction Listing

The Annual Customer Activity Transaction Listing summarizes on an annual basis the Monthly listing.

D. Individual Records

Individual record files should be maintained on all capitalized property and controlled property. This file should reflect the physical

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location of the item(s). Documents reconciled with the Monthly Activity Listing should be placed in this file as indicated above.

The same type or records should be maintained on aggregate items as well as leased items.

10-4.343 Reporting Lost or Stolen Property

In addition to any security reporting requirements, each office is responsible for promptly reporting to PMG losses, thefts, damages, or the destruction of property. This type of report is most commonly required when property cannot be found during a physical inventory.

When loss, theft, damage or destruction involves personal property carried on Property Management System (PMS) property accountability records (capitalized personal property valued at \$1000 or more; controlled personal property valued at under \$1000; and furniture valued at under \$1000), a Form OBD-216, Report of Survey must be completed and forwarded to PMG. All other property losses, thefts, damages or destruction may be reported by memorandum.

10-4.344 Property Control

As previously stated the Accountable Officer or Property Custodian shall control all property and safeguard it from loss, theft, breakage, or undue deterioration until the property is removed, on proper authority, from his/her jurisdiction.

10-4.350 Permanent Issue of Accountable Personal Property

Whenever accountable personal property is issued by the Property Custodian to an employee for his/her exclusive use, the employee shall be required to sign a Custodial Receipt for Personal Property. This form is as yet unnumbered but will be available through Department of Justice Warehouse stock. The form will appear in the following format:

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1. DESCRIPTION OF ITEM			2. SERIAL OR DECAL NO.	
PROPERTY ISSUED TO:				
3. NAME - Last	First	Middle	4. S/S/N	5. Div/Section
6. Room/Bldg	7. Phone No.	8. Signature of Property Custodian		9. Date Issued

The Department of Justice property identified above has been declared accountable, and the signer agrees to exercise the care necessary to safeguard this property. The signer will be relieved of accountability for this property by surrendering it to the Property Custodian in exchange for this receipt upon demand, transfer, or separation from the Government.

I understand that I am personally accountable for the property identified above, and that I may be held pecuniarily liable for its loss or damage in accordance with paragraph 84, OBD Order 2450.1 (Jan. 8, 1981), unless otherwise relieved by board of survey action.

10. Signature of Person Receiving Property:

Date:

CUSTODIAL RECEIPT FOR PERSONAL PROPERTY

Sample of proposed form

A separate form shall be completed for each item of property costing \$1000 or more; each item or property under \$1000 in value which is included on the controlled (sensitive) property listing; and each item of leased property.

A separate form shall also be completed for each individual line item of property on the aggregate furniture property listing. However, if an employee is issued two or more of a specific line item, only one form is required, showing the number issued.

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The form shall be completed in triplicate. After it has been signed by both the Property Custodian and the employee receiving the property, the original is retained by the Property Custodian; copy two should be retained with employees personal folder and copy 3 is given to the employee upon receipt of the property.

Whenever it is not practical to issue an item of accountable personal property to an employee for his/her exclusive use, the property may be issued by the Property Custodian to the employee's supervisor who would then sign the Receipt Form. Property within common use areas such as the library, copy room, and conference room should be issued in this manner to the person in charge of the area.

Upon an employee's transfer or termination of employment, the Accountable Officer and Property Custodian shall ensure during the clearance process that all accountable personal property issued to the employee has been returned to the Property Custodian's control.

10-4.351 Temporary Issue

If the Accountable Officer or Property Custodian maintains a loan pool of accountable personal property for temporary issue to employees, such property shall be issued under the same procedures used for the permanent issue of property.

10-4.352 Use By U.S. Attorney Offices of Forfeited Vehicles and Other Property

Title 40 U.S.C. Section 304h authorizes a federal agency to retain forfeited property for official use. Title 28 U.S.C. §881(e)(1) also allows the Attorney General to retain forfeited property for official use. Title 40 U.S.C. Section 304(i) allows the government to apply to the court to order delivery of forfeited property "to any other agency which requests and in his judgement should be given such property," and, if the government prevails in the forfeiture action, the court "should....order delivery accordingly."

All requests for official use by any U.S. Attorney's office of any type of forfeited property shall be submitted to this office for prior approval. This includes any vehicle or other property which may presently be utilized without prior approval.



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Since the Department of Justice appropriation language does not specifically authorize the U.S. Attorney's office to own vehicles, it will be necessary for any U.S. Attorney's office seeking assignment of such a vehicle for official use to obtain a written memorandum of understanding with an investigative organization, such as the Federal Bureau of Investigation, Drug Enforcement Agency, Internal Revenue Service, Customs, and Alcohol Tobacco and Firearms, which has authority to own vehicles, to assign the use of a forfeited vehicle to the U.S. Attorney's office.

The memorandum of understanding should include an agreement with the investigative organization that the U.S. Attorney's office will be responsible for providing only normal daily upkeep of the vehicle, such as, gas, oil, and repairs in the event of an accident. Periodic maintenance check-ups, required by the manufacturers warranty, tune-ups, ignition controls, brakes, etc., will be the responsibility of the investigative organization.

A copy of the written memorandum of understanding, for the assignment of the vehicle, must be submitted with a sufficient justification to this office, including a comparison of monthly cost for rental of GSA Motor Pool vehicles, commercial vehicles, and reimbursement for use of employees' personally owned vehicles, (POV), as well as the anticipated savings to be realized in the U.S. Attorney's travel budget, and description of the vehicles to be assigned. Any request for use of a motor vehicle other than a domestically produced compact or medium size sedan will not be approved.

All such requests should be submitted to this office, Attention: Assistant Director, Facilities Management and Support Services Staff. Questions concerning such requests may be directed to FTS: 272-6942.

10-4.360 Disposition of Personal Property

10-4.361 Transfer of Property

All transfers of property to transferees outside the Accountable Officer's jurisdiction but within the Department of Justice must be coordinated in advance with Property Management Group (PMG). Form OBD-14, "OBD Property Transfer Request" must be used to authorize and document the transfer of accountable property between districts. This form should be completed by the acquiring office and forwarded through the Support Services Manager to PMG. Upon approval by PMG, Form OBD-14 is returned to the acquiring office. At the time of receipt of items, the OBD-14 should be signed in block 20 by the Property Custodian and returned to PMG directly. Additionally, a copy of the receipted form should be mailed to the releasing office.

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If a federal, state or local government agency or a Department of Justice bureau has expressed a desire to obtain some item of personal property, advise the acquiring agency to complete Form SF 122, Transfer Order-Excess Personal Property, for inclusion with your Form SF 120, Report of Excess Personal Property, at the time of submission. If the agency requesting the property is state or local government, please indicate on the SF 120.

When it is determined that property is excess to the needs of an office, it must be reported to the Executive Office and PMG in the following manner:

A Standard Form 120, Report of Excess Personal Property must be completed and sent to the Support Services Office of the Facilities Management and Support Services Staff. The form will be approved and forwarded to PMG.

Upon receipt of the excess report, PMG will screen the property for further utilization within the Department of Justice; if no utilization within the Department is practicable it will be determined if the property is reportable or nonreportable to GSA.

If reportable, PMG will prepare an Form SF 122 and transmit it to General Services Administration (GSA) who then assumes control of the property. However, the Accountable Officer remains accountable for the property until it is actually removed by an authorized recipient designated by GSA, and the office may take no action with the property unless authorized by GSA. For property determined to be nonreportable by PMG, PMG may report such items to GSA for sale purposes. If sold, appropriate disposal instructions will be issued by GSA to PMG who will transmit them to the Accountable Officer.

Upon receipt of the SF 122, GSA initiates a screening cycle, and provides PMG with appropriate disposal instructions which are furnished to the Accountable Officer, and the property is then deleted from the accounting system.

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Codes used to determine item condition on a SF 120 are as follows:

- |                                                   |               |               |
|---------------------------------------------------|---------------|---------------|
| 1 Unused-good                                     | 2 Unused-fair | 3 Unused-poor |
| 4 Used-good                                       | 5 Used-fair   | 6 Used-poor   |
| 7 Repairs required, under 20% of acquisition cost |               |               |
| 8 Repairs required, 21-40% of acquisition cost    |               |               |
| 9 Repairs required, 41-65% of acquisition cost    |               |               |
| X Salvage                                         |               |               |
| S Scrap                                           |               |               |

10-4.362 Exchange/Sale Property

Certain kinds of property may be sold or exchanged (trade-in) and the proceeds from the sale applied toward the purchase of similar new property (FPMR 101-46.202).

FPMR 101-46.4801 lists property ineligible for exchange/sale. Furniture, guns, and office supplies are included on the ineligible list.

FPMR 101-46.4802 lists property eligible for exchange/sale. Adding and calculating machines, dictating and transcribing machines, typewriters, etc. are included in the eligible list.

Items sold or changed cannot be excess, but must be items for which a replacement is needed to conduct approved programs.

The Property Custodian must make a written determination (which may be documented directly on Form OBD-186) at the time replacement equipment is requested in order to apply the exchange/sale allowance or proceeds to the new purchase. Generally only one item may be traded in for a similar item.

10-4.363 Acquisition of Excess Property

If an office wishes to obtain excess property from available excess sources, a memorandum listing all pertinent information including a complete description of the item(s) required, releasing office's excess report number, item number(s), contact and phone number should be forwarded to PMG through the Executive Office.

PMG will prepare Form SF 122 which will be forwarded to the releasing agency or office. A copy of the SF 122 will be sent to the acquiring office for signature upon receipt of the property. Return the signed copy



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to PMG. If necessary, assign property decals or list serial number on the receipted copy.

10-4.370 Seized Property

All seized property is the responsibility of the U.S. Marshal's Service and should be in its custody at all times.

The U.S. Attorney should, upon request, furnish the U.S. Marshal with information as to the probable disposition date of cases in which seized property is involved, and the reasons for delay in termination.

10-4.380 Evidence

Normally, U.S. Attorneys' offices should not have custody of evidence. Under most circumstances, evidence should remain in the custody of the investigating agency. When evidence is required in court, the agency handling the case, or other representative of the investigating agency, should bring the evidence and retain custody until the material is introduced as evidence, at which point it becomes the responsibility of the U.S. Marshal. U.S. Attorneys and Assistants should accept custody of evidence only for such short periods of time as are necessary to present the evidence to the court or grand jury. Except in extreme emergency situations, no evidence will be retained in the U.S. Attorney's office overnight.

Timely arrangements shall be made with the U.S. Marshal for the storage of all evidence pending its formal disposition by court order, except drugs. If the evidence involves drugs or drug paraphernalia, such evidence shall remain in the custody of the Drug Enforcement Administration agent in charge of the case, who shall insure that the integrity of the evidence is secured and that all evidence is present at the court proceeding.

Generally, the only occasion when evidence might be stored in the U.S. Attorney's office is when documentary evidence, secured under grand jury subpoena, is delivered into the custody of the U.S. Attorney. As long as such evidence is needed, it should be kept under appropriate security arrangements. As soon as there is no further need for the evidence, such as when a determination is made that evidence will not be introduced and is unnecessary, it should be returned to the owner. If additional space is needed to store such evidence, the usual procedures for procurement of space should be followed. See SPACE MANAGEMENT, USAM 10-5.000.



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Whenever the court grants a petition by the GSA for delivery of a forfeited item to the government of official use, a copy of the decree must be transmitted immediately to the regional counsel of the GSA serving the area in which the action takes place. The GSA will take the proper steps to dispose of such property. The U.S. Marshal should also be notified of such decree so that he will be prepared to release such property to the GSA.

Title to all unreturned enemy alien contraband property is the custody of the U.S. Marshals, in consequence of the contraband property program of March 16, 1950. All questions regarding such property should be directed to the Assistant Attorney General for Administration.

U.S. Marshals are authorized to accept and store all valuable property seized as evidence by the FBI incident to an arrest or in connection with searches and seizures under warrants. In any case when a question exists as to whether particular property will be used as evidence, the U.S. Attorney in the district where the property is stored should be consulted. The U.S. Marshal will be guided by the U.S. Attorney's determination. Property not used as evidence should be returned to its owner promptly.

Exhibits or abandoned or unclaimed property, in connection with litigation, which the U.S. Attorney cannot return to its lawful owner should be turned over to the U.S. Marshal, who will be responsible for it in his report of abandoned and unclaimed personal property.

10-4.390 Shipment of Goods

This section covers all shipment of goods, with the exception of household moves. See TRAVEL, USAM 10-3.560.

Packages should be shipped by parcel post, freight, or express. Although shipment by freight is generally cheaper than by express, most freight charges are based on a minimum of 100 pounds. Care should be exercised to ship packages by the cheapest method.

In the case of shipments pertaining to specific litigation, or records to Federal Archives and Records Centers, such shipments may be authorized by the U.S. Attorney if the cost is less than \$100. Such shipments should be vouchered on Form OBD-50, "Voucher Cover Sheet." All other shipments should be requested via Form OBD-186 to the Support

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Services Office of the Facilities Management and Support Services Staff. Information required is as follows:

- A. Exact pick-up address and name and phone number of a contact in the office;
- B. Number of cartons (if records) or some description by which bulk and weight can be determined;
- C. Indicate whether or not goods must be professionally packed;
- D. Exact delivery address;
- E. If a General Services Administration contract carrier is known, give name, address, and phone number; and
- F. In the case of shipment of records to the Federal Archives and Records Center, note in the request if there is a deadline for shipping.

When a request is received in the Executive Office, it is usually approved and funded. Requests then are sent to the Material Management Section (PMG) for processing. The U.S. Attorney's office will be contacted either by phone or will be mailed a Government Bill of Lading (GBL) with complete shipping instructions.

10-4.400 OFFICE FILES AND RECORDS MANAGEMENT

10-4.410 Office Files

The records, and files of all U.S. Attorneys' offices should be maintained in current and orderly manner, consistent with OBD Orders 2710.1A (Dec. 28, 1978), and 2710.2A (Jan. 29, 1979).

10-4.411 Docket Records

A. Case dockets - The records prescribed by the U.S. Attorneys Docket and Reporting System, USA 2840.1 (Dec. 14, 1973, as amended Sept. 1, 1980), (see, MANAGEMENT REPORTS, Docketing and Reporting Procedures, USAM 10-6.212 and COLLECTIONS, USAM 10-8.000) or by the U.S. Attorneys PROMIS System (see, PROMIS Procedures Manuals) shall be maintained in the district on a current basis.

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B. Grand jury dockets - A formal grand jury docket is not required by the Department and docket sheets will not be provided for this purpose. However, an agenda or calendar of matters to be presented to the grand jury should be prepared prior to the meeting of each grand jury and the action taken should be recorded in the U.S. Attorney's files. Form USA-179 is available for use in maintaining these files.

C. Witness docket - No witness docket as such should be maintained by U.S. Attorneys. Information regarding witnesses is available from copies of the "Witness Attendance Certificate," Form OBD-3.

10-4.412 Case Files

A criminal or civil case folder shall be set up for each case and should contain all reports and preliminary papers, copies of indictments or pleadings, etc., and all correspondence relating thereto. Each folder should reflect the complaint or claim number assigned under the numbering system established for reporting new matters. As a case progresses, the folder should be transferred from one file to another, according to the status of the case, under the following general arrangement of files:

A. Criminal:

1. Complaint File - for the filing of letters, reports, etc., relating to alleged violations of law, prior to the institution of criminal proceedings.

2. Grand Jury File - cases which are ready for presentation to the grand jury.

3. Pending Case File - all pending cases, after the filing of information or indictment.

4. Closed Case File - closed files.

5. Appeal File - cases which are pending in an appellate court.

B. Civil:

1. Preliminary matters.

2. Pending cases.



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3. Closed cases.

4. Appeals.

10-4.413 Official Receipt File

The quadruplicate copies of receipt Form USA-200, issued for collections made by U.S. Attorneys will be filed in accordance with instructions in Order USA 2840.1 (Dec. 14, 1973).

10-4.414 Debtor Index and Payment Record File

Offices which have not converted to the PROMIS system should follow instructions in Order USA 2840.1 (Dec. 14, 1973, as amended Sept. 1, 1980), U.S. Attorneys Docket and Reporting System, in maintaining the prescribed Debtor Index and Payment Record, done through forms USA-117A and 117B, Criminal and Civil Debtor Cards.

10-4.415 Miscellaneous Correspondence

Miscellaneous correspondence, including carbon copies of all outgoing telegrams, letters, etc., which do not relate to a case, should be separately filed in folders. Separate folders may be used for special subjects or for different departments or individual officials when necessary.

10-4.416 Personnel Files

Personnel folders maintained in the Department have been designated the official folders for all employees of the office of the U.S. Attorney. U.S. Attorneys should not maintain separate official files, but should forward all necessary personnel papers to the Executive Office for U.S. Attorneys for inclusion in the official folder. Duplicate personnel papers may be maintained in administrative files in accordance with the following paragraph. When an employee transfers to another government agency, his/her Official Personnel Folder will be forwarded to the employing agency by the Executive Office.



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10-4.417 Administrative Files

Copies of correspondence, office copies of personnel actions, position descriptions and other miscellaneous informational material relating to the office may be kept in a separate file to be designated as an administrative file. This file should not contain any material which is properly included in the official personnel folders maintained in the Executive Office. These files must be disposed of in accordance to the General Records Schedule.

10-4.418 Maintenance of Attorney-Client Information

A. Introduction: In the course of handling civil actions brought against employees in their individual capacities, notes, letters, and memoranda are often generated reflecting the substance of confidential communications between employees and the Justice Department counsel. Under the Attorney General's policy statement on representation of federal employees, this information is entitled to the protection of the attorney-client communication privilege. See 28 C.F.R. §50.15(a)(3). In order that this privilege be preserved, it shall be the responsibility of each Assistant U.S. Attorney assigned such a case to restrict access of such material to himself/herself, line supervisors and the U.S. Attorney. The following procedures, designed to assure adherence to this policy, only apply to communications with current or former government employees sued in their individual capacity. Records reflecting communications with employees sued only in their official capacity shall be placed in the non-restricted litigation files.

For purposes of this policy, the definition of "attorney-client confidential information" is that information which is protected by the attorney-client privilege under applicable law.

B. Contents of Files: In all instances where an attorney is responsible for a case involving the representation of a current or former government employee in his or her individual capacity, the attorney should maintain in the case file only those attorney-client communications which are necessary for the conduct of any pending or possible future litigation. All other privileged material should be destroyed.

1. Open Files: The exterior of every case file that contains attorney-client communications should be clearly marked with the following symbol:

INDIV. REP.

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Each U.S. Attorney should insure that every employee in the office is aware that access to case files so marked is restricted to the case attorney responsible for the case; to employees expressly directed by the case attorney to have access to the file; and to the attorney's supervisors.

2. Closed Files: When a file containing attorney-client communications has been authorized to be closed, the attorney who handled the case shall place all material containing attorney-client communications inside an envelope. The envelope should be sealed and a stamp should be placed over the seal with the following statement:

This file contains privileged attorney-client information. Access is limited to assigned trial attorneys and their supervisors only.

The envelope containing the privileged information should then be made a permanent part of the file. This procedure should be repeated if the envelope containing the confidential attorney-client material is ever opened by authorized individuals.

C. Disclosure: Access to all files containing confidential attorney-client material is limited to:

1. Any individual acting on behalf of or with written permission of the client/represented defendant;
2. The attorney assigned to the case; and
3. The immediate supervisors of the attorney responsible for the case and the U.S. Attorney.

10-4.420 Directives

Department of Justice Order 0000.1 (July 14, 1971), Directives Subject Classification System, describes the numbering system for the Department of Justice directives and provides an alphabetical listing of subject categories.

A list of directives by number can be found in OBD 0000.2F (March 22, 1982) Directives Index as of April 30, 1977--U.S. Attorneys' and Marshals' Service. Distribution is also listed.

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To obtain missing or extra copies of these directives, complete a DOJ-182, Stocked Printed Items Requisition, and forward as directed for stocked forms. Should any directive be unavailable, call the Executive Office for help in obtaining a copy.

10-4.430 Disposal of Records

The Department's Records Management Program provides for the preservation of records of permanent value or historical interest, the retirement of records no longer needed for current operations, and the destruction of non-record material.

10-4.431 Closing Notice for Case Files

USA 207 entitled Notice to Close Legal Case files is the official closing notice for U.S. Attorney litigating case files. The use of this form by all U.S. Attorney offices is required and should, wherever possible, be prepared by the attorney responsible for the case or the legal clerk or technician assisting that attorney. Form USA 207 constitutes the official closing of the case file and shall be placed as the final document in the case folder. Form USA 207 shall be completed as follows:

A. Section I, General - This section includes the name of the division and/or section, case number and case title.

B. Section II, Disposition - This section should be completed as follows:

1. If the case involves no sentence or a sentence of ten years or less, indicate so in the first block under item number 1, or,

2. If the case involves a sentence of more than ten years, indicate the number of years (1 year after termination of sentence) that the case file may be destroyed, in the second block under item number 1, or,

3. If the case fully meets any one or more of the special criteria listed in OBD Order 2710.2 (Jan. 29, 1979), the attorney shall so indicate the appropriate criteria designating the case for permanent retention.

C. Section III, Method Closed - Use of this section is optional and may or may not be completed at the discretion of the U.S. Attorney.

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D. Section IV, Certification - After the form is accurately and completely filled out, the U.S. Attorney or designated representative shall sign and date the form.

USA 207 is available through the Department of Justice warehouse stock and may be obtained through normal procedures.

Additional information regarding the permanent retention of records may be found in Order OBD 2710.1A (Dec. 28, 1978), Records Disposition, para. 4.

Closed and inactive records should be retired to the Federal Archives and Records Centers (FRAC) for storage and maintenance, according to approved disposition schedules set forth in OBD Order 2710.2A (Jan. 29, 1979). Records that are obsolete or unnecessary for retention and are authorized for destruction should be destroyed and not sent to the FARC. FARC wants only those records which are closed or inactive and are being retired to the Center because they have reached the required retention period for destruction or have no authorization for destruction.

A well-organized systematic records retirement program will save valuable office space, release filing equipment, and make use of needed records more efficiently.

U.S. Attorneys should box and ship closed files to the regional FARC once or twice each year. Retention periods are found in OBD Order 2710.2A (Jan. 29, 1979), United States Attorneys' Records Disposition, Civil and Criminal Case Files. Further information concerning records disposition can be found in 41 C.F.R. §101-11.4. Cases which have been completed as to litigation or appeals but will be continued as to collection of fines or other matters should be retained. If a case or matter was closed for a period in excess of that shown for retention on the disposal schedule, consideration should be given to disposing of or destroying the files.

Such non-record material as obsolete forms, publications, extra copies of correspondence and duplicate copies may be destroyed without authority.

Information on the procedures for sending records to the FRAC is found in OBD Order 2710.1A (Dec. 28, 1978) Records Disposition. When records have been packed according to the instructions in the order and accession numbers requested from FRAC, follow the procedure described below. Send an OBD-186 to the Support Services Office of the Facilities Management and Support Services Staff, Executive Office, requesting shipping authority. See Shipment of Goods, USAM 10-4.390.



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The destruction of classified information, i.e., records requiring safe-guarding in the interest of national defense, is regulated by the Attorney General's Order No. 489-72. This order is located in 28 C.F.R. §§17.74-17.77.

10-4.440 Forms

10-4.441 Standardized Forms

Whenever possible, standardized forms provided by the Department of Justice or the clerk of the court should be used. See OBD Order 2730.1B (April 23, 1982), Forms Index for Offices, Boards, and Divisions, for a list of forms stocked by the Department warehouse. These forms are available on request from the warehouse stock, 4th and T Streets, NE, Washington, D.C. 20530. Form DJ-182, Requisition for Stocked Printed Items, should be used for such requests. There is no charge and authorization is not generally required. Emergency requests may be phoned in on FTS 633-3096. Suggestions for changes in OBD, DJ, DOJ, or USA forms should be sent to the Support Services Manager, Facilities Management and Support Services Staff, Executive Office. Standard forms and optional forms are available for purchase from the General Services Administration via feds trip.

A list of the forms available is located in the Office Products volume of the GSA catalog system.

Responsibility for the management of form letters in the U.S. Attorneys' offices rests with the administrative officer (AO). All requests for new or revised forms and the overprinting of any existing forms and form letters must be reviewed and controlled by the AO. The AO should also review local forms which have been printed for the office. Those which have served their purpose should be discontinued and removed from the system. Similarly, forms should be updated as circumstances change.

The AO should watch form usage rates carefully, and stock replenishment orders should be performed as necessary.

The AO should ensure that standardized forms are used when applicable. If, in the AO's judgment, a standardized form does not completely serve its purpose, he/she should submit a request for revision to the Executive Office, Support Services Manager. He/she may also call attention to areas where greater standardization is possible. For further information on forms management, see "Forms Management Tips for Administrative Officers," published by the Department of Justice.

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10-4.442 Special Forms

A special form, developed for use in a single district, can cost many times more than a standard stocked form. These special forms should be used only under the following circumstances:

A. Significant time savings can be realized in recording information.

B. No standardized form is available. (Special forms should not be printed merely to add the district name.)

C. Local rules or practices preclude use of a standardized form.

D. Information to be recorded is not available in other records or cannot be handled merely by revising an existing form.

E. Procedures relating to the Forms are in accord with regulations.

When it is determined that a special form is necessary, use the following procedure:

A. Develop the form.

B. Assign a number and date in the lower right hand corner. Numbers should be sequential, beginning with USA-40-district number-1; and in parentheses ED and date. For example: USA-40-96-1 (ED 8-1-81). Multiple-page forms should bear the same number, but page number should be indicated on all except page 1.

C. Complete a "Printing Requisition," DOJ-2, and forward, together with a brief justification, to the Support Services Manager, Executive Office.

Procedure for revision is the same except that the date will be preceded by REV date rather than ED. For example: USA 40-96-1 (REV 10-1-81).

A file consisting of an index and copies of all special or local forms should be maintained and kept up-to-date.

Should it be determined that a special form might be useful to all U.S. Attorneys' offices, a memorandum should be submitted to the Executive Office with a copy of the form.

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10-5.000 SPACE MANAGEMENT/PHYSICAL SECURITY

10-5.100 OFFICE SPACE

10-5.110 General Description

The office of the U.S. Attorney functions within the court basically as an independent law firm whose sole client is the United States government. The U.S. Attorney represents the government in all cases, both civil and criminal, to which the government is a party or in which it has an interest.

Functional arrangement of the U.S. Attorney's suite requires public access to the reception area. The circulation within the suite to areas used by all attorney should be semi-private. Such access should be provided to library, conference room and file areas.

10-5.120 Planning Criteria

10-5.121 Policy

The planning criteria are subject to the following policy statement:

The planning criteria are excerpted from "United States Courts Design Guide, Chapter 15, United States Attorney," issued by the General Services Administration (GSA) on May 1, 1979.

On March 8, 1983, GSA issued, "FPMR Temporary Regulation D-68; Assignment and Utilization of Space," requiring agencies to work toward the goal of 135 square feet per person or a ten percent minimum reduction in space utilized and to submit an agency-wide space plan. A Department of Justice Space Plan was presented to GSA. GSA's response to the Department's space plan is conditional approval requiring among other things, a ten percent overall reduction of space utilized. The 1979 United States Courts Design Guide is effective until modified by GSA.

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10-5.122 Planning Criteria

The offices of the U.S. Attorneys differ in size in accordance with the amount of work in the district. The recommended suite (medium in size) includes the following spaces:

U.S. Attorney's office

private office	-300 square feet
toilet	- 25 square feet maximum

Secretary's office

work area/reception area	-250 square feet
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Chief Assistant U.S. Attorney's office	-250 square feet
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Assistant U.S. Attorneys' offices	-180 square feet each
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Stenographers' office or area (for two stenographers 100 square feet each)	-200 square feet
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Administrative Officer's office	-180 square feet
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Conference room/Library	-to be determined in Space Directive
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Evidence storage room	-200 square feet
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Clerks and files room	-250 square feet
-----------------------	------------------

Visiting attorney's office	-180 square feet each
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Supply and storage room	-200 square feet
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Work room or area	-200 square feet
-------------------	------------------

Witness room	-200 square feet
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10-5.130 Location

The U.S. Attorney's suite should be located in proximity to the courtrooms and the grand jury suite, but need not be on the same floor with the courtrooms or with the grand jury.

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10-5.140 Procedures

10-5.141 Additional Space

If a determination is made that additional office space is required, the Assistant Director, Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys, should be contacted. In a letter, sufficient justification for the request should be provided, such as additional personnel authorized (specify type, i.e. attorney, support, number of each) or overcrowded or insufficient space to house presently authorized staff.

Authority for acquisition and/or relocation of space has not been delegated to the U.S. Attorneys. Such actions may be accomplished only by and with the approval of the Executive Office.

10-5.142 New Federal Buildings/Courthouses

GSA requests the Department to provide space requirements for the U.S. Attorney and other tenants when it contemplates construction of a new federal building and/or courthouse. The Executive Office contacts the U.S. Attorney's Office to obtain input, prior to compiling and submitting specific space requirements.

When copies of proposed office space layouts are received by the Executive Office, they are forwarded to the U.S. Attorney's Office for concurrence, comment, and/or suggestions for improvement and return.

10-5.143 Release of Space

If contacted by the General Services Administration (GSA), U.S. Courts, or others requesting the release of space or relocation of your office, please contact the Assistant Director, Facilities Management and Support Services Staff, Executive Office for U.S. Attorneys, immediately. Authority for release or relocation of space has not been delegated to the U.S. Attorneys and can be accomplished only through the Executive Office.

10-5.200 PARKING SPACE

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10-5.210 Policy

It is the general policy of the Executive Branch to provide parking spaces for official government vehicles permanently assigned to the United States Attorneys' Offices. Parking for employee owned vehicles will be provided whenever possible consistent with the following criteria.

10-5.220 Priority Assignment of Parking Space for Employee Owned Vehicles

1. U.S. Attorney.

2. Handicap government employees for whom assigned parking spaces are necessary shall be given priority over all other employee parking. Non-handicap drivers who provide transportation for severely handicapped employees shall also be assigned parking spaces.

3. All Paid Supervisory Assistant U.S. Attorneys.

4. Administrative Officer.

5. One operational space.

10-5.300 PHYSICAL SECURITY

10-5.310 General

Security Programs. See Department of Justice Orders 2600.2A (Sept. 16, 1977), and 2620.4 (Sept. 29, 1977).

There are six major programs which the administrative officer or other designated official is responsible for implementing in accordance with USAM 10-5.400:

A. Personnel Security: Pursuant to Executive Order 10450, 5 U.S.C. §§7531, 7532, FPM Chapters 731, 732, and 736. See USAM 10-2.000.

B. Document Security: Classification, declassification, and control of national security information, including sensitive compartmented information pursuant to Executive Order 12065, and protection of non-national defense sensitive information and information for which safeguarding is required by the Privacy Act of 1974.



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C. Physical Security: Safety and physical security of personnel, property, and information. See 41 C.F.R. §101-20.504.2, Executive Order 12065, 5 U.S.C. §552a, and §300.

D. Automated Data Processing (ADP) Security: Information which is investigative in nature is considered sensitive and must be protected against uncontrolled release or access. If an office is using a computer terminal to access a remote computer facility, such as the Department of Justice Data Center in Washington, D.C., in order to analyze or retrieve sensitive data, the attorney in charge of the matter must establish and maintain procedures to limit access to the data to authorized users.

U.S. Attorneys' Offices which have an ADP facility on-site must have security safeguards which include the designation of an individual responsible for this security, controlled access to the facility, the implementation of fire protection measures, contingency plans with emergency back-up, and recovery procedures, and development of procedures to ensure data security and system integrity. USAM 10-5.315 specifies security safeguards for on-site Prime Computers installed to operate the PROMIS caseload and collections management system.

Departmental policies concerning ADP security are outlined in Department of Justice Order 2640.2A (Sept. 17, 1982).

E. Tax Returns and Tax Return Information: See USAM 10-5.320, infra.

F. Identification of Deficiencies and Remedies

10-5.315 PROMIS Computer Security Standards

The instructions below reflect minimum standards for PROMIS computer installations. Variations from these minimum standards are permissible so long as they equal or exceed the minimum.

1. PHYSICAL SECURITY

1.1 Location

1.1.1 The computer must be located within the confines of the U.S. Attorney's Office, or at least, within a controlled access area.

The computer must be protected from unauthorized access, especially by non-office personnel.

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- 1.1.2 Similarly, all terminals and printers must be located in an area of controlled access. For terminal screens that can be viewed by persons from outside of the U.S. Attorney's Office (such as a screen at a receptionist's desk), special security restrictions must be invoked, preventing the display of any investigative or other sensitive information in order to avoid inadvertent disclosure.
- 1.1.3 If possible, the computer should be located in an isolated computer room. If the computer is located in an isolated computer room, the door to that room must be equipped with a push-button simplex lock or equivalent. The code to the lock should be known only to the PROMIS System Manager, the Administrative Officer, and those personnel whose duties require uncontrolled access to the computer room. A key override system is desirable.
- 1.2 Alarm Systems.
- 1.2.1 The computer system will be largely running in an unattended mode. Therefore, the room in which the computer is located must be equipped with both smoke and heat detector alarms.
- 1.2.2 If a sprinkler system exists, the heat detector alarm must be set at least fifteen degrees Fahrenheit (15° F.), lower than the sprinkler trigger.
- 1.2.3 The smoke and heat detectors must produce an audible alarm which can be detected by office personnel during normal duty hours. For after hours notification, the detectors must trigger an alarm in the office of the responsible building guard or building manager. It is recommended notification unit be installed. These units dial one or more pre-programmed telephone numbers and provide voice notification of the problem condition.
- 1.2.4 The building guard or building manager must be provided with a sealed envelope which contains the names and home telephone numbers of the System Manager, Administrative Officer, and other responsible office personnel. The envelope must also contain instructions regarding notification of the fire department and responsible office personnel; the keys or lock combinations for any doors which must be opened to access the computer; and specific instructions for shutting down the machine.
- 1.3 Emergency Power Shutdown

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- 1.3.1 The use of heat and smoke detectors which trigger the automatic disconnection of power from the computer and any associated peripheral devices are highly desirable. Such detectors must provide a delay period between the time the alarm is triggered and the shutdown occurs, to allow for appropriate human intervention.
- 1.3.2 A clearly marked emergency shutdown switch, which can be used to disconnect the power from the computer is also highly desirable.
- 2. DATA AND SYSTEMS SECURITY
  - 2.1 Backup (Note: Details on backup procedure are provided in the PROMIS System Manager's Manual, Section VI.)
    - 2.1.1 The System Manager must create a daily tape backup of the PROMIS log file for the preceding work period.
    - 2.1.2 All daily backup tapes must be created either after or before regular work hours, or during lunch break while no data entry is in progress. The time of day during which backups are made should be the same from one backup to the next.
    - 2.1.3 The minimum retention period of the daily backup tapes is two (2) calendar weeks. Each daily backup for a given week must cumulate the preceding backups for that week. Extension of this retention period is a recommended local option.
    - 2.1.4 Once each week the System Manager should save all PROMIS files. A minimum of the previous three PROMIS file saves should be retained. This corresponds with retaining daily backups for two calendar weeks. Retention of earlier file saves is recommended as a local option.
    - 2.1.5 All PRIMOS systems software, PROMIS system software, and other non-PROMIS materials stored on disk must be saved on a periodic basis. The frequency of such saves should be governed by the number of changes made to such information. A full backup of such materials must be accomplished at least once every three months. More frequent backup is encouraged. A minimum of the previous two backups must be retained.
    - 2.1.6 At least one set of PROMIS weekly backup tapes and one set of software backup tapes must be stored off site at all times.

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Off-site storage is to be located at another building at an environmentally controlled location, i.e., at an air-conditioned office and not exposed to direct sunlight or to degaussing magnetic fields.

2.1.7 The System Manager, together with the Administrative Officer, is responsible for assuring that the off-site storage is protected from unauthorized access. Also, authorized access for the retrieval of tapes must be assured at least during the USAO's normal business hours and preferable around the clock.

2.2 Hard Copy Backup

2.2.1 As a safeguard against prolonged system failure, the System Manager must periodically create hard copy index GIP listings of defendant/litigant related information, which can be used to access case files and route requests for information and documents to appropriate office personnel.

2.2.2 As a minimum, civil litigant, criminal defendant, and collections debtor listings should be run weekly. Listings should be in order by litigant, defendant, or debtor as appropriate. Each listing should contain the following minimum additional information as appropriate: USAO No., Court No., AUSA, Closing Date, Criminal Lead Charge, Civil Cause of Action. These listings should include all matters and cases added, updated or closed during the preceding week. On a bi-weekly (or more frequent) basis, they should be cumulated to list all pending cases and cases closed during that period.

2.2.3 Additional index listings which contain different data elements or are produced in different sequences may be required to fulfill other local requirements. Production of such additional listings is encouraged.

2.3 Documents

2.3.1 All computer produced reports which contain sensitive information, e.g., listings of investigative matters, juvenile cases, sealed records, etc., must be marked "Limited Official Use" and must be protected and destroyed in accordance with provisions of DOJ Order 2620.7, Control and Protection of Limited Official Use Information. This includes shredding prior to disposal.



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- 2.3.2 The System Manager is responsible for assuring that the reports are marked and the Administrative Officer is responsible for assuring that recipients of all sensitive reports are instructed regarding the provisions of DOJ Order 2620.7.
- 2.4 Access Codes
- 2.4.1 Assignment and safeguarding of access codes must be in conformance with the District's policy regarding the protection of sensitive information. Reference U.S. Attorneys' Manual, Title 10, and DOJ Order 2620.7, Sept. 82, based on:
- (a) 26 U.S.C. §6103, Publicity of returns and disclosures of information as to persons filing income tax returns.
  - (b) Federal Rules of Criminal Procedure, Rule 6(e), Grand Jury Secrecy of Proceedings and Disclosure.
- 2.4.2 Access to the Prime system is controlled by a PRIMOS user-id and password. The password should be randomly selected and must be changed at intervals not to exceed six months. The user-id, which is commonly made up of the user's last name, may be assigned permanently.
- 2.4.3 Access to PROMIS is also controlled by two codes. The PROMIS group password which also internally controls access to the different kinds of case information, must be changed at intervals not to exceed six months. The personal i.d., which commonly is made up of the user's initials, may be assigned permanently.
- 2.4.4 The "PASSWORD" program, available from the EOUSA, may be used as a convenient tool for generating PRIMOS passwords and PROMIS group passwords.
- 2.5 Procedures
- 2.5.1 If the computer is located in a room with a push-button simplex lock, the door combination must be changed at intervals no greater than three months, or at any time the combination has been disclosed to an unauthorized person such as a security guard.
- 2.5.2 Whenever a terminal is left unattended for any period, such as lunch break, the terminal must be logged off. However, it is neither necessary nor desirable to turn off the power.

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- 2.5.3 Upon termination of employment by the U.S. Attorney's Office, an individual's PRIMOS and PROMIS user-ids must be deleted. In addition, the PROMIS group password must be changed if the former employee has had access to sensitive information. Cancelled passwords may not be reassigned for a period of at least two years.
- 2.5.4 The System Manager is responsible for password control. The Administrative Officer is responsible for advising the System Manager of the forthcoming departure of any employee of the U.S. Attorney's Office who may have had access to the PROMIS system.
- 2.5.5 If any record of active or closed passwords is maintained, it must be protected with at least the same level of security as that of the most sensitive password in the entire list (usually the System Manager's password).
- 2.6 Communications
- 2.6.1 A single modem will be installed at each site to accommodate dial access into the Prime system. This communication facility will be used only by the EOUSA for software support. When an EOUSA software support representative requires access, voice verification must be made and positive action must be taken by the System Manager before data communications is established.
- 2.6.2 Data communications with branch offices will use only direct, unswitched, dedicated telephone lines.
- 2.6.3 In addition to the use of dedicated lines, Prime supplied multiplexers will be installed at each end of the line so that only multiplexed information will be communicated.
3. PERSONNEL SECURITY
- 3.1 DOJ Order 2640.2A, Automated Information Systems Security, establishes a uniform policy for protecting systems such as PROMIS. Section 17.C of the order addresses personnel security.
- 3.2 As a minimum, this section requires a National Agency Check with Inquiries (NACI) for Prime employees, such as systems analysts and field engineers who will have occasional unsupervised access to the computer facility and/of its software system.

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- 3.3 The System Manager is responsible (through the Administrative Officer) for making arrangements for the appropriate Prime employees to complete fingerprint cards (FD-258) and an SF-86.
- 3.4 The fingerprint card and SF-86 will be processed in accordance with procedure specified in USAM Title 10.

10-5.320 Tax Returns and Tax Return Information

10-5.321 Purpose, Scope and Applicability

The policies and procedures herein established are designed to preclude the unauthorized disclosures of tax returns and tax return information coming into the custody of the Executive Office for U.S. Attorneys and offices of the U.S. Attorneys. This is to establish minimum standards governing the transmission, custody, and disclosure of tax returns and tax return information, consistent with the provisions of safeguard requirements of Section 6130(p) (4) of the Internal Revenue Code.

A. References throughout this memorandum to the safeguarding of tax returns and tax return information means that safeguarding of information so as to preclude disclosure of tax returns and tax return information in any form which will enable association with or identification of a particular taxpayer.

B. Nothing in this memorandum will be construed as authorizing disclosure, dissemination, release, handling, or transmission of tax returns and tax return information contrary to the specific provisions of any law.

C. References

1. Section 6103(p) (4) of the Internal Revenue Code.
2. 18 U.S.C. §1905.
3. 26 U.S.C. §7213.
4. Department of Justice Order 2620.5A (February 23, 1981).

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10-5.322 Individual Responsibility

The effectiveness of this tax return and tax return information security program depends upon the alertness, reliability, and discretion of every individual who receives tax returns and tax return information. The importance of effective security and of the position of trust imposed upon each individual who has possession, access, or control of such information is indicated by the criminal penalties imposed by 18 U.S.C §1905 and 26 U.S.C §7213.

10-5.323 Access to and Dissemination and Control of Tax and Tax Information

The following principles and requirements will be adhered to in the Executive Office for U.S. Attorneys and the offices of the U.S. Attorneys.

A. Access to tax returns and tax return information shall be limited to those employees of the Executive Office designated by the Director or the Director's designee and in the case of U.S. Attorneys' Offices, by the U.S. Attorney, or his/her designee(s) as having a need for such returns and information in connection with the carrying out of their official duties. No person shall be entitled to knowledge or possession of access to, tax returns and tax return information solely by virtue of his/her office or position.

B. Tax returns and tax return information shall not be disseminated to or discussed with or in the presence of unauthorized persons.

C. Any person who has knowledge of the loss or possible compromise of any tax return or tax return information shall promptly report the circumstances to the Director in the case of the Executive Office for U.S. Attorneys, and to the U.S. Attorney in the case of reports from the offices of the U.S. Attorney. The U.S. Attorney shall report to the Director of the Executive Office for U.S. Attorneys who will be responsible for investigating and preparing recommendations to the Deputy Attorney General as to any follow-up action that may be required.

10-5.324 Physical Control Over Tax Returns and Tax Return Information

The Director, Executive Office for U.S. Attorneys, and the U.S. Attorneys or their designees shall be responsible for maintaining, as a minimum, control over tax returns and tax return information consistent with security requirements provided below.



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A. When documents cannot be personally transmitted between authorized recipients, the transmittal of tax returns and tax return information and related working papers shall be transferred by registered mail with a return receipt requested and labeled "PERSONAL AND CONFIDENTIAL: TO BE OPENED BY ADDRESSEE ONLY" to be signed by the receiver or a designated representative who is authorized access to tax returns and tax return information.

B. To avoid inadvertent disclosures to unauthorized persons, federal tax information must be kept separate from other information to the maximum extent. In situations where physical separation is impractical, such files should be clearly labeled to indicate that federal tax information is included and care should be taken to remove all such federal tax data to preclude access by any unauthorized persons.

Tax returns and tax return information and related information and related working papers shall be stored under the sole control of designated employees who are authorized access to tax returns and tax return information. When copies of tax returns and tax return information and related working papers are no longer needed, they shall be, in lieu of any other written directive, destroyed under the supervision of a designated representative who is authorized access to tax returns and tax return information. A written report of this destruction, identifying the papers will be retained for a period of 10 years and later incorporated into the respective Records Disposal Programs of the office in question. Original IRS documents shall be returned to the IRS. No office is authorized to retain custody of original tax returns except by special arrangement with the Commissioner of Internal Revenue or his/her designee.

10-5.325 General

The following guidelines are to assist in developing procedures and standards to insure compliance with this Order/memorandum and in conformance with Section 6103(p)(4) of the Internal Revenue Code. If assistance or equipment, such as locked files are required, please contact the Assistant Director, Facilities Management and Support Services Staff, in writing, stating your specific requirements.

A. Disposal of Tax Information Upon Completion of Use: The Tax Reform Act of 1976 requires that certain actions be taken by users of federal tax information in order to protect its confidentiality.

Recipients will either return the information (including any copies made) to the office from which it was originally obtained or make the

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information undisclosable and furnish a written report describing the manner in which the information was made undisclosable to such office.

The following precautions should be observed when federal tax information is destroyed:

1. Material furnished by the Internal Revenue Service and recipient-generated material such as extra copies, photo impressions, computer printouts, carbon paper, notes and work papers should be destroyed by burning, mulching, pulping, shredding, disintegrating, or handcutting.

2. Burning precautions: The material is to be either burned in an incinerator that produces enough heat to burn the entire bundle or the pages should be separated to insure that all papers are consumed.

3. Shredding precautions to make reconstruction more difficult--the paper should be inserted so that lines of print are perpendicular to the cutting line; small amounts of shredded paper should not be allowed to accumulate in the shredder bin. The paper should be shredded to effect 1/4 inch wide or smaller strips, microfilm should be shredded to effect 1/35-inch by 3/8-inch strip.

4. Pulping should be accomplished in such a manner that all material is reduced to particles one inch or smaller.

5. Disintegrating should be accomplished with a 1/2 inch or smaller screen.

6. Federal tax data in identifiable form must never be released to private contractors for unsupervised destruction. Destruction of the data should be witnessed by an employee authorized access to tax returns and tax return information.

7. After it has served its purpose, magnetic tape containing federal tax data must not be made available for reuse by other offices or released for destruction without first being subjected to electromagnetic erasing. If reuse is not intended, the tape should be destroyed by cutting into lengths of 18 inches or less or by burning to effect complete incineration.

8. If it is necessary to have magnetic disc packs which contain federal tax data refurbished by the manufacturer, the work must be accomplished on site. If this cannot be done, the disc pack should be purposely and obviously damaged prior to discard.

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**B. Inspections:** Periodic inspections will be conducted during the year by the Executive Office for U.S. Attorneys and the IRS Auditing Teams to ascertain that safeguards are adequate. These safeguard reviews will be accomplished pursuant to written procedures which provide for inspection of all U.S. Attorneys' Offices and the Executive Office for U.S. Attorneys.

If there are inspections other than those performed internally or by the IRS or GAO, access to federal tax information may not normally be permitted.

Safeguard inspections will include such items as:

1. The storage and handling of federal tax information;
2. A review of how access to federal tax information is granted to employees;
3. An assessment of physical security;
4. Verification that federal tax information has not been commingled with other information in such a way that its confidentiality could be inadvertently compromised;
5. After-hours security;
6. Review of who has access to combination safes and changing of combination;
7. Analysis of security procedure and instructions to employees;
8. Examination of waste disposal procedures;
9. Interviews of those charged with security responsibilities;
10. Review of planned organizational changes to assure that security considerations are covered.

The Tax Reform Act of 1976 provides that safeguards are subject to review by the Internal Revenue Service and the General Accounting Office (GAO), including your written procedures and inspection findings.

**C. Control Over Tape Processing:** Processing of federal tax information in magnetic tape mode (including tape reformatting or

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reproduction, or conversion to punch cards or hard copy printout) must be performed only under the immediate supervision and control of authorized employees of the Executive Office for U.S. Attorneys and offices of the U.S. Attorneys in a manner which will protect the confidentiality of the information on the magnetic tape file.

Accordingly, in those cases where computer facilities are shared with other agencies, the Executive Office for U.S. Attorneys and the offices of the U.S. Attorneys may only permit their own employees access to magnetic tapes containing federal taxpayer information.

If it is necessary to use the services of a private contractor or employees of another office which does not have designated access from the Executive Office for U.S. Attorneys and offices of the U.S. Attorneys, an employee designated access to tax returns and tax return information must be present at all times during the computer run. Under no circumstances should private contractors or non-Executive Office for U.S. Attorneys and U.S. Attorneys' employees be permitted unsupervised access to the tapes or any access to output generated by computer as a result of processing such tapes.

Control over tapes must never be relinquished to a private contractor (or another office) even if the purpose is merely to erase old tapes for reuse.

D. Security of Magnetic Tapes: Magnetic tape files should be kept in a secured area under the immediate protection and control of an employee having access to tax returns and tax return information and who has been properly designated that access by competent authority.

If you cannot maintain an area to house the tapes which is restricted solely to your office, special measures must be taken to protect the confidentiality of the data. For example, if the master file tape is kept in a general data processing facility, the tape must be stored in a locked cabinet and the keys must be only in the possession of employees so designated access to tax returns and tax return information.

Tape reels, when not in storage, must never be left unattended. When not in use they are to be promptly returned to the storage area.

Good security practice requires that inventory records of tapes be maintained for purposes of control and accountability. Such records should show the receipt, movement and ultimate disposition of our magnetic tapes.



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E. Employee Awareness of the Need for Security: All employees should be thoroughly briefed on all security procedures and instructions on tax returns and tax return information requiring their awareness and compliance. Periodic reorientation sessions should be conducted to insure that all appropriate employees adhere to all security requirements.

Employees should be advised of the provisions of §7213(a) of the Internal Revenue Code which makes unauthorized disclosure of information from a federal income tax return a crime that may be punishable by a \$5,000 fine, five years imprisonment, or both. As part of the awareness program copies of the law should be provided to each affected employee.

Employees who have access to federal tax information should also be advised of the provisions of §7217 of the Internal Revenue Code which permits a taxpayer to bring suit for civil damages in a United States district court for unauthorized disclosure of returns and return information. This section allows for punitive damages, as well as actual damages, and provides that in no case shall a plaintiff entitled to recovery be awarded less than the sum of \$1,000 with respect to each instance of unauthorized disclosure as well as the costs of the action.

F. Recordkeeping and Reporting Requirements of the Tax Reform Act of 1976: U.S. Attorneys' Offices are required to establish a permanent system of standardized records of requests by or to it for disclosure of federal tax returns or return information. Thus the U.S. Attorneys' records will not only reflect what was obtained from the Internal Revenue Service, but also what additional disclosures were made. These records are to be maintained for a ten year period and must set forth the reason for such request by or to it, and any disclosure made by or to it.

A written report describing the safeguard procedures established and utilized to ensure the confidentiality of federal tax information is to be sent annually to the Director, Disclosure and Security Division, Internal Revenue Service, Room 1603, PM:S:DS, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Copies of this report are to be directed to the Director, Office of Legal Services, Executive Office for U.S. Attorneys. The initial report should be provided within one month of receipt of such information.

The administrative officer or designated official is responsible for enforcing and, when necessary, implementing security regulations or procedures within each office.

Detailed security standards are being developed by the Executive Office for U.S. Attorneys in conjunction with the Justice Management

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Division. Once standards are published, it will be the responsibility of the administrative officer of each U.S. Attorney's Office to ensure that such standards are met. Work authorizations will be sent out by the Executive Office for U.S. Attorneys to enable U.S. Attorneys' Offices to authorize GSA to perform necessary work. The Department of Justice, Washington, D.C., will be billed directly by GSA.

10-5.330 Facility Self-Protection Program

See Department of Justice Order 2630.4B (February 2, 1982).

A. A facility self-protection plan shall be developed for every building where the U.S. Attorney is the primary tenant.

B. Where the U.S. Attorney's Office is not the prime tenant, the administrative officer or designated official is responsible for bringing to the attention of the appropriate official the need for developing an effective facility self-protection plan. The General Services Administration building manager will assist in arranging for implementation of a plan and is responsible for the installation and maintenance of protective equipment, such as warning devices, alarm system, and fire-fighting apparatus.

10-5.400 UNITED STATES ATTORNEY'S OFFICE SECURITY PLAN

Each U.S. Attorney's Office is to develop and implement an office security plan. The plan is to contain the elements set forth below. The plan is to be submitted in duplicate to the Executive Office for U.S. Attorneys.

Each U.S. Attorney is to review the office security plan for the district on or before May 1, of each year and report to the Executive Office for U.S. Attorneys of any changes made in the plan.

10-5.410 Elements of Plan--Physical Security

A. Perimeter Security: This section of the report should consist of an assessment of the general security of the building in which the U.S. Attorney's Office is located and the specific security of the space immediately surrounding the office. It should cover restrictions on building access both during work and non-work hours and any building security personnel. The review of the U.S. Attorney's Office section of the building should assess vulnerability to unauthorized entry of all

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external surfaces to the office including windows, walls, entrances, doors other than entrance doors, elevator lobbies, etc. It also should describe all locks and other protective devices.

B. Access Controls: This section should include a description of the procedures by which persons gain access to the U.S. Attorney's Office during both work and non-work hours. It also should depict access controls within the U.S. Attorney's Office, including locks on doors, restricted areas, and other access restriction equipment and practices. It also should be noted the extent to which non-Department of Justice personnel, such as the cleaning staff, have access to the office.

C. Grand Jury Room: In this section of the report the location and physical security of the grand jury room should be described. The physical security description should include an evaluation of the susceptibility of the grand jury room to physical penetration during both work and non-work hours, and an evaluation of the vulnerability of the grand jury to over-hearing, without the aid of electronic equipment. A description of the ease with which witnesses may be brought into the grand jury room without being publicly detected also should be included.

10-5.420 Elements of Plan--Document Security

A. Document Security System

1. Open File Security

This section should cover the location of file cabinets containing case files and other sensitive information. It also should describe who is authorized access to such files and how that access is monitored. In addition, the section should discuss office practices with respect to the protection of case files and files containing other sensitive information when such files are not in their storage containers, both during work and non-work hours. Finally, it should be noted whether the office has, or has not considered implementing, a two or more tiered security system to provide extra security for especially sensitive non-classified information.

2. Closed File Security

This section should include a description of the location and contents of closed file storage containers, including their location, contents, and access restrictions. In addition, the section should

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briefly explain the time at which files are placed in the closed file section and when closed files are shipped out of the office.

3. Document Destruction

This section should describe the equipment and procedures that are used for document destruction. It should also discuss office practices for ensuring that the equipment and procedures are followed properly.

B. Specialized Files

1. Grand Jury Information

This section should include a description of how grand jury information is used and stored. It should discuss any special precautions taken with respect to grand jury information, as opposed to other sensitive, non-classified information. It also should note how office personnel are made aware of the security requirements with respect to grand jury information imposed by Federal Rules of Criminal Procedure 6(e). This section also should cover the security of grand jury transcripts while they are in the hands of grand jury reporters, particularly when transcribing is being performed outside the office.

2. Classified Information

This section should contain a description of how much and how often the office has received classified information. If the office has had classified information recently, the section also should describe the procedures for use and storage of such information. Finally, the section should state which personnel in the office are responsible for being aware of the rules and regulations governing proper use and storage of classified information.

10-5.430 Elements of Plan--Tax Return Information

This section should summarize the office practices and procedures for compliance with Internal Revenue Service requirements for the security of tax information and files. It should be stated whether annual reports on tax information security have been filed with the district director of the Internal Revenue Service. If so, the date of the last report should be noted.



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10-5.440 Elements of Plan--Personnel Security

A. Employment Clearances

1. Attorney Personnel

This section should include a brief description of the procedures employed by the office for obtaining employment clearances for attorney personnel. Any problems in obtaining such clearances should be noted.

2. Non-Attorney Personnel

This section should include a description of the office practices for obtaining employment clearances for non-attorney personnel, including paralegals. Any problems in obtaining such clearances should be noted.

B. Security Clearances

This section should include a description of office practices and procedures for obtaining and maintaining security clearances for office personnel. The section should include a depiction of the number of office personnel who currently have security clearances and the level of clearances. Do not state any specific levels of Sensitive Compartmented Information clearances.

C. Grand Jury Reporter Clearances

This section should contain a description of the procedures used by the office for obtaining employment and security clearances for grand jury reporters. Any problems in obtaining such clearances or in cooperation by reporters should be noted.

10-5.450 Elements of Plan--Automated Data Processing (ADP) Security

This section of the plan should identify the office, if an ADP facility exists, practices and procedures for security safeguards to control access to the facility, system integrity, implementation of fire protection measures, contingency plans with emergency back-up and recovery procedures.

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10-5.460 Elements of Plan--Identification of Deficiencies and Remedies

This section of the plan should identify office security deficiencies for each of the elements of the plan. It should be noted whether the deficiency is due to office procedures, resource limitations, or other factors such as building design. Following the description of each deficiency, the remedial steps being taken with respect to it should be described.

10-5.470 Dissemination of Plan

In addition to submission of the plan to the Executive Office as described in USAM 10-5.400, the plan should be disseminated to the staff of the office to ensure that each of them is familiar with office security practices and procedures.

DECEMBER 31, 1985  
Sec. 10-5.460-.470  
Ch. 5, p. 22

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10-7.000 LEGAL COMPUTER SYSTEMS

10-7.100 JURIS

10-7.110 General Information

The JURIS legal research system offers U.S. Attorneys' Offices instantaneous searches and printouts of legal documents (cases, statutes, digests) by means of a computer terminal using common words, phrases and citations. Many U.S. Attorneys' Offices have their own JURIS terminals for in-house computerized legal research. The JURIS data base includes federal court and Supreme Court decisions including slip opinions, headnotes to federal and state court decisions, federal statutes and regulations, decisions of administrative agencies, and selected briefs from U.S. Attorneys' Offices and the litigating divisions. JURIS terminals can also be used to access selected LEXIS and Westlaw data bases containing state court cases.

10-7.120 Terminal Access to JURIS

Custom JURIS terminals or IBM personal computers can be used to retrieve information from the available data bases. The custom terminals and the P.C. JURIS software, which allows an IBM Personal Computer to be used as a JURIS terminal, are available upon request.

10-7.130 Information Needed to Make JURIS Research Request

Research requests to the Executive Office should include the court or courts to be referenced, including a specific circuit if desired; the question to be answered; a brief statement of the facts; a listing of the pertinent words and phrases as they are expected to appear in an opinion or other document; and, when possible, the citations of any known leading cases, statutes, and any West Digest key numbers and headnote subject names which apply.

10-7.140 How to Request JURIS Service Installation

Any U.S. Attorney's Office desiring installation of a JURIS research terminal or the P.C. JURIS software should submit a memo from the U.S. Attorney to the Director, Office of Management Information Systems and



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Support, Executive Office for U.S. Attorneys, requesting installation. The request should indicate the projected amount of use by the U.S. Attorney's staff, including the number of Assistant U.S. Attorneys and/or paralegals who would actually utilize the service, the availability and adequacy of law libraries, and the type and volume of caseload. The mailing address is:

Director  
Office of Management Information Systems and Support  
Executive Office for U.S. Attorneys  
U.S. Department of Justice  
Universal North Building, Room 1035  
Washington, D.C. 20530

The charge for JURIS service does not come from the individual U.S. Attorney's Office budget.

10-7.150 Legal Research Using JURIS

Searches may be performed using words, phrases, West Digest key numbers, case names, case statute citations, dates, circuits, courts, or even judge's or attorney's names.

A. The basic search method in JURIS is based on words or phrases that actually appear in the text documents rather than in general descriptive categories. For example, a search may be conducted for the admissibility into evidence of dying declarations by searching the documents in the data base directly for "dying declaration," rather than searching digest for "Evidence" and all sub-classifications.

B. West Digest materials may be searched by using West Digest key numbers, the West headnote subject name, or any other word or phrase contained in the headnote.

C. A data base provided by Shepards Publishing Company allows users to shepardize cases on line.

10-7.160 Legal Documents Available in the JURIS System

A. Descriptions of the fifteen categories of documents (File Groups) available for searching and their JURIS code names are listed below:

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<u>Name of File Group</u>	<u>Description</u>
1. CASELAW	Federal Caselaw Decisions
2. STATLAW	Federal Statutory Law
3. DIGEST	West Publishing Company's Federal and Regional Digests
4. TAX	Tax Caselaw Decisions and Administrative Materials
5. BRIEFS	Department of Justice Brief Bank
6. WRKPRDT	Department of Justice Work Product Materials
7. LEGHIST	Legislative Histories of Federal Laws
8. ADMIN	Administrative Law Decisions
9. REGS	Federal Regulations and Related Materials
10. TREATIES	U.S. Treaties and International Agreements
11. FOIA	Freedom of Information Act Materials
12. FORENS	Forensic Science Newsletters
13. INDLAW	Indian Law and Related Materials
14. REFERENZ	JURIS Reference Manual and Related Training Aids
15. MANUAL	U.S. Attorneys' Manual

B. Within each category (File Group) of documents, the following cases, statutes, regulations, and administrative decisions are available for the dates and volumes indicated. All of these files are updated periodically. To receive the most updated data base listing, please contact JURIS User Assistance on FTS 633-4537.

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<u>Group</u>	<u>Volumes and Dates</u>
1. <u>CASELAW</u>	
a. U.S. Supreme Court	178 U.S. through Slips (1900 - Present)
b. U.S. Courts of Appeals	300 F.2d through Slips (1962 - Present)
c. U.S. District Courts	322 F.Supp. through Slips (1971 - Present)
d. U.S. Court of Claims	134 Ct.Cl. through 231 Ct. Cl. 1956 - 1982)
e. Federal Rules Decisions	73 F.R.D. through Slips (1976 - Present)
f. Court of Military Review	1 C.M.R. through 50 C.M.R. (1951 - 1975)
g. Military Justice Reporter	1 M.J.R. through Slips 1975 - Present)
h. Atlantic 2d Reporter- D.C. Cases only	370 A.2d through Slips 1977 - Present)
i. Bankruptcy Reporter	1 B.R. through Slips (1979 - Present)
j. Claims Court Reporter	1 Cl. Ct. through Slips (1982 - Present)
2. <u>STATLAW</u>	
a. U.S. Public Laws	93rd - 98th Congress
b. United States Code	1982 Edition
c. Executive Orders of the President	1947 - Present
d. Civil Works Laws	Volumes 1 - 4 and Selected Public Laws through 9/83

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<u>Group</u>	<u>Volumes and Dates</u>
e. Comprehensive Crime Control Act of 1984	Pub. L. No. 98-473 (CCCA), Pub. L. No. 98-573 (Tariff Act), Pub. L. No. 98-596 (Fine Enforcement Act) and the Criminal Division Handbook on the Comprehensive Crime Control Act of 1984
3. <u>DIGEST</u>	
a. U.S. Supreme Court	1960 - Present
b. U.S. Court of Appeals	1960 - Present
c. U.S. District Courts	1960 - Present
d. Federal Rules Decisions	1960 - Present
e. State Court Decisions Regional Reporters	1967 - Present
4. <u>TAX</u>	
a. U.S. Tax Court Decisions	1 T.C. - 66 T.C. (1942 - 1976)
b. U.S. Board of Tax Appeals Decisions	19 B.T.A. - 47 B.T.A. (1930 - 1942)
c. Enforcement Decisions	Tax Division's Summons Enforcement Decisions through March, 1984
d. Codelist	Tax Division's Summons Enforcement Codes
e. Protest	Tax Division's Tax Protest Decision List



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<u>Group</u>	<u>Volumes and Dates</u>
5. <u>BRIEFS</u>	
a. Office of the Solicitor General Briefs	Briefs since the 10/82 Term
b. Civil Division Appellate Briefs	Selected Appellate Briefs (11/81 - Present)
c. Civil Division Trial Briefs	Selected Trial Briefs (1977 - Present)
d. Civil Rights Division Briefs	Selected Appellate Briefs (1/80 - Present)
e. Land and Natural Resources Division Briefs	Selected Appellate Briefs (12/83 - Present)
6. <u>WRKPRDT</u>	
a. Criminal Division	Selected Monographs
b. Civil Division Monographs	Selected Monographs
7. <u>LEGHIST</u>	
a. Equal Access to Justice Act Legislative History	
8. <u>ADMIN</u>	
a. Published Comptroller General Decisions	Volumes 1 - 63 (1921 - 1984)
b. Unpublished Comptroller General Decisions	(1955 - 1984)

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<u>Group</u>	<u>Volumes and Dates</u>
c. Opinions of the Attorney General	Volumes 1 - 43 (1791 - 1983)
d. Office of Legal Counsel Memoranda	Volumes 1 - 3 (1977 - 1979)
e. Boards of Contract Appeals Decisions	Volumes 52-2 - 85-1 (1956 - 1985)
f. Federal Labor Relations Authority Decisions	1 FLRA through 14 FLRA (1979 - 1984) 1 FLRC through 6 FLRC (1970 - 1978) 1 A/SLMR through 8 A/SLMR (1973 - 1978) 1 R/R pgs. 67 - 466 (1970 - 1975)
g. HUD Administrative Law Decisions	Selected HUD Administrative Law Decisions
h. Merit Systems Protection Board Decisions	Volumes 1 - 13 (1979 - 1983)
i. Administrative Decisions under the Immigration and Nationality Laws of the United States	Volumes 1 - 18 (1940 - Present)
<u>9. REGS</u>	
a. Code of Federal Regulations	1984 and 1985 Editions
b. Unified Agenda of Federal Regulations	1985 Version

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<u>Group</u>	<u>Volumes and Dates</u>
10. <u>TREATIES</u>	
a. U.S. Treaties and Other International Agreements	1 UST through 32 UST (1950 - 1981) Bevans: Volumes 1 - 12 (1776 - 1949)
b. Department of Defense Unpublished Inter- national Agreements	(1947 - 1984)
11. <u>FOIA</u>	
a. FOIA Newsletter	Vols. 1-1 through 5-3 (Fall 1979 - Summer 1984)
b. FOIA Short Guide	September 1983 Edition
12. <u>FORENS</u>	
a. Scientific Sleuthing Newsletter	(July 1976 - Winter 1985)
13. <u>INDLAW</u>	
a. Opinions of the Solicitor, Department of the Interior	Volumes 1 & 2 (1917 - 1974)
b. Ratified Treaties	(1778 - 1880)
c. Unratified Treaties	(1801 - 1868)
d. Presidential Proclamations	(1879 - 1968)
e. Executive Orders relating to Indians	(1871 - 1971)

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<u>Group</u>	<u>Volumes and Dates</u>
14. <u>REFERENZ</u>	
a. JURIS Reference Manual	Parts 1 - 5 November 1984 Edition
15. <u>MANUAL</u>	
a. U.S. Attorneys' Manual	Titles 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10
10-7.170	<u>On-Site Training Classes for U.S. Attorneys' Offices with JURIS Terminals</u>
	JURIS user training is available upon request. Request should be made to the JURIS User Assistance, Legal Research and Training Staff at FTS 633-4537.
10-7.180	<u>Training Materials Available to All U.S. Attorneys' Offices</u>
	A. The JURIS Newsletter, a monthly publication, contains information on improvements and additions to JURIS research capabilities. The Newsletter also includes the most recent data base enhancements and any new search techniques. The JURIS Newsletter is distributed to all U.S. Attorneys' Offices which have JURIS terminals. Additional copies of the Newsletter are available on request from the JURIS User Assistance, Legal Research and Training Staff at FTS 633-4537.
	B. A JURIS Information packet is also available to all users of the system. The information packet contains copies of the most recent JURIS data base, sample training questions and answers, an overview of the JURIS system, and a JURIS Reference Card. This packet may be obtained from the JURIS User Assistance Office on request.
10-7.190	<u>Maintenance, Repairs and Supplies for JURIS Equipment</u>
	Maintenance, repairs and supplies for JURIS are the responsibility of the Legal Research and Training Service in Washington, D.C. Request for maintenance and repairs should be made by calling JURIS User Assistance at FTS 633-4537. The waiting period for repairs and/or replacement of a defective printer or terminal should not exceed 48 hours. On-site maintenance has been obtained for the repair of the Okidata printers. To



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report a malfunctioning printer call (800) 638-6811. Okidata has guaranteed a four hour response time for any printer repair. Requests for supplies, such as printer paper, should also be made by phone to the User Assistance Staff. There is no charge to the U.S. Attorney's Office for repairs and maintenance.

JURIS User Assistance does not provide repair service or maintenance service for personal computers that are being used as JURIS terminals. Problems with the P.C. JURIS software, however, may be referred to the Legal Research and Training Service.

10-7.200 AUTOMATED LITIGATION SUPPORT SERVICES

10-7.210 Purpose

Automated litigation support is the application of computer technology to the type of case or matter which involves a large volume of documents, transcripts, reports, business records, or depositions. The computer is used to organize, control, correlate, index, retrieve and display data contained in these materials. It can be used, for instance, to quickly retrieve specific information from a large volume of documents according to complex pre-determined criteria, to locate specific documents which aid in the preparation for direct cross examination of witnesses, or to analyze telephone and business records. When an attorney is faced with litigation involving a large volume of evidentiary material requiring analysis, automated litigation support should be considered.

The average case or investigation in a U.S. Attorney's Office, of course, does not require this type of support since the documents can be screened and reduced in volume to proportions which can be handled by manual indexing and filing techniques. Automated litigation support is appropriate in those instances where the volume of materials found relevant to the case after the initial screening would overtax traditional manual methods of document control. Some of the factors to consider in evaluating whether the use of computer services is warranted include the following:

A. Number of documents to be managed: For example, case or matters which involve more than 5,000 pages of transcript and/or 10,000 documents are candidates for automated litigation support.

B. Type of documents to be managed: Photographs, technical drawings, and blueprints do not usually lend themselves to computer-aided analysis, for instance. On the other hand bank records, other types of financial records, telephone toll records, and transcripts do.

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- C. Type of data analysis, sorting, retrieval, etc., required.
- D. Complexity of the factual and legal issues involved.
- E. Personnel resources and time required if traditional methods are used.
- F. Potential financial liability to the government, or gravity of the offense.
- G. How long the automated services will be required.
- H. Significance of the investigation or case.
- I. If the evidence already exists or can be obtained in machine readable form, e.g., data on magnetic computer tape, computer-aided litigation support may well be cost effective.

10-7.220 Procedures

If you think a case or investigation requires automated litigation support, the Director of the Office of Management Information Systems and Support (OMISS) should be contacted immediately. OMISS is the organization within the Executive Office for U.S. Attorneys which has responsibility for evaluating and approving all requests for automated litigation support. The Executive Office will fund only automated litigation support projects which have been approved by OMISS. Request for litigation support should be directed to:

Director  
Office of Management Information Systems and Support  
Executive Office for U.S. Attorneys  
U.S. Department of Justice  
Universal North Building, Room 1035  
Washington, D.C. 20530

The telephone number is FTS 673-6379.

The request for automated litigation support should be made as early as possible because the time required to design and implement as an automated system can be substantial.

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After the initial contact with OMISS has been made, the Litigation Systems Staff (LSS) of the Justice Management Division is available to assist in providing automated litigation support to the case. The services LSS provides include requirements analysis, system design and cost estimates. LSS can also assist in making arrangements for programming and securing the services of a contractor if that is necessary.

Upon request and after OMISS approval, LSS will prepare a proposal for automated litigation support. The proposal provides a basis for a reimbursement agreement which OMISS executes with LSS for their services or the services of any other vendors or organization required.

10-7.230 Services Available

The Litigation Systems Staff (LSS) of the Justice Management Division is comprised of several attorneys with backgrounds in data processing and experience in designing and implementing automated systems for litigation support. They will provide guidance on processing information so that the computer can be used for analysis or retrieval. They will also recommend the appropriate software and hardware to meet the users' needs. LSS has designed and implemented a wide variety of automated systems which make use of IBM mainframe computers located at the Justice Data Center in Washington, D.C. More recently LSS has employed mini- or micro-computers for litigation support applications.

A typical litigation support application might be using JURIS to provide on-line access to the full text of trial or deposition transcripts. This means that the JURIS terminals and protocol employed to do legal research can be used to retrieve information from a special transcript data base. Access to the special data base can be restricted to attorneys working on the case. Other applications have included computer-aided analysis of telephone toll records, business records, and tax returns. LSS has also assisted in the analysis of payroll records to establish patterns of sex and race discrimination in employment.

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1984 USAM (superseded)





U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

January 31, 1986  
(Expires June 31, 1986)

TO: Holders of United States Attorneys' Manual Title 10

FROM: United States Attorneys' Manual Staff

William P. Tyson, Director  
Executive Office for U.S. Attorneys

RE: Policy Concerning Handling of Agency Debt Claim  
Referrals Where the Applicable Statute of  
Limitations has Run

- NOTE:
1. This is issued pursuant to and expires unless reissued or incorporated pursuant to USAM 1-1.550.
  2. Distribute to Holders of Title 10.
  3. Insert at the end of Title 10.

PURPOSE: This bluesheet sets forth the Department of Justice policy that although the expiration of the Statute of Limitations is an affirmative defense that must be plead by the defendant, the United States Attorneys shall not accept any agency referral or file a case in which the applicable Statute of Limitations has expired.

AFFECTS: USAM 10-8.120

The following new section should be added after USAM 10-8.110:

10-8.120 Effect of Expiration of Statute of Limitations on Agency Debt Claim Referrals.

U.S. Attorneys' offices shall immediately decline any claim for a debt owed to the United States that is referred from a client agency for litigation and enforced collection after the applicable Statute of Limitations has expired. U.S. Attorneys shall not file any case in a claim for a debt owed to the United States that is referred from a client agency in which the applicable Statute of Limitations has expired.

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10-8.000 COLLECTIONS

10-8.100 INTRODUCTION AND GENERAL INFORMATION

There is no comprehensive collections order for U.S. Attorney debt collectors. The following information is derived from a number of sources. Among them are USAM Title 4 (Civil Division); USAM 9-120.000-9-120.123 (Criminal Division, formerly issued as Criminal Collections Policy and Techniques); USA Order 2840 (Sept. 1, 1980, as amended Feb. 1, 1981 and Oct. 1, 1981), chap. 6 (United States Attorneys' Docket and Reporting System Manual); OBD Order 2110 (Jan. 31, 1984), (Lock Box Procedures for the Direct Deposit of Cash Collections); and the Civil Division Practice Manual. This information in no way substitutes for or duplicates those sources; it is a brief summary of pertinent portions of them. All collections clerks are to be familiar with these sources for ready reference to them as needed.

Note: The U.S. Attorneys' Docket and Reporting (D&R) System is being phased out and replaced by the Collections Subsystem of the Prosecutors Management Information System (PROMIS). The installation of PROMIS in all U.S. Attorneys' offices is to be completed by March 31, 1985. When the installation has been completed, USAM 10-8.000 will be reissued. In the interim, in "non-PROMISed" offices the reporting requirements of USA Order 2840 remain in effect. In "PROMISed" offices, reporting requirements are defined in the Collections Procedures Manual provided to each district at the time of implementation.

When filling vacant collections positions, U.S. Attorneys should bear in mind that their collectors are responsible for collecting money owed to the United States by individuals who have been deemed to owe this money by a jury of their peers, or by an official of the United States Courts. Therefore, any individual selected for a debt collection position must be made aware of the importance of doing this job correctly, and the need to maximize the government's ability to collect monies owed.

A. There are only three (3) ways to reduce or close criminal fine debts to the United States:

1. Payment in full;
2. Presidential pardon; or
3. Death of the debtor.



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A criminal fine debt may be removed from the Docket and Reporting System Pending List if it can be proven that the debtor is at least 75 years old, cannot be located, and that five (5) diligent annual attempts to locate the debtor have been made (see USAM 9-121.310 et seq.). This is strictly an administrative closing, it does not remove the liability of the debtor for the fine should the debtor be found to be alive. In that instance the U.S. Attorney has the obligation to re-open the case and pursue payment of the fine again.

B. There are two (2) ways to reduce or close civil matter or case debts to the United States:

1. Payment in full, or

2. Compromise, which can only be done in civil cases. While the collections clerk may negotiate with a debtor in this respect, only an Assistant U.S. Attorney may make an actual compromise.

10-8.110 Judgment Policy

10-8.111 Promptly Reduce All Debt Claims to Judgment

All claims referred by client agencies to U.S. Attorneys for litigation and enforced collection shall be reduced to judgment promptly.

If subsequent to a demand letter or service of a complaint (and prior to the entry of a default judgment) the debtor acknowledges the debt and an installment repayment plan is justified and agreed to, the debtor shall be required to execute a consent judgment and that judgment entered immediately with the court. Claims shall remain in a pre-judgment status only in those instances where the debtor agrees to pay the debt in full within 30 days and executes a consent judgment with the understanding that the judgment will be entered with the court if full payment is not received within 30 days.

The U.S. Attorney shall personally approve and set forth in writing for the Debt Collection Unit any exceptions to this policy which are required for the handling of unusual types of situations or claims.

10-8.112 Judgments in a Paying Status Shall Be Retained by U.S. Attorneys Until Fully Satisfied

All paying judgments shall be retained by the U.S. Attorneys until fully satisfied. Judgments shall not be returned to the referring agency

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for collection of installment payments. All payments are to be made by the debtor to the U.S. Attorney's office (made payable to the U.S. Department of Justice) and deposited through the Direct Deposit (lock box) System.

This policy also applies to repayment agreements which in the past could be returned to the Veterans Administration's Centralized Accounts Receivable Section (CARS in St. Paul) for the monitoring of payments once three consecutive, timely payments had been made by the debtor. Such repayment agreements shall not be returned to CARS for collection but shall be retained by the U.S. Attorney's office until fully satisfied.

Use of the following Docket and Reporting System, PROMIS, and USACTS codes shall be discontinued immediately.

Docket and Reporting System

Civil MATTER PENDING Code

093 Case returned to referring agency for collection monitoring

Civil MATTER DISPOSITION Code

139 Matter returned to agency for collection

Civil CASE PENDING Code

293 Case returned to referring agency for collection monitoring

Civil CASE DISPOSITION Code

321 Returned to agency for collection

Collection PENDING Code

893 Claim returned to referring agency for collection monitoring

Collection DISPOSITION Code

939 Claim returned to referring agency for collection



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PROMIS

Finance Reason Codes

AGCL Return to agency for collection

CRAL Correction of error to agency for collection

Collection Disposition Code

RC Return to agency for collection

USACTS

Finance Code

RAFC Return to agency for collection

Collection Disposition Code

RC Return to agency for collection

In the near future, the Docket and Reporting System, PROMIS and USACTS Manuals will be revised to reflect this new policy and to eliminate the codes listed above.

The policy set forth above does not affect in any way present policy concerning the return of uncollectible claims or judgments to the agencies for surveillance, or the use of Docket and Reporting System, PROMIS, or USACTS codes established for that purpose.

10-8.200 COLLECTIONS PROCESS

The following is a brief summary of the administrative procedures involved in the collections process:

A. Preparation of a Debtor Card: The debtor card, USA-117A (Criminal Debtor Card) or USA-117B (Civil Debtor Card), is the official administrative record of U.S. Attorney collections for the Department of Justice. A debtor card must be prepared for each debtor and must accurately reflect the amount of money (principal, interest and costs) due the United States. It is a two-part snap-out form.

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1. The appropriate debtor card (USA-117A [Criminal Fine] or USA-117B [Civil Claim]) must be prepared when:

- a. A criminal fine has been imposed;
- b. A judgment has been obtained on a claim; or
- c. A debtor has made the first payment on a pre-judgment claim.

The original debtor card should be placed in a "Hold" or "Suspense" file in the Debt Collection Unit until entry into the system is verified (see USAM 10-8.200(B), *infra*). The snap-out carbon copy is to be sent to the Office of Management Information Systems and Support (OMISS), Executive Office for U.S. Attorneys, in the Department's Data Center. Their address is:

Caseload/Collections Unit  
EOUSA/OMISS, CAB, Room 1132  
Department of Justice  
425 I Street, NW  
Washington, D.C. 20530

2. A debtor card (USA-117A/B) must be prepared for:

- a. All impositions, including those where payment in full is made at disposition of the matter or case;
- b. All appearance bond forfeitures on the date forfeited;
- c. All determined (at least one payment made) pre-judgment claims; and
- d. All claims when judgment is obtained (unless already open in the D&R system, then a Civil Collections Activity Card (USA-166) is used to change the status (Imposition Type) of the case from pre-judgment to judgment).

Much of the information required for the collections debtor card (USA-117 A/B) can be obtained from the related Criminal Docket Card (USA-115) and its associated Judgment and Commitment Order; or the Civil Docket Card (USA-116) and its associated Certificate of Indebtedness.

B. Debtor Card Verification: Once each month the OMISS mails a verification list to all U.S. Attorneys' offices regarding entries in the

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D&R system. This includes an error list designed to resolve discrepancies between the new impositions and determined claims in the docket file (caseload) and the new entries in the debtor file (collections). All differences must be resolved and corrections made in the D&R System. All corrections must be sent to the Department of activity cards (Criminal USA-165; Civil USA-166), (see USAM 10-8.200(c), infra.) Once a debtor card (USA-117A/B) has been verified in this manner, it may be placed in the "Pending Collections" section of the Collections Unit's card file. Any debtor cards which involve unverified pending corrections must remain in the "Hold" file until the correction has been verified on the next verification list.

C. Collection Activity: Every collection activity must be recorded on the relevant Forms USA-117A as it occurs. In addition, whenever the status of the matter or case changes, a collection activity card, USA-165, "Collection Activity Card," or USA-166, "Civil Collection Activity Card," must be sent to OMISS at the address in USAM 10-8.200(A), supra.

D. Payments: All funds received by U.S. Attorneys' offices are to be processed on the day received according to OBD Order 2110 (Jan. 31, 1984), with the exception of criminal fine payments which are to be made to the clerk of the U.S. District Court. OBD Order 2110 procedures call for the funds to be logged-in at the point of receipt; forwarded to the Debt Collection Unit where an itemized deposit slip/check register (Form OBD-230) is prepared; verified for correct preparation and handling by a third party; and then mailed in a pre-addressed envelope to Citizens and Southern (C&S) Bank of Atlanta, GA, the contract depository. C&S processes the checks for payment and electronically transfers the funds to the United States Treasury. The Justice Management Division's Debt Management Section Group (JMD/DMS) receives reports from C&S itemizing payments by client agency. JMD/DMS in turn notifies the client agency of payment for crediting to their accounts.

Receipts (USA-200) are no longer needed (except when a debtor specifically requests a receipt.) The cancelled check or money order carbon copy/stub serves as the receipt. No notification to the client agency or the Department of Justice is necessary. What is necessary is the proper accounting procedure of independent verification of fund totals at each point through which they pass in the U.S. Attorney processing chain; and the verification on the official deposit slip (Form OBD-230) that the entire process has been properly followed.

An Exception Register (Form OBD-230X) will be necessary for checks which are returned due to "Insufficient Funds." This register need only be prepared when checks are returned for that purpose. It contains

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identifying information similar to the OBD-230, a proper audit trail, and quick reference on returned checks as to their latest status.

Debtors are to be advised that all checks are to be made payable to the "U.S. Department of Justice." Checks made payable to other government entities can be accepted and processed, but making them payable to the Department follows the U.S. Treasury Fiscal Requirements Manual most closely. It will make the procedure consistent across the U.S. Attorney system.

Remember all payments must be reported to the Department through PROMIS or through the U.S. Attorneys' Docket and Reporting system (see USAM 10-8.200(E), infra).

E. Posting of Payments: Upon preparing payments for direct deposit, the payment amounts are posted to the applicable collection activity card (USA-165/166). Payments made prior to the preparation of the debtor card (USA-117A/B) must be posted to the card before it is submitted to the Justice Data Center. Boxes 33 through 39 of the debtor card (USA-117A/B) must be completed. An activity card (USA-165/166) reflecting the payment is not necessary only in cases where payments are reported on the original submission of the debtor card (USA-117A/B). Payments made after the debtor card (USA-117A/B) has been submitted also should be posted to it (in addition to being posted to the activity card (USA-165/166)). The total receipts posted to the collection debtor and activity cards should be reconciled with the total of the receipts on the Deposit Slip (OBD-230) daily. Reconciliation tapes should be attached to the U.S. Attorney copy of the deposit slip. After reconciling:

1. The debtor cards (USA-117A/B) should be held aside to be checked against the verification and error lists. The debtor cards (USA-117A/B) should not be refiled in the card file system until the above lists have been checked;

2. The collection activity cards are forwarded to the Justice Data Center; and

3. The deposit slip office copy should be filed sequentially.

The debtor cards (USA-117A/B) should not be refiled in the card system until the above lists have been checked.

F. Monthly Cut-offs: Collection debtor and activity cards must be submitted daily. A verification list and an error list are sent to each U.S. Attorney's office for all transactions mailed to the Justice Data



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Center on or before the 15th of each month. Activity cards (USA-165/166) correcting errors must be mailed back to OMISS no later than the day after the error list is received, in order to prevent unnecessary repeat listings on the reports.

G. Semi-Annual Inventory of Pending Collections: Twice yearly, as of March 31st and September 30th, a printout of pending collections matters and cases is sent to all U.S. Attorneys' offices with a certification statement. This list must be checked against pending debtor cards. Corrections must be submitted to OMISS within five (5) working days of the receipt of the printout using the proper collection activity cards (USA-165/166). The Assistant U.S. Attorney responsible for collections in the district is to be the certifier. The collections support staff may not certify for the responsible Assistant U.S. Attorney. The certification is to be sent to the OMISS address in USAM 10-8.200(A), supra. A file with copies of certification statements should be maintained.

H. Reports: Various periodic reports are sent to U.S. Attorneys' offices to improve the management of collections activity. These include the Collection Activity Report, summarizing such activity for the month and fiscal year to date, and the Collection Activity Report by Fiscal Year of Imposition, Fiscal Year to Date, which is a cumulative report of collections by fiscal year of imposition, etc. More information regarding these reports and others which are available to U.S. Attorneys may be found in USA Order 2840 (Sept. 1, 1980, as amended Feb. 1, 1981 and Oct. 1, 1981), Appendix 3.

I. Miscellaneous: Collections activity can occur at any time, such as before a debtor card is actually prepared or while the debtor card is in the "Hold" file. All activity must be reported regardless of the time of payment or the physical status of the debtor card.

Collections clerks are no longer responsible for preparation of the Monthly Statistical Report (USA-5), no collections financial data is reported through that form. All collections financial data is reported through the U.S. Attorneys' Docket and Reporting System or PROMIS. As such, USAM 10-6.220 (U.S. Attorneys' Monthly Resource Summary Report) is no longer operative for collections reporting. All other references to reporting of collections financial data on the USA-5 in USAM 9-120.000—9-122.000, or any other citation, no longer apply.



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10-9.000 EQUAL OPPORTUNITY PROGRAM

10-9.100 EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the Executive Office for U.S. Attorneys and the offices of the U.S. Attorneys to provide equal opportunity in employment on the basis of merit and to prohibit discrimination because of race, color, religion, sex, age, national origin, physical or mental handicap, sexual harassment and retaliation. The goal is to promote the full realization of equal employment opportunity through a continuing affirmative action program that will eliminate discrimination based on factors irrelevant to job performance.

To achieve this goal, management at all levels must take positive action to eradicate any internal practice or procedure which denies equality of opportunity to any group or individual on any basis other than merit and fitness. Through affirmative action, managers can provide opportunities for all persons to compete equally for employment and advancement to their highest levels of proficiency where individual skills and training are fully utilized. Managers must ensure that all questions and complaints of discrimination are resolved without fear of reprisal.

10-9.101 Implementation of Affirmative Action Programs

In an effort to assist the Executive Office for U.S. Attorneys (EOUSA) and the offices of the U.S. Attorneys in the implementation of their Affirmative Action programs, the Equal Employment Opportunity (EEO) Office develops the plans, procedures and regulations necessary to carry out these programs. The EEO Office prepares the following plans:

A. The Equal Employment Opportunity Plan: This plan is a multi-year plan (1982-1986) which is updated yearly. It is composed of three individual plans. These are:

1. Affirmative Action Plan for Minorities and Women;
2. Sexual Harassment Plan; and
3. Federal Equal Opportunity Recruitment Plan (FEORP).

B. The Disabled Veterans Affirmative Action Plan (DVAAP): An annual accomplishment report is submitted to the Office of Personnel Management (OPM) to evaluate the accomplishments made in comparison with the goals



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established in the Affirmative Action Plan. A new Plan is developed yearly.

C. The Affirmative Action Plan for Handicapped Individuals: Annual plans are developed as well as annual accomplishment reports and are submitted to the Equal Employment Opportunity Commission (EEOC).

Each office of the U.S. Attorney has the ultimate responsibility for the implementation of these plans. Each office should keep records of its activities and efforts made to achieve the goals established for these programs.

10-9.102 Training

Periodically the EEO Office sponsors specialized training conferences which are offered to both attorney and non-attorney personnel. These include:

- A. EEO for Supervisors and Managers;
- B. EEO Counselors and Investigators Training; and
- C. Special Emphasis Program Managers Training.

Nominees for these conferences are solicited by teletype or mail. Selections are made by the EEO Office and approved by the Director, Executive Office for U.S. Attorneys.

10-9.103 Technical Assistance

The EEO Office will provide assistance to any district, upon request, to aid in the implementation of an effective equal employment opportunity program. The assistance may be provided telephonically, by mail or through on-site visits.

10-9.110 Scope

These regulations apply to every employee, executive, and supervisor in the offices of the U.S. Attorneys and the Executive Office for U.S. Attorneys.

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10-9.120 Responsibilities

A. Director: The Director has overall responsibility for insuring equal opportunity in employment throughout the Executive Office and the offices of the U.S. Attorneys, for establishing positive action plans to assure adherence to the Executive Office's policy, for providing for equitable resolution of complaints of discrimination, and for enforcing the Executive Office's Equal Employment Opportunity (EEO) commitment.

B. Deputy Director: The Deputy Director is responsible for the overall management of the EEO program within the Executive Office and offices of the U.S. Attorneys, and for allocating sufficient resources to meet EEO program objectives.

C. Office Directors and Assistant Directors: The office Directors and Assistant Directors are responsible for assuring equal opportunity in employment within their organizations, and for issuing and assuring compliance with EEO program directives.

D. Equal Employment Opportunity Officer: The EEO Officer is responsible for meeting with employees and applicants to discuss complaints, for investigating complaints of discrimination, and for reporting investigations and assisting with hearings. The EEO Officer also participates in the development of plans of actions and in evaluating the EEO aspects of personnel management programs.

E. Equal Employment Opportunity Specialists: The Specialists assist the EEO Officer in the implementation of the EEO program by providing prompt, expert advice and information to applicants to the organization and employees within the organization (including managers) who have concerns involving equal employment opportunities and special emphasis programs.

F. Equal Employment Opportunity Counselors: The counselors are designated by the Director and are responsible for providing prompt, expert advice and information to employees within and applicants to the organizational segment serviced who have concerns which involve complaints of alleged discrimination.

G. Equal Employment Opportunity Investigators: The EEO Investigators are designated by the Director and are responsible for providing prompt, expert, unbiased facts obtained from designated witnesses identified by complainant and the alleged discriminatory official (if any), and other logical evidence. Equal Employment Opportunity Investigators are authorized to: investigate all aspects of complaints of discrimination; require all employees of the agency to cooperate in the conduct of the

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investigation; and require employees of the agency having any knowledge of the matter complained of to furnish testimony under oath or affirmation without a pledge of confidence.

H. Special Emphasis Program Managers: Special Emphasis Program Managers are approved by the Director and are responsible for providing assistance to their respective U.S. Attorney in his/her efforts to implement an equal employment opportunity program.

I. Personnel Officers: Personnel officers are responsible for assuring that all personnel management programs are free of discrimination. For this reason and because of the skills available to them, personnel officers are also responsible for evaluating the personnel management programs in terms of equal employment opportunity and for recommending objectives for EEO plans of action to the EEO Officer.

J. Managers and Supervisors: These officials are responsible for providing equal opportunity in employment matters and for eradicating all discriminatory practices within their organizational segments.

K. EEO Advisory Committees: These committees are established, upon the recommendation of the EEO Officer, to assist the U.S. Attorneys' Offices in their development of a more effective and positive internal EEO program. The members are selected by the U.S. Attorney and are appointed by the Director of the Executive Office for U.S. Attorneys. They are authorized to:

1. Identify and recommend solutions to employment problems and provide reports of accomplishments on a periodic basis to the U.S. Attorney;
2. Assist the Chairperson of the Committee and the EEO Office in the development and implementation of the Equal Employment Opportunity Plan;
3. Ensure that all employees are given an equal opportunity to enhance their skills, and that recruitment activities are designed to reach and attract candidates from minority as well as non-minority sources; and
4. Meet with the EEO Officer on a biannual basis (or as needed) for technical and advisory assistance.

L. Employees: All employees are responsible for treating fellow employees with basic respect and dignity, and not practicing themselves, nor condoning in others, discriminatory behavior in employment based on

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race, color, religion, sex, age, national origin, physical or mental handicap or sexual harassment or retaliation.

All employees retain the ultimate responsibility for establishing their own career goals, for seeking information and advice relative to their goals and employment, and for working toward the fulfillment of their career objectives.

10-9.130 Racial/Ethnic Codes

In compliance with Department of Commerce Statistical Policy Directive 15, the Office of Personnel Management (OPM) developed new minority group designator codes to standardize the race and ethnic data collected by federal agencies. The collection of this data is provided for in 29 C.F.R. §1613.301 and the Federal Personnel Manual (FPM) regulations, Chapter 713.

Effective January 1, 1981, the codes are:

- A - American Indian or Alaskan Native;
- B - Asian or Pacific Islander;
- C - Black, not of Hispanic Origin;
- D - Hispanic;
- E - White, not of Hispanic Origin;
- Y - Not Hispanic in Puerto Rico; and
- Z - Employees in Guam or Hawaii.

To facilitate the collection of the new data, OPM also developed Standard Form 181 (SF-181), Race and National Origin Identification. Copies are available through normal GSA supply channels.

SF-181 must be completed by all new employees. The form should be forwarded to the Personnel Management Staff with other required entrance-on-duty paperwork.

Employees must be informed that the collection of this information is mandatory and is subject to the provisions of the Privacy Act of 1974. If an employee does not want to complete the SF-181 when he or she enters on



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duty, the code which appropriately describes the individual should be determined by visual survey and a copy of the form submitted for him/her.

10-9.140 Employment Review Procedures for Non-Attorneys

To enable the Executive Office for U.S. Attorneys to monitor the success of efforts to achieve affirmative action goals, employment review procedures have been established for all non-attorney positions, GS-1 through GS-12.

A copy of the form USA-209, Employment Monitoring Report for Non-Attorneys must accompany each request to:

- A. Staff any permanent competitive position;
- B. Staff any summer law assistant position;
- C. Effect any competitive promotion; and
- D. Effect all competitive hiring actions where area of consideration was not limited to U.S. Attorneys' Offices or the Executive Office for U.S. Attorneys.

10-9.150 Handicapped Employees

It is the policy of the Executive Office for U.S. Attorneys and the Offices of the U.S. Attorneys to provide equal opportunity for handicapped persons in all of its programs. This includes training programs, such as, workshops and seminars sponsored by the offices of the U.S. Attorneys and the Executive Office for U.S. Attorneys, where handicapped persons who attend may require special accommodations. Effective May 1, 1984, the following statement should be included in all announcements of training sponsored by the Executive Office or any district office:

The Executive Office for U.S. Attorneys makes every effort to assure that its training programs are readily accessible to handicapped employees. Any official nominating a handicapped individual for training should contact the office sponsoring the training at least ten (10) working days in advance of the nomination to discuss any special provisions needed to accommodate the handicapped nominee(s), e.g., sign language interpreters for the hearing impaired, etc.

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10-9.200 PROCESSING COMPLAINTS OF DISCRIMINATION

The agency processes two types of complaints that involve allegations of discriminations: Title VII (allegations based on race, color, religion, sex, national origin, handicap, and age) and mixed case complaints. A Title VII complaint is one that contains an allegation of prohibited discrimination. A mixed case complaint contains both an allegation of prohibited discrimination and an adverse personnel action which may be appealed to the Merit Systems Protection Board (MSPB). Both types of complaints are handled in two phases--the informal complaint stage and the formal complaint stage.

A. Informal Complaint

Before a formal complaint may be filed, employees or applicants for employment who feel they have been discriminated against because of race, color, religion, sex, national origin, handicap or age must bring the matter to the attention of an EEO counselor within 30 calendar days after the action in question. It is the EEO counselor's responsibility to attempt to resolve the problem informally within 21 calendar days. If the counseling has not been completed within 21 calendar days, the counselor must notify the complainant in writing on the 21st day of the complainant's option either to continue the counseling process or within 15 calendar days after the final counseling interview to file a formal complaint.

If the matter is a mixed case complaint, the EEO counselor will explain that the complainant must select either the agency or the MSPB to formally process the complaint. The EEO counselor will tell the complainant that attempting an informal resolution does not preclude filing a formal complaint with the MSPB, but that the time limit for filing the complaint with the MSPB remains unchanged. The EEO counselor will also explain that mixed case complaints are processed in a shorter time frame than Title VII complaints, and mixed case appeals from the agency are to the MSPB instead of the Equal Employment Opportunity Commission (EEOC).

Complainants may go directly to an EEO counselor or may call the EEO Officer for the Executive Office for U.S. Attorneys for assignment of a counselor.

B. Formal Complaint

If the complainant is not satisfied with the informal resolution, he/she may then file a formal complaint of discrimination. The complaint must be specific and in writing and must be submitted to the EEO Office, Executive Office for U.S. Attorneys, Equal Employment Opportunity Office,

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10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530, within 15 calendar days from the date of the complainant's last interview with the EEO counselor.

If the matter is a mixed case complaint, the complainant must submit a letter acknowledging that the Bureau is the only forum where the mixed case complaint has been filed.

The complaint is considered filed on the date mailed (post marked) or on the date of delivery when the complaint is presented (hand delivered) to the EEO Officer.

The EEO Officer shall send a written acknowledgment of receipt of the complaint to the complainant, and advise the complainant of all administrative rights and of the right to file a civil action, including the applicable time limits for such filing.

10-9.210 Who May File a Complaint

A complaint of discrimination may be filed by an applicant or any employee, or by an employee organization or other "third party" on behalf of individual employees. Allegations of discrimination may be based on race, color, religion, sex, age, national origin, physical or mental handicap, sexual harassment, and retaliation. (With reference to age, the aggrieved person must be at least 40 years of age at the time of the matter giving rise to the complaint of discrimination.) The employee has the right to be represented at all levels of the complaint process by a representative of his/her choice.

10-9.211 Responsibilities of the Complainant

During the administrative processing of a complaint, the complainant has certain duties and/or responsibilities that he/she must fulfill, such as:

- A. Attend meetings and conferences;
- B. Claim official certified mail when notified by post office;
- C. Inform the EEO Officer of any change of address, telephone number or prolonged absence(s) from the permanent address;

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D. Respond to correspondence, telephone calls, and in general, cooperate with the EEO officials during the administrative process (failure to maintain this communication with EEO officials and/or failure to respond to correspondence from the EEO Office may result in a recommendation to cancel the complaint in accordance with 29 C.F.R. §1613.215); and

E. Provide the name, address and telephone number of his/her representative, if applicable.

10-9.220 Rejection and Appeal of Complaints

The EEO Officer may reject all or any part of a complaint of discrimination only with the approval of the Director of EEO. The reasons for rejection will be specified in writing to the complainant together with notification that the complainant has the right to appeal a decision involving a mixed case complaint to the MSPB or a Title VII complaint to the EEOC, or to file a civil action. The appropriate time limits for further action will be concluded in the notification.

10-9.221 Withdrawing Complaints

The complainant may withdraw the complaint in writing at any time. Such request should be sent to the EEO Officer, Executive Office for U.S. Attorneys, Equal Employment Opportunity Unit, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530.

10-9.230 Investigation of Complaints

Investigations are for the basic purpose of determining whether discrimination because of race, color, religion, sex, age, national origin, physical or mental handicap, sexual harassment and retaliation has occurred. Investigators will not conduct investigations in the organization in which they are employed. Complaints alleging discrimination within the Director's Office or office of principal subordinates will be assigned for investigation by a bureau within the Department of Justice other than the Executive Office's EEO Office.

The bureau has 45 calendar days to complete the investigation of a Title VII complaint, attempt an informal adjustment and offer a hearing, if appropriate.



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The bureau has 34 calendar days to complete the investigation of a mixed case complaint, and to attempt an informal adjustment. There is no agency hearing for a mixed case complaint.

When the Complaints Examiner has submitted a recommended decision finding discrimination and the agency has not issued a final decision within 180 calendar days for Title VII cases or 120 calendar days for mixed cases after the date the complaint was filed, the Complaints Examiner's recommended decision shall become binding on the Executive Office for U.S. Attorneys and the U.S. Attorney's Office thirty (30) calendar days after its submission to the Department of Justice. The Complaints Adjudication Officer will notify the complainant and management in writing and will include copies of the findings of the complaints examiner. The hearing record will be included if a hearing were held on a Title VII complaint. The Complaints Adjudication Officer will also notify the complainant of the right to appeal the decision to the appropriate entity or to file a civil action within the appropriate time limits.

10-9.231 Informal Adjustment

The EEO Officer will furnish the complainant or his/her representative and management a copy of the investigative file promptly after receiving it from the investigator and provide an opportunity for the complainant to discuss the file with appropriate officials and arrive at a mutually acceptable informal resolution. If an agreement is reached, the terms of the informal adjustment will be reduced to writing and made part of each copy of the complaint file, with a copy provided to the complainant. If an agreement is not reached, the attempt at an informal adjustment will be documented and made part of each copy of the investigative file.

10-9.232 Proposed Disposition and Rights of the Complainant

If an informal adjustment is not arrived at, the complainant will be notified in writing of:

- A. The proposed disposition of the complaint;
- B. His/her right to a hearing with a decision from the Complaint Adjudication Officer (CAO); and
- C. His/her right to a decision from the Complaint Adjudication Officer without a hearing.

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The proposed disposition serves as a recommendation to the Complaint Adjudication Officer at the time he/she renders a final agency decision. The CAO has the right to accept, modify or reject the proposed disposition as the final agency decision.

10-9.233 Payment of Costs

Travel and per diem expenses incurred for officially assigned Equal Employment Opportunity (EEO) Counselors and Investigators for the processing of a discrimination complaint will be paid by the office in which the complaint arose. In addition, all other expenses resulting from the processing of an EEO complaint, such as the cost for the hearing by the Equal Employment Opportunity Commission (EEOC), the cost of the final agency decision rendered by the Complaints Adjudication Officer, transcription service, etc., will be the financial responsibility of the respondent district.

Travel authorizations issued by the EEO Office will be subject to the approval of the Director, Executive Office for U.S. Attorneys or his/her designee. The Budget Office will obligate the funds and approve the travel voucher.

10-9.240 Offer of Hearing for Title VII Complaints

With a Title VII complaint, the complainant has 15 calendar days from receipt of the proposed disposition document to submit a written request for a hearing. No hearing will be held with a mixed case complaint.

10-9.241 Hearing for Title VII Complaints

A hearing for a review of a Title VII complaint will be conducted when requested in writing by the complainant within the time limits allowed. When a hearing is requested, the EEO Officer will review the complaint file to assure that the investigation is complete.

10-9.250 Department of Justice Final Decision

A. The Complaints Adjudication Officer serves to render a fair and impartial decision after the investigation when no hearing is held or after the hearing of a Title VII complaint is complete, and to direct appropriate remedial action with or without backpay if discrimination is found. When there is a finding of discrimination, the decision will also

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include the merits of the matter complained about. This involves reviewing the entire complaint file including the investigative portion, recommendations of the EEO Officer, and, if a hearing is held, the transcript of the hearing and recommendations of the examiner. The Complaints Adjudication Officer will also determine whether disciplinary action against alleged discriminatory officials is appropriate. The Complaints Adjudication Officer will record the basis for the decision, but it will not be included in the complaint file.

B. The Complaints Adjudication Officer may instruct the investigator to reinvestigate portions of the case. If it is the decision of the Complaint Adjudication Officer to reject or modify the recommended decision of the complaints examiner, the reasons for the rejection and modification will be put in writing and made part of the Department of Justice decision.

C. The Complaints Adjudication Officer will forward a copy of the Department's final decision to the Director with a memorandum stating the remedial action management is required to take, if any.

10-9.251 Appeals from the Department's Final Decision

Final decisions include notices of rejection and termination as well as the decision rendered by the Complaints Adjudication Officer. Complainants will be notified in the letter of decision to reject or terminate a complaint, and the letter of the final decision from the Complaints Adjudication Officer of the complainant's right to:

A. File an appeal with the Equal Employment Opportunity Commission, Office of Review and Appeals, 2401 E Street, N.W., Washington, D.C. 20506, within 20 calendar days.

B. File a civil action within 30 calendar days after the receipt of the decision.

10-9.260 Remedial Actions

The EEO Act of 1972 and the Equal Employment Opportunity Commission regulations provide a full range of remedial actions designed to make the complainant whole when a finding of discrimination has been made. The EEO Officer, with prior approval of the Director, is responsible for ordering remedial action indicated by the investigation.

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10-9.270 Allegations of Reprisal

An employee, his/her representative and witnesses who allege restraint, interference, coercion, discrimination, or reprisal, at any stage in the presentation and processing of a complaint, including the counseling stage under 29 C.F.R. §1613 or anytime thereafter, must file a charge within 30 calendar days of the date of the alleged discriminatory occurrence. The complainant has the option of:

A. Having the allegation processed as an individual complaint of discrimination, (Subject to 29 C.F.R. §§1613.211-1613.238); or

B. Requesting the agency to consolidate the allegation with the prior complaint. (If the prior complaint is at the hearing stage, the complainant may request the Complaints Examiner to consolidate the allegation with that complaint at the hearing.)

If the Complainant requests the agency to consolidate the allegation with the prior complaint, that request must be made within 30 calendar days of occurrence of the act which forms the basis of the allegation. The agency or Complaints Examiner may deny the request and require that the allegation be processed as an individual complaint.

10-9.280 Third Party Complaints

Third party complaints or general allegations of discrimination unrelated to individual complaints will be thoroughly investigated and documented. The EEO Officer will furnish the complainant and management with copies of the investigative file and recommendations and shall attempt to adjust the complaint. The complainant and management shall have 15 calendar days from receipt of the investigative file in which to submit written comments on the adequacy of corrective action.

In correcting discriminatory practices, management must separately fulfill existing obligations under EO 11491 to consult or negotiate with labor unions before agreeing to change policies and practices affecting working conditions. A copy of the entire file will be forwarded to the Complaints Adjudication Officer for final decision.

10-9.290 Retention of Personnel Records Relative to EEO Complaint Processing

To facilitate the processing of Equal Employment Opportunity cases, all Official Personnel Folders, any records, and other documents pertain-



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ing to administrative procedures or issues relative to the complaint, complainant(s), and other individuals implicated or referred to in allegations made in active matters and/or cases lodged with the EEO Office shall be retained by the employee's district (or former district where applicable), any district otherwise implicated, and the Personnel Management Staff, respectively, until such time as the matter is completely processed and closed, a resolution is obtained and the matter is closed, or until the district is notified the material is no longer required.

It will be the responsibility of the EEO Office to notify those offices involved of the time at which their files may be released for proper disposition.

10-9.300 CLASS ACTION COMPLAINTS

The terms class and agent of the class are defined in 29 C.F.R. §1613/601(a)(c) and §1613.602(a) as:

A Class is a group of agency employees, former agency employees, and/or applicants for employment with the agency, on whose behalf it is alleged that they have been, are being, or may be adversely affected, by an agency personnel management policy or practice which the agency has authority to rescind or modify, and which discriminates against the group on the basis of their common race, color, religion, sex, national origin and/or age. An agent of the class is a class member who acts for the class during the processing of the class complaint.

An employee or applicant who wishes to be an agent of a class and who believes he/she has been discriminated against shall contact an EEO Counselor within 90 calendar days of the matter giving rise to the allegation of individual discrimination. The counselor has 30 calendar days to resolve the complaint informally. At the end of this 30-day period, the counselor will notify the complainant in writing, at the time of final interview, of his/her right to file a formal class complaint of discrimination.

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10-9.310 Filing of Class Complaint

The formal complaint of class discrimination must be filed within 15 calendar days of receipt of the notice of final interview. The formal complaint must describe:

A. The agency practice or policy which forms the basis of the complaint; and

B. How the agent was adversely affected by this practice or policy.

10-9.320 Acceptance, Rejection or Cancellation

Within 10 calendar days of receipt of a class complaint the agency will forward the complaint with a copy of the counselor's report and any pertinent information relating to the complaint to the Equal Employment Opportunity Commission (EEOC). The EEOC will assign a Complaints Examiner who will give the agency a written recommendation to accept, reject or cancel the complaint. The Complaints Examiner's recommendation to accept, reject or cancel shall become the agency's decision, unless the agency rejects or modifies the decision within 10 calendar days of its receipt. The agency must notify the Complaints Examiner, the agent and the agent's representative of its decision. In the case of rejection or cancellation of the complaint, the agency must notify the agent of his/her right to proceed with his/her individual complaint of discrimination and to appeal the final agency decision on the matter to the Office of Review and Appeals, EEOC, within 20 calendar days, or the right to file a civil action within 30 calendar days in the Federal District Court.

10-9.330 Notification and Opting Out

Within 15 calendar days after the acceptance of the class complaint, the agency will notify all of the class members of the existence of the class complaint. This notice gives the class members the opportunity to remove themselves from the class by notifying the agency within 30 calendar days after issuance of the notice.

10-9.340 Evidence Concerning the Complaint and Opportunities for Informal Resolution

The Complaints Examiner will notify the agent, agent's representative and agency representative that not more than 60 days will be allotted to both parties to prepare their cases. The time period may be extended by the Complaints Examiner upon request by either party. The Complaints Examiner will give both parties copies of all materials furnished to him/

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her concerning the complaint to provide an opportunity to reach an informal resolution.

10-9.350 Hearing

The Complaints Examiner will set a hearing date after the expiration of the period allowed for preparation of the case. The Complaints Examiner will transmit to the agency head:

- A. Record of the hearing;
- B. The findings and analysis of the complaint; and
- C. Recommended decision on the complaint which may include any systems relief for the class. The Complaints Examiner will notify the agent of the date on which the report of findings was forwarded to the agency.

The agency has 30 calendar days to issue a decision to accept, reject or modify the findings and recommendations of the Complaints Examiner. If the decision is to reject or modify the recommendation, the decision must set forth the reasons for the rejection or modification. If no agency decision is issued within 30 calendar days, the Complaints Examiner's findings and recommendations become the final agency decision. The agency shall transmit the final agency decision to the agent or his/her representative five days after the 30-calendar day period.

10-9.360 Notification of Class Members of Decision

Within 10 calendar days after the transmittal of the decision, class members will be notified by the agency of the agency decision and corrective action. This notice will inform members of their right to seek individual relief.

10-9.370 Corrective Action

Class members may file a claim for individual relief with the Agency within 30 calendar days after notification by the agency. The agency shall attempt to resolve the claim for relief within 60 calendar days after the date the claim was postmarked.

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10-9.400 ALLEGATIONS OF DISCRIMINATION ON THE BASIS OF HANDICAP IN  
FEDERALLY CONDUCTED PROGRAMS

A. A handicapped individual who believes that he/she has been discriminated against because reasonable facility accessibility was not made available in order to participate in the programs and activities offered by the Executive Office for U.S. Attorneys and the Office of the U.S. Attorney may file a complaint of discrimination. This individual, however, must be a member of that class. See 28 C.F.R. §170(d)(1)(i)(ii).

B. Complaints must be filed within 180 calendar days after the incident giving rise to the complaint. Time extensions for filing may be granted when a good cause is shown. A complaint is considered to be timely filed on the date it is postmarked or the date it is received by the agency, if handcarried. See 28 C.F.R. §170(d)(3).

C. Complaints may be filed with:

1. The head of the Agency;
2. The EEO Officer; or
3. Any designated agency official.

Complaints received by any of the above must be forwarded immediately to the EEO Officer. See 28 C.F.R. §170(d)(4).

D. If the complaint is filed in accordance with the procedures outlined above, the EEO Officer will notify the complainant of its acceptance. If an incomplete complaint is received, the EEO Officer will notify the complainant within 30 days of such a receipt. If the complainant fails to complete the complaint within 30 days of receipt of the notice, the EEO Officer will cancel the complaint without prejudice. If a complaint is received that does not lie within the Executive Office's jurisdiction, the EEO Officer will make reasonable efforts to refer the complaint to the appropriate entity. See 28 C.F.R. §170(f)(1)-(3).

E. After the complaint has been accepted, the agency will assign an investigator to conduct an investigation. The Assistant Attorney General for Administration has the authority to require Department of Justice employees to cooperate in investigations and attempted resolutions of complaints. See 28 C.F.R. §170(6)(1)-(2).

F. The EEO Office will provide the complainant and the management with a copy of the investigative report for the purpose of both parties attempting an informal resolution. If the complaint is resolved, the



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terms of the agreement will be placed in writing and signed by all parties. This written agreement may include a finding on the issue of discrimination and describe the corrective action that has been agreed upon. See 28 C.F.R. §170(6)(3)-(4).

G. If an informal resolution has not been reached, the EEO Officer within 180 days of receipt of the complete Complaint will notify the complainant and management of the results of the investigation. He/she will inform both management as well as the complainant of their rights to appeal the findings to the Complaints Adjudication Officer (CAO) and to request a hearing before an Administrative Law Judge. See 28 C.F.R. §170(h) (1)-(4).

H. An appeal to the CAO with or without a hearing should be filed by the complainant or management within 30 calendar days of the receipt of the letter of findings. If a timely appeal without a hearing is requested by one party, the other party may request a hearing by submitting a written request within the 30 calendar day period abovementioned or within 10 days of the date on which the first timely appeal was filed, whichever is later. See 28 C.F.R. §170(i)(1)-(2).

I. If neither party files an appeal within the prescribed time limit, the EEO Officer will certify the letter of findings as the final agency decision at the expiration of the time. See 28 C.F.R. §170(i)(4).

Notes

1. Any complaint alleging violations of section 504 of the Rehabilitation Act of 1973, amended, with respect to employment shall be processed according to the procedures in USAM Title 10-9.200.

2. In the event that a hearing is requested, the Director, Equal Employment Opportunity Staff, Justice Management Division, shall coordinate the process for securing the services of Administrative Law Judges, in accordance with the hearing process cited under 28 C.F.R. §170.

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10-10.000 LAW ENFORCEMENT COORDINATING COMMITTEE PROGRAM

10-10.100 PURPOSE

In response to the recommendations of the Task Force on Violent Crime, on July 21, 1981, the Attorney General issued a directive to all U.S. Attorneys, calling for the establishment of a Law Enforcement Coordinating Committee (LECC) in each district. The purpose of the LECCs is to enhance coordination of local, state, and federal resources to produce more effective law enforcement at all levels of government. Through such improved coordination and cooperation, it will be possible for federal law enforcement to have a greater impact on the problems of serious and violent crime.

As the LECCs are designed to provide a forum for the joint exchange of information and for the improvement of operational law enforcement activities involving intergovernmental cooperation, they should not come within coverage of the Federal Advisory Committee Act.

10-10.200 COMMITTEE ORGANIZATION

LECC membership includes representatives of the various federal, state, and local prosecutorial and other law enforcement agencies and offices with significant criminal jurisdiction in the district as well as criminal justice experts from the private sector, as appropriate. In selecting state and local officials to be invited to become members, the U.S. Attorney shall ensure that full and fair representation is accorded all state and local law enforcement interests, including investigative agencies (and correctional agencies, where appropriate) as well as prosecutorial offices, and urban, suburban, and rural officials where they all are present in the district. State and local membership should include officials who head their agencies and who have authority to make operational decisions regarding law enforcement activities.

10-10.300 SUBCOMMITTEES

The purpose of subcommittees is to allow matters that do not concern the entire LECC membership or which require special attention to be handled by members to whom the matters specifically pertain or who can best work on the particular issues. The subcommittees conduct exchanges of information and make operational decisions; they may present

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informational summaries of their actions to the full committee. Subcommittee designations will vary according to the needs and priorities of the respective districts and within a district may be organized to reflect geographical variations in criminal justice concerns.

10-10.400 MEETINGS

Full committee and/or subcommittee meetings shall be held on a regular basis each year, as deemed necessary by the U.S. Attorney and/or Law enforcement Coordinating Committee, in order to meet the objectives of the program. The U.S. Attorney shall advise the Executive Office for U.S. Attorneys of plans to schedule a full LECC meeting at least four weeks prior to the date of the meeting and shall provide an agenda as soon as it becomes available.

Within two weeks of each meeting, the U.S. Attorney is to prepare a summary of the results, highlighting significant accomplishments. Accomplishments of subcommittees would also be appropriate for inclusion in the summary. This information is to be circulated to the other LECC members and submitted to the Executive Office.

10-10.500 REPORTS

The Executive Office for U.S. Attorneys has responsibility for disseminating information on significant LECC activities to the U.S. Attorneys community. Therefore, each U.S. Attorney is expected to submit to the Executive Office information on successful cooperative law enforcement projects as such efforts are developed and implemented. Every United States Attorney will be asked to submit a yearly report on the progress and activities of his or her Law Enforcement Coordinating Committee at the time of submission of material for the Attorney General's Annual Report.

10-10.600 DISTRICT FEDERAL LAW ENFORCEMENT PLAN

Each U.S. Attorney is to prepare, and update as necessary, a plan for the best use of federal law enforcement jurisdiction and resources in order to achieve the maximum impact on the most serious crime problems in the district. This plan, which is submitted to and approved by the Attorney General, provides the basis for targeting specific activities to be undertaken by the U.S. Attorney and the LECC to address particular problems in that district. When a new United States Attorney is appointed



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for a district, he/she shall review the prior-approved plan to ensure its accuracy and consistency with current priorities and shall make revisions, as appropriate. The plan shall take into account concerns and comments of the appropriate law enforcement agencies.

Every plan is to contain the following sections:

A. Crime Assessment: This section summarizes the type and extent of serious crime in the district.

B. Law Enforcement Priorities: Upon consideration of Department of Justice national prosecutorial priorities, priorities of the federal investigative agencies, and all other law enforcement information available concerning serious crime in the district, the U.S. Attorney should formulate federal law enforcement priorities. The priorities shall identify the types of cases and investigations that will have the greatest impact on the most serious crime problems in the district. It also shall identify the types of defendants who will be accorded the greatest priority. The section then shall describe how federal law enforcement manpower and other resources will be allocated so as to implement the priorities.

C. Case Referrals: Each U.S. Attorney shall address procedures for the referral of all federal cases that are declined for prosecution, but have prosecutive merit or potential, to state or local prosecutors or investigative agencies for their consideration for prosecution or further investigation. This section shall also address the policies and practices of federal investigative agencies regarding direct referral of cases that have prosecutive merit, but where it is recognized that the cases will not be accepted by the U.S. Attorney. In addition, a procedure should be developed to monitor those cases declined but for which there may be a continuing federal interest, to ensure that a decision whether or not to prosecute a case of concurrent jurisdiction has in fact been made.

D. Procedures for Interagency Assistance: This section shall outline procedures to ensure maximum federal assistance to state and local law enforcement agencies and describe specific technical assistance, training, and other available resources.

E. Cross-Designation: The U.S. Attorney shall describe the status and use of cross-designation of federal and state or local prosecutors in the district, including considerations and criteria for determining cases and circumstances in which cross-designation is most appropriate.

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F. Strategy for Drug Law Enforcement: Every U.S. Attorney shall develop a comprehensive approach to enforcement of drug laws in the district and should describe the relationship of the Drug Task Force efforts to those of the Law Enforcement Coordinating Committee. Where jurisdiction is also the site of a National Narcotics Border Interdiction System (NNBIS), the coordination mechanism among all efforts shall be outlined.

G. Economic Crime: Economic crime enforcement strategies shall be detailed, with discussion included of the relationship of such law enforcement efforts to the Department of Justice Economic Crime Council.

H. Special District Problems: This section shall discuss any special law enforcement problems in the district, including the manner in which strategies for enforcement are to be developed and implemented.

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OPM Form 1458 U.S. Office of Personnel Management  
Spouse's Notification of Survivor Election  
Under the Civil Service Retirement System

OPM Form 1495 Financial Eligibility Statement for Student  
and Summer Aid Programs

SF-2801 Application for Retirement Civil Service  
System

UNITED STATES ATTORNEYS' MANUAL  
APPENDIX  
TITLE 10--FORM INDEX

SF-2801-A Superior Officer's Statement in  
Connection With Disability Retirement  
Civil Service Retirement System

SF-2801-B Physician's Statement for Employee  
Disability Retirement Purposes Civil  
Service Retirement System

SF-2802 Application for Refund of Retirement  
Deductions Civil Service Retirement  
System

SF-2803 Application to Make Deposit or Redeposit  
Civil Service Retirement System

SF-2804 Application to Make Voluntary Contributions  
Civil Service Retirement System

SF-2808 Designation of Beneficiary Civil Service  
Retirement System

SF-2809 Health Benefits Registration Form Federal  
Employees Health Benefits Program

SF-2810 Notice of Change in Health Benefits  
Enrollment Federal Employees Health  
Benefits Program

SF-2817 Life Insurance Election Federal Employees  
Group Life Insurance Program

SF-2818 Election of Post-Retirement Basic Life  
Insurance Coverage Federal Employees'  
Group Life Insurance Program

SF-2819 Notice of Conversion Privilege Federal  
Employees' Group Life Insurance Program

SF-2821 Agency Certification of Insurance Status  
Federal Employees' Group Life Insurance  
Program

SF-2822 Federal Employees' Group Life Insurance  
Program

UNITED STATES ATTORNEYS' MANUAL  
APPENDIX  
TITLE 10--FORM INDEX

SF-2823	Designation of Beneficiary Federal Employees' Group Life Insurance Program
GSA Form 2957	Reimbursable Work Authorization
--	Request for Additional Equipment Lanier Contract 3c000/6
--	Word Processing Worklog (Sample 1)
--	Word Processing Workload Report (Sample 2)

1984 USAM (superseded)



UNITED STATES ATTORNEYS' MANUAL  
TITLE 1 - GENERAL

FORM FOR RECORDING INSERTION  
OF MANUAL TRANSMITTALS  
FOR TITLE 1--GENERAL

Number	Date of Text	By	Inserted	Date
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1984 USAM (superseded)

Request Manual Transmittals from your Administrative Officer.

For use of Manual holders  
Form A-1

JULY 4, 1976



UNITED STATES ATTORNEYS' MANUAL

FORM FOR RECORDING RECEIPT OF  
MANUAL TRANSMITTALS AFFECTING  
TITLE 1 - GENERAL

Number	Date of Text	No. of Copies of Transmittals Received	Date Received	Date of District Distribution per Form B
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For use of Administrative Officer  
Form C-1

JULY 4, 1976

**DISABILITY BENEFITS FOR EMPLOYEES UNDER THE FEDERAL  
EMPLOYEES' COMPENSATION ACT (FECA)**

The FECA, which is administered by the Office of Workers' Compensation Programs, (OWCP) provides the following benefits for disabling, job-related, traumatic injuries:

1. Continuation of pay for disability resulting from traumatic, job-related injury, not to exceed 45 calendar days. (To be eligible for continuation of pay, the employee, or someone acting on his/her behalf, must file Form CA-1 within 30 days following the injury; however, to avoid possible interruption of pay, the form shall be filed within 2 working days. If the form is not filed within 30 days, compensation will be substituted for continuing pay.)
2. Payment of compensation for wage loss after the 45 days, if disability extends beyond such period.
3. Payment of compensation for permanent impairment of certain organs, members, or functions of the body (such as loss or loss of use of an arm, kidney, loss of vision, etc.) or for serious disfigurement of the head, face, or neck.
4. Vocational Rehabilitation and related services where necessary.
5. Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians, of the employee's choice. Generally, 25 miles from the place of injury, place of employment, or employee's home is a reasonable distance to travel for medical care; however, other pertinent factors must also be considered in making selection of physicians or medical facilities.

At the time an employee stops work following a traumatic, job-related injury, he or she may request continuation of pay or use sick or annual leave credited to his or her record. Where the employing agency continues the employee's pay, the pay must not be interrupted until:

1. The employing agency receives medical information from the attending physician to the effect that disability has terminated;
2. The OWCP advises that pay should be terminated; or
3. At the expiration of 45 calendar days following initial work stoppage.

If the disability exceeds, or it is anticipated that it will exceed, 45 days, and the employee wishes to claim compensation, Form CA-7, with supporting medical evidence, must be filed with the OWCP. To avoid interruption of income, the form should be filed not later than 5 working days following the expiration of the 45 day period. Form CA-3 shall be submitted to the OWCP when the employee returns to work, disability ceases, or upon expiration of the 45 day period.

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Civil Service Commission's Federal Personnel Manual.

U.S. GOVERNMENT PRINTING OFFICE : 1975 O-577-545

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For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price \$5.35 per 100  
Stock Number 029-016-00019-4  
Catalog Number L 7. FORM CA-1



**INSTRUCTIONS FOR COMPLETING FEDERAL EMPLOYEE'S NOTICE OF  
TRAUMATIC INJURY AND CLAIM FOR CONTINUATION OF PAY/COMPENSATION**

**IMPORTANT:** The employee and official superior (supervisor) should read all of the following instructions before completing this form.

1. The employee, or someone acting on his/her behalf, shall complete items 1 through 16 and give the form to the employee's supervisor for completion of items 21 through 45.
2. Upon receiving the completed form the supervisor shall complete "Receipt of Notice of Injury" at the bottom of this page, detach the page and give it to the employee. The supervisor is also responsible for obtaining the witness information in items 17 through 20.
3. Upon completion of items 21-45, the supervisor should advise the employee whether pay will continue or will be controverted and terminated. If pay is controverted and stopped, the supervisor shall explain to the employee the basis for the action.
4. Where pay is continued, the employing agency may require medical evidence, via Form CA-17, "Duty Status Report," as often as circumstances indicate.
5. Form CA-1, fully completed, shall be forwarded to the appropriate OWCP District Office within 2 working days following receipt by the supervisor if:
  - a. The injury causes disability for work beyond the day or shift it occurred, or
  - b. It appears that the injury will result in prolonged treatment, permanent disability or serious disfigurement of the head, face, or neck, or
  - c. The injury has resulted, or appears it will result, in a charge for medical or other related expense.

If none of the above occur or appear likely, the form shall be retained in the employee's official personnel file.

6. Note: The employing agency may properly controvert and terminate the employee's pay if:
 

<ol style="list-style-type: none"> <li>a. Disability results from an occupational disease or illness; or</li> <li>b. The employee is excluded by 5 USC 8101 (1) B or E; or</li> <li>c. The employee is neither a citizen nor a resident of the United States or Canada; or</li> <li>d. The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties; or</li> <li>e. The injury was caused by the employee's willful misconduct, intent to bring about injury or death</li> </ol>	<ol style="list-style-type: none"> <li>f. The injury was not reported on Form CA-1, within 30 days following the injury; or</li> <li>g. Work stoppage first occurred six months or more following the injury; or</li> <li>h. The employee initially reports the injury after his/her employment has terminated; or</li> <li>i. The employee is enrolled in the Civil Air Patrol, Peace Corps, Job Corps, Youth Conservation Corps, Work-Study Programs or other similar groups.</li> </ol>
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7. If additional space is required to explain or clarify any point, attach a supplemental statement to the form.

**RECEIPT OF NOTICE OF INJURY**

THIS ACKNOWLEDGES RECEIPT OF NOTICE OF INJURY SUSTAINED BY \_\_\_\_\_  
*(Name of injured employee)*

WHICH OCCURED ON \_\_\_\_\_ AT \_\_\_\_\_  
*(Mo., day, year)* *(Location)*

SIGNATURE OF OFFICIAL SUPERIOR	TITLE	DATE <i>(Mo., day, year)</i>
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**CA-1**

Rev. Nov. 1974

U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION OFFICE OF WORKERS' COMPENSATION PROGRAMS		FEDERAL EMPLOYEE'S NOTICE OF TRAUMATIC INJURY AND CLAIM FOR CONTINUATION OF PAY/COMPENSATION	
1. Name of Injured Employee ( <i>Last, first, middle</i> )		2. Date of Birth	3. <input type="checkbox"/> Male <input type="checkbox"/> Female
4. Social Security Number		5. Employee's Home Mailing Address ( <i>No., street, city, state, zip code</i> )	
6. Home Telephone Area Code: Number:		7. Name and Address of Employing Agency	
8. Place Where Injury Occurred ( <i>e.g., 2nd floor, Main Post Office Bldg., 12th &amp; Pine</i> )		9. Date and Hour of Injury ( <i>mo., day, year</i> ) <input type="checkbox"/> AM <input type="checkbox"/> PM	
10. Date of This Notice ( <i>mo., day, year</i> )		11. Dependents Wife/Husband <input type="checkbox"/> Children Under 18 Years Old <input type="checkbox"/>	
12. Employee's Occupation		13. Cause of Injury ( <i>Describe how and why the injury occurred</i> )	
14. Nature of Injury ( <i>Identify the part of the body injured, e.g., fractured left leg, etc.</i> )		15. If This Notice and Claim Was Not Filed With The Employing Agency Within 2 Working Days After The Injury, Explain The Reason For The Delay.	
<p>16. I certify that the injury described above was sustained in performance of duty as an employee of the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and the following, as checked below, while disabled for work:</p> <p><input type="checkbox"/> a. Sick and/or annual leave</p> <p><input type="checkbox"/> b. Continuation of regular pay not to exceed 45 days and compensation for wage loss if disability for work continues beyond 45 days (If my claim is denied, I understand that the continuation of my regular pay shall be charged to sick or annual leave, or be deemed an overpayment within the meaning of 5 USC 5584).</p> <p style="text-align: center;">_____ Signature of Employee or Person Acting on His/Her Behalf</p>			
17. Statement of Witness ( <i>Describe what you saw, heard or know about this injury</i> )			
18. Witness' Signature		19. Witness' Address	
		20. Date Signed ( <i>mo., day, year</i> )	

**OFFICIAL SUPERIOR'S REPORT OF TRAUMATIC INJURY**

21. Department or Agency	22. Bureau or Office
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23. Name and Address of Reporting Office (No., street, city, state, Zip Code)

24. Regular Work Day Begins <input type="checkbox"/> AM <input type="checkbox"/> PM      Ends <input type="checkbox"/> AM <input type="checkbox"/> PM	25. Number of Hours Worked Per Day	26. Circle Days Paid Per Week S   M   T   W   T   F   S
----------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------	------------------------------------------------------------

27. Date and Hour of Injury (mo., day, year) <input type="checkbox"/> AM <input type="checkbox"/> PM	28. Date Reporting Office Received Notice of Injury (mo., day, year)	29. Date and Hour Stopped Work (mo., day, year)	30. If Pay Has Been Terminated, Give Date (mo., day, year)
---------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	-------------------------------------------------	------------------------------------------------------------

31. 45 Day Period Begins (mo., day, year)	32. Pay Rate When Employee Stopped Work \$ _____ per _____	33. Date and Hour Employee Returned to Work (mo., day, year) <input type="checkbox"/> AM <input type="checkbox"/> PM	34. Name of Supervisor At Time of Injury
-------------------------------------------	---------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------	------------------------------------------

35. Was Employee In Performance of Duty At The Time of Injury?  Yes,  No. If No, Furnish A Detailed Explanation Or A Copy of Employing Agency's Investigation Report.

36. Was Injury Caused By Willful Misconduct, Intoxication or Intent To Injure Self or Another?  
 Yes  No. If Yes, Furnish Detailed Report.

37. Was Injury Caused By Third Party?  Yes  No. If Yes, Furnish Name and Address of Party Responsible.

38. Date Employee First Obtained Medical Care for The Injury (mo., day, year)	39. Name and Address of Physician First Providing Medical Care	40. Do Medical Reports Show Employee is Disabled For Work? <input type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------------------------------------------------	----------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------

41. Does Your Knowledge of The Facts About This Injury Agree With The Statements of The Employee And/Or Witness?  
 Yes  No. If No, Furnish A Detailed Explanation.

42. Does The Employing Agency Controvert Continuation of Pay?  Yes  No. If Yes, Give Full Explanation For Basis of Controversion (See Item 6 of Instruction Sheet). Attach Additional Sheets If More Space Is Needed.

43. Signature of Supervisor	44. Title and Office Phone Number	45. Date (mo., day, year)
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7084 USAM (Superseded)

**OFFICIAL TRAVEL REQUEST AND AUTHORIZATION**

ACCOUNTING CLASSIFICATION \_\_\_\_\_

DOCUMENT NUMBER \_\_\_\_\_

**REQUEST**

TRAVELER'S NAME _____		ORGANIZATION _____	
REQUESTED BY _____		OFFICIAL DUTY STATION _____	
SIGNATURE _____		MODE OF TRANSPORTATION AUTHORIZED (CHECK APPLICABLE BOX(ES))	
TITLE _____ DATE _____		MODE OF SUBSISTENCE AUTHORIZED (CHECK TYPE)	
<b>PLANNED ITINERARY</b> FROM: _____ VIA: _____ VIA: _____ VIA: _____ VIA: _____ VIA: _____ TO: _____ AND RETURN <input type="checkbox"/> DEP. DATE _____ RETURN DATE _____	<b>ESTIMATED COST</b> TRANSPORTATION \$ _____ SUBSISTENCE OR PER DIEM \$ _____ OTHER \$ _____ TOTAL \$ _____	<input type="checkbox"/> BY COMMON CARRIER <input type="checkbox"/> BY GOVERNMENT-OWNED AUTO <input type="checkbox"/> BY RENTAL VEHICLE OR SPECIAL CONVEYANCE <input type="checkbox"/> BY PRIVATELY OWNED AUTO <input type="checkbox"/> POA DETERMINED TO BE MOST ADVANTAGEOUS TO GOVERNMENT <input type="checkbox"/> COST NOT TO EXCEED THAT OF COMMON CARRIER \$ _____ MILEAGE RATE AUTHORIZED <input type="checkbox"/> OTHER ADMINISTRATIVE LIMITATIONS (IF ANY)	<input type="checkbox"/> ACTUAL SUBSISTENCE, UP TO \$ _____ PER DAY <input type="checkbox"/> REGULAR PER DIEM, UP TO \$ _____ PER DAY ADMINISTRATIVE LIMITATIONS (IF ANY)
		GSA FUND CODE _____	

OTHER AUTHORIZATIONS (WHEN THE FOLLOWING TYPE(S) OF EXPENSE(S) CAN BE ANTICIPATED, CHECK THE APPROPRIATE BOX(ES))

- |                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 1. HIRE OF A CONVEYANCE FROM ANOTHER EMPLOYEE OR MEMBER OF AN EMPLOYEE'S FAMILY<br><input type="checkbox"/> 2. USE OF ACCOMMODATIONS SUPERIOR TO LOWEST FIRST CLASS RATE<br><input type="checkbox"/> 3. USE OF EXTRA FARE PLANES AND TRAINS.<br><input type="checkbox"/> 4. USE OF HIGHER COST SERVICE WHEN LOWER COST SERVICE IS AVAILABLE ON SAME MODE OF TRANSPORTATION. | <input type="checkbox"/> 5. USE OF FOREIGN AIRPLANES.<br><input type="checkbox"/> 6. USE OF PRIVATELY OWNED VEHICLE WHEN USE OF COMMON CARRIER IS MOST ADVANTAGEOUS TO THE GOVERNMENT<br><input type="checkbox"/> 7. USE OF PRIVATELY OWNED VEHICLE WHEN USE OF GOVERNMENT VEHICLE WOULD BE MOST ADVANTAGEOUS TO THE GOVERNMENT<br><input type="checkbox"/> 8. RENTAL OF BUSINESS QUARTERS (HIRE OF ROOM QUARTERS FOR CONFERENCE, ETC.) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PURPOSE OF TRAVEL (FOR RELOCATION ATTACH FORM DJ-10A) JUSTIFICATIONS (IF APPROPRIATE)

**AUTHORIZATION**

YOU ARE AUTHORIZED TO TRAVEL AT GOVERNMENT EXPENSE IN ACCORDANCE WITH THE REGULATIONS CONTAINED IN OBD 2200.1, UNDER THE CONDITIONS OUTLINED IN THIS AUTHORIZATION. YOU ARE ALSO AUTHORIZED TO MAKE LONG DISTANCE TELEPHONE CALLS WHEN THEY ARE NECESSARY AND IN THE INTEREST OF THE GOVERNMENT.

SIGNATURE \_\_\_\_\_  
 TITLE \_\_\_\_\_ DATE \_\_\_\_\_

AUTHORITY AND APPROVAL OF ACTUAL SUBSISTENCE AND FOREIGN TRAVEL IS LIMITED BY PARAGRAPH 1.5, OBD 2200.1

DISTRIBUTION: ORIGINAL - EMPLOYEE TO SUBMIT WITH VOUCHER; COPY 1 - OBLIGATION COPY; COPY 2 - EMPLOYEE'S COPY; COPY 3 - ADMINISTRATIVE OFFICE'S COPY



**DISABILITY BENEFITS FOR EMPLOYEES UNDER THE FEDERAL  
EMPLOYEES' COMPENSATION ACT (FECA)**

The FECA, administered by the Office of Workers' Compensation Programs (OWCP) provides the following general benefits for employment-related occupational disease or illness:

1. Full medical care from either Federal medical officers and hospitals, or private hospitals or physicians of the employee's choice.
2. Payment of compensation for total or partial wage loss.
3. Payment of compensation for permanent impairment of certain organs, members or functions of the body (such as loss or loss of use of an arm, kidney, loss of vision, etc.) or for serious disfigurement of the head, face or neck.
4. Vocational rehabilitation and related services where necessary.

The first three days in a non-pay status are waiting days, and no compensation is paid for these days unless the period of disability exceeds 14 calendar days, or the employee has suffered a permanent disability. Compensation for total disability is generally paid at the rate of 2/3 of an employee's salary if there are no dependents, or 3/4 of salary if there are one or more dependents.

If an employee is in doubt about compensation benefits, the OWCP District Office servicing the employing agency should be contacted. (Obtain the address from your employing agency.)

For additional information, review the regulations governing the administration of the FECA (Code of Federal Regulations, Title 20, Chapter 1) or Chapter 810 of the Civil Service Commission's Federal Personnel Manual.

RECEIPT OF NOTICE OF DISEASE OR ILLNESS		
This acknowledges receipt of notice of disease or illness sustained by _____ <span style="float: right; font-size: small;">(Name of injured employee)</span>		
I was first notified about this condition on _____ at _____ <span style="float: left; font-size: small;">(Mo., day, year)</span> <span style="float: right; font-size: small;">(Location)</span>		
Signature of Official Superior	Title	Date (Mo., day, year)

CA-2  
Rev. May 1975

INSTRUCTIONS FOR COMPLETING OFFICIAL SUPERIOR'S  
PORTION OF FORM CA-2

**IMPORTANT:** The official superior (supervisor) should read the following instructions and those on the reverse of this page before completing this portion of the form.

1. Items 22 through 50 are to be completed by the supervisor - if required information is not readily available, it should be obtained from appropriate sources within the agency.
2. The form should be completed and forwarded to the appropriate OWCP District Office within 10 working days following receipt from the employee if:
  - a. The disease or illness causes disability for work beyond the day or shift it was reported; or
  - b. It appears the condition will result in prolonged treatment, permanent disability, or serious disfigurement of the head, face, or neck; or
  - c. The condition has resulted (or will likely result) in a charge for medical or other related expenses.
3. If the employee has not stopped work at the time the supervisor completes the form, item 33 should be answered "Has not stopped." Other questions contingent upon this answer may then be completed as "Not Applicable" or "NA."
4. In a separate, narrative statement to be attached to Form CA-2, the supervisor (or appropriate official in the employing agency) should:
  - a. Describe in detail the work performed by the employee, identify fumes, chemicals, or other irritants or situations that the employee was exposed to which allegedly caused the condition. State the nature, extent, and duration of exposure, including hours per day and days per week.
  - b. Attach copies of all physical examination reports (including X-ray reports and laboratory data) on file for the employee.
  - c. Attach a record of the employee's absence from work caused by any similar disease or illness (have employee state reason for each absence).
  - d. Attach statements from each co-worker who has first-hand knowledge about the employee's condition and its cause. (The co-workers should state how such knowledge was obtained.)
  - e. Review and comment on the accuracy of the employee's statement as requested by item 2 on the reverse of this sheet.
5. Submit any other information or evidence pertinent to the determination of the merits of this claim.

**INSTRUCTIONS FOR COMPLETING EMPLOYEE'S PORTION  
OF FORM CA-2**

**IMPORTANT:** The employee should read the following instructions and those on the reverse of this page before completing his or her portion of the form. Under the Federal Employees' Compensation Act, compensation may be paid only if the disease or illness was proximately caused by conditions of Federal employment. If you must stop work as a result of the disease or illness, you may use sick or annual leave, or claim compensation from the OWCP.

1. Items 1 through 21 on the form are to be completed by you or another person acting on your behalf within 30 days after you became aware of the disease or illness and its possible relationship to your employment.
2. You must prepare a statement which should include the following data:
  - a. Detailed history of the disease or illness from the date it started.
  - b. Complete details of types of substances or conditions of employment which you believe are responsible for the disease or illness.
  - c. Description of specific exposures to substances or stressful conditions causing the disease or illness, including locations where exposure or stress occurred, as well as the number of hours per day and days per week of such exposure or stress.
  - d. Identification of the part of the body affected. (If disability is due to a heart condition, give complete details of all activities for one week prior to attack with particular attention to the final 24 hours of such period.)
  - e. Statement as to whether you ever suffered a similar condition. If so, provide full details of onset, history, medical care received with names and addresses of physicians rendering treatment.
3. You must arrange for submission of a detailed medical report from each private physician who has treated you for your present disease or illness. Each report should include:
  - a. Dates of examination and treatment.
  - b. History given by you to the physician.
  - c. Detailed description of the physician's findings.
  - d. Results of X-rays, laboratory tests, etc.
  - e. Diagnosis.
  - f. Clinical course of treatment.
  - g. Physician's opinion with medical reasons as to whether the disease or illness was caused or aggravated by the employment.
4. When you have completed the statement requested in item number 2 above, it must be submitted to your supervisor for review and comment concerning those factors of which he or she has knowledge and responsibility.

**NOTE:** All information requested must be submitted to the OWCP. It should accompany Form CA-2, otherwise adjudication of the claim will be delayed.



U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
Office of Workers' Compensation Programs

FEDERAL EMPLOYEE'S NOTICE OF OCCUPATIONAL  
DISEASE AND CLAIM FOR COMPENSATION

**NOTE:** All information and evidence requested on the attached instruction sheet should accompany this form or adjudication of the claim will be delayed.

1. Name ( <i>Last, first, middle</i> )		2. Date of Birth ( <i>Mo., day, year</i> )	3. <input type="checkbox"/> Male <input type="checkbox"/> Female	4. Social Security Number
5. Home Mailing Address		6. Home Telephone Number ( <i>Including Area Code</i> )		7. Occupation
8. Name and Address of Employing Agency		9. Location where you Worked When Disease or Illness Occurred		
10. If you lost pay, show period compensation is claimed ( <i>Mo., day, year</i> )  From: Through:	11. Show amount of all wages received from any source during period shown in item 10. Also give employer's name and address if other than Federal Government.  \$ _____		12. Date you first became aware of disease or illness ( <i>Mo., day, year</i> )	
13. Date you first realized the disease or illness was caused or aggravated by your employment ( <i>Mo., day, year</i> ) . Explain why you came to this realization.				
14. If this notice and claim was not filed with the employing agency within 30 days after date shown in item 13 above, explain reason for the delay.		15. Nature of the disease or illness (e.g. pulmonary tuberculosis, coronary heart condition, etc.)		
16. Have you ever applied for or received benefits from the VA based on service in the Armed Forces of the United States?  <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, furnish _____	a. Claim No.	b. VA address where claim is filed.	c. Nature of disability and monthly payment.  \$ _____	
17. Have you applied for or received an annuity under the U.S. Civil Service or other federal retirement or disability law?  <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, furnish _____	a. Claim No.	b. Date annuity began ( <i>Mo., day, year</i> )	c. Amount of monthly payment  \$ _____	
18. List your dependents: ( <i>Includes husband or wife living with employee</i> )				
<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Living with You (Yes-No)</u>	<u>Mailing Address, if Different From your own</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
19. Show amount paid each month for support of dependents not living with you \$ _____ State whether payments were ordered by a court, and if so, attach a copy of the court order.				
I certify that the disease or illness described above was a result of my employment with the United States Government and that it was not caused by my willful misconduct, intent to injure myself or another person, nor by my intoxication. I hereby claim medical treatment, if needed, and other benefits provided by the Federal Employees' Compensation Act.				
20. Your signature or signature of person acting for you			21. Date ( <i>Mo., day, year</i> )	



Form DOJ-2 Rev. 7-78		<b>U.S. DEPARTMENT OF JUSTICE PRINTING REQUISITION</b>			ORIGINATING ORGANIZATION	DATE	PRINTING REQUISITION NO. <b>175105</b>
FOR INFORMATION CALL (Name)			TELEPHONE		ESTIMATED COST		NO. OF PAGES (Exclude blanks)
TITLE OF PUBLICATION			APPROPRIATION/DOC. CONTROL NO.		REQUIRED DELIVERY		NO. OF COPIES EA. PAGE
OVERTIME AUTHORIZATION <input type="checkbox"/> IS <input type="checkbox"/> IS NOT			GIVEN TO CHARGE FOR WORK REQUIRED TO ACCOMPLISH DELIVERY REQUIREMENT		DIRECTIVE FORM NO.		FORM WILL LAST _____ MONTHS TOTAL
COMPOSITION TYPE	TYPE FACE, POINT SIZE & LEADING			PROOFS	GALLEY	PAGE	NO. OF SETS
	DISPLAY FACE				SEND PROOF TO		
DO NOT WRITE IN THIS SPACE							
				PRINT ORDER NO.		GPO/FPI/CONTR. REQ. NO.	
PRINTING & BINDING SPECS PAPER	TEXT TYPE		SUB. WGT		COLOR		INK
	COVER						
	OTHER						
PRINT	<input type="checkbox"/> ONE SIDE ONLY		<input type="checkbox"/> HEAD TO HEAD		COVERS		TRIM SIZE
	<input type="checkbox"/> HEAD TO FOOT		<input type="checkbox"/> FOLLOW COPY		<input type="checkbox"/> SELF		GATHER
BIND	<input type="checkbox"/> HEAD TO SIDE		<input type="checkbox"/> SEPARATE		<input type="checkbox"/> AS FOLIOED		<input type="checkbox"/> OTHER
	STITCH		POSITION		PUNCH		
NO. OF STAPLES		<input type="checkbox"/> UPPER LEFT <input type="checkbox"/> OTHER		NO. HOLES		DIAM.	
		<input type="checkbox"/> LEFT SIDE		CENTER TO CENTER		POSITION	
PHOTO Type Work Performed	<input type="checkbox"/> DIAZO		<input type="checkbox"/> AUTOPOSITIVE		NO. OF COPIES (Each page)		
	<input type="checkbox"/> PHOTOSTAT		<input type="checkbox"/> PMT		COMPLETED SIZE		
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				POS			
DISTRIBUTION & PACKAGING PKG	<input type="checkbox"/> WRAP		<input type="checkbox"/> CARTON		QUANTITY PER PKG.		
	<input type="checkbox"/> TIE		<input type="checkbox"/> SUITABLE		<input type="checkbox"/> BAND IN SETS		
				<input type="checkbox"/> OTHER			
DISTRIBUTION	MAILING CODES						
ADDITIONAL INFORMATION							
ADDITIONAL PRINTING INSTRUCTIONS							
COST BREAKDOWN							
COMP		LITHO		PRINTING			
DISTRIBUTION				MATERIAL			
TOTAL: BY:							
TIME & DATE RECEIVED IN PUBL. MGMT							
DIRECTIVES FORMS MGMT.		PUBLICATIONS MANAGEMENT			RECEIVED COMPLETE		
APPROVED		APPROVED			SIGNED		
DATE		DATE			DATE		
A. PRINT ORDER		COMPOSITION		LITHO		PRESS	
		BINDERY		DISTRIBUTION		PRINTING REQUISITION NO.	
						<b>175105</b>	

DO NOT REMOVE CARBONS BETWEEN PARTS A THRU F



NOTICE OF  
 RECURRENCE OF DISABILITY

**IMPORTANT: BEFORE COMPLETING THIS FORM PLEASE READ CAREFULLY THE INSTRUCTIONS ON THE BACK.**

1. NAME OF INJURED EMPLOYEE (last, first, middle)		2. SOCIAL SECURITY NUMBER		3. OFEC file number for original injury (if known)	
4. HOME MAILING ADDRESS (include zip code)				5. HOME TELEPHONE Area Code Number	
6. NAME AND ADDRESS OF EMPLOYING ESTABLISHMENT at time of original injury (number, street, city, state, zip code)			7. NAME AND ADDRESS OF EMPLOYING ESTABLISHMENT at time of recurrence, if other than 6.		
8. DATE AND HOUR of original injury (mo., day, year) <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		9. DATE AND HOUR of recurrence (mo., day, year) <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		10. DATE AND HOUR stopped work following recurrence (mo., day, year) <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	
11. DATE AND HOUR pay stopped following recurrence (mo., day, year) <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		12. PAY RATE IN EFFECT ON:			
		a. Base pay		b. Subsistence	
		c. Quarters		d. Other pay	
A. Date of Recurrence		\$      per		\$      per	
B. Date Stopped Work Following Recurrence		\$      per		\$      per	
13. Show work week at time pay stopped, if other than Monday thru Friday S   M   T   W   T   F   S		14. DATE AND HOUR returned to work, following recurrence (mo., day, year) <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.		15. At time of recurrence did official superior authorize medical treatment? <input type="checkbox"/> YES <input type="checkbox"/> NO	
16. DATE employee first received medical treatment following recurrence (mo., day, year)		17. NAME AND ADDRESS of physician treating employee following recurrence			
18. Describe the circumstances of the recurrence of disability as reported by the employee. If his condition gradually worsened over a period of time, describe the progress of the condition from the time he returned to work up to the date of recurrence.					
19. After returning to work following the original injury, was the employee handicapped or in any way limited in performing his usual duties? <input type="checkbox"/> YES <input type="checkbox"/> NO    (if yes, explain)					
20. Signature of official superior (at time of recurrence)		21. Title		22. Official superior's work phone number	
				23. DATE (mo., day, year)	



## INSTRUCTIONS FOR COMPLETING FORM CA-2a

### RECURRENCE OF DISABILITY

Definition of Recurrence: When, after returning to work, an injured employee is again disabled and stops work as a result of the original injury or occupational disease, such disability is considered by OFEC to be a recurrence. In these instances a form CA-2a is required. If a new incident occurs, the matter should be treated as a new injury and form CA-1 & 2, etc., submitted accordingly.

1. Form CA-2a should be submitted promptly by the official superior upon receiving notice that the employee has suffered a recurrence.
2. If the original injury was not previously reported to OFEC, a report specifically covering the original injury should be made on form CA-1 & 2 and attached when form CA-2a is submitted. Medical reports concerning the original injury should also be attached, if not previously submitted.
3. When the employee has received medical care as a result of the recurrence, a detailed medical report should be submitted by the attending physician. The report should include: dates of examination and treatment; history given by the employee; findings; results of x-ray and lab tests; diagnosis; course of treatment, and the physician's opinion, with medical reasons, regarding causal relationship between employee's condition and the original injury.

If the employee was treated by other physicians after returning to work following his original injury, similar medical reports should be obtained from each.

4. If the recurrence happened six months or more after the employee returned to duty following the original injury, A STATEMENT FROM

THE EMPLOYEE SHOULD ACCOMPANY THE FORM CA-2a. The statement should describe the employee's duties upon his return to work, state whether he had any other injuries or illness and give a general description of his physical condition during the intervening period.

5. If the employee wishes to claim compensation as a result of the recurrence and a form CA-4 was not submitted following the original injury one should be submitted at this time. If form CA-4 was previously filed, compensation may be claimed by filing form CA-8. A medical report on form CA-20 (or in narrative form) must also be completed in accordance with the applicable instructions.
6. If the recurrent disability has not ended at the time form CA-2a is submitted, form CA-3, Termination of Disability, should be forwarded when the employee returns to work.
7. In the event the employee is not able to return to his same duties and suffers pay loss as a result of his disability, he may be entitled to additional compensation based on loss of wages, or loss of wage earning capacity. Upon notification of such loss, OFEC will advise the employee of the procedure to follow to claim additional compensation.



U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION Office of Workers' Compensation Programs		REPORT OF TERMINATION OF DISABILITY AND/OR PAYMENT	
<b>PART - A GENERAL</b>			
1. Name of Injured Employee ( <i>Last, first, middle</i> )		2. Social Security Number	3. OWCP File Number ( <i>If known</i> )
4. Department or Agency		5. Bureau or Office	
6. Name and Address of Reporting Office ( <i>Include Zip Code</i> )			
7. Date and Hour of Injury ( <i>Mo., day, year</i> ) <input type="checkbox"/> AM <input type="checkbox"/> PM	8. Date and Hour Stopped Work ( <i>Mo., day, year</i> ) <input type="checkbox"/> AM <input type="checkbox"/> PM	9. Date and Hour Pay Stopped ( <i>Mo., day, year</i> ) <input type="checkbox"/> AM <input type="checkbox"/> PM	10. Date and Hour Returned to Work ( <i>Mo., day, year</i> ) <input type="checkbox"/> AM <input type="checkbox"/> PM
11. Employee's Work Week On Return To Duty If Other Than Monday Through Friday  S M T W T F S	12. Present Pay Rate If Different From That Received At Time Employee Stopped Work. a. Base Pay      b. Subsistence      c. Quarters      d. Other ( <i>Specify</i> )		
13. Inclusive Dates Employee Received Pay For Any Part of The Period of Absence Because of: a. Annual Leave      b. Sick Leave      c. Other ( <i>Specify</i> )			
From: _____ Through: _____		From: _____ Through: _____	
14. Has Employee's Work Assignment Been Changed Because of Disability Resulting From This Injury? <input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, Describe The Type of Work Employee Is Performing.			
15. If Interrupted, Show Dates Deductions For Health Benefits and/or Optional Insurance Were Resumed ( <i>Mo., day, year</i> ) <u>Health Benefit</u> <u>Optional Insurance</u>		16. If Health Benefits Option Has Changed Since Disability Began, Show New Code Number and Date of Change ( <i>Mo., day, year</i> ) Number _____ Date _____	
17. Remarks:			
<b>PART - B CONTINUATION OF PAY</b>			
18. Inclusive Dates That The Employee's Regular Pay Con- tinued During The Period Of Disability. Do not include period of sick or annual leave ( <i>Mo., day, year</i> )  From: _____ Through: _____		19. Show The Gross Dollar Amount Of Regular Pay Which The Employee Received During The Period Of Disability. Do not include pay received for sick or annual leave.  \$ _____	
20. If Pay Rate Changed During The Period Employee Was Receiv- ing Continuation Of Pay, Show The Date of Change ( <i>Mo., day, year</i> )	21. If Pay Rate Changed During The Period Employee Was Receiving Continuation of Pay, Give New Rate a. Base Pay      b. Subsistence      c. Quarters      d. Other ( <i>Specify</i> )		
22. Signature of Supervisor	23. Title and Office Phone Number	24. Date ( <i>Mo., day, year</i> )	

INSTRUCTIONS FOR COMPLETING FORM CA-3  
WHEN EMPLOYEE RETURNS TO WORK

PART - A

REQUIRED  
WRITTEN  
REPORT

- When disability ceases and/or employee returns to work, the official superior shall immediately report that fact to the OWCP on Form CA-3 unless this information has been previously submitted on Form CA-1 or CA-2 or otherwise. This form should be submitted for each injury resulting in time lost from work whether or not claim for compensation is made.

TELEPHONE/  
TELEGRAPH  
REPORT

- If the employee is receiving disability compensation periodically each four weeks, the official superior should immediately telephone or telegraph the OWCP advising the date employee returned to work. This will avoid an overpayment of compensation. Follow-up should then be made with Form CA-3.

PAY RATE  
INFORMATION

- Employee's base pay in items 12a or 21a should not include value of subsistence, quarters or other pay. These should be shown separately in their own columns.

PART - B

CONTINUATION  
OF PAY

- In most traumatic injury cases, the employee will have qualified for and received continuation of pay under 5 USC 8118 (FECA). When this occurs, items 9, 13, and 15 in Part A will usually be left blank. When there is a continuation of pay, Part B must always be completed, unless the information has been submitted on Form CA-7, Claim for Compensation on Account of Traumatic Injury.

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DEPARTMENT OF JUSTICE  
WITNESS ATTENDANCE CERTIFICATE

PART I - ATTENDANCE CERTIFICATION

1. General:

Witness Name \_\_\_\_\_ Case \_\_\_\_\_  
Address \_\_\_\_\_ Number \_\_\_\_\_  
District or Location \_\_\_\_\_

2. Attendance Dates:

Pretrial Conference: Days Full Attendance \_\_\_\_\_ Days Partial Attendance \_\_\_\_\_

MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
MONTH	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
MONTH	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

3. U.S. Government Employee/ Member of Armed Forces - Time of: Appearance: \_\_\_\_\_ Discharge \_\_\_\_\_

4. Detained Witness Dates Detained: From \_\_\_\_\_ to \_\_\_\_\_ No. of Days Detained \_\_\_\_\_

CERTIFICATION:

I certify that the witness named above attended in the case or matter indicated and is entitled to the statutory allowances for attendance and travel. Individual (s) (is) (is not) entitled to the subsistence allowance provided by law by reason of distance involved from point of attendance to his residence. I further certify that if the witness was detained, the individual is authorized compensation at the statutory rate for the number of days in detention. In proceedings before United States Magistrate where more than four witnesses were used, the Magistrate also certifies that the approval and certificate of the U.S. Attorney were first obtained.

\_\_\_\_\_  
(Signature of Attorney or Magistrate) \_\_\_\_\_ (Date)

PART II - WITNESS CLAIM FOR FEES AND ALLOWANCES

1. Dates of Attendance \_\_\_\_\_ No. of Days \_\_\_\_\_

2. Dates of Travel \_\_\_\_\_ No. of Days \_\_\_\_\_

Travel from \_\_\_\_\_ to \_\_\_\_\_ and return  
Via (mode of travel) \_\_\_\_\_

3. Mileage (round trip) \_\_\_\_\_ No. of Round Trips \_\_\_\_\_

4. Travel Expenses in Lieu of Mileage (details on back)

5. Fees: Fact Witness

Pretrial Conference

6. Subsistence Allowance

7. Compensation: Detained Witness

8. Less: Cash Advances by U. S. Marshal (district) \_\_\_\_\_

Transportation Request (number) \_\_\_\_\_

OBJECT CLASS	BASE	RATE	AMOUNT
2142	Miles		\$
2142			
1156	Days		
1194	Days		
2144	Days		
1193	Days		
TOTAL AMOUNT CLAIMED			\$
REPAID BY CHECK NO _____			( )
2142			( )
NET AMOUNT DUE CHECK NO. _____			\$

WITNESS CERTIFICATION:

I certify that the above data is correct; that payment has not been received; and that at the time of travel and attendance I (was) (was not) a U.S. Government employee or a detained witness.

\_\_\_\_\_  
(Witness Signature) \_\_\_\_\_ (Date)

Verified Correct \_\_\_\_\_ Date Paid: \_\_\_\_\_ Voucher No \_\_\_\_\_

1. ORIGINAL

**INSTRUCTIONS FOR COMPLETING CLAIM FOR COMPENSATION ON  
ACCOUNT OF INJURY (OR OCCUPATIONAL DISEASE) CA-4**

This form should be completed by the injured employee and the official superior in all cases when an employee:

1. Is disabled and in a non-pay status for more than three calendar days,
2. Suffers a scheduled permanent impairment, or
3. Is unable to resume his usual work.

Claim for loss of pay should be filed 10 calendar days after the employee enters a non-pay status or upon return to work, whichever occurs first. Claim for scheduled award based on a permanent impairment should be submitted when the extent of impairment is known.

Compensation cannot be paid without medical evidence to support the claim, therefore, it is very important that the attached medical report, form CA-20, be separated and forwarded to the attending physician when form CA-4 is completed.

Items 1 through 12 should be completed by the injured employee or someone acting on his behalf. Items 13 through 31 should be completed by the employee's official superior (complete items 24 through 27 only if employee has returned to work). The form should then be forwarded to the office of the BEC servicing the employing establishment.

Employees are advised that fraudulent claims are punishable by a fine of not more than \$2,000 or by imprisonment for not more than one year or both.

**INSTRUCTIONS FOR COMPLETING ATTENDING PHYSICIAN'S REPORT**

The official superior should complete items 1 through 4 on the front of form CA-20 prior to forwarding the form to the attending physician. These items are the same as items 1-4 on the front of form CA-4. It will also be necessary to show on the back of the form CA-20 the address of the BEC office to which the form should be sent.

Inst. **CA-4**  
Rev. July, 1970



U. S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
BUREAU OF EMPLOYEES' COMPENSATION

CLAIM FOR COMPENSATION ON ACCOUNT OF INJURY  
OR OCCUPATIONAL DISEASE

1. NAME OF INJURED EMPLOYEE (Last, first, middle)	2. HOME MAILING ADDRESS (Number, street, city, state, zip code)
---------------------------------------------------	-----------------------------------------------------------------

3. DATE AND HOUR OF INJURY (Mo., day, year) <input type="checkbox"/> AM <input type="checkbox"/> PM	4. PERIOD COMPENSATION IS CLAIMED AS A RESULT OF PAY LOSS (Mo., day, year) FROM _____ TO _____
-----------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------

5. HAS ANY PAY BEEN RECEIVED FOR THE PERIOD SHOWN IN ITEM 4?  YES  NO  
IF YES STATE FULL AMOUNT AND SHOW INCLUSIVE DATES DURING WHICH PAY WAS RECEIVED (Mo., day, year)

AMOUNT \$	DATES: FROM	TO
-----------	-------------	----

6. HAS CLAIM BEEN MADE AGAINST ANY THIRD PARTY FOR DAMAGES AS A RESULT OF THIS INJURY? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, FURNISH _____	A. NAME AND ADDRESS OF THIRD PARTY	B. AMOUNT OF RECOVERY
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------	-----------------------

7. WERE YOU EVER IN THE ARMED FORCES OF THE UNITED STATES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, FURNISH _____	A. SERVICE NUMBER	B. BRANCH OF SERVICE	C. PERIOD OF SERVICE FROM _____ THROUGH _____
----------------------------------------------------------------------------------------------------------------------------------------------	-------------------	----------------------	--------------------------------------------------

8. IF ANSWER TO 7 IS YES, HAVE YOU APPLIED FOR OR RECEIVED COMPENSATION OR PENSION, INCLUDING RETIREMENT OR RETAINER PAY, BASED ON SUCH SERVICES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, FURNISH _____	A. CLAIM NUMBER	B. NAME AND ADDRESS OF OFFICE WHERE CLAIM IS FILED	C. NATURE OF DISABILITY AND MONTHLY PAYMENT RECEIVED
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------	----------------------------------------------------	------------------------------------------------------

9. HAVE YOU APPLIED FOR OR RECEIVED AN ANNUITY UNDER THE U.S. CIVIL SERVICE RETIREMENT ACT OR ANY OTHER FEDERAL RETIREMENT OR DISABILITY LAW? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, FURNISH _____	A. CLAIM NUMBER	B. DATE ANNUITY BEGAN (Mo., day, year)	C. AMOUNT OF MONTHLY PAYMENT
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------	----------------------------------------	------------------------------

10. LIST YOUR DEPENDENTS (If none so state)

NAME	RELATIONSHIP	DATE OF BIRTH	IS DEPENDENT LIVING WITH YOU?		IF NOT, SHOW MAILING ADDRESS
			YES	NO	

11. FOR DEPENDENTS NOT LIVING WITH YOU, SHOW AMOUNTS THAT YOU PAY FOR THEIR SUPPORT, TO WHOM PAID, AND PAYEE'S ADDRESS. STATE WHETHER SUCH PAYMENTS WERE ORDERED BY A COURT.

12. I hereby make claim for compensation on account of the injury described above, which was sustained by me while in the performance of my duty for the United States, said injury not being due to willful misconduct on my part or to my intention to bring about the injury or death of myself or another, or to my intoxication. I have been disabled on account of this injury and have not refused or failed to perform any work I was able to do during the period for which compensation is claimed and every statement set forth above in support of my claim is true to the best of my knowledge and belief.

\_\_\_\_\_  
(Signature of employee or person acting on his behalf)

\_\_\_\_\_  
(Date)

**STATEMENT OF OFFICIAL SUPERIOR**

13. NAME AND MAILING ADDRESS OF REPORTING OFFICE (Name, number, street, city, state, zip code)	14. DATE AND HOUR PAY STOPPED (Mo, day, year) <input type="checkbox"/> AM <input type="checkbox"/> PM
------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------

15. PAY RATE AS OF	BASE PAY	SUBSISTENCE	QUARTERS
A. DATE OF INJURY	\$ PER	\$ PER	\$ PER
B. DATE EMPLOYEE STOPPED WORK	\$ PER	\$ PER	\$ PER
C. DATE OF RECURRENCE (if any)	\$ PER	\$ PER	\$ PER

16. IF EMPLOYEE RECEIVES OTHER ADDITIONAL PAY SUCH AS PREMIUM, SUNDAY OR NIGHT DIFFERENTIAL IDENTIFY TYPE AND SHOW AMOUNT.  TYPE      \$      PER	17. SHOW WORKWEEK AT TIME PAY STOPPED IF OTHER THAN MONDAY THROUGH FRIDAY  S M T W T F S
---------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------

18. SHOW INCLUSIVE DATES EMPLOYEE RECEIVED PAY FOR ANY PART OF THE PERIOD SHOWN IN 4 ON THE FRONT OF THIS FORM	ANNUAL LEAVE	SICK LEAVE	OTHER
FROM      TO	FROM      TO	FROM      TO	FROM      TO

19. DID THE EMPLOYEE WORK IN THE POSITION HELD AT THE TIME OF INJURY FOR A FULL ELEVEN MONTHS IMMEDIATELY PRIOR TO THE INJURY? <input type="checkbox"/> YES <input type="checkbox"/> NO	20. IF ANSWER TO 19 IS NO WOULD THE POSITION HAVE AFFORDED EMPLOYMENT FOR ELEVEN MONTHS EXCEPT FOR THE INJURY? <input type="checkbox"/> YES <input type="checkbox"/> NO
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------

21. HEALTH BENEFIT SUBSCRIPTIONS

A. WAS EMPLOYEE ENROLLED IN A HEALTH BENEFITS PLAN ON DATE PAY STOPPED?  YES  NO

B. IF ANSWER TO A IS YES FURNISH ENROLLMENT CODE NUMBER

C. IF ANSWER TO A IS YES SHOW ENDING DATE OF PAY PERIOD THROUGH WHICH DEDUCTIONS WERE LAST MADE (Mo, day, year)

22. FEDERAL EMPLOYEE'S OPTIONAL GROUP LIFE INSURANCE

A. WAS EMPLOYEE ENROLLED IN OPTIONAL INSURANCE ON DATE OF INJURY?  YES  NO

B. IF ANSWER TO A IS YES FURNISH ENROLLMENT CODE NUMBER

C. IF ANSWER TO A IS YES SHOW ENDING DATE OF PAY PERIOD THROUGH WHICH DEDUCTIONS WERE LAST MADE (Mo, day, year)

23. EMPLOYEE

EMPLOYEE HAS NOT RETURNED TO WORK

EMPLOYEE HAS RETURNED TO WORK (if this box is checked complete items 24 through 27)

24. DATE AND HOUR RETURNED TO WORK (Mo, day, year) <input type="checkbox"/> AM <input type="checkbox"/> PM	25. SHOW EMPLOYEE'S WORKWEEK ON RETURN TO DUTY IF OTHER THAN MONDAY THROUGH FRIDAY  S M T W T F S
------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

26. SHOW EMPLOYEE'S RATE OF PAY ON RETURN TO DUTY	BASE PAY	SUBSISTENCE	QUARTERS	OTHER
\$ PER	\$ PER	\$ PER	\$ PER	\$ PER

27. DID THE RESULTS OF THE INJURY REQUIRE A CHANGE IN THE EMPLOYEE'S WORK ASSIGNMENT ON RETURN TO DUTY?  <input type="checkbox"/> YES <input type="checkbox"/> NO (if yes, complete A) →	A. DESCRIBE TYPE OF WORK EMPLOYEE IS NOW PERFORMING
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------

28. I HEREBY CERTIFY THAT THE EMPLOYEE WHO COMPLETED THE CLAIM FOR COMPENSATION ON THE FRONT OF THIS FORM WAS INJURED IN PERFORMANCE OF HIS DUTIES FOR THE UNITED STATES. INFORMATION FURNISHED BY THE EMPLOYEE IS TRUE AND CORRECT WITH THE FOLLOWING EXCEPTIONS.

\_\_\_\_\_

\_\_\_\_\_

29. SIGNATURE OF OFFICIAL SUPERIOR	30. TITLE	DATE (Mo, day, year)
------------------------------------	-----------	----------------------

# Employee's Withholding Allowance Certificate

(Use for Wages Paid After December 31, 1978)

This certificate is for income tax withholding purposes only. It will remain in effect until you change it. If you claim exemption from withholding, you will have to file a new certificate on or before April 30 of next year.

Type or print your full name		Your social security number	
Home address (number and street or rural route)		<b>Marital Status</b>	<input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Married, but withhold at higher Single rate
City or town, State, and ZIP code			Note: If married, but legally separated, or spouse is a nonresident alien, check the single block.
1 Total number of allowances you are claiming . . . . .			
2 Additional amount, if any, you want deducted from each pay (if your employer agrees) . . . . .		\$ _____	
3 I claim exemption from withholding (see instructions). Enter "Exempt" . . . . .			

Under the penalties of perjury, I certify that the number of withholding allowances claimed on this certificate does not exceed the number to which I am entitled. If claiming exemption from withholding, I certify that I incurred no liability for Federal income tax for last year and I anticipate that I will incur no liability for Federal income tax for this year.

Signature \_\_\_\_\_ Date \_\_\_\_\_ 19\_\_

Detach along this line

▲ Give the top part of this form to your employer; keep the lower part for your records and information ▲

## Instructions

The explanatory material below will help you determine your correct number of withholding allowances, and will assist you in completing the Form W-4 at the top of this page.

See Publication 505 for more information on withholding.

### Avoid Overwithholding or Underwithholding

By claiming the number of withholding allowances you are entitled to, you can fit the amount of tax withheld from your wages to your tax liability. In addition to the allowances for personal exemptions to be claimed in item (a), be sure to claim any additional allowances you are entitled to in item (b), "Special withholding allowance," and item (c), "Allowance(s) for credit(s) and/or deduction(s)." While you may claim these allowances on Form W-4 for withholding purposes, you may not claim them under "Exemptions" on your tax return Form 1040 or Form 1040A.

You may claim the special withholding allowance if you are single with only one employer, or married with only one employer and your spouse is not employed. If you have unusually large itemized deductions, make alimony payments, or credit(s) for child care expenses, earned income, credit for the elderly, or residential energy credits, you may claim additional allowances to avoid having too much income tax withheld from your wages.

If you and your spouse are both employed or you have more than one employer, you should make sure that enough has been withheld. If you find that you need more withholding, claim fewer allowances or ask for additional withholding or request to be withheld at the higher "Single" status. If you are currently claiming additional withholding allowances based on

itemized deductions, check the worksheet on the back to see that you are claiming the proper number of allowances.

### How Many Withholding Allowances May You Claim?

Use the schedule below to determine the number of allowances you may claim for tax withholding purposes. In determining the number, keep in mind these points: if you are single and hold more than one job, you may not claim the same allowances with more than one employer at the same time; or, if you are married and both you and your spouse are employed, you may not both claim the same allowances with your employers at the same time. A nonresident alien, other than a resident of Canada, Mexico, or Puerto Rico, may claim only one personal allowance.

### Completing Form W-4

If you find you are entitled to one or more allowances in addition to those you are now claiming, increase your number of allowances by completing the form above and filing it with your employer. If the number of allowances you previously claimed decreases, you must file a new Form W-4 within 10 days. (If you expect to owe more tax than will be withheld, you may increase your withholding by claiming fewer or "0" allowances on line 1, or by asking for additional withholding on line 2, or both.)

You may claim exemption from withholding of Federal income tax if you had no liability for income tax for last year, and you anticipate that you will incur no liability for income tax for this year. You may not claim exemption if your joint or separate return shows tax liability before the allowance of any credit for income tax withheld. If you are exempt, your employer will not withhold Federal income tax from your wages. However, social security tax

will be withheld if you are covered by the Federal Insurance Contributions Act.

You must revoke this exemption (1) within 10 days from the time you anticipate you will incur income tax liability for the year or (2) on or before December 1 if you anticipate you will incur Federal income tax liability for the next year. If you want to stop or are required to revoke this exemption, you must file a new Form W-4 with your employer showing the number of withholding allowances you are entitled to claim. This certificate for exemption from withholding will expire on April 30 of next year unless a new Form W-4 is filed on or before that date.

### The Following Information is Provided in Accordance with the Privacy Act of 1974

The Internal Revenue Code requires every employee to furnish his or her employer with a signed withholding allowance certificate showing the number of withholding allowances that the employee claims (section 3402(f)(2)(A) and the Regulations thereto). Individuals are required to provide their Social Security Number for proper identification and processing (section 6109 and the Regulations thereto).

The principal purpose for soliciting withholding allowance certificate information is to administer the Internal Revenue laws of the United States.

If an employee does not furnish a signed withholding allowance certificate, the employee is considered as claiming no withholding allowances (section 3401(e)) and shall be treated as a single person (section 3402(f)).

The routine uses of the withholding allowance certificate information include disclosure to the Department of Justice for actual or potential criminal prosecution or civil litigation.

## Figure Your Total Withholding Allowances Below

(a) Allowance(s) for exemption(s)—Enter 1 for each personal exemption you can claim on your Federal income tax return* . . . . .	
(b) Special withholding allowance—Enter 1 if single with 1 employer, or married with 1 employer and spouse not employed** . . . . .	
(c) Allowance(s) for credit(s) and/or deduction(s)—Enter number from tables on page 2 . . . . .	
(d) Total (add lines (a) through (c) above)—Enter here and on line 1, Form W-4, above . . . . .	

\*If you are in doubt as to whom you may claim as a dependent, see the instructions that came with your last Federal income tax return or call your local Internal Revenue Service office.

\*\*This allowance is used solely for purposes of figuring your withholding tax, and cannot be claimed when you file your tax return.



**TABLE A.—Table for Determining Number of Withholding Allowances Based on Tax Credits**

Figure the number of additional withholding allowances for the amount of tax credits for child care expenses, earned income credit, credit for the elderly, or residential energy credits, from the appropriate column (see line (c) on other side). For an explanation of these credits, see the instructions for Form 1040. Note: Watch for announcements that could affect the number of withholding allowances you may claim.

Allowances ▶ Estimated salaries and wages from all sources:	If the amount of estimated tax credits is:												
	0		1		2		3		4		5		6
	Under	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than
<b>Part I—Single Employees</b>													
Under \$5,000	No additional allowances												
5,000-15,000	250	250	500	500	700	700	900	900	900	900	900	900	900
15,001-25,000	350	350	700	700	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
25,001-35,000	550	550	950	950	950	950	950	950	950	950	950	950	950
<b>Part II—Head of Household Employees</b>													
Under \$5,000	No additional allowances												
5,000-20,000	150	150	400	400	650	650	900	900	900	900	900	900	900
20,001-35,000	1	1	300	300	650	650	1,000	1,000	1,000	1,000	1,000	1,000	1,000
35,001-45,000	450	450	850	850	850	850	850	850	850	850	850	850	850
<b>Part III—Married Employees (When Spouse is Not Employed)</b>													
Under \$8,000	No additional allowances												
8,000-15,000	200	200	350	350	500	500	700	700	700	900	900	900	900
15,001-25,000	250	250	500	500	700	700	950	950	950	950	950	950	950
25,001-35,000	300	300	650	650	850	850	950	950	950	950	950	950	950
35,001-45,000	650	650	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050	1,050
<b>Part IV—Married Employees (When Both Spouses are Employed)</b>													
Under \$8,000	No additional allowances												
8,000-15,000	250	250	400	400	450	450	450	450	450	450	450	450	450
15,001-25,000	550	550	800	800	950	950	950	950	950	950	950	950	950

**How to Use Table A**

- 1 Find your filing status under Part I, II, III, or IV.
- 2 Using your filing status, find your estimated salaries and wages in the left column.
- 3 Read the shaded amounts to the right until you get to the amount of your estimated tax credits.
- 4 Look to the top of the column to find the number of allowances you may take for your estimated tax credits.
- 5 Enter this number on page 1, line (c), together with the number of allowances from Table B for itemized deductions, and alimony payments.

**Example:** A taxpayer who expects to file a Federal income tax return as a single person estimates annual wages of \$12,000 and tax credits of \$650. The taxpayer uses Part I for single employees. The \$12,000 falls in the wage bracket of \$5,000 to \$15,000 in the left column. Reading in the shaded area to the right, \$650 falls within the estimated tax credits bracket of At least 500 But less than 700. Looking to the top of the column, the taxpayer finds that 2 allowances are permitted. The taxpayer adds "2" to the number of any allowances from Table B below and enters the total on page 1, line (c).

**TABLE B.—Table for Determining Number of Withholding Allowances Based on Itemized Deductions and Alimony Payments, if Any\***

Estimated salaries and wages from all sources:	Column (A) Single Employees (only one job)	Column (B) Married Employees (one spouse working and one job only)	Column (C) Married Employees (both spouses working or employees with more than one job)
Under \$10,000 . . . . .	\$2,800	\$3,900	\$4,000
10,000-30,000 . . . . .	2,800	3,900	5,800
30,001-40,000 . . . . .	3,500	3,900	8,000
Over \$40,000 . . . . .	15% of estimated salaries and wages	13% of estimated salaries and wages	23% of estimated salaries and wages

\*If you are paying alimony but will not itemize deductions, figure the number of withholding allowances by dividing the estimated alimony payments by \$1,000 (round off fractions to the nearest whole number) and enter on page 1, line (c).

**How to Use Table B**

- 1 Enter the amount of your estimated itemized deductions, including alimony payments, for the year . . . . .
- 2 Find your total estimated salary and wage amount in the left column. Read to the right and enter the amount from column (A), (B), or (C) for your filing status . . . . .
- 3 Subtract line 2 from line 1 . . . . .
- 4 Divide the amount on line 3 by \$1,000. Enter here and on page 1, line (c) together with the number of any allowances for tax credits from Table A, above. (Round off fractions to the nearest whole number.) . . . . .



OPTIONAL FORM 5  
REVISED JULY 1961  
CIVIL SERVICE COMMISSION  
CHAPTER 332, F.P.M.  
5005-106

AGENCY AND ADDRESS (Street, city, and State)

Return this  
form to →

## INQUIRY AS TO AVAILABILITY

DATE

CERTIFICATE

POSITION

SALARY

LOCATION

(Please correct address if different from above)

TYPE OF APPOINTMENT:

- CAREER-CONDITIONAL  
 CAREER  
 TEMPORARY FOR \_\_\_\_\_

This office is considering you among others for the employment described. Please fill out the "Availability Statement" below, indicating whether you would accept this position if offered, and return the entire sheet to this office. Appointment would be subject to the Civil Service requirements described on the back of this letter. Whether you are available or not, your reply to this inquiry must be received by this office not later than \_\_\_\_\_  
If your reply is not received by this date, you cannot be considered.

- A.  The Civil Service Commission has furnished your original application for review.  
B.  The Civil Service Commission was unable to furnish your original application for review at this time since it is being used elsewhere. You will find an application form attached to this Inquiry. Please complete this application and return it to this office promptly along with your reply to this inquiry if you wish to be considered for appointment.

Failure to reply to this inquiry will result in the removal of your name from the list of eligibles.  
**THIS IS A LETTER OF INQUIRY AND NOT AN OFFER OF EMPLOYMENT.** If selected, you will be notified and given further instructions.

Other information:

Sincerely yours,

(DO NOT DETACH)

## AVAILABILITY STATEMENT

The information you give below regarding your availability will be furnished to the civil service office which maintains the list of eligibles on which your name appears. It will not, therefore, be necessary for you to furnish this information direct to the civil service office. If you decline this position and do not give the conditions under which you will be available for future appointment, your name will be removed from the list of eligibles until such time as you report the conditions under which you are again available.

- (Check one)  I am available and wish to be considered for the position described above. I can report for duty within \_\_\_\_\_ days after notification. I am now employed by \_\_\_\_\_ at \_\_\_\_\_.
- I do not wish to be considered for the position described above. I am giving my reasons on the other side of this form.
- I request that my name be removed from the active list of eligibles until I report that I am available for appointment.
- Consider me available for other appointments, subject to the following conditions:  
The position must pay at least \$ \_\_\_\_\_ per \_\_\_\_\_ (year, month, day, or hour).  
I am willing to work:  In Washington, D.C.;  Anywhere in the U.S.;  Outside the U.S.  
I will accept appointment in the following locations only: \_\_\_\_\_
- I will accept short-term appointment for:  1 mo. or less;  1 to 4 months;  4 to 12 months.

(Date)

(Signature)

(SEE OTHER SIDE)

Remarks

## INFORMATION FOR ELIGIBLES

### DESCRIPTION OF APPOINTMENTS

Appointments are of three types—temporary, career-conditional, and career. *Temporary* appointments are limited to one year or less. *Career-conditional* appointments are normally given when the positions are not temporary and confer civil service status upon completion of a one-year probation. They are converted to *career* appointments after three years of substantially continuous service. *Career* appointment is given from lists of eligibles only when the eligible has already met the service requirements for career appointment, or when the position is one which is required by law to be filled on a permanent basis.

### APPOINTMENTS ARE SUBJECT TO THESE REQUIREMENTS

1. A physical examination is required of every person selected for appointment. Eligibles are cautioned not to resign from any position now held until definite instructions to report for duty have actually been received, usually only after an examination has been made and the medical certificate approved.

2. All appointments will be subject to investigation, including fingerprinting, for the purpose of inquiring into qualifications, suitability, and fitness for the position and to verify the statements made in the application.

3. Whenever there are already two or more members of a family serving under career or career-conditional appointments in the competitive service, no other member of that family is eligible for career or career-conditional appointment in such service unless he is entitled to veteran preference. The term "family" as used in section 9 of the Civil Service Act, refers to those who live under the same roof with the head of the family and form his fireside. When members of the family become heads of new establishments, they cease to be part of the father's family (26 Op. Atty. Gen. 303 of July 12, 1907). Eligibles are warned not to accept appointment contrary to this provision of the law. The word "family" is interpreted in a rather restricted sense, however, and eligibles are advised to submit all facts on the matter to the appointing officer who will determine whether this restriction is applicable.

4. For temporary appointment the provisions in paragraph 3 do not apply.

### OTHER INFORMATION

*Suspension of eligibility.*—When a person is unable to accept an appointment, he should request that his name be removed from the list of eligibles until he is again able to accept appointment. As any

time while this list of eligibles is still in use, his name may be replaced in its proper position upon request. Upon requesting restoration to the list of eligibles, the eligible should be sure to specify the exact title of the examination and the exact rating received. If the conditions under which he will accept appointment have changed, he should report these new conditions. A person's name may also be removed from the list of eligibles if he fails to reply to official correspondence or indicates that he would be unwilling to accept a position.

*Procedure in case offer of appointment is declined.*—If you state you are not available for the position described in this form and indicate the conditions under which you will be available for further certification, your name will be restored to the list of eligibles. However, if this is the second time you have declined appointment under the conditions which you have stated you would accept, your name may be removed from the list of eligibles without further notice.

*Procedure in case of nonselection.*—When a person replies to an official inquiry and states that he is available for the position if offered, he is considered with others who are also available. The appointing officer may select any one of the available eligibles furnished him to fill the vacancy. Ordinarily the person selected will be the only one notified. The names of those eligibles not selected will be restored to the list of eligibles, provided they are still available for appointment. The fact that they were not selected will not affect their eligibility for other positions.

*Fair employment policy.*—Under the Civil Service Rules and Regulations, all personnel actions taken by Federal appointing officers shall be based solely on merit and fitness. Executive Order No. 10925 of March 6, 1961, Section 203, reaffirms the policy expressed in Executive Order No. 10590 of January 18, 1955, with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion, or national origin. Any person who has been certified for appointment and not selected and who has reason to believe that his nonselection was based on race, color, religion, or national origin may file a complaint with the Employment Policy Officer of the department or agency in which he fails to receive an appointment.

*Cost of transportation.*—The person selected for a position must pay all transportation costs connected with reporting for duty. If he should subsequently fail to meet the requirements to which appointment is subject, or if his employment is terminated for any reason, he must pay for his return also.

United States Attorneys

District \_\_\_\_\_ District No. \_\_\_\_\_ Month \_\_\_\_\_ 19\_\_

Program Category	Resource Category			
	Attorneys	Para-Professional	Clerical	TOTAL
Management and Administration				
Appellate Litigation				
C R I M I N A L	Official Corruption			
	Organized Crime			
	White Collar Crime			
	Narcotics			
	Civil Rights			
	Other			
Civil Litigation				
Collections				
<b>TOTAL FULL-TIME POSITIONS</b>				

ATTORNEY WORK HOURS—COURT RELATED ACTIVITY

1 District Court—Civil		6 Court Related Travel Time	
2 District Court—Criminal		7 Bankruptcy	
3 Appellate Court		8 Magistrates' Court	
4 Grand Jury		9 Special Masters, Hearing Examiners, etc.	
State Court			
		<b>TOTAL Workhours</b>	

MEMORANDUM OF UNDERSTANDING

I, \_\_\_\_\_, have applied for a position as a(n) \_\_\_\_\_ in the \_\_\_\_\_.  
I understand that the \_\_\_\_\_ ( U. S. Attorney, Assistant Attorney General, or Bureau/Office Head) will request that I be temporarily appointed to this position for a period of 90 days while a full-field investigation is being conducted in connection with my application for permanent appointment. If that request is granted, I further understand that if the full-field investigation discloses justifiable reasons for the Department of Justice to decline to offer me a permanent appointment, my temporary appointment will be terminated or allowed to expire.

I understand that during the period of my temporary appointment that I will not be entitled to health benefits (unless I am already a federal government employee receiving such benefits), Civil Service Commission Retirement Benefits, or Federal Group Life Insurance. I understand that I will be eligible for and will earn annual leave and sick leave.

I also understand that during the period of my temporary appointment I will not be allowed access to classified information and that sensitive information will be available to me on a strictly need-to-know basis. I agree to safeguard any such information which comes to my attention.

I further understand that as a condition precedent to my temporary appointment, the following steps must be satisfactorily accomplished:

- a. A name and fingerprint check conducted by the Federal Bureau of Investigation,
- b. Vouchering of any current employer and former employers for at least the last five years and a minimum of three references or associates, and
- c. A review of my prior security clearances.  
--In this connection, I have identified in Item 27, Standard Form 86, whether or not I have ever been the subject of a full-field or background personal investigation by any agency of the Federal Government and, if so:
  - (1) The name of the investigating agency,
  - (2) The approximate date of the investigation, and
  - (3) The level of security clearance granted, if known.

(Signed) \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 197\_\_

Witness:

\_\_\_\_\_  
(Name and Title)



## INSTRUCTIONS FOR COMPLETING FORM CA-7, CLAIM FOR COMPENSATION ON ACCOUNT OF TRAUMATIC INJURY

Form CA-7 has been designed to claim compensation for wage loss, or to claim a scheduled award, when disability is caused by a traumatic injury. If disability results from an occupational disease, Form CA-4 should be used to claim compensation.

### PART A — EMPLOYEE'S STATEMENT

- Items 1-17 on the front of the form are to be completed by the employee or someone acting on his/her behalf in every case where the employee:
  1. Is disabled due to a job-related traumatic injury and is in a nonpay status for more than 3 days;
  2. Incurs a scheduled permanent impairment; or
  3. Is unable to resume usual work.
- If the employee does not qualify for continuation of pay (for 45 days), the form should be completed and filed with the OWCP within 10 days following termination of pay. The form should also be submitted when the employee reaches maximum improvement in a scheduled award situation. If the employee has received continuation of pay for 45 days and is still disabled thereafter, the form should be filed with OWCP not more than 5 working days following the end of the 45-day period.
- If compensation is being claimed solely for wage loss, item 6 must be completed to show the period compensation is claimed, and item 7 must show pay received from any source for work or leave. If claim is based on a scheduled award and there has been no wage loss, item 6 is not applicable.

### PART B — GENERAL

- Employee's base pay in items 19a (and 29a) should not include value of subsistence, quarters or other pay. These items should be shown separately in their own columns.

### PART C — CONTINUATION OF PAY

- This part must be completed only if the employing agency continues the employee's "regular" pay during the period of disability (not to exceed 45 days).

#### PART D – COMPENSATION

- No compensation is payable for temporary total disability until the employee enters a nonpay status, therefore, item 30 refers to termination of all pay, whether "regular", sick leave, annual leave or other. Compensation may be payable immediately following the termination of all pay, subject to the 3-day waiting period.

#### PART E – RETURN TO DUTY

- When the employee returns to work prior to submission of Form CA-7, completion of Part E will eliminate the necessity of filing Form CA-3.

#### PART F – CERTIFICATION OF SUPERVISOR

- The supervisor's signature on this form does not imply acceptance or approval of the claim. It certifies only as to the accuracy of the information submitted re: pay rate, leave, termination of pay, etc.

#### FORM CA-20 – PHYSICIAN'S REPORT

- In most cases compensation cannot be paid until medical evidence has been submitted, supporting the employee's allegation of disability. The supervisor should therefore detach the Form CA-20, complete items 1-4 on the front and show the address of the correct OWCP District Office on the reverse. The form should then be promptly referred to the attending physician for his/her early report to expedite adjudication of the claim.

For additional information, see the Regulations governing the administration of the FECA (Code of Federal Regulations Title 20, Chapter 1) or Chapter 810 of the Civil Service Commission's Federal Personnel Manual, (FPM).





**STATEMENT OF OFFICIAL SUPERIOR**

**PART B - GENERAL**

18. Name and Address of Reporting Office (Number, street, city, state, zip code)

19. Pay Rate As Of:

	a. Base Pay	b. Subsistence	c. Quarters	d. Other (Specify)
Date of Injury →	\$ per	\$ per	\$ per	\$ per
Date Employee Stopped Work →	\$ per	\$ per	\$ per	\$ per

20. If Employee Received Additional Pay, i.e. Premium, Sunday, Night Differential, Identify Type And Show Amount

Type \_\_\_\_\_ \$ \_\_\_\_\_ per \_\_\_\_\_

21. Show Work Week When Pay Stopped If Other Than Monday Through Friday

S M T W T F S

22. Did Employee Work In The Position Held At The Time of Injury A Full Eleven Months Immediately Prior To The Injury?

Yes  No

23. If Answer To 22 Is No, Would The Position Have Provided Employment For Eleven Months, Except For The Injury?

Yes  No

24. Total Length of Employee's Federal Civilian Service

25. Inclusive Dates Employee Received Leave Pay For Any Part of The Period Since Stopping Work

a. Annual Leave      b. Sick Leave      c. Other (Specify)

**PART C - CONTINUATION OF PAY**

26. Pay Rate Used For "Continuation of Pay" Purposes

\$ \_\_\_\_\_ per \_\_\_\_\_

27. Inclusive Dates Regular Pay Continued During Period of Disability, Do Not Include Periods of Sick or Annual Leave

From: \_\_\_\_\_ Through: \_\_\_\_\_

28. Gross Dollar Amount of Regular Pay Which Employee Received During Period of Disability. Do Not Include Pay Received For Sick or Annual Leave

\$ \_\_\_\_\_

29. If Pay Rate Changed While The Employee Was Receiving Continuation of Pay, Show Date of Change And New Rate (Mo., day, year)

a. Base Pay	b. Subsistence	c. Quarters	d. Other (Specify)
\$ per	\$ per	\$ per	\$ per

**PART D - COMPENSATION**

30. Date And Hour All Pay Terminated (Mo., day, year)

AM  
 PM

31. Period For Which Compensation Is Claimed

From: \_\_\_\_\_ Through: \_\_\_\_\_

32. Deductions:

- a. Was Employee Enrolled On Date Pay Stopped?
- b. If Yes, Furnish Code Number.
- c. If Yes, Give Date Through Which Deductions Were Last Made.

Health Benefits

Yes  No

Optional Insurance

Yes  No

**PART E - RETURN TO DUTY**

33. Date And Hour Returned To Work (Mo., day, year)

AM  
 PM

34. Pay Rate At Time Returned To Work

\$ \_\_\_\_\_ per \_\_\_\_\_

35. Show Work Week On Return To Work If Other Than Monday Through Friday

S M T W T F S

36. If Work Assignment Has Been Changed Because of Disability Resulting From The Injury, Describe Type of Work Employee Is Now Performing.

**PART F - CERTIFICATION**

37. I certify that the information given above and that furnished by the employee on the reverse of this form is true to the best of my knowledge with the following exceptions:

38. Signature of Supervisor

39. Title And Office Phone Number

40. Date (Mo., day, year)



OF 7 PREPARED BY SPECIAL SERVICES DIVISION/STATION NUMBER 00	<h1>PROPERTY PASS</h1>	1. DATE ISSUED
This pass is to be used whenever property is removed from the building. It is to be properly filled in and signed and handed to the guard when leaving the building.		
2. NAME	3. BUILDING	
4. DESCRIPTION OF PROPERTY BEING REMOVED		
5. PROPERTY BELONGS TO	6. DEPARTMENT OR AGENCY	
7. SIGNATURE OF PERSON AUTHORIZING REMOVAL OF PROPERTY	8. TITLE	
9. PASS GOOD UNTIL		

1984 USAM (superseded)





**STATEMENT OF OFFICIAL SUPERIOR**

16. IF EMPLOYEE HAS RETURNED TO WORK, SHOW DATE AND HOUR (Mo., day, year)

AM  
 PM

17. SHOW EMPLOYEE'S WORK WEEK ON RETURN TO DUTY, IF OTHER THAN MONDAY THRU FRIDAY

	S		M		T		W		T		F		S	
--	---	--	---	--	---	--	---	--	---	--	---	--	---	--

18. HAS EMPLOYEE RECEIVED ANY PAY FOR WORK, LEAVE, SUBSISTENCE, QUARTERS OR OTHER REMUNERATION FROM YOUR AGENCY DURING THE PERIOD SHOWN IN ITEM 6 ON THE REVERSE SIDE?

YES       NO

19. IF ANSWER TO ITEM 18 IS YES, SHOW:

AMOUNT: \$ \_\_\_\_\_

TYPE OF PAYMENT: \_\_\_\_\_

PERIOD: FROM: \_\_\_\_\_ THROUGH: \_\_\_\_\_

20. IF THERE HAS BEEN ANY CHANGE IN EMPLOYEE'S HEALTH BENEFIT ENROLLMENT AND/OR OPTIONAL INSURANCE SINCE PREVIOUS CLAIM FOR COMPENSATION WAS SUBMITTED, PLEASE EXPLAIN. (i.e. change of plan or option; if additional deductions have been made by the agency, show amount and period.)

21. REMARKS

22. SIGNATURE OF OFFICIAL SUPERIOR

23. TITLE

24. DATE (Mo., day, year)

**INSTRUCTIONS FOR INJURED EMPLOYEE**

- a. Items 1, through 15, on the reverse side should be completed by the injured employee or by someone acting on the employee's behalf. The form should then be given to the official superior.
- b. The injured employee should file Form CA-8 each two weeks during the period of disability unless otherwise notified by the OWCP. A copy of the form will be enclosed with each compensation check. Additional copies may be obtained from the OWCP or the employing agency.
- c. Employees are advised that fraudulent claims are punishable by a fine of not more than \$2,000, or imprisonment for not more than one year, or both.

**INSTRUCTIONS FOR OFFICIAL SUPERIOR**

- a. The official superior must complete items 16, through 24, and forward the form to the appropriate OWCP office.
- b. The official superior must also complete items 1, through 6, on Form CA-20a before sending that form to the attending physician. It will also be necessary for the official superior to show in item 3, on the reverse of the Form CA-20a, the address of the OWCP office to which the physician should send the completed form.

If additional space is required for any reply, a separate sheet of paper may be used, numbering the answers to correspond with items on the form.

**NOTE: DELAY IN SUBMITTING THIS FORM PROPERLY COMPLETED OR WITHOUT SUPPORTING MEDICAL EVIDENCE, WILL DELAY PAYMENT OF COMPENSATION.**



# POSITION DESCRIPTION (Please Read Instructions on the Back)

1. Agency Position No.

2. Reason for Submission <input type="checkbox"/> Redescription <input type="checkbox"/> Reestablishment <small>Explanation (Show any positions replaced)</small>		3. Service <input type="checkbox"/> New <input type="checkbox"/> Dept'l <input type="checkbox"/> Other <small>Other</small>		4. Employing Office Location <input type="checkbox"/> Field		5. Duty Station		6. CSC Certification No.	
7. Fair Labor Standards Act <input type="checkbox"/> Exempt <input type="checkbox"/> Nonexempt				8. Employment/Financial Stmt Required <input type="checkbox"/> Yes <input type="checkbox"/> No		9. Subject to IA Action <input type="checkbox"/> Yes <input type="checkbox"/> No			
10. Position Status <input type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify)				11. Position is: <input type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Neither		12. Sensitivity <input type="checkbox"/> Critical <input type="checkbox"/> Noncritical <input type="checkbox"/> Nonsensitive		13. Competitive Level Code	
14. Agency Use									

15. Classified/Graded by	Official Title of Position	Pay Plan	Occupational Code	Grade	Initials	Date
a. Civil Service Commission						
b. Department, Agency, or Establishment						
c. Bureau						
d. Field Office						
e. Recommended by Supervisor or Initiating Official						

16. Organizational Title of Position (if different from official title):

17. Name of Employee (if vacancy, specify)

18. Department, Agency, or Establishment	c. Third Subdivision
a. First Subdivision	d. Fourth Subdivision
b. Second Subdivision	e. Fifth Subdivision

19. Employee Review: This is an accurate description of the major duties and responsibilities of my position.

Signature of Employee (optional)

20. Supervisory Certification: I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statutes or their implementing regulations.

a. Typed Name and Title of Immediate Supervisor

b. Typed Name and Title of Higher-Level Supervisor or Manager (optional)

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

21. Classification/Job Grading Certification: I certify that this position has been classified/graded as required by Title 5, U.S. Code in conformance with standards published by the Civil Service Commission or if no published standards apply directly, consistently with the most applicable published standards.

Typed Name and Title of Official Taking Action

Signature \_\_\_\_\_ Date \_\_\_\_\_

22. Standards Used in Classifying/Grading Position

Information for Employees: The standards, and information on their application are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the Civil Service Commission. Information on classification/job grading appeals and complaints on exemption from FLSA is available from the personnel office or the Commission.

23. Position Review	Initials	Date	Initials	Date	Initials	Date	Initials	Date	Initials	Date
a. Employee (optional)										
b. Supervisor										
c. Classifier										

24. Remarks:

25. Description of Major Duties and Responsibilities (See attached)

## INSTRUCTIONS FOR COMPLETING OPTIONAL FORM 8 POSITION DESCRIPTION

In order to comply with the requirements of FPM Chapter 295, subchapter 3, and other provisions of the FPM, agencies must complete the items marked by an asterisk. Agencies may determine what other items are to be used.

- \*1. Enter position number used by the agency for control purposes. See FPM Ch. 312, Subch. 3.
- \*2. Check one.
  - "Redescription" means the duties and/or responsibilities of an existing position are being changed.
  - "New" means the position has not previously existed.
  - "Reestablishment" means the position previously existed, but had been cancelled.
  - "Other" covers such things as change in title or occupational series without a change in duties or responsibilities.
  - The "Explanation" section should be used to show the reason if "Other" is checked, as well as any position(s) replaced by position number, title, pay plan, occupational code, and grade.
3. Check one. See FPM Ch. 338, Subch. 3, for application of apportionment requirements to positions in the Departmental Service. Agencies may show apportioned positions by placing "A" after "Dept".
- \*4. Enter geographical location by city and State (or if position is in a foreign country, by city and country).
- \*5. Enter geographical location if different from that of #4.
6. To be completed by the Civil Service Commission for positions at GS-16, -17, and -18, and for Public Law type positions. (See #5a for date of CSC certification.)
- \*7. Check one to show whether the incumbent is exempt or non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act. See FPM Ch. 551.
8. Check one to show whether the incumbent is required to submit a statement of employment and financial interests. See FPM Ch. 735, Subch. 4.
9. Check one to show whether identical additional positions are permitted. See FPM Ch. 312, Subch. 4. Agencies may show the number of such positions authorized and/or established after the "Yes" block.
10. Check one. See FPM Ch. 212 for information on the competitive service and FPM Ch. 213 for the excepted service. For a position in the excepted service, enter authority for the exception, e.g., "Sch. A-213.3102(d)" for Attorney positions excepted under Schedule A of the Civil Service Regulations.
11. Check one.
  - A "Supervisory" position is one that requires the exercise of at least the level of supervisory responsibility that meets the minimum requirements for application of the "Supervisory Grade Evaluation Guide" for GS positions or for classification in the WS or WN schedules of the Federal Wage System; or, the position meets the standard of minimum supervisory responsibility defined in the job standards of the applicable pay schedule. Agencies may designate first-level supervisory positions by placing "1" or "1st" after "Suprvsry."
  - A "Managerial" position is one that has the full range of managerial functions as delineated in the "Definition of Managerial Positions" in the introductory section to the "Supervisory Grade Evaluation Guide" for GS positions.
12. Check one to show whether the position is critical-sensitive, noncritical sensitive, or nonsensitive for security purposes. See FPM Ch. 732, Subch. 1.
13. Enter competitive level code for use in reduction-in-force actions. See FPM Ch. 351.
14. Agencies may use this block for any additional coding requirement.
- \*15. Enter classification/job grading action.
  - For "Official Title of Position," see the applicable classification or job grading standard. For positions not covered by a published standard, see the General Introduction to "Position Classification Standards," Section III, for GS positions, or FPM Supplement 512-1, "Job Grading System for Trades and Labor Occupations," Part 1, Section III.
  - For "Pay Plan" code, see FPM Supplement 292-1, "Personnel Data Standards," Book III, Subch. S1.
  - For "Occupational Code," see the applicable standard; or, where no standard has been published, see the "Handbook of Occupational Groups and Series of Classes" for GS positions, or FPM Supplement 512-1, Part 2, for trades and labor positions. For all positions in scientific and engineering occupations, enter the two digit functional classification code in parentheses immediately following the occupational code, e.g., "GS-1310(14)." The codes are listed and discussed in the General Introduction to "Position Classification Standards," Section VI.
16. Enter the organizational, functional, or working title if it differs from the official title.
17. Enter the name of the incumbent. If there is no incumbent, enter "vacancy."
- \*18. Enter the organizational location of the position, starting with the name of the department or agency and working down from there.
19. If the position is occupied, have the incumbent read the attached description of duties and responsibilities. The employee signature is optional.
- \*20. This statement normally should be certified by the immediate supervisor of the position. At its option, an agency may also have a higher-level supervisor or manager certify the statement.
- \*21. This statement should be certified by the agency official who makes the classification/job grading decision. Depending on agency regulations, this official may be a personnel office representative, or a manager or supervisor delegated classification/job grading authority.
22. Enter the position classification/job grading standard(s) used and the date of issuance, e.g., "Mail and File, GS-305, May 1977."
23. Agencies are generally required to review, at least annually, each established position to determine whether the position is still necessary and, if so, whether the position description is adequate and classification/job grading is proper. See FPM Ch. 312, Subch. 4. This section may be used as part of the review process. The employee's initials are optional. The initials by the supervisor and classifier represent recertifications of the statements in items #20 and #21 respectively.
24. This section may be used by the agency for additional coding requirements or for any appropriate remarks.
- \*25. Type the description on plain bond paper and attach to the form. The agency position number should be shown on the attachment. See appropriate instructions for format of the description and for any requirements for evaluation documentation, e.g., "Instructions for the Factor Evaluation System" in the General Introduction to "Position Classification Standards," Section VII.



## NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE

This form has been given to you because (1) you have been separated from your job, or (2) you were placed in a nonpay status, or (3) your records have been transferred to a different payroll office.

**Unemployment insurance (UI) for Federal workers.** When unemployed, Federal workers may be entitled to UI benefits similar to those of workers in private industry. If you become unemployed or are in a nonpay status and want to FILE A CLAIM, go to the nearest LOCAL PUBLIC EMPLOYMENT SERVICE OFFICE of the STATE EMPLOYMENT SECURITY AGENCY to register for work and file your claim for UI. Your ELIGIBILITY for UI CANNOT be determined until AFTER you file a claim. DO NOT DELAY filing a UI claim; if you wait, your unemployment benefits may be reduced or you may not qualify for any benefits.

### TAKE WITH YOU—

1. Your SOCIAL SECURITY ACCOUNT NUMBER CARD. (If you do not have a card, apply for one, but you do not need to delay filing your claim pending its receipt.)
2. The OFFICIAL NOTICE of your most recent SEPARATION or of your present NONPAY status (Standard Form 50, payroll change slip (or card), or similar document).
3. THIS FORM and all similar forms which you have received. The office where you file your claim will obtain information needed for your claim from:

(Federal agency will insert in the box above the name of the parent Federal agency, major component (if any), address and ZIP Code of the specific office where your payroll records are maintained.)

**KEEP THIS FORM** with your Standard Form 50 and other personnel records. It is important to have it if you file a UI claim for unemployed Federal workers provided by Federal law (U.S. Code, title 5, chapter 85). For more information about UI, read the REVERSE side of this form.

8-105

### Information: UI For Federal Workers

#### 1. Who will pay unemployment benefits?

If you are eligible, you will be paid by a State employment security agency under the provisions of its unemployment insurance (UI) law. The amount of your *regular* weekly benefits and the period for which benefits will be paid will generally be determined by the law of the State in which you had your last *official (duty) station*. (If you have received *all* the *regular* benefits for which you are eligible, you may, under certain circumstances, become eligible for *additional* weeks of *extended* benefits.) However, if your last duty station was outside the United States, you will *not* be eligible until you return to the States, including the District of Columbia, Puerto Rico, and Virgin Islands. Your benefit rights then will be determined under the law of your State of residence.

UI for unemployed Federal workers is paid from U.S. Government funds. No deductions were taken from your pay to finance these benefits.

#### 2. Under what conditions will I be eligible?

All State UI laws require that:

- a. You must be unemployed, able to work and available for any suitable work;
- b. You must register for work and file a claim at a local public employment service/UI claim office;
- c. You must continue to report to the office as directed; *and*
- c. You must have had a certain amount of employment/wages within a base period of 1 year specified in the State law.

All State UI laws will deny you benefits for such reasons as:

- a. Quitting your job voluntarily without good cause or being discharged for misconduct connected with your work; or
- b. Refusing an offer of a suitable job without good cause.

Some State UI laws deny or reduce UI benefits for certain types of payments you may receive (*retirement, severance, and/or lump-sum amount for unused, accrued annual leave*).

#### 3. Do I have the right of appeal?

*Yes.* If a determination is made denying you benefits, you have the right to appeal as provided in the applicable State law.

#### 4. Are there any penalties?

*Yes.* If you willfully make a *false* (fraudulent) claim, you may be *fined or imprisoned, or both*. If you made a mistake in giving information when you filed your claim(s), notify the local UI claims office as soon as you discover the mistake; prompt notification may *avoid* a penalty.

(The above statements are issued for general information; they do *not* have the effect of law, regulation, or ruling.)

United States Department of Justice  
**Supplement to Official Travel Request and Authorization**

1. NAME OF EMPLOYEE	2. NEW POSITION TITLE AND GRADE	3. REPORTING DATE	4. TRAVEL AUTH. NO.
5. ACTUAL RESIDENCE AT TIME OF TRANSFER OR APPOINTMENT (Street address, city, county, state)			6. DATE OF SERVICE AGREEMENT

**7. PERSONS AUTHORIZED TO TRAVEL AT GOVERNMENT EXPENSE**

a. NAME (List employee on first line)	b. RELATIONSHIP	c. IF CHILD, DATE OF BIRTH	d. PER DIEM		e. TRANSPORTATION			
			(1) Est. Rate	(2) Est. Cost	(1) Mode	(2) For driver(s) only of POV (Enter no. of miles & rate)	(3) Est. Cost	
	Self			\$				\$

**8. ROUND TRIP TRAVEL TO SEEK PERMANENT RESIDENCE QUARTERS**

a. AUTHORIZATION (Check)	b. DATES OF TRAVEL	c. PER DIEM RATE	d. TRANSPORTATION
(1) <input type="checkbox"/> Not authorized	(1) Beginning about	(1) Employee	(1) Mode
(2) <input type="checkbox"/> Authorized, NTE 6 calendar days including travel time for: <input type="checkbox"/> Employee <input type="checkbox"/> Spouse <input type="checkbox"/> Employee & spouse	(2) Ending about	(2) Spouse	(2) If POV, number of miles and rate miles @ _____ C
e. ESTIMATED COST	(1) Per diem \$	(2) Transportation \$	(3) Other \$
			(4) Total estimated cost \$

**9. ALLOWANCES FOR SUBSISTENCE EXPENSES WHILE OCCUPYING TEMPORARY QUARTERS**

a. AUTHORIZATION (Check)	b. PERIOD	c. PER DIEM RATES*	(1) 1st to 10 days	(2) 2nd to 10 days	(3) over 20 days
(1) <input type="checkbox"/> Not authorized (2) <input type="checkbox"/> Authorized for: Attached if block 8a(2), above, is checked. <input type="checkbox"/> Employee <input type="checkbox"/> Members of immed. family	(1) Beginning date (2) Ending date		(a) Employee \$	(a) Employee \$	(a) Employee \$
		(b) Others (each) \$	(b) Others (each) \$	(b) Others (each) \$	

\* Reimbursement shall be for actual expenses only, not to exceed computations based on rates shown.

d. ESTIMATED COST	(1) 1st to 10 days \$	(2) 2nd to 10 days \$	(3) over 20 days \$	(4) Total estimated cost \$
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**10. MISCELLANEOUS EXPENSES ALLOWANCE**

a.  NOT AUTHORIZED      b.  AUTHORIZED IN AN AMOUNT NOT TO EXCEED \$ \_\_\_\_\_

**11. ALLOWANCES FOR EXPENSES RELATING TO REAL ESTATE TRANSACTIONS AND UNEXPIRED LEASES**

a. <input type="checkbox"/> NOT AUTHORIZED	b. AUTHORIZED FOR:	ESTIMATED COST
	(1) <input type="checkbox"/> Sale of home at old official station	\$ _____
	(2) <input type="checkbox"/> Purchase of home at new official station	\$ _____
	(3) <input type="checkbox"/> Settlement of unexpired lease at old official station	\$ _____

**12. TRANSPORTATION AND STORAGE OF HOUSEHOLD GOODS AND PERSONAL EFFECTS**

a. TYPE OF SHIPMENT	(1) <input type="checkbox"/> COMMUTED RATE SYSTEM (Continental U.S.)	(2) <input type="checkbox"/> ACTUAL EXPENSE METHOD (Continental U.S.)	(3) <input type="checkbox"/> OUTSIDE CONTINENTAL UNITED STATES			
b. TRANSPORTATION	<input type="checkbox"/> Not authorized <input type="checkbox"/> Authorized	(1) Est. weight	(2) Distance miles	(3) Rate per CWT \$	(4) Surcharge \$	(5) Est. cost \$
c. TEMPORARY STORAGE	<input type="checkbox"/> Not authorized <input type="checkbox"/> Authorized	(1) Est. weight	(2) Period days	(3) Rate per CWT \$		(4) Est. cost \$
d. NONTEMPORARY STORAGE	<input type="checkbox"/> Not authorized <input type="checkbox"/> Authorized (see justif. attached)	(1) Est. weight	(2) Period months	(3) Rate per CWT \$		(4) Est. cost \$

**13. TRANSPORTATION OF MOBILE HOME**

a.  NOT AUTHORIZED      b.  AUTHORIZED BASED ON EMPLOYEE CERTIFICATION DATED \_\_\_\_\_ THAT MOBILE HOME IS FOR USE AS RESIDENCE AT NEW OFFICIAL STATION.

c. ESTIMATED COST	(1) Distance miles	(2) Mileage basis \$	(3) Commercial carrier \$	(4) Total estimated cost \$
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**14. SHIPMENT OF PRIVATELY OWNED VEHICLE OUTSIDE THE CONTINENTAL UNITED STATES**

a.  NOT AUTHORIZED      b.  AUTHORIZED IN THE INTEREST OF THE GOVERNMENT (See justification attached-Sec. 10 of the regulations.)

c. Estimated cost \$ \_\_\_\_\_



<p align="center"><b>U.S. Department of Justice</b></p> <p align="center"><b>OBD PROPERTY TRANSFER REQUEST</b></p> <p align="center"><i>(See Instructions on Reverse of Part 5)</i></p>		1. Requisition Number		2. Document Control No.			
		3. Page of Pages		4. Date prepared			
		5. For information call (Name, telephone code, and extension)				7. Signature of Approving Official	
		6. TO: Energy & Materiel Management Section Property Management & Procurement Staff Justice Management Division Washington, D.C. 20530				8. Title of Approving Official	
9. Transfer From: (Name and Location)			10. Transfer To: (Name and Location)				
11. Transferor Cost Center			12. Transferee Cost Center				
13. Stock No.	14. Description	15. Decal/Serial Number	16. Qty.	17. Dollar Value	18. Delivery Information/ Remarks		
<p style="font-size: 2em; opacity: 0.5; transform: rotate(-30deg);">1984 USAM (superseded)</p>							
19. Energy & Materiel Management Section			20. Transferee				
Approved By: _____ Title: _____ Phone: _____			Above Listed Property Received: Signature: _____ Date: _____				
NOTE: This form is not to be used for transfers within an office, board or division unless a change in the cost center results.							

1. ORIGINAL (VOUCHER)

## INSTRUCTIONS FOR FORM OBD-14

### Explanation of Blocks, Fill in as follows:

1. Insert Requisition Number.
2. Insert Document Control Number (*if applicable*).
3. Insert page number and total number of pages.
4. Insert date.
5. Insert name and telephone number of person who can furnish additional information.
6. Organizational titles are preprinted, no entry is required.
7. Written signature of approving official.
8. Title of approving official.
9. Insert organizational title and the address of the office transferring the property (*transferor*).
10. Insert organizational title and address of the office receiving the property (*transferee*).
11. Insert cost center (*accounting classification code*) of transferring office.
12. Insert cost center (*accounting classification code*) of receiving office.
13. Insert National Stock Number if known.
14. Describe fully the item being transferred.
15. Insert the Department of Justice decal number or the manufacturer's serial number.
16. Show quantity for each item.
17. Indicate the unit dollar value (*i. e., single item cost*).
18. Insert address (*room number and building abbreviation code if applicable*).
19. For use by the Energy and Materiel Management Section only.
20. Written signature of officer receiving the item(s) and the date of receipt.

### Distribution of Copies:

After the form is typed, copy #5 should be pulled by the preparer and maintained until the transaction is completed.

If the OBD-14 requires labor services support for work in the Washington, D.C. Metropolitan Area, please send copies #1-4 to the Energy and Materiel Management Section. After the services are performed copy #4 will be forwarded to the OBD Administrative Officer.

If the OBD-14 represents a transfer action that has already been completed, send copies #1-3 to the Energy and Materiel Management Section. Please ensure that block #20 (*transferee*) has been properly filled in. Copy #4 should be forwarded to your Administrative Officer or the cognizant Property Custodian.

Date of Preparation	1. Title, Series and Grade of Position:
2. (Circle One) Supervisory or Non-Supervisory Positions	

3. District and City

---

4. Characteristics of Selected Candidate:    M    F  
A B C D E    (Circle M or F and one other)

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5. Name, title and office telephone number of selecting official:

---

6. Was a selection panel or committee used to evaluate candidates:  
 Yes     No    If yes, indicate ethnic make-up of such panel or committee?

	A	B	C	D	E
M					
F					

7. Information on Applicants:

A. Information on Summer Law Students only:  
Specific targeted recruitment sources other than applications already on file, used to fill this vacancy.

Recruitment Source	
1.	
2.	
3.	
4.	
5.	
6.	

B. Indicate the number of qualified applications received for this vacancy:

	Male	Female	Total
Number of Qualified Applicants			

C. Number Interviewed for Vacancy

	Male	Female
American Indian or Alaskan Native		
Asian or Pacific Islander		
Black, not of Hispanic origin		
Hispanic		
White, not of Hispanic origin		

EOUSA Staff Use Only:

Reviewed by:

Date Reviewed:

PMS Comments:

Disposition:

Date Approved by PMS:

If not approved, date forwarded to AA Unit for consideration or assistance:

### INSTRUCTIONS

1. Enter the title, series and grade of the position being filled, e.g., Budget Analyst, GS 560-12.
2. Circle whether position is supervisory or non-supervisory.
3. Enter the district and city or other appropriate subdivision which identifies with the greatest specificity where the position is located, e.g., Eastern District of Michigan/Bay City.
4. Circle the letters identifying the sex and national origin of the nominee.

Key: M = Male, F = Female  
A = American Indian or Alaskan Native  
B = Asian or Pacific Islander  
C = Black, not of Hispanic origin  
D = Hispanic  
E = White, not of Hispanic origin

5. Enter name, title, and office telephone number of selecting official.
6. Provide information requested.
7. A. Enter recruitment sources that were used in recruitment of applicants for the Summer Law Student Program.  
B. Enter the number of male and female qualified applications that were received for this vacancy.  
C. Enter the number interviewed for the vacancy, indicating the sex and national origin category in which the applicant belongs.



Standard Form 210  
May 1973  
4 Treasury FRM 2000  
6 Treasury FRM 2000  
210-105

**SIGNATURE CARD**  
**for**  
**CERTIFYING OFFICER**

Department, establishment or agency: \_\_\_\_\_ Bureau or office: \_\_\_\_\_

Make official signature of certifying officer: \_\_\_\_\_

For certification of (check one box only - separate card required for each category)

(1) 66 - Vendor and Schedule of Payments (or other approved form) \_\_\_\_\_ Location of disbursing office: \_\_\_\_\_

Letters of Credit

I certify that the above is the official signature of \_\_\_\_\_ (Full name of certifying officer)

and is designated in writing as a certifying officer to certify vouchers or letters of credit as indicated above

Signature and title of head of agency or his designee: \_\_\_\_\_ Date: \_\_\_\_\_

GPO 1972 O - 810-4323-C1

987 USAM (superseded)

The Executive Office for U.S. Attorneys, Space Management and Support Services Unit is in receipt of your requisition

▪ \_\_\_\_\_ as indicated by the date stamp.

Action will be taken and notification of status will be sent as soon as possible.

U.S. Attorney

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*(City and State)*

1984 USAM (superseded)

INTERDEPARTMENTAL COMMITTEE ON INTERNAL SECURITY  
U.S. DEPARTMENT OF JUSTICE BUILDING  
WASHINGTON, D.C. 20530

November 19, 1980

DEFENSIVE SECURITY BRIEFING TO BE  
PROVIDED U.S. GOVERNMENT EMPLOYEES  
TRAVELING TO COMMUNIST-CONTROLLED COUNTRIES

1987-05-17  
SUPERSEDED

Within the past decade there has been a significant increase in the number of U.S. Government employees traveling to Communist-controlled countries, primarily as a result of the execution of a number of bilateral agreements with the Soviet Union and certain East European nations in the areas of trade, tourism, and exchanges in education, science and technology. Concomitantly, a need has been perceived within the Executive Branch for the development of a standardized defensive security briefing which could be given U.S. personnel prior to their travel to those and other Communist-controlled countries, in order that they might be aware of the extraordinary problems they could encounter in Communist-dominated societies.

To this end, the Interdepartmental Committee on Internal Security (ICIS) hereby promulgates the following defensive measures which should be made known to all employees of the Executive Branch (regular or contract), traveling to Communist-controlled countries, either on Government business or as tourists.

The ICIS recognizes that a number of departments and agencies, and particularly those in the intelligence/security field, have developed and provide to their employees more specialized briefings, tailored to particular needs. The Committee also recognizes that certain government-sponsored security awareness programs are currently under development within the Executive Branch

for continuing education of personnel with access to classified government information. This, therefore, is primarily intended as a standardized guide for those departments and agencies outside the intelligence/security field, which heretofore have not had occasion to develop an employee travel briefing.

1984 USAM (superseded)



## INTRODUCTION

All U.S. Government employees, regardless of position or assignment, are likely to be of interest to intelligence services of Communist-controlled countries. Hostile intelligence networks make it their business to learn the identities of Americans, and frequently attempt to target them for intelligence approaches when they travel abroad. The approach may be direct or indirect, highly sophisticated, or crudely obvious. In any case, U.S. personnel traveling to Communist-controlled countries should be constantly alert to the problems that can befall them. The purpose of this briefing is to make employees aware of the pitfalls associated with such travel, and to advise them on defensive measures against possible hostile intelligence exploitation.

## PRIOR TO DEPARTURE

1. The Bureau of Consular Affairs, U.S. Department of State, frequently publishes advisory material on current travel conditions in Communist-controlled countries. This material should be available through your agency and you should carefully review any such information covering the country(s) you will be visiting. It is especially important that you are aware of the items which may or may not be taken into the country(s) to be visited.
2. Visa applications are routinely scrutinized by intelligence services of Communist countries. In order to avoid possible difficulties in this area, it is important that you fill out the forms truthfully and accurately. It is especially important that you name any relatives that you intend to visit in the host country.
3. When obtaining visas, travelers should ask the appropriate Consular Officer how much foreign currency (United States and other) and what valuables may be taken into and out of the Communist country(s) to be visited. Make sure you have enough money for the trip, and strictly follow the approved itinerary. You may not import local currency into the country(s) to be visited.

4. If you are a naturalized American citizen of East European origin, note carefully: There have been instances in which an East European country has not recognized the U.S. citizenship of former nationals, and has taken the position that such persons retain their original nationality and are therefore subject to treatment as citizens of that country upon reentry into its jurisdiction. If you have a problem for this reason, consult first with the U.S. Department of State for advice and clarification of your status.
5. You may wish to carry with you gifts for friends or relatives. Items to be carried as gifts should be neither controversial nor prohibited. Do not bring pornography, narcotics, or political material. Communist pornography laws are far stricter than those in the United States, and you should avoid taking with you magazines or other materials that might be considered pornographic. Any patent medicines or prescription drugs should be clearly for your own use and in reasonable quantities to convince authorities that they are for your personal consumption.
6. Do not carry with you, on behalf of a third party, any letters, messages, or packages for private individuals in Communist countries. You may be deemed guilty of circumventing normal channels of communication, or you may be regarded as a courier for illegal or subversive purposes.
7. Carry only essential forms of identification. Leave Government badges, building passes, etc., at home. Write down your passport number and keep it separate from your passport. Do the same with the address and telephone number of the American Embassy.
8. **DO NOT TAKE THIS DOCUMENT WITH YOU!** Study it; think about it; and remember its warnings during your visit. But leave the document home.

## UPON ARRIVAL

1. Rules governing declarations of valuables and currency and those relating to transactions are strictly enforced. An accurate declaration should be made at entry of all money and valuables, including travelers' checks. Some countries give the traveler a copy of the declaration which must be surrendered upon leaving. It is important to keep receipts of all money changes, as these are frequently requested upon departure. Undeclared sums of U.S. or other currency is likely to cause difficulty with authorities and may be confiscated upon departure.
2. You will generally be permitted to take in such items as cameras, transistor radios, etc. It is wise to declare such items as you enter, however, to preclude possible explanations, customs charges or confiscation when you leave. Baggage inspections may be extremely thorough or only perfunctory. On occasion, your baggage may not even be opened at entry.
3. As soon as possible after arrival, it is recommended that you contact the American Embassy or Consulate, either by telephone or in person, and provide your local address and the probable length of your visit.
4. It is unwise for you to drive yourself in a Communist country. Try to use public transportation or hire a driver, as local traffic regulations may be confusing. There have been incidents where traffic accidents were deliberately provoked to incriminate or embarrass a visitor.

## ACTIVITIES WHILE IN COMMUNIST COUNTRIES

1. Assume that your hotel room is equipped with devices to overhear or record your conversations. There may be devices installed through which you can be physically observed, even while your room is in darkness. In addition

to the usual microphones, telephone taps, miniature recording devices, etc., intelligence operatives today use infrared cameras, infrared "snooper-scopes" and optical lenses, closed circuit TV, and other highly advanced equipment. Do not search for such devices, and do not make an issue of it if you should by chance find one. The presence of such equipment may not necessarily be significant as concerns you. The device may or may not be monitored during your visit, or it may be monitored only on a spot-check basis. Do not try to neutralize such devices by running tap water, playing your radio, etc. Some modern devices are so sophisticated that they cannot be neutralized. Overt efforts on your part to combat such penetration will only make you more suspicious to the intelligence services. The best defense against such devices is the abstinence from other than light, uninformative discussions.

IMPORTANT: Should you discover any device of the above kind, take no overt action against it. Continue your normal conversation giving no indication you have discovered it, and then report your findings to the U.S. Embassy, Consulate or to your security officer upon your return.

2. Beyond your hotel room, you should assume that conversations in vehicles (including embassy vehicles), train compartments, restaurants, conference rooms and other public places, may be monitored. Miniature microphones with transmitters or recorders can easily be secreted on the person of an individual in your group. It is even technically possible to record your conversations in open, outdoor areas; however, those areas are normally more secure than indoor locations.
3. Avoid unnecessary discussions concerning your job, your work place and other official matters. Also avoid discussing other U.S. employees' habits, character, or other matters which reveal weaknesses or idiosyncrasies.



4. Assume that your personal luggage will be searched at some time in your hotel room. If you discover evidence of this, do not make a big issue of it. Positive evidence of such activity, however, should be reported to the U.S. Embassy and your security officer upon your return. It is just as well not to bother locking your luggage, as most locks will be readily picked. If the lock cannot be picked, this will only increase the curiosity of the intelligence agent and the lock may be broken. Never leave your luggage unattended containing valuable papers or documents you do not wish anyone else to read. If you surprise someone searching your possessions, don't take any violent or physical action, but report the incident to local and U.S. authorities.
5. You may receive a "wrong number" or otherwise mysterious telephone calls in the hotel room at any hour of the day or in the middle of the night. Do not let this unduly upset you. It may be a crude but effective method of determining whether or not you are in your room. It may be only a result of poor telephone service.
6. Do not rely on hotel employees for protection service. In these countries, you should always assume that chamber maids, elevator operators and hotel employees, as well as waiters or the maitre d' in restaurants are in the employ of the intelligence services. Be particularly circumspect in your relations with guides, interpreters, and Communist travel agency personnel, as these people are invariably used by intelligence agencies.
7. You may be placed under physical surveillance as you travel either on foot or by vehicle. You may suspect you are being observed when actually you are not. In either event, the best tactic is to ignore it. Communist intelligence agents at various times observe visitors on a spot-check basis for no apparent reason. On the other hand, they may

be collecting detailed data concerning your activities in preparation for a more direct intelligence approach. Do not attempt to lose the surveillance. If you are actually being followed for intelligence objectives, you will be covered by a team of several agents, and your evasion attempts will only make you more suspicious.

8. You will be permitted to take photographs with your personal camera, but be careful not to photograph restricted areas. Travelers should refrain from taking photographs from aircraft, photographing military and police installations and personnel, industrial structures, harbor, rail and airport facilities, and border areas. Communist countries also resent your photographing items which put them in a bad light, such as slum areas, public drunks, scenes of civil disorder or other public disturbances. If you do take such photographs, your film may be confiscated.
9. Be particularly circumspect in approaches which may be made offering social companionship, especially of a sexual nature. Many of these persons are "plants" of Communist intelligence agencies and will offer themselves attractively for the purpose of getting you in a compromising situation which will be followed by a blackmail threat to force your cooperation in intelligence activities. Under no circumstances should you seek or accept this kind of social companionship in a Communist country. The intelligence services are fully aware of the possibilities inherent in human frailties, and will capitalize immediately upon any indication of immoral or indiscreet behavior of American travelers. Even when failing to detect a vulnerability, Communist agents have attempted entrapment of innocent travelers. For this reason, you should maintain the highest level of personal behavior at all times, avoid long walks at night alone, and endeavor to always be in the company of someone you can trust. Be especially careful

to stay well within your capacity for alcohol so as not to weaken your defense or lose your self-control.

10. Do not accept from anyone (including friends, relatives or professional contacts) letters, photographs, packages or any other material to be smuggled out of the country or carried in your effects when you depart. Be firm in your denials in these matters, as such requests may be acts of intelligence provocation to entrap you.
11. Bear in mind that there are many political, cultural and legal differences between the U.S. and Communist countries. Actions which are innocent or, at worst, carry wrist-slapping penalties in the U.S., are often considered serious offenses against the law in Communist-dominated societies. Persons violating the law, even unknowingly, run the risk of arrest or expulsion. Do not, for instance, take "souvenirs" from hotels or institutions, however insignificant in value they may appear.
12. Do not engage in any private currency transactions with individual citizens. Do not try to sell or trade any personal items, including clothing, which you have brought into the country, or purchase bargains from street peddlers or other questionable vendors. Do not engage in blackmarket activities. Many Communist countries have laws governing exportation of art work and historic relics. Be familiar with these laws if you intend to purchase such items, and make these purchases only at official establishments.
13. Should you be detained or arrested for any reason by police or other officials of these countries, be cooperative, but insist promptly, politely, and repeatedly, if necessary, that the U.S. Embassy or Consulate be notified. Do not make any statements or sign any documents you do not fully understand, until you have had an opportunity to confer with an embassy representative. You may possibly be accused of having some connection with

an American intelligence service, or of having accepted an assignment by such service to be carried out in the host country. You should make no admission whatever indicating you have ever had any dealings, under any circumstances, with any U.S. intelligence agency.

14. Mail which you receive or transmit is subject to censorship in a Communist country. In all mail you write prior to, during, or after your visit to a Communist country, make no reference to classified information nor reveal information of possible value to a hostile intelligence service. Be careful in writing to or about relatives or friends in these countries, as they may become targets for investigation or exploitation.
15. There have been several incidents in Communist countries wherein speech-inducing drugs, medicines, etc., have been used under the guise of medical treatment for the purpose of aiding in interrogation. In non-emergency situations, every effort should be made to avoid Communist hospitals or medical facilities without first having notified the U.S. Embassy or Consulate.
16. Report immediately any action which might form the basis of pressure or compromise, or any attempt to pressure or compromise you, to the American Embassy (security officer) in the country being visited, and also to your security officer immediately upon your return to your job. Also report any unusual subsequent contacts with Communist country nationals.

We have discussed above many, but not necessarily all, pitfalls which may befall an American traveler. New espionage techniques and tactics are constantly being developed, and the highest degree of alertness is necessary at all times. While the techniques employed by Communist countries' intelligence services seem far-fetched, illicit, or taken from "spy novels", they are in fact used in day-to-day activities and operations. Although these techniques are revolting to



an American, one must nevertheless recognize them as a part of the Communist system, in order that he or she may successfully counter such practices.

Well, so much for the dark side of the picture. All of these things had to be said so you would be forewarned of the possibilities. Now for the probabilities: You probably will not be entrapped by Communist intelligence services, and you probably will not have any problems if you respect local laws and customs, be honest in your dealings and behave discreetly. You can expect friendly treatment from most of the citizens with whom you come in contact, and you will find that they are very interested in all aspects of American life. You can therefore serve as a valuable goodwill ambassador for the U.S., while you enjoy the interesting and innocent features of the country(s) you visit. Be open to this experience, have a good trip and come home safely.

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Page \_\_\_ of \_\_\_ Page(s)

Item No.	Decal No. or Serial No.	Basic Nomenclature Description (Include manufacturer & model no.)	Overage		Shortage	
			Quantity	Unit Cost	Quantity	Unit Cost
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Grand Total:						

2. Explanation:

3. Recommended Action:

4. Signature of Reporting Official	5. Office, Board, Division, Title	6. Date Submitted
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FOR PMPS/JMD USE ONLY

7. Action Taken

8. Signature of Approving Authority	9. Title	10. Date Approved	11. Voucher Number
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To: Director, Property Management and Procurement Staff  
 Justice Management Division

From:	Accountable Office:	Reported by: <i>(Property Custodian)</i>	Date:
-------	---------------------	---------------------------------------------	-------

Cost Center	Item Description <i>(Include Manufacturer and Model No.)</i>	DOJ Decal No.	Mfr's Serial No.	Quant.	Unit Cost
<p><i>(Continue on Additional Sheets if Required)</i></p>					

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Circumstances: <i>(Be Specific)</i>					Grand Total:
<input type="checkbox"/> Stolen	<input type="checkbox"/> Damaged	<input type="checkbox"/> Destroyed	<input type="checkbox"/> Lost	<input type="checkbox"/> Other <i>(Specify)</i>	

Recommended Actions:  
*(Be Specific)*

**FOR PMPS/JMD USE ONLY**

Approved as Recommended <input type="checkbox"/> Disapproved <input type="checkbox"/>	Report of Survey No.	Date
Title:		

IF SPACE ON THE FORM IS INSUFFICIENT, USE ADDITIONAL SHEETS.

FROM: Enter name of Office, Board, or Division (OBD).

ACCOUNTABLE OFFICE: Enter name of immediate activity in which Accountable Officer (AO) works. Include AO's name and telephone number.

REPORTED BY: Enter name and telephone number of Property Custodian (PC) and the activity for which he/she works.

DATE: Enter date of report.

COST CENTER: Enter code of cost center in which the property is located, if known.

ITEM DESCRIPTION: Enter the correct nomenclatures of the items reported. Descriptions should be accurate, and sufficient for identification.

DOJ DECAL NUMBER: Enter decal numbers for items (if appropriate).

MANUFACTURER'S SERIAL NUMBER: Enter serial numbers (if appropriate).

QUANTITY: For each item of the same description, enter the quantity of that item and the unit of count (such as 2 ea, 2 bx, 2 doz, etc.).

UNIT COST: Enter acquisition cost per unit.

GRAND TOTAL: Enter total value of all property listed.

CIRCUMSTANCES: Enter check in stolen, damaged, destroyed, lost, or other box as appropriate. Enter a concise and accurate statement of the facts of the case, including the date and place of loss or damage. All individuals directly concerned must be indicated by name and telephone number, and immediate activity (or address if the individual is not an employee). Refer to exhibits by consecutive capital letter designator (for example, Exhibits A to D refers to four consecutive exhibits attached).

RECOMMENDED ACTIONS: Make recommendations concerning the repair, disposal, or removal of property from use or accountable records. Although this form may be used to recommend pecuniary liability or disciplinary action (if appropriate), personnel actions are a separate issue (see JPMR, 41 CFR 128-51.102), and must be initiated separately by the OBD involved.

ALL OTHER BLOCKS ARE FOR PMPS/JMD USE ONLY

A copy of the completed Report of Survey shall be pulled and the original and remaining copies shall be forwarded to the Director, Property Management Staff, Justice Management Division, to begin survey action.



I certify that all accountable personal property on the enclosed inventory report, except as noted and explained by attachment, has been accounted for and that this inventory includes all accountable personal property chargeable to my office as of this date.

Signature \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Date \_\_\_\_\_

Name and telephone number of person to contact concerning this inventory:

Name \_\_\_\_\_

Telephone number \_\_\_\_\_

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**VOLUNTEER AGREEMENT**

I \_\_\_\_\_ the undersigned, acknowledge and agree to the following as conditions for the duration of my service as a volunteer with the United States Attorney's office, Department of Justice:

- (1) I waive all claims to pay for services rendered;
- (2) I understand that my services and access to the building may be terminated at any time by either myself or an official of the United States Attorney's Office;
- (3) I have received a copy of 28 C.F.R. 45 and agree to adhere to the provisions relating to special employees; and
- (4) I acknowledge that I am not cleared or permitted to receive, handle in any way, or have direct or indirect access to, or knowledge of, classified material, within the meaning of Executive Order 11652, or sensitive investigative material which includes, but is not limited to, testimony before a grand jury, wire and oral communications intercepted consensually or pursuant to the provisions of 18 U.S.C. 2510-2520, information relating to orders to compel testimony (immunity of witnesses), pursuant to 18 U.S.C. 6001-6005, intelligence reports and investigative reports of the various State, Local and Federal agencies and Department of Justice Official Files. Also, I acknowledge that I will inform any person who should begin to divulge such classified or sensitive investigative material to me that I am not cleared or permitted to be privy to such material.

I further understand and acknowledge that the only materials as to which I will have access in my assignment under this program is material which would be classified as "public record" material.

\_\_\_\_\_  
Date: \_\_\_\_\_

**DEPARTMENT OF JUSTICE  
EMPLOYEE LOCATOR INFORMATION**

**INSTRUCTIONS.** This form is to be completed by all employees upon initial employment (accession) and whenever any information on the form changes. Changes should be promptly recorded by submission of this form to your personnel office. In accordance with the provisions of the Privacy Act of 1974, submission of some data is MANDATORY, other data is requested on a VOLUNTARY basis for the safety and convenience of the employee. The MANDATORY or VOLUNTARY nature

of the data is indicated in the applicable Privacy Act Statement. Certain portions of the form are to be completed by the employee's personnel office or administrative officer. Employees should leave these portions of the form blank. If you have any questions regarding completion of the form, please consult your personnel office.

**EMPLOYEE IDENTIFICATION**

**PRIVACY ACT STATEMENT. SOCIAL SECURITY NUMBER** 1. AUTHORITY: Executive Order 9397 dated November 22, 1943. 2. PURPOSE AND USE: The Social Security Number (SSN) is used as a unique identifier for matching locator records to records in personnel and payroll files. Use of the SSN ensures correct identification of records for employees with the same name. 3. EFFECTS

**OF NON-DISCLOSURE.** Disclosure of the SSN in MANDATORY. Failure to disclose the SSN on accession will result in your payroll check not being processed. Failure to disclose the SSN while reporting changes will result in the changes not being effected.

TO BE COMPLETED BY PERSONNEL OFFICE		4. NAME (Last, First, Middle Initial)	5. SOCIAL SECURITY NUMBER	6. SUBMISSION DATE
L1	2. CONTROL NUMBER			

**CURRENT RESIDENCE ADDRESS FOR TAX PURPOSES**

**PRIVACY ACT STATEMENT. RESIDENCE ADDRESS** 1. Authority: 5 U.S.C. Sections 5516, 5517, and 5520. 26 U.S.C. Sections 6001 and 6109. 2. PURPOSE AND USE: To meet the reporting requirements of Federal, State and Local tax withholding programs. 3. EFFECTS OF NON-DISCLOSURE. Disclosure of current Residence Address is MANDATORY. Failure to disclose the

current Residence Address on accession will result in your payroll check not being processed. Failure to disclose changes in current Residence Address will result in violation of the cited authorities and possible penalties as prescribed therein.

7. STREET ADDRESS (No. Name, St., Dr., Ct., Pl., etc.)

8. SECOND LINE STREET ADDRESS (if necessary)

9. CITY

10. COUNTY OR FOREIGN COUNTRY

11. STATE

12. ZIP CODE

**CURRENT RESIDENCE ADDRESS AND TELEPHONE NUMBER**

**PRIVACY ACT STATEMENT. RESIDENCE ADDRESS AND TELEPHONE NUMBER** 1. AUTHORITY: 5 U.S.C. Section 301. 2. PURPOSE AND USE: To contact employees at their residence on matters of an official nature relating to their employment with the Department of Justice. Access to this information is limited to the employee's supervisor(s) OR individuals authorized by

the supervisor(s) 3. EFFECTS OF NON-DISCLOSURE. Submission of this data is VOLUNTARY. If the data is not submitted, supervisory personnel may have difficulty locating employees to inform them of emergency work situations.

TELEPHONE NUMBER	13. AREA CODE	14. SEVEN DIGIT NUMBER	15. EXTENSION (if any)	TO BE COMPLETED BY PERSONNEL OFFICE	
				16. LOCATION CODE OF RESIDENCE	

17. MAY THE CURRENT RESIDENCE AND TELEPHONE NUMBER BE USED TO CONTACT YOU ON MATTERS RELATING TO YOUR EMPLOYMENT WITH THE DEPARTMENT OF JUSTICE?  YES  NO

**WASHINGTON, DC METROPOLITAN AREA EMPLOYEES ONLY—COMMUTER CLUB (CARPOOL) INFORMATION**

**PRIVACY ACT STATEMENT** 1. AUTHORITY: There is no statutory authority for the use of this information to enroll Department of Justice employees in the Commuter Club. The Commuter Club is sponsored and operated by the Metropolitan Washington Council of Governments and the Metropolitan Washington Board of Trade. Information necessary for Commuter Club membership is supplied on a VOLUNTARY basis by each employee. 2. PURPOSE AND USE: To supply employees with a list of persons who live in close proximity to them for carpooling purposes. VOLUNTARILY joining the Commuter Club will result in the employee's name, home address, employer (agency), office address, office telephone number, and approximate working

hours (Form DOJ-233, Employee Locator items 4, 7, 8, 9, 10, 11, 12, 36, 37, 38, 40, 41, 42, 43, 47 and 48) being sent to the Commuter Club's automated data processing system. The Commuter Club will supply employee name, employer (agency), and office telephone number (Form DOJ-233, Employee Locator items 4, 36, 47, and 48) to other Commuter Club members for carpooling purposes. 3. EFFECTS OF NON-DISCLOSURE. Disclosure of this information is VOLUNTARY. Failure to disclose will result in employee not becoming a member of the Commuter Club and therefore, no employee information will be sent to the Club.

18. WASHINGTON, DC METROPOLITAN AREA EMPLOYEES ONLY

(If you are not interested in the Commuter Club, skip this question.)

Y  Yes—I wish to join the Commuter Club.  
 N  Remove my name and personnel information from the Commuter Club.  
 R  Report (request)—I am a Commuter Club member and want an updated carpool report listing.

**EMERGENCY LOCATOR INFORMATION**

**PRIVACY ACT STATEMENT. EMERGENCY LOCATOR** 1. AUTHORITY: 5 U.S.C. Sections 301 and 7901. 2. PURPOSE AND USE: To obtain emergency treatment or to notify friends or family

in the event of employee injury or illness 3. EFFECTS OF NON-DISCLOSURE. Submission of this data is VOLUNTARY and solely for the employee's safety and convenience.

L2	PERSON TO BE NOTIFIED IN EVENT OF EMERGENCY			L3	NAME OF PERSONAL PHYSICIAN						
19. NAME	20. RELATIONSHIP			28. NAME							
21. STREET ADDRESS				29. STREET ADDRESS							
22. CITY		23. STATE OR COUNTRY		24. ZIP CODE		30. CITY		31. STATE OR COUNTRY		32. ZIP CODE	
TELEPHONE NUMBER	25. AREA CODE	26. SEVEN DIGIT NUMBER	27. EXTENSION (if any)	TELEPHONE NUMBER	33. AREA CODE	34. SEVEN DIGIT NUMBER	35. EXTENSION (if any)				

**OFFICE ADDRESS (Completed by Administrative Officer)**

36. ORGANIZATION NAME

37. BUILDING NAME (if any)

38. ROOM NUMBER

39. STREET ADDRESS

40. CITY

41. COUNTY OR FOREIGN COUNTRY

42. STATE

43. ZIP CODE

L4	TELEPHONE NUMBER	46. AREA CODE		47. SEVEN DIGIT NUMBER		48. EXTENSION (if any)	
		FTS <input type="checkbox"/> YES <input type="checkbox"/> NO IF NON FTS, LIST AREA CODE					
TO BE COMPLETED BY PERSONNEL OFFICE				52. BUILDING CODE		53. ROOM NUMBER	

Dear \_\_\_\_\_:

I thought that you might like to know that your letter of \_\_\_\_\_ re: \_\_\_\_\_ has been received. This matter has been assigned Control No. \_\_\_\_\_ and has been referred to the \_\_\_\_\_ Unit of the Executive Office for United States Attorneys. If you have any questions concerning this matter please contact me at 633-1020.

Sincerely,

Theresa Bertucci  
Chief, Communications Center  
Office of the Director

Dated: \_\_\_\_\_

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Self-identification of Medical Disability

Last Name	Birth Date (Mo./Yr.)	Social Security Number
-----------	----------------------	------------------------

ENTER CODE HERE

**DEFINITION OF A REPORTABLE DISABILITY:** A physical or mental disability is NOT determined by a person's ability to perform his or her work but by a disability, or a history of such disability, which is likely to cause the employee to experience difficulty in obtaining, maintaining or advancing in employment. This does not apply solely to an employee's current position, but applies to the total career life cycle of that employee. *(In the case of multiple disabilities, choose the code which describes the impairment that would most likely result in such difficulties.)*

**GENERAL CODES**

I do not wish to have my disability status officially recorded outside my medical records. <i>(Before using this code, please read the reverse side of this form, which explains the need for obtaining this information. [Note your agency may use this code if, in their judgement you have used an incorrect code.]</i>	01
I have no disability of the types listed in the codes below	04

**SPEECH IMPAIRMENTS**

Severe speech malfunction or inability to speak, hearing is normal *(Examples: defects of articulation [unclear language sounds], stuttering; aphasia [impaired language function]; laryngectomy [removal of the "voice box"])*.

HEARING IMPAIRMENTS	Code	Description	Code
Hard of hearing <i>(Total deafness in one ear or inability to hear ordinary conversation, correctable with a hearing aid)</i>	15	Total deafness in both ears, with understandable speech	16
		Total deafness in both ears, and unable to speak clearly	17

**VISION IMPAIRMENTS**

Ability to read ordinary size print with glasses, but with loss of peripheral (side) vision <i>(Restriction of the visual field to the extent that mobility is affected - "Tunnel vision")</i>	22	Inability to read ordinary size print, not correctable by glasses <i>(can read oversized print or use assisting devices such as glass or projector modifier)</i>	23
		Blind in one eye	24
		Blind in both eyes <i>(No usable vision, but may have some light perception)</i>	25

**MISSING EXTREMITIES**

Code	Description	Code	Description	Code
One hand	27	One leg	32	One hand or arm and one foot or leg
One arm	28	Both hands or arms	33	One hand or arm and both feet or legs
One foot	29	Both feet or legs	34	Both hands or arms and one foot or leg
				Both hands or arms and both feet or legs

**NONPARALYTIC ORTHOPEDIC IMPAIRMENTS**

*(Because of chronic pain, stiffness, or weakness in bones or joints, there is some loss of ability to move or use a part or parts of the body.)*

One or both hands	44	One or both arms	46
One or both feet	45	One or both legs	47
		Hip or pelvis	48
		Back	49
		Any combination of two or more parts of the body	57

**PARTIAL PARALYSIS**

*(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is some loss of ability to move or use a part of the body, including legs, arms, and/or trunk.)*

One hand	61	One leg, any part	63
One arm, any part	62	Both hands	64
		Both legs, any part	65
		Both arms, any part	66
		One side of body, including one arm and one leg	67
		Three or more major parts of the body <i>(arms and legs)</i>	68

**COMPLETE PARALYSIS**

*(Because of a brain, nerve, or muscle problem, including palsy and cerebral palsy, there is complete loss of ability to move or use a part of the body, including legs, arms and/or trunk.)*

One hand	70	Both arms	73
Both hands	71	One leg	74
One arm	72	Both legs	75
		Lower half of body, including legs	76
		One side of body, including one arm and one leg	77
		Three or more major parts of the body <i>(arms and legs)</i>	78

**OTHER IMPAIRMENTS**

Heart disease with no restriction or limitation of activity <i>(History of heart problems with complete recovery)</i>	80	Mental retardation <i>(A chronic and lifelong condition involving a limited ability to learn, to be educated, and to be trained for useful productive employment as certified by a State Vocational Rehabilitation agency under section 213.3102(t) of scheduled A)</i>	90
Heart disease with restriction or limitation of activity	81		
Convulsive disorder <i>(e.g., epilepsy)</i>	82		
Blood diseases <i>(e.g., sickle cell disease, leukemia, hemophilia)</i>	83		
Controlled diabetes with no restriction of activity	84	Mental or emotional illness <i>(A history of treatment for mental or emotional problems)</i>	91
Diabetes with limitation of activity due to complications such as retinitis, neuritis, etc.	85		
Pulmonary or respiratory disorders <i>(e.g., tuberculosis, emphysema, asthma, etc.)</i>	86	Severe distortion of limbs and/or spine <i>(e.g., dwarfism, kyphosis [severe distortion of back], etc.)</i>	92
Kidney dysfunctioning <i>(e.g., if dialysis [use of an artificial kidney machine] is required, etc.)</i>	87		
Cancer - a history of cancer with complete recovery	88	Disfigurement of face, hands, or feet <i>(e.g., distortion of features on skin, such as those caused by burns, gunshot injuries, and birth defects [gross facial birth marks, club feet, etc.]</i>	93
Cancer - undergoing surgical and/or medical treatment	89		

The Rehabilitation Act of 1973 (P.L. 93-112) requires each agency in the Executive branch of the Federal Government to establish definite programs that will facilitate the hiring, placement, and advancement of handicapped individuals. The best means of determining agency progress in this respect is through the production of reports at certain intervals showing such things as the number of handicapped employees hired, promoted, trained, or reassigned over a given time period; the percentage of handicapped employees in the work force and in various grades and occupations; etc. Such reports bring to the attention of agency top management, the Civil Service Commission, and the Congress deficiencies within specific agencies or the Federal Government as a whole in the hiring, placement, and/or advancement of handicapped individuals, and therefore are the essential first step in improving these conditions and consequently meeting the requirements of the Rehabilitation Act.

The handicap data collected on employees will be used only in the production of reports such as those previously mentioned, and not for any purpose that will affect them individually. In addition, every precaution will be taken to ensure that the information provided by each employee is kept in the strictest confidence and is known only to the employee and the one or two individuals in the agency Personnel Office who obtain and record the information for entry into the agency's and the Commission's personnel systems. You should also be aware that participation in the new reporting system is entirely voluntary, and that no employees will be required to identify their handicap status if they feel for any reason it is not in their best interest to have this information officially recorded outside of their medical records. We request only that anyone not wishing to have this information entered in the agency's and the Commission's personnel systems indicate this to their Personnel Office, rather than intentionally miscoding themselves, since false responses will seriously damage the statistical value of the new reporting system.

*[In those instances where the employee is or was hired under Schedule A 213.3102(t) (Mental Retardation), the Personnel Director, their designee, (a Vocational Rehabilitation counselor may also be helpful) will assist the individual in completing this form, and ensure that they fully understand the meaning of the form and the options available to them.]*

Employees will be given every opportunity to ensure that the handicap code carried in their agency's and the Commission's personnel system is accurate and is kept current. They may exercise this opportunity by asking their Personnel Office to see a printout of the code and definition from their record, by notifying Personnel any time their handicap status changes, and by initiating action in either of these cases to have the necessary change made to their records. The code carried on employees in their agency's system will be identical to that carried in the Commission's system, and any changes to the agency records will result in the same change being made to the Commission's records.

Your cooperation and assistance in establishing and maintaining an accurate and up-to-date handicap report system is sincerely appreciated.

Privacy Act Notice:

Collection of the requested information is authorized by the Rehabilitation Act of 1973 (P.L. 93-112), but you are not required to supply the information. Any information you furnish will be used only for the purpose of producing statistical reports to show agency progress in hiring, placement, and advancement of handicapped individuals. The reports will be used to inform agency top management, the Civil Service Commission, the Congress, and the Public of the status of programs for employment of the handicapped. There will be no consequence to you whether or not you furnish the information since it will not be used in any determination that affects you individually. Furthermore, all of the reports mentioned above will be in the form of aggregate totals and will not identify you in any way as an individual.

<b>APPLICANT</b>		LEAVE BLANK		TYPE OR PRINT ALL INFORMATION IN BLACK						FBI LEAVE BLANK	
				LAST NAME <u>NAM</u>		FIRST NAME		MIDDLE NAME			
SIGNATURE OF PERSON FINGERPRINTED				ALIASES <u>AKA</u>		O R I D E N T I F I C A T I O N N U M B E R  <u>USE005ADZ</u> <u>EXECUTIVE OFF</u> <u>US ATTY</u> <u>WASH, DC</u>		DATE OF BIRTH <u>DOB</u>			
RESIDENCE OF PERSON FINGERPRINTED								Month Day Year			
				CITIZENSHIP <u>CTZ</u>		SEX		RACE		HGT	
						WGT		EYES		HAIR	
DATE		SIGNATURE OF OFFICIAL TAKING FINGERPRINTS		TOUR NO. <u>OCA</u>		LEAVE BLANK					
EMPLOYER AND ADDRESS				FBI NO. <u>FBI</u>		CLASS _____					
				ARMED FORCES NO. <u>MNU</u>		SER. _____					
REASON FINGERPRINTED				SOCIAL SECURITY NO. <u>SOC</u>							
				MISCELLANEOUS NO. <u>MNU</u>							

1. R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE			
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE			
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB		R. THUMB		RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

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APPLICANT

LEAVE BLANK

TYPE OR PRINT ALL INFORMATION IN BLACK  
LAST NAME NAM FIRST NAME MIDDLE NAME

FBI LEAVE BLANK

SIGNATURE OF PERSON FINGERPRINTED

ALIASES AKA

O  
R  
I

USDAGOLAZ  
DEP ATTY GEN  
WASHINGTON, DC

DATE OF BIRTH DOB  
Month Day Year

RESIDENCE OF PERSON FINGERPRINTED

CITIZENSHIP CTZ

SEX

RACE

HGT.

WGT.

EYES

HAIR

PLACE OF BIRTH POB

DATE

SIGNATURE OF OFFICIAL TAKING FINGERPRINTS

YOUR NO. OCA

LEAVE BLANK

EMPLOYER AND ADDRESS

FBI NO. FBI

CLASS

ARMED FORCES NO. MNU

REP.

REASON FINGERPRINTED

SOCIAL SECURITY NO. SOC

MISCELLANEOUS NO. MNU

1. R. THUMB

2. R. INDEX

3. R. MIDDLE

4. R. RING

5. R. LITTLE

6. L. THUMB

7. L. INDEX

8. L. MIDDLE

9. L. RING

10. L. LITTLE

LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY

L. THUMB

R. THUMB

RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY

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**CLAIM FOR REIMBURSEMENT OF SUBSISTENCE EXPENSES  
WHILE OCCUPYING TEMPORARY QUARTERS**

NAME OF EMPLOYEE	ORGANIZATION	EMPLOYEE'S SOCIAL SECURITY NO.
TRAVEL AUTHORIZATION NUMBER & DATE	DATE SERVICE AGREEMENT SIGNED	DATE REPORTED AT NEW OFFICIAL STATION

**SUMMARY OF REIMBURSEMENT CLAIMED**

10-DAY PERIOD	INCLUSIVE DATES	PER DIEM RATE		MAXIMUM TOTAL ALLOWANCE	ACTUAL ALLOWABLE EXPENSES	AMOUNT CLAIMED	
		EMPLOYEE	IMMEDIATE FAMILY				
			NO. OF PERSONS				RATE
FIRST		\$		\$	\$	\$	
SECOND							
THIRD							
<b>TOTAL</b>				\$	\$	\$	

**PERSONS AND PERIOD COVERED BY CLAIM**

NAME (List employee on first line)	RELATIONSHIP TO EMPLOYEE	TEMPORARY SUBSISTENCE PERIOD				LOCATION OF TEMPORARY QUARTERS (City and State)
		BEGINNING		ENDING		
		DATE	HOUR	DATE	HOUR	

**DAILY EXPENSES**

Attach receipts for lodging, laundry, and drycleaning, except when coin-operated laundry or drycleaning facilities are used. In lieu of receipts for use of coin-operated facilities, itemize such expenses in "Remarks" on reverse.

DATE	COST OF MEALS					COST OF GROCERIES	COST OF LAUNDRY & DRYCLEANING	COST OF LODGING	TOTAL EXPENSES FOR DAY
	BREAK-FAST	LUNCH	DINNER	FEES & TIPS	TOTAL				
	\$	\$	\$	\$	\$	\$	\$	\$	\$



DEPARTMENT OF JUSTICE  
TIME AND ATTENDANCE REPORT

EMPLOYEE'S PHONE NUMBER BLDG NO ROOM NO PHONE NUMBER BLDG NO ROOM NO ORGANIZATION CODE DESIG AGENT

SOCIAL SECURITY NUMBER NAME LAST FIRST PAY PERIOD NO ENDING DATE 1 CHG CODE 1 Change Codes: 0 - Initial, 1 - Final, 5 - Amended. DAYS IN PAY STATUS 2 FLSA CODE 2 FLSA Codes: 0 or 1 - Exempt, 2 - Non Exempt Reg Low Entry, 3 - Non Exempt Low Entry. WORK WEEK HOURS OF DUTY TIMEKEEPER'S PHONE NUMBER

Table with columns for LEAVE RECORD, FLSA CODE 2 ONLY, FIRST WEEK, SECOND WEEK, BI-WEEKLY TOTALS, ACCOUNTING CLASSIFICATION, and ADDITIONAL OBJECT CLASS. Includes rows for Annual, Sick, Comp, Home, Other, LWOP, AWOL, Military Leave, Record Training, Record Patrol, etc.

TIMEKEEPER'S INITIALS LAST PP TOTAL HOURS FIRST WEEK TOTAL HOURS CLOCK HOURS ABSENT OR PREMIUM PAY REMARKS (Continue on reverse if necessary)

Signature of Supervisor (NOT INITIALS) (This block MUST be completed for all T & A's) Certified that all hours are correct and that all overtime, night differential, holiday and Sunday time worked were approved according to law.



UNITED STATES CIVIL SERVICE COMMISSION

AUTHORITY FOR RELEASE OF INFORMATION

To Whom It May Concern

I hereby authorize any Investigator or duly accredited representative of the United States Civil Service Commission bearing this release, or a copy thereof, within one year of its date, to obtain any information from schools, residential management agents, employers, criminal justice agencies, or individuals, relating to my activities. This information may include, but is not limited to, academic, residential, achievement, performance, attendance, personal history, disciplinary, arrest, and conviction records. I hereby direct you to release such information upon request of the bearer. I understand that the information released is for official use by the Commission and may be disclosed to such third parties as necessary in the fulfillment of official responsibilities.

I hereby release any individual, including record custodians, from any and all liability for damages of whatever kind or nature which may at any time result to me on account of compliance, or any attempts to comply, with this authorization. Should there be any question as to the validity of this release, you may contact me as indicated below.

Signature (Full Name): \_\_\_\_\_

Full Name: \_\_\_\_\_

Other Names Used: \_\_\_\_\_

Parent or Guardian: (If required) \_\_\_\_\_

Date: \_\_\_\_\_

Current Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

1984 USAM (superseded)

PRIVACY ACT NOTICE

Authority for Collecting Information

E.O. 10450; 5 USC 1303-1305; 42 USC 2165 and 2455; 22 USC 2585 and 2519; and 5 USC 3301.

Purposes and Uses

Information provided on this form will be furnished to individuals in order to obtain information regarding your activities in connection with an investigation to determine (1) fitness for Federal employment, (2) clearance to perform contractual service for the Federal government, (3) security clearance or access. The information obtained may be furnished to third parties as necessary in the fulfillment of official responsibilities.

Effects of Nondisclosures

Furnishing the requested information is voluntary, but failure to provide all or part of the information may result in a lack of further consideration for employment, clearance or access, or in the termination of your employment.





**DEPARTMENT OF JUSTICE  
INDIVIDUAL FIRST-LEVEL SUPERVISORY TRAINING RECORD**

**Planning, Documentation and Evaluation  
(SEE INSTRUCTIONS ON REVERSE)**

1. NAME	2. POSITION TITLE
---------	-------------------

3. DATE ENTERED POSITION	4. OPERATING UNIT, SUBUNIT
--------------------------	----------------------------

**PRE-ENTRY TRAINING COMPLETED**

5. COURSE TITLE AND SOURCE OR EQUIVALENT	6. PROGRAM CONTENT	7. HOURS	8. DATE COMPLETED

- 80 hour requirement for supervisory training fulfilled
- \_\_\_\_\_ hours required to fulfill requirement
- specialized training required

**PLANNED POST-ENTRY TRAINING**

9. COURSE TITLE AND SOURCE OR EQUIVALENT	10. PROGRAM CONTENT	11. HOURS	12. TARGET DATE	13. DATE REQUIREMENT MET	14. REMARKS

15. DATE PLAN PREPARED	16. APPROVAL SIGNATURES A. _____ B. _____	17. EMPLOYEE'S SIGNATURE
------------------------	-------------------------------------------------	--------------------------

18. DATE PROGRAM COMPLETED	19. PERSONNEL OFFICE REPRESENTATIVE
----------------------------	-------------------------------------

**REQUIRED PROGRAM CONTENT (Check when completed):**

- |                                                                                     |                                                                 |                                                                            |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------|
| <input type="checkbox"/> a. Personnel Policy, Practices and Procedures              | <input type="checkbox"/> e. Work Planning and Productivity      | <input type="checkbox"/> h. Problem-solving and Decision-making Techniques |
| <input type="checkbox"/> b. Supervisory Responsibilities                            | <input type="checkbox"/> f. Supervision and Management Theories | <input type="checkbox"/> i. Performance Appraisal and Evaluation Methods   |
| <input type="checkbox"/> c. Communicative Processes in Management                   | <input type="checkbox"/> g. Concepts of Organization            | <input type="checkbox"/> j. Learning Theory and Training Techniques        |
| <input type="checkbox"/> d. Human Behavior, Motivation, Interpersonal Relationships |                                                                 |                                                                            |

## INSTRUCTIONS FOR USE OF THIS FORM

(Prepare an original and three (3) copies)

This form is for recording the new first-level supervisor's required training program. It shall be prepared by the immediate supervisor before or within one month after the new supervisor enters on the job and shall outline a Post-Entry Training Plan developed in consultation with the new supervisor. Both employees will then sign the form which will be referred to the Employee Development Officer for his review and approval. When completed and placed in the employee's personnel folder it will serve to document: (1) the determination made concerning training needs, (2) the basis for the determination, (3) the training provided to meet those needs, and (4) if training given is less than 80 hours, the basis for the lesser amount.

It is designed to fulfill the supervisory training documentation of Order DOJ 1410 1B. Only formal training, i.e., off-the-job training which is a part of a

planned, prepared, and coordinated program should be recorded. This may include formalized in-service group correspondence or programmed instructional training and appropriate Departmental, interagency, or non-Government courses.

Copy 2 of this form shall be placed on the left side of the employee's Official Personnel Folder. Copy 3 should be given to the employee at the time the Post-Entry Training Plan is prepared. The original -copy 1- should be retained by the appropriate official (normally the Employee Development Officer) to be used as a work copy for coordinating and recording the employee's progress under the Post-Entry Training Plan. When the required training is completed, the original should be placed on the right side of the Official Personnel Folder, and copy 2 should be destroyed. Copy 4 should be retained by the trainee's supervisor.

## INSTRUCTIONS FOR NUMBERED ITEMS

1. Employee's first, middle (initial), and last name.
2. Employee's first-level supervisory position title.
3. Date employee will enter (entered) first-level supervisory position.
4. Agency organizational unit in which employee will work at a first-level supervisor.
5. Title(s) of course(s) previously completed and organization which provided the training i.e., CSC, USDA, Agency, University, etc.
6. Program content of training by subject matter by code i.e., 'b' (Supervisory Responsibilities), 'j' (Learning Theory).
7. Hours of instruction in the course devoted to the 10 subject areas in the Required Program Content.
8. Date course was completed.
9. Title of courses employee will participate in to complete the required 80 hours of supervisory training.
10. See instruction No. 7.
11. See instruction No. 8.
12. Target date for completion of course.
13. Date course completed.
14. Note changes subsequently made in planned training, etc.
15. Date that post-entry training plan is prepared.
16. A. Signature of Immediate Supervisor.  
B. Signature of Employee Development Officer.
17. Employee's signature indicating agreement with the pre-entry training evaluation and the post-entry training planned.
18. Date the required 80 hours of supervisory training is completed.
19. Signature of responsible official (normally the Employee Development Officer) certifying completion of the required 80 hours of supervisory training.

REQUIRED PROGRAM CONTENT: Check applicable blocks when employee has received adequate initial training in required subject areas.

**DEPARTMENT OF JUSTICE  
REQUEST FOR RESTORATION OF FORFEITED ANNUAL LEAVE**

(PRINT OR TYPE ALL INFORMATION)

PRIVACY ACT STATEMENT SOCIAL SECURITY NUMBER - 1. AUTHORITY: Executive Order 9397 dated November 22, 1943 2. PURPOSE AND USE: The Social Security Number (SSN) is used as a unique identifier for matching leave request records to records in personnel and payroll files. Use of the SSN assures correct identification of records for employees with the same name. 3. EFFECT OF NON-DISCLOSURE: Disclosure of the SSN is MANDATORY. Failure to provide it will result in your request not being processed.

<b>SOCIAL SECURITY NUMBER</b>	<b>EMPLOYEE NAME</b>		
<b>BUREAU, OFFICE, ACTIVITY ORGANIZATION CODE</b>	<b>NAME OF ORGANIZATION</b>	<b>CITY</b>	<b>STATE</b>
<b>LEAVE YEAR ANNUAL LEAVE FORFEITED</b>	<b>HOURS ANNUAL LEAVE CEILING</b>	<b>HOURS ANNUAL LEAVE BALANCE</b>	<b>HOURS ANNUAL LEAVE FORFEITED</b>

**SUPPORTING DATA**

**ANNUAL LEAVE APPROVED, SCHEDULED, AND FORFEITED**

DATES APPROVED	DATES SCHEDULED		
	FROM	TO	HOURS

**I WAS UNABLE TO TAKE THIS LEAVE FOR THE FOLLOWING REASON(S):**

1. Unforeseen demands of work between the dates indicated below caused the cancellation of regularly scheduled annual leave, which could not be rescheduled and used prior to the end of the leave year.

**EXPLANATION (Use additional sheets as necessary).**

2. Sick leave taken precluded the use of scheduled annual leave and it was not possible to reschedule and use the leave before the end of the leave year.

DATES OF SICKNESS		
FROM	TO	HOURS

3. An administrative error, causing incorrect leave accrual since (not earlier than June 30, 1960) \_\_\_\_\_ resulted in my eventual forfeiture of \_\_\_\_\_ hours of annual leave. This error was discovered on \_\_\_\_\_.

**LEAVE YEAR  
ANNUAL LEAVE  
FORFEITED**

<b>EMPLOYEE SIGNATURE</b>	<b>DATE</b>
---------------------------	-------------

**SUPERVISOR'S CERTIFICATION AND HEAD OF ACTIVITY AUTHORIZATION FOR RESTORATION ON REVERSE SIDE**



**CERTIFICATION BY THE SUPERVISOR**

I certify the following:

The annual leave hours in excess of the maximum permissible were forfeited at the end of the leave year and were the result of the detailed reason(s) claimed by the employee. Any correction(s) or adjustment(s) are included in comments below and have been considered in excess annual leave hours certified.

Employee \_\_\_\_\_

Soc. Sec. No. \_\_\_\_\_

Forfeited Annual Leave Hours \_\_\_\_\_

Employee returned to duty from illness \_\_\_\_\_  
Month Day Year

or

Exigency ended \_\_\_\_\_  
Month Day Year

COMMENTS (Use additional sheets as necessary).

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SIGNATURE	TITLE	DATE

**AUTHORIZATION FOR RESTORATION BY DESIGNATED OFFICIAL OF BUREAU, OFFICE, OR ACTIVITY**

Restoration of forfeited annual leave hours as certified by his/her supervisor is authorized for \_\_\_\_\_  
\_\_\_\_\_ in accordance with Public Law 93-181 and Department policy.

SIGNATURE	TITLE	DATE

DEPARTMENT OF JUSTICE  
COPYING/DUPLICATING INVENTORY

NEGATIVE REPORT

INSTRUCTIONS Completed form to be forwarded within 30 days of close of reporting period, via appropriate Administrative Office.

REPORTING OFFICE	ADDRESS	REPORTING PERIOD FROM TO
------------------	---------	--------------------------------

BUILDING ROOM	MANUFACTURER	MODEL NAME/NUMBER	ACCESSORIES <i>(Include number of sorter bins)</i>	DATE INSTALLED	BILLING PLAN	MONTHLY VOLUME

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**DEPARTMENT OF JUSTICE  
CONSENT TO RELEASE INFORMATION FOR AWARD CONSIDERATION**

You have been nominated for an award sponsored by an external non-federal organization. The information contained in the nomination is required by the organization in its nominating procedures for award consideration. The Department of Justice is prohibited from releasing this information without your consent. The sponsoring organization has informed this office that without this information they will eliminate you from further consideration for this particular award. This information will only be disseminated to the organization listed below. Copies of your nomination and any endorsements are available for review by you in your servicing Personnel Office.

---

**RELEASE OF INFORMATION STATEMENT:**

I hereby give my consent for the release of the personal information contained in my nomination for the \_\_\_\_\_  
award to the sponsoring organization for award consideration.

---

**Date**

**Signature**

<b>GRAPHICS SERVICES REQUISITION</b>			REQUISITION NO. GRAPHICS SERVICES USE ONLY	
ORIGINATOR (Name, room, building, est.)		DIVISION	DATE	
		SIGNATURE AUTHORIZING OFFICIAL		
APPROPRIATION	DOCUMENT CONTROL NUMBER	CODE	COST	
			ESTIMATED	FINAL

DESCRIPTION OF SERVICES REQUIRED

- |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Forms Design<br><input type="checkbox"/> Flip Charts<br><input type="checkbox"/> Maps<br><input type="checkbox"/> Graphics<br><input type="checkbox"/> Charts<br><input type="checkbox"/> Illustrations | <input type="checkbox"/> Typography and Design (Covers and Contents, Publications, etc.)<br><input type="checkbox"/> Exhibits<br><input type="checkbox"/> Court Presentations<br><input type="checkbox"/> Training Aids<br><input type="checkbox"/> Vu Graphs<br><input type="checkbox"/> 35 mm Slides | <input type="checkbox"/> Mastheads (Letters, Newspapers)<br><input type="checkbox"/> Posters<br><input type="checkbox"/> Engrossing Certificates<br><input type="checkbox"/> Plans and Schematics<br><input type="checkbox"/> Other - |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PAGES ATTACHED	NO. COPIES	SIZE	MATERIAL
REQUIRED DATE OF DELIVERY	OVERTIME AUTHORIZED		
	YES <input type="checkbox"/>		NO <input type="checkbox"/>

GRAPHICS SERVICES USE ONLY

CONSULTATION	DATE COMPLETED	NO. HOURS	
		REGULAR	OVERTIME
ASSIGNED TO:	DATE COMPLETED	REGULAR	OVERTIME
ASSIGNED TO:	DATE COMPLETED	REGULAR	OVERTIME
ASSIGNED TO:	DATE COMPLETED	REGULAR	OVERTIME

REMARKS



**REQUEST FOR COPYING/DUPLICATING EQUIPMENT**

**To:** Information and Communications  
 Systems Staff  
 Justice Publications Service  
 10th & Pennsylvania Ave., NW  
 Room B-244  
 Washington, D.C. 20350

**From:**

**Thru: Region**

- \_\_\_\_\_  
 Signature
- Approve  
 Disapprove

**Thru: Headquarters**

- \_\_\_\_\_  
 Signature
- Approve  
 Disapprove

Procurement of the copying/duplicating equipment described below has been

- Approved  
 Disapproved by Justice Publications Service

\_\_\_\_\_  
 Signature/Title

\_\_\_\_\_  
 Date

Reasons for Disapproval:

**Proposed Equipment**

1. Make and Model
2. Accessories: (Cost, Month) \$ \_\_\_\_\_
3. Proposed Rental Plan: (Annual, Monthly) (If purchase: cost)
4. Anticipated Monthly Volume:
- 5a. Rental Cost/Month: \$ \_\_\_\_\_
- b. Estimated Supply Cost/Month: \$ \_\_\_\_\_
- c. Total Cost/Month: \$ \_\_\_\_\_
6. Special Application Required: (Two sided copying, reduction, collating, etc.)
7. Exact Location for Proposed Equipment: (Building and Room Number)
8. Any less costly equipment considered and reasons for rejection:
9. Distance to vendor's nearest service point (miles):
10. Electrical requirements: (110V, 220V)

11. Savings in dollars and manhours with proposed equipment:

12. Maintenance Cost (Annual) Purchase Only:

\$ \_\_\_\_\_

13. Additional Justification: (Attach additional justification if necessary)

**Present Equipment**

1. Make and Model:

2. Accessories (Cost/Month):

\$ \_\_\_\_\_

3. Rental Plan (Annual, Monthly):

4a. Average Rental Cost/Month:

\$ \_\_\_\_\_

b. Average Supply Cost/Month:

\$ \_\_\_\_\_

c. Average Total Cost/Month:

\$ \_\_\_\_\_

5. Monthly Volume (6 month average)

6. Special Application Requirements:

7. If Purchased Give:

a. Age

b. Maintenance Cost (Annual)

c. Trade-in value or proposed disposition:

\$ \_\_\_\_\_

8. Problems encountered with present equipment, if any: (Explain)

9. Location of Present Equipment: (Building Room Number)

10. Other copying/duplicating facilities (GSA, COE, GPO) available to provide service:









## INSTRUCTIONS

CAREFULLY READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE APPLICATION FORM, KEEPING IN MIND THAT THE ACTIVITY COMPLETING AND SUBMITTING THE FORM SHOULD ALSO BE THE ULTIMATE USER OF THE REQUESTED PUBLICATIONS.

THESE INSTRUCTIONS ARE DIRECTED PRIMARILY TO THOSE ACTIVITIES COMPLETING THE INITIAL APPLICATION; HOWEVER, THE APPLICATION FORM DOES COVER ALL CONDITIONS FOR CHANGES, ADDITIONS, AND DELETIONS.

1. In Block 1, print or type your department/agency or government entity title, bureau or office activity within your parent organization, post office box or street address, and city, state, and zip code. Do not use the names of individuals. Your complete address must not exceed four lines. If you are making a change to your present record, enter your assigned 12 digit identification number.

2. In Block 2, indicate your type of organization and activity by placing an "X" in the appropriate box. (For instance, the Department of Agriculture Purchasing Office in Washington, D.C., would be designated as a civilian activity, domestic supply operation; therefore, the "03" box would be marked).

3. In Block 3, place an "X" in the appropriate box which describes the reason for submission of this form. If your agency name and address is being changed or deleted, please attach, in Block 4, the mailing label used to distribute the FSS publication to your current address.

4. In Block 5, enter the name, title, and complete telephone number of the person authorized to request FSS publications. Sign and date the application.

5. Do not make entries in that portion of the form identified "FOR GSA USE ONLY."

6. In Sections I through IV, new applicants should leave the Star (\*) Column blank. If other than new applicant, please enter the appropriate designation for the action to be taken; that is, "A" for ADD, "C" for CHANGE, and "D" for DELETE. A separate designation must appear with each listed change.

7. SECTION I—Informational Publications. To establish your requirements for the listed publications, enter an "X" in the appropriate GSA regional box(es) and specify the number of copies required in the "Number of Copies" column. Do not make an entry in the "Mailing List Code" column.

8. SECTION II—National and Regional Publications. To establish your requirements for National and Regional publications, refer to page iii of the GSA Supply Catalog (or the enclosed extracted pages). Enter the Mailing List Code and the required number of copies for each publication desired. For instance, if you want two copies of the GSA Supply Catalog, list OSSC-0001 and 2 in the appropriate columns.

9. SECTION III—National and Regional Federal Supply Schedules and Contractors' Catalogs. To establish your requirements for National and Regional Federal Supply Schedules and the corresponding Contractor Catalogs, refer to Section 3 of the GSA Supply Catalog (or the enclosed extracted pages). Enter the Mailing List Code and required number of copies for each publication. DO NOT ENTER FSC (FEDERAL SUPPLY CLASSIFICATION) CLASS OR GROUP NUMBERS! Make sure Mailing List Codes entered in Section III of this form are in ascending numerical sequence, using the last four digits of the code. Note: Contractor Catalogs, brochures and price lists are not stocked by the Centralized Mailing Lists Services, Denver, CO. However, if you have entered the contractor catalog mailing list codes in Section III, you will automatically receive the publication when it is issued by the contractor for the next contract period. To receive catalogs for the current contract period, you must contact the contractor directly. If the contractor fails to send you his catalog, call the GSA contracting office at the phone number listed on page two (2) of the appropriate Federal Supply Schedule.

10. SECTION IV—National and Regional Term Contracts. To establish your requirements for National and Regional Term Contracts, refer to Section 4 of the GSA Supply Catalog (or the enclosed extracted pages). Enter the Mailing List Code and required number of copies for each publication. DO NOT ENTER FSC (FEDERAL SUPPLY CLASSIFICATION) CLASS OR GROUP NUMBERS! Make sure Mailing List Codes entered in Section IV of this form are in ascending numerical sequence, using the last four digits of the code.

11. If you are a new applicant, four GSA Forms 457 have been enclosed. Complete your requirements in duplicate, submit the original to the Centralized Mailing Lists Services (address at upper left corner, page 1), and retain the second copy for your records. The remaining two copies are for future use in submitting changes, additions, or deletions. Additional copies of GSA Forms 457 may be obtained by written request to the General Services Administration, Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225, or by calling an FTS 303-234-4195.

POSITION TYPE  
 SUPERVISORY     OFFICIAL  
 NONSUPERVISORY     UNOFFICIAL

RATING PERIOD

FROM: \_\_\_\_\_  
 TO: \_\_\_\_\_

READ ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM

NAME OF ATTORNEY		SOCIAL SECURITY NUMBER	INDIVIDUAL ELEMENT RATING <i>(Place an "X" in appropriate column)</i>					
POSITION TITLE		GRADE/STEP/SALARY	UNSATISFACTORY	MINIMALLY SATISFACTORY	FULLY SUCCESSFUL	EXCELLENT	OUTSTANDING	
ORGANIZATION		DUTY STATION						
JOB ELEMENTS <i>(Place a "C" in the box below the element number to identify a CRITICAL element.)</i>		PERFORMANCE ACHIEVEMENTS <i>(Briefly summarize the Attorney's performance against the performance standards established for each element.)</i>						
1.	<input type="checkbox"/>							
2.	<input type="checkbox"/>							
3.	<input type="checkbox"/>							
4.	<input type="checkbox"/>							
5.	<input type="checkbox"/>							
6.	<input type="checkbox"/>							

*(Continued on Reverse Side)*

(Continued from Front Side)

	JOB ELEMENTS	PERFORMANCE ACHIEVEMENTS	INDIVIDUAL ELEMENT RATING					
			U	MS	FS	E	O	
7.	<input type="checkbox"/>							
8.	<input type="checkbox"/>							
9.	<input type="checkbox"/>							
10.	<input type="checkbox"/>							
11.	<input type="checkbox"/>							
12.	<input type="checkbox"/>							

**OVERALL PERFORMANCE RATING** – Please check the block which best characterizes the Attorney's overall performance during the rating cycle. Refer to instructions to insure that the rating assigned is in accord with rating level descriptions.

- UNSATISFACTORY       MINIMALLY SATISFACTORY       FULLY SUCCESSFUL       EXCELLENT       OUTSTANDING

RATING OFFICIAL (Signature and Date)

REVIEWING OFFICIAL (Signature and Date)

EMPLOYEE (Signature and Date) Acknowledges that the final rating has been received.



NEW HIRE (Circle one)

DATE OF PREPARATION: \_\_\_\_\_

PROMOTION

DEPARTMENT OF JUSTICE  
Employment Review Committee

1. NAME OF CANDIDATE SELECTED: \_\_\_\_\_

a. Position title and grade (include step) or salary (AUSAs only) proposed:

\_\_\_\_\_

b. Supervisory or non-supervisory position (circle one).

2. DIVISION/OFFICE: \_\_\_\_\_

3. SECTION/BRANCH/OTHER: \_\_\_\_\_

4. CHARACTERISTICS OF CANDIDATE: M F WH BL HISP AA AI OTHER: \_\_\_\_\_  
(Circle M or F and one other.)

5. NEW HIRE: Complete (a), (b), (c); or, PROMOTION: Complete (d) and, if waiver involved, (e) below.  
(See 7.b. below before completing (e).)

a. Number of people interviewed: (You should not generally include interviews conducted more than six months prior to date of preparation. If such are included, please note and explain.)

b. Number of people give serious consideration (beyond the interview) for this position:

c. Characteristics of attorneys hired during six months prior to date of preparation:

d. Number of people eligible for promotion, including this candidate:

e. Number of people selected for promotion (at all grades) requiring waiver of min. TIG during 12 months preceding date of preparation:

WH M	_____	_____	_____	_____	_____
WH F	_____	_____	_____	_____	_____
BL M	_____	_____	_____	_____	_____
BL F	_____	_____	_____	_____	_____
HI M	_____	_____	_____	_____	_____
HI F	_____	_____	_____	_____	_____
AA M	_____	_____	_____	_____	_____
AA F	_____	_____	_____	_____	_____
AI M	_____	_____	_____	_____	_____
AI F	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____

(Specify and indicate M or F.)

6. **NEW HIRE:** What efforts, if any, did you make to obtain applicants for *this position* and what special qualifications, if any, are necessary for this position (noted in 1.a. above). (Use additional sheet if necessary—*be specific*, do not provide general recruiting information.)
7. **PROMOTIONS ONLY:**
- a. Time in grade (or in present salary level—do not include cost of living increases for AUSA's) as of date of proposed promotion: \_\_\_\_\_ months.
  - b. Would this promotion require a waiver of the Departmental minimum in time in grade requirements? (Circle one) YES NO If the answer is YES, *complete information required in 5.a. above.*
  - c. Briefly describe the process by which *this* proposed candidate for promotion was chosen (use reverse of this page or additional sheet if necessary):
8. **STAFFING BREAKDOWN:** Complete (a) and (b) for *all* actions.

	a. DIVISION/OFFICE	b. SECTION/BRANCH/or other appropriate subdivision
Attorney Positions Authorized	_____	_____
Present staffing (as of date of preparation)	_____ (_____)	_____ (_____)
WH M	_____ (_____)	_____ (_____)
WH F	_____ (_____)	_____ (_____)
BL M	_____ (_____)	_____ (_____)
BL F	_____ (_____)	_____ (_____)
HISP M	_____ (_____)	_____ (_____)
HISP F	_____ (_____)	_____ (_____)
AA M	_____ (_____)	_____ (_____)
AA F	_____ (_____)	_____ (_____)
AI M	_____ (_____)	_____ (_____)
AI F	_____ (_____)	_____ (_____)
Other (Specify and indicate M or F)	_____ (_____)	_____ (_____)

FOR ERC STAFF USE ONLY

Reviewed by: \_\_\_\_\_

ERC STAFF COMMENTS:  
(Additional space on back for comments)

Date Reviewed: \_\_\_\_\_

DISPOSITION:

a. Date Approved by ERC: \_\_\_\_\_

b. Other: \_\_\_\_\_

## INSTRUCTIONS

1. NEW HIRES. Complete Items 1, 2, 3, 4, 5(a), 5(b), 5(c), 6, and 8.
2. PROMOTIONS. Complete Items 1, 2, 3, 4, 5(d), 5(e), 7, and 8.
3. ITEM 5a. Interviews conducted should be those that *reasonably* were conducted for this position. Although the note indicates that interviews conducted more than six months prior to the date of preparation should not be included, you are encouraged to limit the time during which interviews were conducted to a shorter period depending on the position and your recruiting cycle which you may wish to further explain in Item 6.
4. ITEM 5b. Persons to be included here should be those who were interviewed and who were then seriously considered for this position after the interview. In some cases, where serious screening occurred *for this position* before interviews were conducted, the number of persons for Items 5(a) and (b) may be the same.
5. ITEM 5c. Attorneys hired during the six months prior to the date of preparation includes all attorneys who entered on duty during that period and all attorneys who have not yet entered on duty but who have been approved for hiring by the Deputy or Associate Attorney General as of the date of preparation.
6. ITEM 5d. The number of people eligible for promotion including this candidate for promotion means the number of attorneys in the same grade as the person selected for promotion who have the same or more time in their current grade as the candidate for promotion. If some of these attorneys are also recommended for promotion, indicate in parentheses after the number eligible the number so recommended. For promotions requiring a waiver of the Departmental minimum time in grade, *also* include attorneys in the same grade who have up to four months *less* time in grade than the candidate for promotion. Example: Attorney Jones is being recommended for promotion from GS-13 to GS-14. She was promoted to GS-13 on January 1, 1978. The Departmental time in grade for promotion from GS-13 to GS-14 is two years (24 months). She is recommended to be promoted to GS-14 on January 1, 1979 (involving a waiver of one year of the Departmental time in grade). The figures for Item 5d would include all GS-13 attorneys in the office or division whose date of promotion to GS-13 was May 1, 1978, or earlier.
7. ITEMS 5c, d, and e. All figures for these three categories should reflect the entire division or office involved.
8. ITEM 8. The staffing breakdown should reflect all attorneys who are on duty as of the date of preparation. Attorneys whose employment has been approved by the Deputy or Associate Attorney General but who have not yet entered on duty should be included in the parentheses for each staffing breakdown. If the attorney recommended for hiring on this form has not been hired to fill a vacancy in a particular section or branch or if the section or branch to which the attorney will be assigned has not yet been determined, please submit the most recent staffing breakdown for *all* sections or branches with this form.

**POSITION TYPE**

- SUPERVISORY       SES  
 NONSUPERVISORY       MERIT PAY

**RATING PERIOD**

FROM: \_\_\_\_\_  
TO: \_\_\_\_\_

NAME OF EMPLOYEE		POSITION TITLE	GRADE
SOCIAL SECURITY NUMBER		ORGANIZATION (Service, Division, Branch, etc.)	DUTY STATION
<p><b>INSTRUCTIONS:</b> The rating official must complete all identifying information at the top of the form. Job elements and performance standards must be described clearly and succinctly, and in enough detail to be meaningful to a reviewing official. Critical job elements, i.e., any requirement of the job which is sufficiently important that inadequate performance of it requires remedial action, including, where applicable, denial of a within-grade increase, must be identified by placing a "C" in the box below the job element number. This form must be completed in duplicate and a copy provided to the employee. Both copies of the work plan must be annotated during the structured progress reviews to reflect progress in attaining performance standards, modifications (if any) to the job elements or performance standards and any supervisory recommendations for training, reassignment, details, etc. The supervisor and employee must sign and date the form to acknowledge that the critical and noncritical job elements and performance standards have been discussed and are understood initially and after each progress review is completed. Use an additional Form DOJ-481 to record more than six elements.</p>			
<p><b>JOB ELEMENTS</b> (Place a "C" in the box below the element number to identify a CRITICAL element.)</p>	<p><b>PERFORMANCE STANDARDS</b></p>	<p><b>PROGRESS REVIEW RESULTS/COMMENTS/RECOMMENDATIONS</b></p>	
<p>1.</p> <input type="checkbox"/>			
<p>2.</p> <input type="checkbox"/>			

(Continued on Reverse Side)



(Continued from Front Side)

JOB ELEMENTS <i>(Place a "C" in the box below the element number to identify a CRITICAL element).</i>		PERFORMANCE STANDARDS		PROGRESS REVIEW RESULTS/COMMENTS/RECOMMENDATIONS	
3.	<input type="checkbox"/>				
4.	<input type="checkbox"/>				
5.	<input type="checkbox"/>				
6.	<input type="checkbox"/>				
<b>INITIAL DISCUSSION-SIGN AND DATE BELOW:</b> <i>(Acknowledges that elements and standards have been discussed and are understood).</i>		<b>FIRST PROGRESS REVIEW-SIGN AND DATE BELOW:</b> <i>(Acknowledges that progress to date has been discussed).</i>		<b>SECOND PROGRESS REVIEW-SIGN AND DATE BELOW:</b> <i>(Acknowledges that progress to date has been discussed).</i>	
RATING OFFICIAL	EMPLOYEE	RATING OFFICIAL	EMPLOYEE	RATING OFFICIAL	EMPLOYEE

1984 USAM (superseded)

POSITION TYPE  
 SUPERVISORY  
 MANAGEMENT OFFICIAL

RATING PERIOD  
 FROM: \_\_\_\_\_  
 TO: \_\_\_\_\_

READ ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM

NAME OF EMPLOYEE		SOCIAL SECURITY NO.	INDIVIDUAL ELEMENT RATING <i>(Place an "X" in appropriate column)</i>				
POSITION TITLE		GRADE/SALARY	UNSATISFACTORY	MINIMALLY SATISFACTORY	FULLY SUCCESSFUL	EXCELLENT	OUTSTANDING
ORGANIZATION	DUTY STATION						
JOB ELEMENTS <i>(Place a "C" in the box below the element number to identify a CRITICAL element)</i>	PERFORMANCE ACHIEVEMENTS <i>(Briefly summarize the employee's performance against the performance standards established for each element)</i>						
1. <input type="checkbox"/>							
2. <input type="checkbox"/>							
3. <input type="checkbox"/>							
4. <input type="checkbox"/>							
5. <input type="checkbox"/>							
6. <input type="checkbox"/>							

(Continued on Reverse Side)

1984 USAM (superseded)

## INSTRUCTIONS

(For use with Form DOJ-483)

**GENERAL.** Each party to this rating should familiarize him/herself with the Departmental order entitled, "Employee Performance Appraisal System" (as supplemented by bureau and local level issuances) prior to completing action with respect to the rating being rendered. This form is to be used to record ratings of "merit pay" category employees. The rating rendered by the Rating Official will be automatically reviewed at a higher level by the Reviewing Official (normally the employee's second echelon supervisor). The rating signed by the Reviewing Official is final and will automatically determine the employee's share of the merit pay fund. In this respect, the employee's overall performance rating will have a direct bearing upon the employee's basic pay for the forthcoming fiscal year in accordance with the Departmental order entitled, "Merit Pay System." Accordingly, the rating rendered by the Rating Official is tentative, pending final action by the Reviewing Official. The employee has a right to respond in writing to the Rating Official within 7 calendar days of the Rating Official's tentative rating. The Reviewing Official will review the rating (and written response, if any), and by his/her signature, will finalize the rating. Should the employee desire redress of his/her rating, he/she may submit a grievance within 15 calendar days of his/her final rating through agency grievance procedures. This form is to be completed in triplicate. When final approvals are secured, one copy shall be retained by the Rating Official, one copy shall be filed with the cognizant servicing Personnel Office and one copy shall be retained by the employee.

**FOR RATING OFFICIAL.** At the time of rating, you must record in abbreviated fashion from the employee's Performance Work Plan (Form DOJ-481), the elements identified at the beginning (or modified during) the appraisal period for the employee being rated, noting which elements are deemed critical. Critical job elements, i.e., any requirement of the job which is sufficiently important that inadequate performance of it requires remedial action (of a nature specifically addressed in the Department Order) must be identified by placing a "C" in the box below the job element number. You must also briefly summarize in narrative fashion, the achievements of the employee against each performance standard established for the elements. Element ratings are to be made independent of one another and an overall rating must be rendered in concert with the overall rating level descriptions found in the Order. You should be prepared to discuss with the employee each aspect of the rating at this time. If you contemplate rendering a rating of unsatisfactory, you are advised to contact your servicing Personnel Office in order to insure that procedural requirements are observed. At the time of rating, you must advise him/her of his/her right to respond to you within 7 calendar days regarding the rating. You should also advise the employee that in any event, the rating you render will be automatically reviewed by the Reviewing Official along with the employee's written response, if any, to the rating. The rating assigned by the Reviewing Official is final. The employee should be asked to sign the rating form, thereby acknowledging that he/she has been appraised of the final rating. (Signature does not imply that he/she necessarily agrees with the rating and does not void any rights to grieve the final rating.) Once the rating is finalized by the Reviewing Official, it is your responsibility to initiate pertinent personnel actions, if any, stemming from the rating.

**FOR REVIEWING OFFICIAL.** Your signature on this form acknowledges that you have reviewed the rating (and the employee's written response, if any) and are satisfied that it accurately reflects the performance of the employee. You may discuss any aspect of this rating with the employee or the Rating Official. In the event you disagree with the rating, you are authorized to make any adjustments you deem necessary; however, you must make an attempt to resolve any differences with the Rating Official prior to your action on the rating. The rating signed by you is final.

**FOR EMPLOYEE.** You have a right to respond in writing to the Rating Official within 7 calendar days of the Rating Official's tentative rating. Your rating (and written response, if any) will be automatically reviewed at a higher level by the Reviewing Official (normally your second echelon supervisor) and his/her action on your rating is final. Should you desire redress of your rating, you may submit a grievance within 15 days of your final rating through agency grievance procedures. Your signature on this form acknowledges that the final rating has been discussed with you in light of the elements and standards established for the position you occupy.

(This form is to be used for all employees except those covered by the Senior Executive Service or the Merit Pay Plan for Supervisors and Management Officials at GS-13-15)

POSITION TYPE  
 SUPERVISORY  
 NONSUPERVISORY

RATING PERIOD  
 FROM: \_\_\_\_\_  
 TO: \_\_\_\_\_

READ ATTACHED INSTRUCTIONS BEFORE COMPLETING THIS FORM

NAME OF EMPLOYEE		SOCIAL SECURITY NO.	INDIVIDUAL ELEMENT RATING (Place an "X" in appropriate column)				
POSITION TITLE		GRADE/STEP/SALARY	UNSATISFACTORY	MINIMALLY SATISFACTORY	FULLY SUCCESSFUL	EXCELLENT	OUTSTANDING
ORGANIZATION	DUTY STATION						
JOB ELEMENTS (Place a "C" in the box below the element number to identify a CRITICAL element.)		PERFORMANCE ACHIEVEMENTS (Briefly summarize the employee's performance against the performance standards established for each element.)					
1.	<input type="checkbox"/>						
2.	<input type="checkbox"/>						
3.	<input type="checkbox"/>						
4.	<input type="checkbox"/>						
5.	<input type="checkbox"/>						
6.	<input type="checkbox"/>						

(Continued on Reverse Side)



(Continued from F-1, side)

JOB ELEMENTS	PERFORMANCE ACHIEVEMENTS	INDIVIDUAL ELEMENT RATING				
		U	MS	FS	E	O
7. <input type="checkbox"/>						
8. <input type="checkbox"/>						
9. <input type="checkbox"/>						
10. <input type="checkbox"/>						
11. <input type="checkbox"/>						
12. <input type="checkbox"/>						
<b>OVERALL PERFORMANCE RATING</b> —Please check the block which best characterizes the employee's overall performance during the rating cycle. Refer to DOJ order to insure that the rating assigned is in accord with rating level descriptions in the order. <input type="checkbox"/> UNSATISFACTORY <input type="checkbox"/> MINIMALLY SATISFACTORY <input type="checkbox"/> FULLY SUCCESSFUL <input type="checkbox"/> EXCELLENT <input type="checkbox"/> OUTSTANDING						
RATING OFFICIAL (Signature and Date)			REVIEWING OFFICIAL (Signature and Date)			
EMPLOYEE (Signature and Date) Acknowledges that the final rating has been discussed.						

## INSTRUCTIONS

(For use with Form DOJ-484)

**GENERAL.** Each party to this rating should familiarize him/herself with the Department order entitled, "Employee Performance Appraisal System," (as supplemented by bureau and local level issuances) prior to completing action with respect to the rating being rendered. This form is to be used to record ratings for all employees other than those covered by the Senior Executive Service or the Merit Pay System for supervisors and management officials, GS-13 through 15. The rating rendered by the Rating Official will be automatically reviewed at a higher level by the Reviewing Official (normally the employee's second echelon supervisor). The rating, signed by the Reviewing Official, is final. Should the employee desire redress of his/her rating, he/she may submit a grievance within 15 calendar days of his/her final rating through negotiated or agency grievance procedures as applicable. This form is to be completed in triplicate. When final approvals are secured, one copy shall be retained by the Rating Official, one copy shall be filed with the cognizant servicing Personnel Office, and one copy shall be retained by the employee.

**FOR RATING OFFICIAL.** At the time of rating, you must record in abbreviated fashion from the employee's Performance Work Plan (Form DOJ-481), the elements identified at the beginning (or modified during) the appraisal period for the employees being rated, noting which elements are deemed critical. Critical job elements, i.e., a component of an employee's job that is of sufficient importance that performance below the minimum standard established by management requires remedial action and denial of a within-grade increase, and may be the basis for removing or reducing the grade level of the employee, must be identified by placing a "C" in the box below the job element number. You must also briefly summarize in narrative fashion the achievements of the employee against each performance standard established for the elements. Element ratings are to be made independent of one another and an overall rating must be rendered in concert with the overall rating level descriptions found in the Order. You should be prepared to discuss with the employee each aspect of the rating at this time. If you contemplate rendering a rating of unsatisfactory, you are advised to contact your servicing Personnel Office in order to insure that procedural requirements are observed. Once the rating is finalized by the Reviewing Official, the employee should be asked to sign the rating, acknowledging that it has been discussed and understood. (Signature does not imply that he/she necessarily agrees with the rating.) Also, it is your responsibility to initiate pertinent personnel actions, if any, stemming from the rating, once finalized.

**FOR REVIEWING OFFICIAL.** Your signature on this form acknowledges that you have reviewed the rating and are satisfied that it accurately reflects the performance of the employee. You may discuss any aspect of this rating with the employee or the Rating Official. In the event you disagree with the rating, you are authorized to make any adjustments you deem necessary; however, you must make an attempt to resolve any differences with the Rating Official prior to your action on the rating. The rating signed by you is final.

**FOR EMPLOYEE:** Your rating will be automatically reviewed at a higher level by the Reviewing Official (normally your second echelon supervisor) and his/her action on your rating is final. Should you desire redress of your rating, you may submit a grievance within 15 calendar days of your final rating through negotiated or agency grievance procedures as applicable. Your signature on this form acknowledges that the final rating has been discussed with you in light of the elements and standards established for the position you occupy.

DOJ-484 (superseded)

I am signing this waiver to permit the Internal Revenue Service to release information about me which would otherwise be confidential. This information will be used in connection with my appointment or employment by the United States Government. This waiver is made pursuant to 26 U.S.C. 6103(c).

I request that the Internal Revenue Service send the information to: Director, Office of Attorney Personnel Management, U.S. Department of Justice.

The information I wish released is:

1. Have I failed to file any Federal income tax return which was required to be filed for any of the last three years?  
If this waiver is received by the Internal Revenue Service before July 1, the "last three years" shall mean the latest three years for which information is available, since the return for the immediate last year may not yet have been processed.
2. Were any of these returns filed more than 45 days after the due date for filing (determined with regard to any extension of time for filing)?
3. Have I failed to pay any tax, penalty or interest during the last three years within 45 days of the date on which the Internal Revenue Service gave notice of the amount due and demanded payment?
4. Has any penalty for negligence under Section 6653(a) of the Internal Revenue Code been assessed against me this year or during the last three years?
5. Am I or have I ever been under investigation by the Internal Revenue Service for possible criminal offenses, and what were the results of such investigation(s)?
6. Has any civil penalty for fraud been assessed against me?

If the information which is to be released includes a "YES" answer to any of the above six questions, I authorize the Internal Revenue Service to release any information relative to that question.

To help the Internal Revenue Service find my tax records, I am voluntarily giving the following information:

Name (Type or Print): \_\_\_\_\_ Soc. Sec. No.: \_\_\_\_\_

If married and filed a joint return:

Husband/Wife Name: \_\_\_\_\_ Husband/Wife SSN: \_\_\_\_\_

Current Address: \_\_\_\_\_

Name(s) and address(es) under which returns were filed (if different from above):

Year	Name	Address

Date: \_\_\_\_\_  
(Waiver invalid unless received by the Internal Revenue Service within 60 days of this date)

\_\_\_\_\_  
Signature of taxpayer authorizing the disclosure of return information

Standard Form 1034 September 1973 4 Treasury Form 2000		<b>PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL</b>			VOUCHER NO.	
U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION			DATE VOUCHER PREPARED		SCHEDULE NO.	
			CONTRACT NUMBER AND DATE		PAID BY	
			REQUISITION NUMBER AND DATE			
PAYEE'S NAME AND ADDRESS			DATE INVOICE RECEIVED		DISCOUNT TERMS	
			PAYEE'S ACCOUNT NUMBER		GOVERNMENT B/L NUMBER	
			SHIPPED FROM TO WEIGHT		GOVERNMENT B/L NUMBER	
NUMBER AND DATE OF ORDER	DATE OF DELIVERY OR SERVICE	ARTICLES OR SERVICES <small>(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)</small>	QUAN-TITY	UNIT PRICE		AMOUNT (1)
				COST	PER	
(Use continuation sheet(s) if necessary) <b>(Payee must NOT use the space below)</b> <b>TOTAL</b>						
PAYMENT:		APPROVED FOR		EXCHANGE RATE		DIFFERENCES
<input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL <input type="checkbox"/> PROGRESS <input type="checkbox"/> ADVANCE		= \$		= \$1.00		
		BY <sup>2</sup>				
		TITLE		Amount verified; correct for		(Signature or initials)
Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.						
		(Date)		(Authorized Certifying Officer) <sup>2</sup>		(Title)
<b>ACCOUNTING CLASSIFICATION</b>						
(Large empty space for accounting classification)						
PAID BY	CHECK NUMBER ON TREASURER OF THE UNITED STATES			CHECK NUMBER ON (Name of bank)		
	CASH DATE			PAYEE <sup>3</sup>		
				PER		
				TITLE		



ADVERTISING ORDER

No. \_\_\_\_\_

U. S. \_\_\_\_\_, 19 \_\_\_\_\_

The Publisher of \_\_\_\_\_  
\_\_\_\_\_

<b>AUTHORITY TO ADVERTISE</b>	
Date .....	19.....
No. ....	.....

Sir:

You are hereby authorized to publish the enclosed advertisement relating to \_\_\_\_\_

to be set solid, without paragraphing, and without any display in the heading unless otherwise expressly authorized in the specifications attached to the advertisement, in the \_\_\_\_\_ edition of your paper, \_\_\_\_\_ times, prior to \_\_\_\_\_ or on \_\_\_\_\_

(Give date on which publication is desired)

provided your rates are not in excess of the commercial rates charged to private individuals, with the usual discounts.

Respectfully,

<b>INSTRUMENT OF ASSIGNMENT</b>	
Date .....	19.....
No. ....	.....

\_\_\_\_\_ Title \_\_\_\_\_

**INSTRUCTIONS TO PUBLISHERS**

Extreme care should be exercised to insure that the specifications for advertising to be set other than solid be definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified. Specifications for advertising other than solid will accompany the advertisement copy submitted to the publisher with the advertising order and copies of both documents will be furnished to the General Accounting Office with the voucher. The following is a sample of solid line advertisement set up in accordance with the usual Government requirements.

DEPARTMENT OF HIGHWAYS & TRAFFIC, D.C.  
Bids are requested for first spring 1966 cement concrete repair contract, including incidental work, Washington, D.C., Invitation No. C-3376-H, consisting of 11,000 sq. yds. PCC Class BB sidewalk repair and 2000 cu. yds. PCC Class A pavement, alley, & driveway repair, both cur repairs only. Bidding material available from the Procurement Officer, D.C. Sealed bids to be opened in the Procurement Office at 3:00 p.m., November 15, 1965.

Your bill for this service should be rendered upon the voucher form printed on the reverse hereof immediately after the last insertion of the advertisement. The voucher, together with a marked copy of each issue of the paper containing the advertisement, should be addressed to \_\_\_\_\_

-----  
If copies of the publication are not available, it will be satisfactory if an affidavit of publication is furnished in lieu thereof.

**IMPORTANT**

Charges for advertising when a cut, matrix, stereotype, or electrotype is furnished will be based on actual space used and no allowance will be made for shrinkage.

In no case shall an advertisement extend beyond the date and edition herein named for publication.

## PUBLIC VOUCHER FOR ADVERTISING

Voucher No. \_\_\_\_\_

Schedule No. \_\_\_\_\_

U. S. \_\_\_\_\_  
(Department or establishment, bureau or office)

Voucher prepared at \_\_\_\_\_  
(Give date and place)

THE UNITED STATES, Dr., To \_\_\_\_\_  
(Name of publication)

\_\_\_\_\_  
(Publisher or proprietor or his representative)

Address \_\_\_\_\_

PAID BY
---------

To publication of attached advertisement in the above-named publication, as authorized by the attached Advertising Order, on

	AMOUNT	
	Dollars	Cts.
as follows:		
<b>LINE RATES</b> (____ line): _____ <sup>1</sup> {counted } LINES for first insertion <small>(Name of type) (Number) (spaces)</small> at _____ per line \$ _____ _____ subsequent insertions of _____ <sup>1</sup> {counted } LINES each at <small>(Number) (space)</small> _____ per line \$ _____		
<b>OTHER RATES</b> (____ point per _____): _____ <small>(Size of type) (Inch, square, word, or folio) (Number of inches, squares, words, or folios)</small> for first insertion at _____ per _____ \$ _____ <small>(Inch, square, word, or folio)</small> _____ subsequent insertions of _____ <small>(Number of inches, squares, words, or folios)</small> each at _____ per _____ \$ _____ <small>(Inch, square, word, or folio)</small>		

(Here paste advertisement clipped from publication, including upper and lower rules, on each copy of voucher)

Amount \_\_\_\_\_  
 Less discount at \_\_\_\_\_ percent.  
 Amount due \_\_\_\_\_

I certify that the above attached advertisement appeared in the publication on \_\_\_\_\_  
(Give dates advertisement was published)  
 and that the account as stated is correct and proper for payment.

Date \_\_\_\_\_  
 \_\_\_\_\_  
(Authorized Certifying Officer)

Differences \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Amount verified; correct for \_\_\_\_\_  
 \_\_\_\_\_  
(Signature or initials)

### ACCOUNTING CLASSIFICATION

Paid by Check No. \_\_\_\_\_

<sup>1</sup> Line out words not applicable.  
<sup>2</sup> If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the blank space below "Approved for \$....." and over his official title.

## DESIGNATION OF BENEFICIARY

### UNPAID COMPENSATION OF DECEASED CIVILIAN EMPLOYEE

### IMPORTANT

Read instructions  
on back of duplicate  
before filling in this form

**INFORMATION CONCERNING THE EMPLOYEE:**

NAME— (Last) (First) (Middle) DATE OF BIRTH (Month, day, year)

**DEPARTMENT OR AGENCY IN WHICH EMPLOYED**

(Department or agency)

(Bureau)

(Division)

*I, the employee named above, canceling any and all previous Designations of Beneficiary heretofore made by me, do now designate the beneficiary or beneficiaries named below to receive any UNPAID COMPENSATION due and payable after my death. I understand that this Designation of Beneficiary relates solely to money due as defined in 5 U.S.C. 5581, 5582, 5583, and in no wise will affect the disposition of any benefit which may become payable under the Retirement or Group Life Insurance Acts applicable to my Government service. I further understand that this Designation of Beneficiary will remain in full force and effect until (1) expressly changed or revoked by me in writing, (2) I transfer to another agency, or (3) I am reemployed by the same or another department or agency of the Government.*

**INFORMATION CONCERNING THE BENEFICIARY OR BENEFICIARIES:**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary

*I hereby direct, unless otherwise indicated above, that, if more than one beneficiary is named, the share of any deceased beneficiary who may predecease me shall be distributed equally among the surviving beneficiaries, or entirely to the survivor. I understand that this Designation of Beneficiary shall be void if none of the designated beneficiaries is living at the time of my death.*

*I hereby specifically reserve the right to cancel or change any designation of beneficiary at any time in the manner and form prescribed by the Comptroller General of the United States, and without knowledge or consent of the beneficiary.*

(Date of execution—month, day, year)

(Signature of employee)

**WITNESSES TO SIGNATURE:**

(Signature of Witness)

(Number and street)

(City, State, and ZIP Code)

(Signature of Witness)

(Number and street)

(City, State, and ZIP Code)

**PRINT OR TYPE NAME AND ADDRESS (INCLUDING ZIP CODE) OF EMPLOYEE**

**THIS SPACE RESERVED FOR RECEIVING DATA  
OF EMPLOYING AGENCY**

(Indicate date and by whom received)

**DELIVER BOTH COPIES TO THE PROPER OFFICER OF YOUR AGENCY—DUPLICATE WILL BE NOTED AND RETURNED**



**DESIGNATION OF BENEFICIARY**  
**UNPAID COMPENSATION OF**  
**DECEASED CIVILIAN EMPLOYEE**

**IMPORTANT**  
Read instructions  
on back of duplicate  
before filling in this form

**INFORMATION CONCERNING THE EMPLOYEE:**

NAME— (Last) (First) (Middle) DATE OF BIRTH (Month, day, year)

**DEPARTMENT OR AGENCY IN WHICH EMPLOYED**

(Department or agency)

(Bureau)

(Division)

I, the employee named above, canceling any and all previous Designations of Beneficiary heretofore made by me, do now designate the beneficiary or beneficiaries named below to receive any UNPAID COMPENSATION due and payable after my death. I understand that this Designation of Beneficiary relates solely to money due as defined in 5 U.S.C. 5581, 5582, 5583, and in no wise will affect the disposition of any benefit which may become payable under the Retirement or Group Life Insurance Acts applicable to my Government service. I further understand that this Designation of Beneficiary will remain in full force and effect until (1) expressly changed or revoked by me in writing, (2) I transfer to another agency, or (3) I am reemployed by the same or another department or agency of the Government.

**INFORMATION CONCERNING THE BENEFICIARY OR BENEFICIARIES:**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary

I hereby direct, unless otherwise indicated above, that, if more than one beneficiary is named, the share of any deceased beneficiary who may predecease me shall be distributed equally among the surviving beneficiaries, or entirely to the survivor. I understand that this Designation of Beneficiary shall be void if none of the designated beneficiaries is living at the time of my death.

I hereby specifically reserve the right to cancel or change any designation of beneficiary at any time in the manner and form prescribed by the Comptroller General of the United States, and without knowledge or consent of the beneficiary.

(Date of execution—month, day, year)

(Signature of employee)

**WITNESSES TO SIGNATURE:**

(Signature of Witness)

(Number and street)

(City, State, and ZIP Code)

(Signature of Witness)

(Number and street)

(City, State, and ZIP Code)

PRINT OR TYPE NAME AND ADDRESS (INCLUDING ZIP CODE) OF EMPLOYEE

THIS SPACE RESERVED FOR RECEIVING DATA OF EMPLOYING AGENCY

(Indicate date and by whom received)

DELIVER BOTH COPIES TO THE PROPER OFFICE OF YOUR AGENCY—DUPLICATE WILL BE NOTED AND RETURNED

**DUPLICATE**



**IMPORTANT**—The filing of this form will completely cancel any designation you may have previously filed. Be sure to name in this form all persons you wish to designate as beneficiaries of any unpaid compensation payable at your death.

## EXAMPLES OF DESIGNATIONS

### How To Designate One Beneficiary

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Catherine M. Jackson*	2808 Southern Avenue Williams, Indiana 46728	Sister	All

### How To Designate More Than One Beneficiary

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Susan L. Brown**	110 Prince Street Anniston, New York 14607	Aunt	One-fourth
Mary Joe Carson	230 Duke Street Anniston, New York 14607	Niece	One-fourth
Elizabeth H. Howard	2301 State Street Weaver, Ohio 44405	Mother	One-half

### How To Designate A Contingent Beneficiary

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
William J. Johnson, if living	244 South Ann Street Olney, Georgia 31204	Father	All
Otherwise to: Sarah L. Johnson	244 South Ann Street Olney, Georgia 31204	Sister	All

### How To Cancel A Designation Of Beneficiary So That Amount Due Will Be Payable As Provided In The Law

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Cancel prior designations			

\*Do not write name as C. M. Jackson or as Mrs. John H. Jackson.

\*\*Be sure that the shares to be paid to the several beneficiaries add up to 100 percent.

## IMPORTANT NOTICE—Order of Precedence

If there is no designated beneficiary living, any unpaid compensation which becomes payable after the death of an employee will be payable to the first person or persons listed below who are alive on the date title to the payment arises.

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

It is not necessary for any employee to designate a beneficiary unless he wishes to name some person or persons not included above, or in a different order.

## INSTRUCTIONS

1. The examples printed on the back of the first page of this form may be helpful in executing the Designation of Beneficiary.

2. All entries on the form except signatures should be typed or printed in ink (typewriting preferred). All designations of beneficiary or beneficiaries should be executed on the prescribed form of Designation of Beneficiary, Standard Form 1152, and must be signed and witnessed.

3. Complete the form in duplicate and file with the agency in which employed. A Designation of Beneficiary must be received by the employing agency prior to the death of the designating employee to be valid. The duplicate will be noted and returned to the employee as evidence that the original has been received and filed. It is suggested that the duplicate be filed with the employee's important papers.

4. Cancellation of a prior Designation of Beneficiary may be effected without the naming of a new beneficiary by executing a new Designation of Beneficiary, Standard Form 1152, and inserting in the space provided for name of beneficiary the words, "Cancel prior designations." The effect of this action will require payment to be made in the order of precedence stated above.

5. A designation will remain valid until expressly changed or revoked, until the employee transfers to another agency, or until reemployed by the same or another department or agency of the Government. In case of separation and reemployment, or transfer to another agency, a new Designation of Beneficiary should be executed if the order of precedence established by the act is not acceptable. It is not necessary to file a new designation where the name or address of the employee or of beneficiary is changed.

6. A designation free of erasures or alterations should be filed in order to avoid a possible contest after death.

7. In the absence of the prescribed form, any designation, change, or cancellation of beneficiary witnessed and filed in accordance with the general requirements of these instructions shall be acceptable.

This Designation of Beneficiary form is to be used solely for the disposition of unpaid compensation at death of a civilian employee and is not to be confused with Standard Form 2500, Designation of Beneficiary, Civil Service Retirement System, or Standard Form 54, Designation of Beneficiary, Federal Employees' Group Life Insurance Act of 1954.









## CANCELLATION OF PAYROLL DEDUCTIONS FOR LABOR ORGANIZATION DUES

### Privacy Act Statement

Section 6525 of Title 5, United States Code (Allowance and Assignment of Pay) permits Federal agencies to collect this information. This completed form is used to stop labor organization dues from being deducted from your pay and to notify the labor organization that the dues will be no longer deducted. Completing this form is voluntary, but it may not be processed if all requested information is not provided.

This record may be disclosed outside your agency to: 1) the Department of Treasury to make proper financial adjustments; 2) a Congressional office if you make an inquiry to that office related to this record; 3) a court or an appropriate government agency if the Government is party to a legal suit; 4) to an appropriate law enforcement agency if we become aware of a legal violation; 5) an organization which is a designated collection agent of a particular labor organization; and 6) other Federal agencies for management, statistical and other official functions (without your personal identifiers).

Executive Order 13077 allows Federal agencies to use the Social Security Number (SSN) as an individual identifier to avoid confusion caused by employees with the same or similar names. Supplying your SSN is voluntary, but failure to provide it, when it is used as the employee identification number, may mean that the payroll action cannot be processed.

Your agency shall provide an additional statement if it uses the information furnished on this form for purposes other than those mentioned above.

1. Name of Employee (Print—Last, First, Middle)	2. Employee I.D. Number (Social Security or other)
3. Agency Name (Include Bureau, Division, Branch, or other Designation)	4. Timesheet Number
5. Name of Labor Organization	6. * Cancellation Date (Completed by agency only)

I hereby cancel my authorization for the deduction of dues for the above labor organization from my pay. I understand that this cancellation will become effective on the first full pay period which begins on or after the next established cancellation date (indicated above) after this request is received in my agency payroll office.

7. Signature of Employee	8. Date (Month, Day, Year)
--------------------------	----------------------------

(Submit copies 1 and 2 to the agency payroll office. Copy 1 is retained for payroll records and Copy 2 is forwarded by the payroll office to the labor organization in accordance with the arrangement between the agency and the labor organization. Copy 3 is retained by the employee.)

1 AGENCY PAYROLL COPY

1988-104

1984 USAM (superseded)



The furnishing of social security numbers is required by the regulations governing savings bonds, Department of the Treasury Circular, Public Debt Series, Number 3-80 (31 CFR 353). The numbers are used to maintain ownership records of the bonds. Other information requested by this form is also required under the above regulations to establish the rights, authority and/or entitlement of the signers. Failure to furnish any of the required information may prevent completion of the transaction.

**E. OTHER ACTION (Explain)**

**AVERAGE DATING:**

Bonds of \$75 or greater denomination will be dated as of the first day of the month in which the end of a pay period falls and at least half of the purchase price is accumulated.

I hereby authorize the foregoing allotment from my pay with the understanding that U.S. Savings Bonds will be issued as requested. This authorization is to remain in effect until canceled by me in writing or termination of my Federal employment.

EFFECTIVE ON FIRST PAYROLL PERIOD AFTER

19

Employee's Signature (Must be same as shown on payroll)

PURCHASE PRICE OF BOND	\$25	\$37.50	\$50	\$100	\$250	\$500
FACE VALUE OF BOND	\$50	\$75	\$100	\$200	\$500	\$1000
Allotment Each Pay Period	Number of Allotments Required to Purchase Bonds					
\$ 3.75 . . . . .		10				
5.00 . . . . .	5		10	20		
6.25* . . . . .	4	6	8	16		
7.50 . . . . .		5				
10.00 . . . . .			5	10		
12.50 . . . . .	2	3	4	8	20	
18.75 . . . . .		2				
20.00 . . . . .				5		
25.00 . . . . .	1		2	4	10	20
31.25 . . . . .					8	16
37.50 . . . . .		1				
50.00 . . . . .			1	2	5	10
62.50 . . . . .					4	8
100.00 . . . . .				1		5
125.00 . . . . .					2	4
250.00 . . . . .					1	2
500.00 . . . . .						1

\*MINIMUM ALLOTMENT FOR THOSE EMPLOYEES PAID MONTHLY

GPO : 1979 O - 280-453 (129A)

784 USAM (Superseded)

**REQUEST BY EMPLOYEE FOR ALLOTMENT OF PAY  
 FOR CREDIT TO SAVINGS ACCOUNT WITH A FINANCIAL ORGANIZATION  
 (TO BE SUBMITTED BY EMPLOYEE TO EMPLOYING AGENCY)**

TO BE INITIATED BY EMPLOYEE (IN TRIPLICATE) AND COMPLETED BY THE FINANCIAL ORGANIZATION	
(1) NAME OF EMPLOYEE (AS STATED ON PAYROLL)	(2) SOCIAL SECURITY NUMBER (OR OTHER EMPLOYEE NUMBER USED BY AGENCY)
(3) HOME ADDRESS	
(4) AGENCY (INCLUDED ALSO BUREAU, DIVISION, BRANCH OR OTHER DESIGNATION OF EMPLOYING ORGANIZATION) TO:	
<p>You are hereby authorized and requested, in accordance with 31 CFR Part 209, subject to all the conditions stated on this document, to deduct from salaries or wages due me the amount specified below for remittance to the financial organization designated below, for credit to my savings account, beginning with the next full pay period and continuing until canceled by me in writing.</p>	
(5) FINANCIAL ORGANIZATION DESIGNATED (TO RECEIVE REMITTANCE)	
(5A) NAME	(5B) IDENTIFICATION NUMBER
(5C) ADDRESS	(6) EMPLOYEE'S ACCOUNT NUMBER IN THE FINANCIAL ORGANIZATION
CITY STATE ZIP CODE	
(7) SIGNATURE OF EMPLOYEE AND DATE SUBMITTED TO AGENCY	(8) AMOUNT OF ALLOTMENT \$ .00

TO BE COMPLETED BY FINANCIAL ORGANIZATION (for return of original and copy to employee and retention of a copy)		
<p>We, the above-designated financial organization, hereby agree to act as agent of the above-named Government employee in the capacity indicated and to accept, as our expense, such service charge, at the rate established in regulations of The Department of the Treasury, as will be deducted from the amount remitted to us. Our complete account number for the savings account to be credited is inserted in Block No. (6), so as to be included on records accompanying remittances.</p> <p>THE FINANCIAL ORGANIZATION WILL CHECK WHICHEVER OF THE FOLLOWING PROVISIONS IS APPLICABLE:</p> <p><input type="checkbox"/> The address in Block No. (5C) is the single point in this financial organization which is to receive remittances for all allotments of pay of Government employees designating this financial organization. Our "employer identification number" is inserted in Block No. (5B).</p> <p><input type="checkbox"/> We can agree to act as agent of the above-named person in the capacity indicated only if remittances are forwarded to our respective branch offices where the savings accounts are maintained. The related branch office for this allotment of pay is identified by the parenthetical suffix inserted with our "employer identification number" in Block No. (5B), coordinate with the address shown in Block No. (5C).</p>		
AUTHORIZED SIGNATURE	TITLE	DATE

FOR SPECIAL ATTENTION OF EMPLOYEE (AND FOR INFORMATION OF THE FINANCIAL ORGANIZATION)
<p>Agency payroll offices and disbursing offices operate within rigid time schedules to assure timely delivery of checks for net pay on the established pay day—and there will be no change in this emphasis. As requested above, the amount allotted will be deducted from your salaries or wages and will be remitted by the disbursing office, as soon as practicable, to the designated financial organization. <i>It should be understood that such remittance may be received in the financial organization later than the regular pay day—possibly three or four business days later.</i></p>



**IMPORTANT NOTICE—THIS FORM IS TO BE USED FOR ALL FEDERAL RECURRING PAYMENTS EXCEPT SOCIAL SECURITY. USE SF-1199 FOR SOCIAL SECURITY PAYMENTS.**

If you wish your Federal recurring payments sent to your financial organization for deposit into your savings or checking account, both you and the financial organization must complete this form to authorize this action. The U.S. Government will forward these payments to the point you authorize. The financial organization may be any bank, savings bank, savings and loan association or similar institution, or Federal or state chartered credit union. If you do not have an account in one of these organizations and wish one, contact the financial organization of your choice.

**THIS FORM ONLY AUTHORIZES DEPOSITS INTO YOUR ACCOUNT—IT DOES NOT AUTHORIZE WITHDRAWALS FROM YOUR ACCOUNT.**

**RECIPIENT (PAYEE) FORM COMPLETION INSTRUCTIONS**

**ITEM A**—Print the claim number or file number that the program agency requires for processing your records. This information can be obtained from the check, award letter, or other correspondence from the program agency.

**ITEM B**—The program agency is the Government agency from which you receive payments. Print the applicable program agency designation as follows:

For Civil Service Commission, print "CSC"  
For Veterans Administration, print "VA"

For Railroad Retirement, print "RRB"  
For Government Employee Salary, print agency name.

**ITEM C**—Print the type of payment which you wish deposited.

1. If Civil Service payments, print "ANNUITY"  
2. If Veterans payments, print "COMP", "PENS",  
or "INSURANCE".

3. If Railroad Retirement, print "ANNUITY"  
4. If Employee Salary, print "SALARY".

**A SEPARATE FORM MUST BE COMPLETED FOR EACH TYPE OF PAYMENT WHICH YOU WISH DEPOSITED IN YOUR ACCOUNT.**

**ITEM D**—Print the name of the person(s) to whom the payment is made.

**ITEM E**—Show the type of account and the account number for the account in which this payment is to be deposited. The account may be either a savings or a checking account. If you do not know the account number, it may be obtained from your financial organization.

**ITEM F**—Print the mailing address of the recipient named in Block D. Provide a complete address including Zip Code.

**ITEM G**—Print the name(s) of the person(s) for whom the payment is made. This is the person(s) entitled to the proceeds of the payment. If you are the recipient(s) of the payment and are entitled to the proceeds, you should print your name(s). If you are a representative payee, print the name of the person(s) for whom you receive payment under this account.

**ITEM H**—THIS BLOCK IS TO BE USED FOR CIVIL SERVICE PAYMENTS ONLY. If you are a Civil Service survivor annuitant, give the name of the deceased Federal Employee on whose service your survivor annuity payments are based.

**ITEM I**—Print the telephone number, including the Area Code, of the recipient(s) named in Item D.

**ITEM J**—Sign and date the form. If both parties of a joint payment desire to have their payment deposited into one account, both parties must sign the form. If only one party of a joint payment desires to have his portion of the payment deposited, only that one party's name in Item D and signature in Item J should appear on the form. If your signature is made by mark, it must be witnessed by two persons who sign the form. If witnesses are required, they should print the word "Witness" above their signatures to the right of your mark.

After completion of the top half of this form, all three (3) copies should be delivered or sent to the designated financial organization. After completion, the original of this form is to be furnished to your program agency. The first copy is to be retained by the financial organization and the last copy is to be retained by you.

**CANCELLATION INSTRUCTIONS**

When entered in your record with the program agency, this authorization will remain in effect until canceled by notice to the program agency by one or both recipients or in the event of death of any recipient or any person for whom this payment is made. The financial organization should also be notified if you cancel this agreement.

The financial organization may cancel their agreement by providing you a written notice 30 days in advance of the cancellation date. You must advise the program agency immediately if this authorization is canceled. The financial organization cannot cancel this authorization by advice to the program agency.

## AUTHORIZATION FOR DEPOSIT OF FEDERAL RECURRING PAYMENTS

### RECIPIENT (PAYEE) TO COMPLETE ITEMS A THROUGH J

I (we) authorize and request the below indicated program agency to direct the net amount of the below indicated Federal recurring payment for crediting in my (our) account indicated at the financial organization designated below. This authorization is not an assignment of my (our) right to receive payment and revokes all prior payment direction notifications applicable to these payments. I (we) understand that the financial organization designated reserves the right to cancel this agreement by notice to me (us); however, this authorization will remain in effect with the program agency until canceled by notice from me (us).

<b>A CLAIM OR FILE NUMBER</b>		<b>B PROGRAM AGENCY</b>	<b>C TYPE OF PAYMENT</b>
PREFIX <i>(for CSC &amp; RRB)</i>	CLAIM NUMBER <i>(for all payments)</i>	SUFFIX OR PAYEE NO. <i>(if applicable)</i>	
<b>D NAME(S) OF RECIPIENT(S) OF FUNDS</b>		<b>E TYPE AND NUMBER OF DEPOSITOR ACCOUNT TO BE CREDITED</b>	
		Enter "C" if Checking Account or "S" if Savings Account	
		DEPOSITOR ACCOUNT NUMBER	
<b>F MAILING ADDRESS OF RECIPIENT(S)</b>		<b>G NAME OF PERSON(S) FOR WHOM PAYMENT IS MADE <i>(The person(s) entitled to payment)</i></b>	
<i>(Street, Number and Name)</i>			
<i>(City, State and Zip Code)</i>		<b>H IF SURVIVOR ANNUITANT, GIVE NAME OF DECEASED <i>(CSC only)</i></b>	
<input type="checkbox"/> Place an "X" in the box if address is different from the address to which your check is currently directed.		<b>I TELEPHONE NUMBER OF RECIPIENT(S)</b>	
<b>J SIGNATURE(S) OF RECIPIENT(S) OR WITNESSES <i>(See Instructions on Reverse)</i></b>			<b>DATE</b>
SIGNATURE		SIGNATURE	

### FINANCIAL ORGANIZATION TO COMPLETE BELOW THIS LINE

We, the below designated financial organization, hereby agree to receive and deposit sums for the payee(s) named herein, in accordance with 31 CFR Parts 240, 209, and 210. We understand that our account number shown for the payee(s) named herein will be included on individual payment credits to his (their) account. We understand that the payee(s) named above has (have) the right to cancel this authorization and we reserve the right to cancel this agreement by notice to the payee(s).

<b>ROUTING NUMBER</b>	<b>CHECK DIGIT</b>	<b>NAME AND ADDRESS OF FINANCIAL ORGANIZATION</b>	
<div style="display: flex; justify-content: space-around;"> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> <div style="border: 1px solid black; width: 20px; height: 20px;"></div> </div>	<div style="border: 1px solid black; width: 20px; height: 20px;"></div>		
<b>TYPE AND NUMBER OF DEPOSITOR ACCOUNT TO BE CREDITED</b>			
Enter "C" if Checking Account or "S" if Savings Account			
DEPOSITOR ACCOUNT NUMBER			
<b>DEPOSITOR ACCOUNT TITLE</b>		<b>BRANCH DESIGNATION, IF APPLICABLE</b>	
		<b>TELEPHONE NUMBER</b>	
<b>AUTHORIZED SIGNATURE OF FINANCIAL ORGANIZATION OFFICER</b>		<b>TITLE</b>	<b>DATE</b>

NOTARIZATION OPTION: NOTARIZATION SPACE IS PROVIDED IF REQUIRED. THERE IS NO FEDERAL NOTARIZATION REQUIREMENT.  
 The payee(s) whose signature(s) appears above personally appeared before me, presented satisfactory identification, and, after being duly sworn, acknowledged this to be his (her) (their) freely given act and deed.

\_\_\_\_\_  
 Notary Public

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Seal

All information on the form, including the Social Security Account Number where necessary, is required under 31 U.S.C. 492, 31 CFR 209 and/or 210, and EO 9.197. The information is confidential and is needed to provide entitlement to the benefits of the financial arrangement authorized by the authority cited. The information will be used to process the payment data from the Government agency to the financial organization and/or its agent. Failure to provide the information requested may affect the entitlement to such benefits.

FEDERAL EMPLOYEES' COMPENSATION PROGRAM  
MEDICAL PROVIDER'S CLAIM FORM

PATIENT INFORMATION					
1. PATIENT NAME (First name, middle initial, last name)		2. PATIENT'S DATE OF BIRTH			
4. PATIENT'S ADDRESS (Street, city, state, ZIP code)		5. PATIENT'S SEX MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>		6. FECA CASE NUMBER	
		10. WAS CONDITION RELATED TO: A. PATIENT'S EMPLOYMENT YES <input type="checkbox"/> NO <input type="checkbox"/>		7. NAME AND ADDRESS OF EMPLOYING AGENCY	
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE (Read back before signing)					
SIGNED		DATE			
PROVIDER INFORMATION					
14. DATE OF ILLNESS (FIRST SYMPTOM) OR INJURY (ACCIDENT)		15. DATE FIRST CONSULTED YOU FOR THIS CONDITION		16. HAS PATIENT EVER HAD SAME OR SIMILAR SYMPTOMS? YES <input type="checkbox"/> NO <input type="checkbox"/>	
17. DATE PATIENT ABLE TO RETURN TO WORK		18. DATES OF TOTAL DISABILITY FROM _____ THROUGH _____		DATES OF PARTIAL DISABILITY FROM _____ THROUGH _____	
19. NAME OF REFERRING PHYSICIAN OR OTHER SOURCE (e.g., employing agency)				20. FOR SERVICES RELATED TO HOSPITALIZATION GIVE HOSPITALIZATION DATES ADMITTED _____ DISCHARGED _____	
21. NAME AND ADDRESS OF FACILITY WHERE SERVICES RENDERED (If other than home or office)				22. WAS LABORATORY WORK PERFORMED OUTSIDE YOUR OFFICE? YES <input type="checkbox"/> NO <input type="checkbox"/> CHARGES _____	
23. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY, RELATE DIAGNOSIS TO PROCEDURE IN COLUMN D BY REFERENCE TO NUMBERS 1, 2, 3, ETC. OR OX CODE (See instructions on reverse)					
1. 2. 3. 4.					
24. A DATE OF SERVICE	B* PLACE OF SERVICE	C FULLY DESCRIBE PROCEDURES, MEDICAL SERVICES OR SUPPLIES FURNISHED FOR EACH DATE GIVEN (IDENTIFY PROCEDURE CODE)	D OX CODE	E CHARGES	F
25. SIGNATURE OF PROVIDER <i>(I certify that the statement on the reverse applies to this bill and is made a part hereof.)</i>			27. TOTAL CHARGE		28. AMOUNT PAID
SIGNED			30. YOUR SOCIAL SECURITY NO.		29. BALANCE DUE
32. YOUR PATIENT'S ACCOUNT NO.			31. PROVIDER'S NAME, ADDRESS, ZIP CODE AND TELEPHONE NO.		
DATE			33. YOUR EMPLOYER I.D. NO.		

\*PLACE OF SERVICE CODES

1 - INPATIENT HOSPITAL	4 - PATIENT'S HOME	7 - NURSING HOME
2 - OUTPATIENT HOSPITAL	5 - DAY CARE FACILITY (PSY)	8 - SKILLED NURSING FACILITY
3 - DOCTOR'S OFFICE	6 - NIGHT CARE FACILITY (PSY)	9 - AMBULANCE
		0 - OTHER LOCATIONS
		A - INDEPENDENT LABORATORY
		B - OTHER MEDICAL/SURGICAL FACILITY

APPROVED BY AMA COUNCIL ON MEDICAL SERVICE



#### Patient Information:

- Item 1 — The name of the patient must be filled in here as indicated.
- Item 2 — Month, day and year of patient's birth.
- Item 4 — This should be filled in as completely and accurately as possible.
- Item 5 — The sex of patient must be indicated.
- Item 6 — Enter FECA Case No.
- Item 7 — The name and address of the employing agency should be included.
- Item 10 — The appropriate block should be checked.
- Item 12 — The patient's signature requests payment for the services rendered and certifies that the services were, in fact, rendered. This block must be signed or the claim cannot be processed.

#### Provider Information:

Since many different types of providers may use this form, it is unlikely that all the items will be completed by any single provider. For instance, item 22 would not be completed for emergency ambulance transportation.

- Item 14 — This item must contain the date of the first symptoms for an illness or the date of the accident for an injury.
- Item 15 — Month, day and year patient first consulted the provider for the condition for which the claim is being submitted.
- Item 16 — Provider should check the appropriate block.
- Item 17 & 18 — These items are for completion by the attending physician.
- Item 19 — This item must be completed on your initial claim for this patient.
- Item 20 — Complete if applicable (month, day, year).
- Item 21 — Complete if applicable.
- Item 22 — If the answer is yes, the amount of charges from the laboratory must be completed and the name and address of the laboratory must be entered in item 21.
- Item 23 — The diagnosis must always be included on a claim from a physician and, it should be included on all other claims if known.
- Item 24 — In column A enter the month, day and year for each service. "From" and "To" can be used for repetitive services such as hospital care charges or visits by a physician in a hospital.

In column B enter the appropriate place of service code shown at the bottom of the form. If the place of service is other than the patient's home or your facility, it should be so indicated in item 21.

In column C fully describe the service that was rendered. Hospital charges other than room charges must be itemized though date of service need not be given. It is not mandatory that a procedure code be entered but, it is preferred that the appropriate California Relative Value (CRV) Code be entered. When using the CRV Code, please indicate the year of the edition you used.

In column D it is not mandatory to enter a diagnosis code but it is preferred that the International Classification of Disease, Adapted (ICDA) Code be entered.

In column E the charge for each service described in column C should be entered.

Column F can be used for any additional remarks. If this claim, or any portion of this claim, has been previously submitted, it should be so indicated in this column.

Item 25 — The provider, or a representative, must personally sign and date the claim form. The claim cannot be processed unless it is signed. By this signature, the provider certifies that the described services were, in fact rendered as described either personally by the provider or under direct personal supervision; that the foregoing information is true, accurate and complete; furthermore, the services were medically necessary because of the condition indicated in item 23.

Item 27 — This amount must equal the total of all amounts entered in item 24 column E.

Item 28 & 29 — These items relate to bills with a running balance. They should be completed if applicable and previously submitted items should be so indicated in item 24 column F.

Item 30 — The Social Security Number should be used by all providers that are in independent practice.

Item 31 — This item must be completed in detail. Don't forget the zip code.

Item 32 — The patient's account number, as recorded in the provider's accounting system, may be entered for additional patient identification.

Item 33 — The Employer I.D. Number should be completed when the services are provided by an entity that has been assigned an income tax identification number other than the social security number, i.e., physicians in a professional association, claims from an institution such as a hospital, etc. Either item 30 or 33 must be completed or the claim will not be processed.

Please double check the claim for accuracy and submit it to the appropriate Federal Employees' Compensation Office. Anyone who misrepresents or falsifies information may upon conviction be subject to fine and imprisonment under applicable federal laws.



### Spouse's Notification of Survivor Election

Under the Civil Service Retirement System

Retiring married employees receive a reduced annuity with survivor annuity to their spouse in the event of their death, unless they elect otherwise. Therefore, the employee may choose:

- a) The maximum survivor annuity which provides the surviving spouse an annuity of 55 percent of the retiree's annuity.
- b) Less than the maximum survivor annuity, providing the surviving spouse an annuity of 55 percent of a smaller portion of the retiree's annuity.
- c) No survivor annuity to the surviving spouse.

Public Law 96-391 requires that if a retiring employee elects less than the maximum survivor annuity, all reasonable attempts must be made to notify the spouse.

Complete part 1 of this form and have your spouse complete part 2. Your spouse's signature must be witnessed in part 3. You may not be a witness.

If you cannot obtain your spouse's signature, complete part 4. The Office of Personnel Management will attempt to notify your spouse as required by law.

Return the completed form to your employing office to attach to your retirement application.

**PART 1 - To Be Completed by Retiring Employee**

<i>Name (Last, First, Middle)</i>	<i>Date of Birth (Month, Day, Year)</i>	<i>Social Security Number</i>
-----------------------------------	-----------------------------------------	-------------------------------

On my retirement application, I have elected (Mark "X" in appropriate box.):

<input type="checkbox"/>	No survivor annuity for my spouse.
<input type="checkbox"/>	Less than the maximum survivor annuity.

**PART 2 - To Be Completed by Spouse of Retiring Employee**

I am aware of the survivor election made by my spouse.

<i>Signature (Do not print.)</i>	<i>Date Signed (Month, Day, Year)</i>
----------------------------------	---------------------------------------

**PART 3 - To Be Completed by Witnesses**

We, the undersigned, certify that this form was signed by the spouse of the retiring employee in our presence.

<i>Signature (Do not print.)</i>	<i>Date Signed (Month, Day, Year)</i>	<i>Signature (Do not Print.)</i>	<i>Date Signed (Month, Day, Year)</i>
<i>Name of Witness (Type or print)</i>		<i>Name of Witness (Type or Print)</i>	
<i>Address (Number and Street)</i>		<i>Address (Number and Street)</i>	
<i>(City, State and Zip Code)</i>		<i>(City, State and Zip Code)</i>	

**PART 4 - To Be Completed by Retiring Employee, if Spouse's Signature is Unobtainable**

*Name and Last Known Mailing Address of Spouse*

**PRIVACY ACT STATEMENT**

Public Law 96-391, which establishes spouse notification requirements, authorizes solicitation of this information. The data furnished will be used to determine the type of annuity awarded.

This information may be shared with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs or when

they are investigating a violation or potential violation of the civil or criminal law.

Executive Order 9397 (November 22, 1943), authorizes use of the Social Security Number to distinguish between you and people with similar names. Furnishing your Social Security Number, as well as the other data, is voluntary, but failure to do so may result in your receiving an annuity with full reduction for the maximum survivor benefit.



### Inclusions In Family Income

Family income refers to total annual cash receipts before taxes from all sources. (Income data for a part-year period may be annualized.) These receipts include:

- **Gross Wages and Salary**—The total money earnings received from work performed as an employee. It represents the amount paid before deductions for income taxes, social security, bond purchases, etc.
- **Net Self-Employment Income**—Net income (gross receipts minus operating expenses) from a business firm, farm, or other enterprise in which a person is engaged on his/her own.
- **Other Money Income**—Money received from sources, such as public assistance payments (including Supplemental Security Income), social security or railroad retirement, unemployment and workers' compensation, strike benefits from union funds, training stipends, alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private and Government employee pensions, and regular insurance or annuity payments; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

### Exclusions From Family Income

The following should not be included in the computation of total family income:

- Capital gains.
- Any assets drawn down as withdrawals from a bank, sale of property, house, or car.
- Tax refunds, gifts, lump-sum inheritances, one-time insurance payments or compensation for injury.
- Veterans' benefits (i.e., educational assistance, compensation payments).
- Earnings from the Stay-in-School and Summer Aid programs.
- Non-cash benefits such as employer-paid health insurance and other employee fringe benefits, food or rent received in lieu of wages, the value of food and fuel produced and consumed on farms, and the imputed value of rent from owner-occupied non-farm or farm housing.

### Individuals Claiming Self Sufficiency

If you are financially independent and (1) have not resided with your family for more than 6 months during the past 12-month period and (2) were not claimed as a dependent on another person's Federal income tax return for the last calendar year, you may be considered your own household of one person. If, however, you have resided with your family for more than 6 months during the past 12-month period, the income of these family members must be reported on this form.

1984 USAM (superseded)



**APPLICATION FOR RETIREMENT  
CIVIL SERVICE RETIREMENT SYSTEM**

(USE ONLY IF SEPARATED ON OR AFTER  
OCTOBER 20, 1969)

To Avoid Delay—1. Read Information Carefully; 2. Complete Application in Full; 3. Typewrite or Print in Ink

**A. IDENTIFYING INFORMATION**

1. NAME (Last) (First) (Middle)			2. LIST ALL OTHER NAMES YOU HAVE USED		
3. ADDRESS (Including ZIP code)			4. PHONE NUMBER (Including Area Code)	5. DATE OF BIRTH (Month) (Day) (Year)	6. SOCIAL SECURITY ACCOUNT NUMBER
8A. ARE YOU MARRIED <input type="checkbox"/> YES <input type="checkbox"/> NO			7A. ARE YOU A CITIZEN OF THE UNITED STATES OF AMERICA? <input type="checkbox"/> YES <input type="checkbox"/> NO		7B. IF "NO", OF WHAT COUNTRY ARE YOU A CITIZEN?
WIFE'S OR HUSBAND'S NAME (First) (Middle)		HER (OR HIS) BIRTH DATE (Month) (Day) (Year)	HER (OR HIS) SOCIAL SECURITY ACCOUNT NUMBER	DATE OF MARRIAGE (Month) (Day) (Year)	PLACE OF MARRIAGE (City) (State)
					MARRIAGE PERFORMED BY: <input type="checkbox"/> CLERGYMAN OR JUSTICE OF THE PEACE <input type="checkbox"/> OTHER (Specify)
9A. DO YOU HAVE ANY UNMARRIED CHILDREN UNDER AGE 22 (Or over age 22 and incapable of self support because of a disability incurred before age 18)? <input type="checkbox"/> YES <input type="checkbox"/> NO					
9B. IF "YES" LIST NAME AND DATE OF BIRTH OF EACH CHILD. WRITE THE WORD "DISABLED" AFTER CHILD'S NAME WHERE APPLICABLE					
(First)	CHILD'S NAME (Middle) (Last)	DATE OF BIRTH (Mo.) (Day) (Yr.)	(First)	CHILD'S NAME (Middle) (Last)	DATE OF BIRTH (Mo.) (Day) (Yr.)

**B. CIVILIAN AND MILITARY SERVICE**

1. DEPARTMENT OR AGENCY IN WHICH PRESENTLY OR LAST EMPLOYED, INCLUDING BUREAU OR DIVISION, AND ADDRESS, INCLUDING ZIP CODE		2. DATE OF FINAL SEPARATION (Month) (Day) (Year)		3. APPROXIMATE YEARS OF FEDERAL SERVICE CIVILIAN MILITARY	
		4. TITLE OF LAST POSITION			
5. DO YOU HAVE FEDERAL EMPLOYEES GROUP LIFE INSURANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO	6. IF YOU HAVE REGULAR LIFE INSURANCE, DO YOU ALSO HAVE OPTIONAL LIFE INSURANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO	7A. HAVE YOU BEEN ENROLLED IN A PLAN UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM SINCE YOUR FIRST OPPORTUNITY TO ENROLL OR FOR AT LEAST FIVE YEARS IMMEDIATELY BEFORE YOUR RETIREMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		7B. IF "YES" PLEASE LIST YOUR CURRENT: CARRIER CONTROL NUMBER ENROLLMENT CODE NUMBER	
8. COMPLETE THE SCHEDULE BELOW IF YOU HAVE PERFORMED ACTIVE DUTY THAT TERMINATED UNDER HONORABLE CONDITIONS IN ANY OF THE FOLLOWING SERVICES, (A) ARMY, NAVY, MARINE CORPS, AIR FORCE, OR COAST GUARD OF THE UNITED STATES; OR (B) REGULAR CORPS OR RESERVE CORPS OF THE PUBLIC HEALTH SERVICE AFTER JUNE 30, 1960; OR (C) AS A COMMISSIONED OFFICER OF THE COAST AND GEODETIC SURVEY AFTER JUNE 30, 1961; OR (D) AS A COMMISSIONED OFFICER OF THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION. ATTACH A COPY OF YOUR DISCHARGE CERTIFICATE OR OTHER CERTIFICATE OF ACTIVE MILITARY SERVICE, IF AVAILABLE.					
BRANCH OF SERVICE	SERIAL NUMBER	DATE OF ENTRANCE ON ACTIVE DUTY	DATE OF SEPARATION FROM ACTIVE DUTY	LAST GRADE OR RANK	ORGANIZATION AT DISCHARGE (Div., Regt., Co., etc.)
9A. ARE YOU A MILITARY RESERVIST (Either Active or Inactive)? <input type="checkbox"/> YES <input type="checkbox"/> NO	9B. ARE YOU IN RECEIPT OF OR HAVE YOU EVER APPLIED FOR MILITARY RETIRED PAY? (Retired pay does not include V.A. pension or compensation.) <input type="checkbox"/> YES <input type="checkbox"/> NO		9C. IF "YES" WERE YOU RETIRED FROM A RESERVE COMPONENT UNDER CHAPTER 67, TITLE 10, USC? (Formerly Title III, Public Law 80-810) <input type="checkbox"/> YES <input type="checkbox"/> NO		

**C. DISABILITY INFORMATION (Only Applicants for Total Disability Retirement Will Complete This Part)**

1. BRIEFLY DESCRIBE YOUR DISABILITIES. STATE WHEN OCCURRED, AND HOW THEY INTERFERE WITH PERFORMANCE OF THE DUTIES OF YOUR POSITION. (ATTACH ADDITIONAL COMMENTS ON PLAIN SHEET OF PAPER, IF NECESSARY.) ALSO, STATE MONTH AND YEAR IN WHICH YOU BECAME TOTALLY DISABLED.

**D. OTHER CLAIM INFORMATION**

1A. HAVE YOU EVER RECEIVED OR MADE APPLICATION FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT? <input type="checkbox"/> YES <input type="checkbox"/> NO		1B. IF "YES" STATE THE NUMBER OF YOUR COMPENSATION CLAIM AND THE PERIOD FOR WHICH YOU RECEIVED COMPENSATION: CLAIM NUMBER FROM (Mo.) (Day) (Year) TO (Mo.) (Day) (Year)	
2A. HAVE YOU PREVIOUSLY FILED ANY APPLICATION UNDER THE CIVIL SERVICE RETIREMENT SYSTEM, INCLUDING APPLICATION FOR RETIREMENT, REFUND, DEPOSIT OR REDEPOSIT, OR VOLUNTARY CONTRIBUTIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO		2B. IF "YES" INDICATE THE TYPE(S) OF APPLICATION AND GIVE THE CLAIM NUMBER(S) IF KNOWN: <input type="checkbox"/> RETIREMENT <input type="checkbox"/> DEPOSIT OR REDEPOSIT <input type="checkbox"/> REFUND <input type="checkbox"/> VOLUNTARY CONTRIBUTIONS CLAIM NUMBER(S)	
3A. DO YOU HAVE LIFE INSURANCE THROUGH A FORMER EMPLOYEE BENEFICIAL ASSOCIATION FOR WHICH YOU NOW PAY PREMIUMS TO THE CIVIL SERVICE COMMISSION? <input type="checkbox"/> YES <input type="checkbox"/> NO		3B. IF "YES" GIVE YOUR ACCOUNT NUMBER	
4A. HAVE YOU EVER BEEN EMPLOYED UNDER ANOTHER RETIREMENT SYSTEM FOR FEDERAL OR DISTRICT OF COLUMBIA EMPLOYEES? <input type="checkbox"/> YES <input type="checkbox"/> NO		4B. IF "YES" GIVE THE NAME OF THE OTHER RETIREMENT SYSTEM	



INDICATE, BY SIGNING YOUR INITIALS IN THE APPROPRIATE BOX BELOW, THE TYPE OF ANNUITY YOU WANT TO RECEIVE. READ THE EXPLANATIONS AND CONSIDER THE MATTER CAREFULLY. NO CHANGE WILL BE PERMITTED AFTER AN ANNUITY HAS BEEN GRANTED. IF YOU WANT AN ANNUITY WITH A SURVIVOR BENEFIT, BE SURE TO GIVE THE OTHER INFORMATION CALLED FOR.

**F. TYPES OF ANNUITY: MARRIED APPLICANTS ONLY**

1.  INITIALS ANNUITY WITH SURVIVOR BENEFIT TO WIDOW OR WIDOWER

SPECIFY THE PORTION OF YOUR ANNUITY YOU WANT USED AS THE BASE FOR YOUR WIDOW'S (OR WIDOWER'S) SURVIVOR ANNUITY.

*If you want all your annuity used as the base for the survivor benefit, write the word "all" in the box below. If you want only part of your annuity used as the base for the survivor benefit, write the yearly amount of your annuity you want used.*

\$

THE SURVIVOR'S ANNUITY WILL BE 55% OF ALL OR WHATEVER PORTION OF YOUR ANNUITY YOU SPECIFY AS THE BASE FOR HER (OR HIS) BENEFIT.

- If you are married, you will receive this type of annuity unless you choose the annuity in F. 2.
- The annuity payable to you during your lifetime will be reduced by 2½% of any amount up to \$3,600 a year used as the base for the survivor benefit, plus 10% of any amount over \$3,600 so used.
- If your wife (or husband) should die before you, no change in type of annuity will be permitted, your annuity will not be increased, nor may you name any other person as survivor.
- The survivor's annuity will not begin until your death.

2.  INITIALS ANNUITY WITHOUT SURVIVOR BENEFIT

(I do not desire my wife (or husband) to receive a survivor annuity benefit after my death.)

- If you choose this type, your wife (or husband) cannot be paid a survivor annuity after your death.
- This type provides annuity payments to you only.

**G. TYPES OF ANNUITY: UNMARRIED APPLICANTS ONLY (Including Widowed and Divorced)**

1.  INITIALS ANNUITY WITHOUT SURVIVOR BENEFIT

- If you are not married, you will receive this type of annuity unless you choose the annuity in G. 2.
- This type provides annuity payments to you only.

2.  INITIALS ANNUITY WITH SURVIVOR BENEFIT TO NAMED PERSON HAVING AN INSURABLE INTEREST

SPECIFY THE NAME, RELATIONSHIP, DATE OF BIRTH, AND SOCIAL SECURITY ACCOUNT NUMBER OF THE PERSON YOU WISH TO RECEIVE THE SURVIVOR ANNUITY.

NAME OF PERSON (First, middle, last)

RELATIONSHIP <input type="text"/>	DATE OF BIRTH (Mo., day, yr.) <input type="text"/>
	SOCIAL SECURITY ACCOUNT NUMBER <input type="text"/>

SEE UNMARRIED EMPLOYEES UNDER INFORMATION REGARDING SURVIVOR ANNUITIES ON THE ATTACHED INFORMATION SHEET FOR EXPLANATION OF REDUCTION IN YOUR ANNUITY.

- This type is available to all retiring *unmarried* employees who are in good health.
- It provides a reduced annuity to you and a survivor annuity to the person named as having an insurable interest.
- The survivor's annuity will not begin until your death.
- The survivor's annuity will be 55% of the reduced annuity you receive.
- If you choose this type of annuity you will have to undergo a medical examination which will be arranged by the Civil Service Commission at no cost to you.
- If the person named as having an insurable interest should die before you, no change in type of annuity will be permitted, your annuity will not be increased, nor may you name any other person as survivor.

**H. CERTIFICATION OF APPLICANT**

WARNING.—Any intentional false statement in this application or willful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both (18 U.S.C. 1001).

I hereby certify that all statements made in this application are true to the best of my knowledge and belief.

(DATE)  (SIGNATURE OF APPLICANT)

**I. FOR USE OF EMPLOYING AGENCY (See FPM Supplement 831-1 for instructions.)**

CHECK APPROPRIATE BOX:

INDIVIDUAL RETIREMENT RECORD, SF 2806, AND REGISTER OF SEPARATIONS AND TRANSFERS, SF 2807, ARE ATTACHED.

INDIVIDUAL RETIREMENT RECORD, SF 2806, WAS SENT TO U.S. CIVIL SERVICE COMMISSION ON \_\_\_\_\_ (DATE) WITH REGISTER OF SEPARATIONS AND TRANSFERS, SF 2807, NO. \_\_\_\_\_.

NAME OF AGENCY PERSON WHO CAN FURNISH ADDITIONAL INFORMATION ABOUT THIS APPLICATION, IF NECESSARY (Type or print)	SIGNATURE OF RESPONSIBLE AGENCY OFFICIAL	
	OFFICIAL TITLE	DATE
TELEPHONE NUMBER, INCLUDING AREA CODE	DEPARTMENT OR AGENCY	

**OFFENSES BARRING ANNUITY PAYMENTS:** Title 5 USG 8312 prohibits payment of annuity to persons who have committed specified offenses involving the national security of the United States. Employing agencies are responsible for submitting all pertinent information to the Civil Service Commission's Bureau of Retirement, Insurance, and Occupational Health in any case when this law possibly applies.

(The applicant will detach the information sheet before filing the application)

## INFORMATION REGARDING APPLICATION FOR RETIREMENT CIVIL SERVICE RETIREMENT SYSTEM

This application form is for employees separated from Federal service on or after October 20, 1969. If separated before that date, you should not use this form. You may request the proper *Application for Retirement* from the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

### GENERAL INFORMATION

1. If not yet separated, or if separated on or after October 20, 1969, complete the attached application in full.
2. Typewrite or print in ink.
3. If this application is for retirement based upon total disability:
  - (a) You must submit a statement from your personal physician on Standard Form 2801-B, or a narrative statement on the physician's stationery describing in detail the nature and extent of your disability, with an expression of opinion as to whether or not you are totally disabled for useful and efficient service in your position and as to whether the disease or injury is due to vicious habits, intemperance, or willful misconduct. The statement must include the date when such disability began. If the physician prefers, he may furnish this statement in a sealed envelope marked with your name and the words, "Disability Retirement—Privileged-Private" directly to your employing agency which will forward it to the appropriate Medical Officer of the Civil Service Commission.
  - (b) Your employing agency must submit a statement by your superior officer on Standard Form 2801-A.
4. If not yet separated, or if separated 30 days or less, submit the completed application to your employing department or agency.
5. If separated more than 30 days, send the completed application directly to the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.
6. You will be notified when your application is received by the Civil Service Commission and you will be fully informed about your retirement annuity when adjudication of your claim has been completed.
7. There are several sources from which you may obtain any additional information you may need to assist you in completing this application:
  - (a) Refer to your "Certificate of Membership in the United States Civil Service Retirement System."
  - (b) Contact the personnel office of the department or agency in which you are presently employed.
  - (c) If neither of these sources of information is available, contact the nearest regional office of the U.S. Civil Service Commission or the Bureau of Retirement, Insurance, and Occupational Health, U.S. Civil Service Commission, Washington, D.C. 20415.

### INFORMATION REGARDING SURVIVOR ANNUITIES

#### MARRIED EMPLOYEES

After your death your wife (or husband) will receive a survivor annuity equal to 55% of your annuity unless you choose otherwise at retirement.

To provide the survivor annuity, your annuity up to \$3,600 a year will be reduced 2 1/4%; any portion of your annuity over \$3,600 a year will be reduced 10%. If your annuity is \$3,600 a year or less, only the 2 1/4% reduction will apply.

If your wife (or husband) should die before you, no change in type of annuity will be permitted, your annuity will not be increased, nor may you name any other person as survivor. Here are some examples of annuities using all the employee's annuity as the base for the survivor benefit.

Employee's Annuity Before Reduction		Employee's Annuity After Reduction		Wife's or Husband's Survivor Annuity	
Yearly	Monthly	Yearly	Monthly	Yearly	Monthly
\$1,800	\$150	\$1,735	\$146	\$990	\$83
2,400	200	2,340	195	1,320	110
3,600	300	3,510	293	1,980	165
4,800	400	4,590	383	2,640	220
6,000	500	5,670	473	3,300	275

If you prefer, you may specify a portion rather than all of your annuity for use as a base for the survivor benefit. The reduction in your annuity then will apply only to the lesser amount you specify. Your wife's (or husband's) survivor annuity will be 55% of the specified lesser amount.

Or, you may choose an annuity payable only during your lifetime. Your annuity then will not be reduced for survivor benefits. However, your wife (or husband) *cannot* be paid a survivor annuity after your death.

#### UNMARRIED EMPLOYEES

If you are unmarried (or widowed or divorced) you will receive an annuity payable only during your lifetime.

Or, if you are in good health, you may at retirement name a person with an insurable interest to receive a survivor annuity after your

death. If you do this your annuity will be reduced. The survivor's annuity will be 55% of your reduced annuity.

If you name a person with an insurable interest to receive a survivor annuity after your death, the amount of the reduction in your annuity will depend upon the difference between your age and the age of the person named as survivor annuitant, as shown in the table below.

Age of Person Named in Relation to That of Retiring Employee	Reduction in Annuity of Retiree's Employee
Older, same age, or less than 5 years younger	10%
5 but less than 10 years younger	15%
10 but less than 15 years younger	20%
15 but less than 20 years younger	25%
20 but less than 25 years younger	30%
25 but less than 30 years younger	35%
30 or more years younger	40%

If you choose a reduced annuity with a survivor benefit to a person having an insurable interest, you must undergo a medical examination which the Civil Service Commission will arrange without cost to you. If you are retiring on account of total disability, you are not eligible to elect this type of annuity.

#### SURVIVOR ANNUITY TO CHILDREN

Regardless of type of annuity elected at retirement, your unmarried children, if any, under age 18 at the time of your death may qualify for survivor annuity. An unmarried child over age 18 may also qualify for survivor annuity if incapable of self support because of a disability which began before age 18, or, if under 22, a full-time student at a recognized educational institution.

If you are survived by a wife (or husband), each eligible child will

(CONTINUED ON NEXT PAGE)

be paid survivor annuity equal to whichever of the following annual amounts is the least: (a) 40 percent of your "high-3" average pay divided by the number of eligible children, (b) \$2,835 divided by the number of children, or (c) \$945.

If you are not survived by a wife (or husband), each eligible child will be paid the least of the following annual amounts: (a) 50 percent of your "high-3" average pay divided by the number of eligible children, (b) \$3,402 divided by the number of children, or (c) \$1,134.

## WHO MAY RECEIVE ANNUITIES

**1. General Requirements.**—A minimum of 5 years of civilian service is required before an annuity is payable in any case. In addition, except for retirement on account of total disability, an employee must have been subject to the retirement law for at least 1 out of the last 2 years before the separation on which his retirement is based.

Title 5, United States Code 8312 prohibits payment of annuity to persons who have committed specified offenses involving the national security of the United States. An employee who is barred by this law may not receive an annuity.

**2. Based Upon Age and Service.**—An immediate annuity is payable to an employee upon separation if he has at least (a) 5 years of civilian service and is 62 years of age or over, (b) 20 years of service and is 60 years of age or over, or (c) 30 years of service and is 55 years of age or over.

**3. Based Upon Involuntary Separation.**—An immediate annuity is payable to an employee upon his involuntary separation, not for cause, if he has at least (a) 20 years of service and is age 50 or over or (b) 25 years of service, regardless of age.

**4. Based Upon Total Disability.**—An immediate annuity is payable to an employee if he (a) has completed at least 5 years of civilian service, and (b) becomes totally disabled for useful and efficient service in his own grade or class of position, and (c) files application with the Civil Service Commission prior to or within 1 year after his separation (this time limitation may be extended in certain cases where the applicant is incompetent).

**5. Based Upon Deferred Retirement.**—A deferred annuity which begins when he reaches age 62 is payable to an employee who has completed 5 years of civilian service and who is separated for any reason, or who is transferred to a position which is under another retirement system.

**6. Based Upon Law-Enforcement Service.**—An employee whose duties are primarily the investigation, apprehension, or detention of criminals may be paid an immediate annuity if he has at least 20 years of such law-enforcement service, is age 50 or over, and meets certain other requirements. Additional information concerning law-enforcement annuities may be obtained from the employing agency.

## HOW ANNUITIES ARE COMPUTED

**1. Basic Annuity Formula.**—For employees generally, (a) take 1½% of the "high-3" average pay and multiply the result by 5 years of service; (b) add 1½% of the "high-3" average pay multiplied by years of service between 5 and 10; and (c) add 2% of the "high-3" average pay multiplied by all service over 10 years.

Instead of using the 1½%, 1½%, and 2%, there may be substituted 1% of the "high-3" average pay plus \$25 for any or all of these percentages if such substitution will produce a higher annuity.

The "high-3" average pay is the highest pay obtainable by averaging the rates of basic pay in effect during any 3 consecutive years of service with each rate weighted by the time it was in effect.

If an employee has not made a redeposit in the Retirement Fund to cover service for which he received a refund of retirement deductions, that service is excluded from length of service in computing his annuity.

**2. Formula for Law-Enforcement Personnel.**—The basic annuity of an employee who retires under the special provision covering law-enforcement personnel is 2% of the "high-3" average pay, multiplied by the total years of service.

**3. Limitation on Basic Annuity.**—The basic annuity may not be more than 80% of the employee's "high-3" average pay. Retirement deductions withheld after the month the 80% limitation is reached are at separation set aside as a special credit. At retirement, the special credit is applied to any deposit or redeposit which, if unpaid, would reduce the basic annuity below the 80% limitation. Any balance, or the entire special credit if no deposit or redeposit is due, is refundable before annuity has been granted or may be used as voluntary contributions to purchase additional annuity as explained in item 8. The additional annuity will be automatically authorized unless the employee attaches a statement to the application indicating he wants a refund of the excess deductions.

**4. Guaranteed Minimum Disability Annuity.**—An employee retiring before age 60 on account of total disability is guaranteed a minimum basic annuity which amounts to the lesser of (a) 40% of his "high-3" average pay, or (b) the sum obtained by using the formula in (1) above, but increasing the length of actual service by the period between the date of the employee's separation for retirement and the date he reaches age 60.

If the basic "earned" annuity computed in (1) above is greater than the guaranteed minimum, this basic "earned" annuity is used.

**5. Reduction for Early Retirement.**—Unless retirement is on account of total disability, or under the special provision for law-enforcement personnel, an employee who retires before age 55 (discontinued service) will have his basic annuity reduced by 1/6 of 1% (2% a year) for each full month, if any, he is under age 55.

**6. Reduction for Non-Deduction Service.**—An employee who has service during which no retirement deductions were made from his salary and for which he has not made a deposit in the Retirement Fund, will have his annuity reduced by 10% of the amount due as deposit. This reduction does not apply, and no deposit need be made, for service before August 1, 1920, for military service, or for Panama Railroad Company service before January 1, 1924.

**7. Reduction for Survivor Annuity.**—This reduction is explained under "Information Regarding Survivor Annuities" on the other side of this page.

**8. Additional Annuity.**—An employee who, in addition to the amounts withheld from his salary, has made voluntary contributions to the Retirement Fund will be paid, in addition to the regular annuity, \$7, plus 20¢ for each full year he is over age 55 at retirement, for each \$100 in his voluntary contributions account. If, with respect to his voluntary contributions, an employee elects a survivor annuity, the additional annuity purchased will be reduced as indicated in "UNMARRIED EMPLOYEES" under "Information Regarding Survivor Annuities" on the other side of this page. However, the survivor's additional annuity will be 50% of the employee's additional annuity as reduced. An employee who is a citizen of the United States and not in receipt of a Panama Canal Construction benefit will be paid an additional annuity of \$36 for each year he may have served in the construction of the Panama Canal or the Alaska Railroad.

**9. Payment and Accrual of Annuity.**—All annuities are payable in monthly installments on the first business day of the month following the one for which the annuity has accrued. All annuities are adjusted to the nearest dollar.

**10. Cost of Living Review.**—Each month the Civil Service Commission will review the nationwide cost of living. Whenever the cost of living, nationwide, goes up by at least 3% since the most recent cost-of-living increase and stays up at least 3% for 3 consecutive months, annuities will be automatically increased by a percentage approximately equal to 1% more than the percentage rise in the cost of living. Additional annuity purchased by voluntary contributions is not increased.

**11. Unused Sick Leave.**—An employee who retires with any unused sick leave to his credit will have the number of working days represented by such leave added to his years of service for the purpose of computing his annuity. Additional annuity thereby earned will not be subject to the 80% limitation on basic annuity. Days of unused sick leave may not be used in determining average pay or length of service for annuity eligibility.

**SUPERIOR OFFICER'S STATEMENT**  
IN CONNECTION WITH DISABILITY RETIREMENT  
CIVIL SERVICE RETIREMENT SYSTEM

*TO: SUPERIOR OFFICER.*—Under the Civil Service Retirement System, the term disability means totally disabled for useful and efficient service in the grade or class of position last occupied by the employee, by reason of disease or injury not due to vicious habits, intemperance, or willful misconduct on his part within 5 years of becoming so disabled. *Answer the following questions as completely as you can.* Your objective and prompt completion of this statement is of utmost importance to the Government and the applicant.

**IMPORTANT:** Item 15 must be completed by the agency Coordinator for the Employment of the Handicapped (in his absence the Personnel Officer) having jurisdiction over the place of employment.

1. NAME OF APPLICANT FOR DISABILITY RETIREMENT  
(Last) (First) (Middle)

2. HOW LONG HAVE YOU BEEN THE APPLICANT'S SUPERIOR OFFICER?

3. WHEN DID APPLICANT ENTER ON DUTY IN POSITION LAST OCCUPIED?

4. APPROXIMATELY HOW MANY DAYS HAS APPLICANT BEEN ABSENT BECAUSE OF ILLNESS WITHIN THE PAST 2 YEARS?

5. BRIEFLY DESCRIBE THE DUTIES AND RESPONSIBILITIES OF THE APPLICANT'S POSITION AND ALSO IMPORTANT ENVIRONMENTAL FACTORS CONNECTED WITH THE JOB. OR ATTACH OFFICIAL COPY OF JOB DESCRIPTION, IF MORE CONVENIENT.

6. WHICH OF THE DUTIES DESCRIBED IN ITEM 5 WAS THE APPLICANT UNABLE TO PERFORM ON ACCOUNT OF HIS DISABILITY?

7. AS FAR AS YOU WERE ABLE TO OBSERVE, HOW DID THE APPLICANT'S DISABILITY INTERFERE WITH OR PREVENT HIS PERFORMANCE OF THE DUTIES LISTED IN ITEM 6?

8. AS FAR AS YOU KNOW, HAS EXCESSIVE USE OF ALCOHOL OR DRUGS EVER INTERFERED WITH APPLICANT'S PERFORMANCE OF HIS DUTIES? IF SO, PLEASE GIVE DETAILS.

9. DESCRIBE ANY INSTANCES OF EMOTIONAL INSTABILITY OR ABNORMAL BEHAVIOR ON THE PART OF THE APPLICANT.



10. IF THE APPLICANT WAS FIRST HIRED WITH A PHYSICAL HANDICAP, PLEASE STATE WHETHER OR NOT THERE HAS BEEN ANY AGGRAVATION OF THE HANDICAP SINCE HE ENTERED ON DUTY. IF THE ANSWER IS "YES," PLEASE STATE WHEN SUCH AGGRAVATION WAS FIRST NOTICED AND TO WHAT DEGREE IT HAS NOW PROGRESSED.

11. PLEASE STATE ANY OTHER FACTS CONCERNING THE APPLICANT'S DISABILITY WHICH YOU FEEL MAY BE HELPFUL TO THE MEDICAL OFFICERS OF THE CIVIL SERVICE COMMISSION IN DETERMINING WHETHER THE APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR RETIREMENT ON ACCOUNT OF TOTAL DISABILITY

12. PLEASE FURNISH TOTAL YEARS OF CIVILIAN SERVICE APPLICANT HAS PERFORMED.

13. PLEASE FURNISH TITLE OF POSITION APPLICANT HELD PRIOR TO LAST POSITION OCCUPIED AND LENGTH OF TIME IN THAT POSITION.

14.

(Signature of Superior Officer)

(Title)

(Date)

(Name of Agency)

(Mailing Address, including ZIP Code, of Agency)

15. CERTIFICATION BY COORDINATOR FOR THE EMPLOYMENT OF THE HANDICAPPED

I certify that there are no positions available at the same grade or class for which this employee is qualified. Furthermore, reassignment or trial detail to another position was not possible for the following reason(s):

- Employee's physical and/or mental condition precludes reassignment or trial detail.
- Employee declined an offer of reassignment or trial detail at the same salary.
- Employee declined an offer of reassignment or trial detail because of reduction in salary and/or grade.
- Employee was not qualified for any available positions.
- Employee could not be retrained to qualify for available positions.
- Other (specify):

(Signature)

(Date)

(Title)

NOTE: This completed statement must be submitted with other supporting documents.

**PHYSICIAN'S STATEMENT**

FOR EMPLOYEE DISABILITY RETIREMENT PURPOSES  
CIVIL SERVICE RETIREMENT SYSTEM

**PART A--TO BE COMPLETED BY APPLICANT**

**INSTRUCTIONS** 1. Complete Part A and give this form to your physician. He should complete Part B and mail it to the address you furnish in Item 9, below.  
2. As an applicant, you are responsible for paying any expense incurred in completing this form.

1. PRINT OR TYPE FULL NAME (Last, First, Middle)	2. DATE OF BIRTH (Mo., Day, Yr.)	3. SOCIAL SECURITY ACCOUNT NUMBER
4. ADDRESS (Including ZIP Code)		5. TELEPHONE NUMBER (Including Area Code)
6. TITLE OF FEDERAL (OR D.C.) GOVERNMENT POSITION OCCUPIED AND BRIEF DESCRIPTION OF DUTIES		
7. BRIEFLY DESCRIBE YOUR DISABILITIES, STATE WHEN INCURRED, AND HOW THEY INTERFERE WITH PERFORMANCE OF THE DUTIES OF YOUR POSITION		
8. RELEASE OF MEDICAL INFORMATION	I authorize the release of this statement and related medical information to my employing agency and the U.S. Civil Service Commission. SIGNATURE _____	DATE _____
9. IN SPACE BELOW, ENTER THE EXACT NAME AND ADDRESS (INCLUDING ZIP CODE) OF YOUR EMPLOYING OFFICE.		
ADDRESS TO WHICH PHYSICIAN SENDS STATEMENT →		

**PART B--TO BE COMPLETED BY PHYSICIAN**

**INSTRUCTIONS** 1. Report in detail the clinical symptoms and findings upon which your diagnosis and conclusions are based. A complete and objective report may permit a decision on the claim for disability without need for further examination and inconvenience to the applicant.  
2. Send the completed form to the office named by the applicant in Item 9, Part A. Please mark envelope "Disability Retirement-Privileged-Private."

**MEDICAL HISTORY**

1. HOW LONG HAS APPLICANT BEEN UNDER YOUR PROFESSIONAL CARE FOR THE INDICATED DISABILITY? (Give dates.)	2. WHEN DID YOU LAST SEE THE APPLICANT FOR EXAMINATION OR TREATMENT? (Give dates.)				
3. IF APPLICANT IS CURRENTLY HOSPITALIZED OR HAS BEEN HOSPITALIZED RECENTLY, PLEASE FURNISH:					
NAME AND ADDRESS (INCLUDING ZIP CODE) OF HOSPITAL OR OTHER MEDICAL FACILITY	<table border="1"> <tr> <td data-bbox="1071 1564 1282 1680">DATE OF DISCHARGE</td> <td data-bbox="1282 1564 1515 1680">DATE OF ADMISSION</td> </tr> <tr> <td colspan="2" data-bbox="1071 1680 1515 1730">PLEASE ATTACH SUMMARY REPORT OF HOSPITALIZATION OR ABSTRACT OF HOSPITAL RECORDS</td> </tr> </table>	DATE OF DISCHARGE	DATE OF ADMISSION	PLEASE ATTACH SUMMARY REPORT OF HOSPITALIZATION OR ABSTRACT OF HOSPITAL RECORDS	
DATE OF DISCHARGE	DATE OF ADMISSION				
PLEASE ATTACH SUMMARY REPORT OF HOSPITALIZATION OR ABSTRACT OF HOSPITAL RECORDS					

PHYSICIAN: PLEASE COMPLETE OTHER SIDE OF THIS STATEMENT ALSO

2801-306

Standard Form 2801-B  
U.S. Civil Service Commission  
July 1972  
FPM Supplement 831-1

**MEDICAL HISTORY**

4. DESCRIBE FULLY THE ONSET OF DISABILITY, PROGRESSION, AND CURRENT SYMPTOMS

--

**PHYSICAL FINDINGS**

IT IS OF UTMOST IMPORTANCE TO THE APPLICANT THAT YOU FULLY DESCRIBE CLINICAL FINDINGS IN RELATION TO THE CONDITION CONSIDERED DISABLING.

HEIGHT	WEIGHT	TEMPERATURE	MUSCULAR DEVELOPMENT	PULSE	RESPIRATION
NUTRITION	POSTURE	GAIT	GENERAL APPEARANCE	BLOOD PRESSURE	
				SYSTOLIC	DIASTOLIC

COMPLETE PHYSICAL FINDINGS

--

(IF ADDITIONAL SPACE IS REQUIRED, PLEASE CONTINUE ON SEPARATE SHEET)

**DIAGNOSIS**

--

**CONCLUSIONS**

**NOTE:** Under the civil service retirement system, the term disability means disabled for useful and efficient service in the grade or class of position last occupied by the employee.

1. IS APPLICANT DISABLED FOR THE FEDERAL OR D.C. GOVERNMENT POSITION?  <input type="checkbox"/> YES <input type="checkbox"/> NO	2. DATE DISABILITY BEGAN	3. HOW LONG IS DISABILITY EXPECTED TO LAST?
---------------------------------------------------------------------------------------------------------------------------------------	--------------------------	---------------------------------------------

**PHYSICIAN'S NAME AND ADDRESS**

1. TYPE OR PRINT PHYSICIAN'S NAME	2. PHYSICIAN'S SIGNATURE
3. PHYSICIAN'S ADDRESS (INCLUDING ZIP CODE)	4. DATE

Standard Form No. 2802 U.S. Civil Service Commission July 1966 FPM Supplement 831-1		<b>APPLICATION FOR REFUND OF RETIREMENT DEDUCTIONS</b> <b>CIVIL SERVICE RETIREMENT SYSTEM</b> <i>To avoid delay in payment: (1) Complete application in full: (2) Typewrite or print in ink.</i>			2802-106
1. NAME (Last) (First) (Middle)		2. DATE OF BIRTH (Month, day, year)		3. SOCIAL SECURITY NUMBER	
4. LIST ALL OTHER NAMES YOU HAVE USED		5. PERIOD OF LAST SERVICE BEGINNING DATE      ENDING DATE		6. TITLE OF LAST POSITION	
7. DEPARTMENT OR AGENCY OF LAST EMPLOYMENT INCLUDING BUREAU, BRANCH, OR DIVISION		8. LOCATION OF LAST EMPLOYMENT (City, State and ZIP Code)		9. PREVIOUS APPLICATIONS FILED (Indicate by "X") <input type="checkbox"/> RETIREMENT ANNUITY <input type="checkbox"/> DEPOSIT OR REDEPOSIT <input type="checkbox"/> REFUND <input type="checkbox"/> VOLUNTARY CONTRIBUTIONS	
10. LIST BELOW ALL OF YOUR OTHER CIVILIAN SERVICE FOR THE UNITED STATES GOVERNMENT OR DISTRICT OF COLUMBIA:					
DEPARTMENT OR AGENCY (Including bureau, branch, or division where employed)		LOCATION OF EMPLOYMENT (City, State and ZIP Code)		PERIODS OF SERVICE BEGINNING DATE      ENDING DATE	
				INDICATE WHETHER RETIREMENT DEDUCTIONS WERE WITHHELD FROM YOUR SALARY. (Check one) WITHHELD      NOT WITHHELD	
11. (A) HAVE YOU ACCEPTED ANY FURTHER EMPLOYMENT WITH THE FEDERAL OR DISTRICT OF COLUMBIA GOVERNMENT (OR ARRANGED FOR SUCH EMPLOYMENT TO BECOME EFFECTIVE WITHIN 31 DAYS FROM THE ENDING DATE SHOWN IN ITEM 5)? <input type="checkbox"/> YES <input type="checkbox"/> NO			11. (B) IF YOU ANSWER "YES" TO ITEM 11(A), ARE CIVIL SERVICE RETIREMENT DEDUCTIONS BEING WITHHELD (OR WILL THEY BE WITHHELD) FROM YOUR SALARY DURING SUCH EMPLOYMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF YOU ANSWER "YES" TO ITEM 11(A), COMPLETE ITEMS 12(A), 12(B), AND 12(C):					
12.(A) DATE OF NEW APPOINTMENT (Month) (Day) (Year)		12.(B) DEPARTMENT OR AGENCY, INCLUDING BUREAU, BRANCH, OR DIVISION, IN WHICH YOU ARE (OR WILL BE) EMPLOYED		12.(C) LOCATION OF NEW EMPLOYMENT (City, State and ZIP Code)	
<b>NOTICE TO APPLICANT</b>					
1. If you have more than 5 years of service you may be entitled to annuity rights which will be forfeited by payment of this refund unless you are later reemployed subject to the Civil Service Retirement Act.			Service Commission at least 31 days before the earliest commencing date of any annuity for which you are eligible.		
2. If you were separated on or after October 1, 1956, from a position subject to the Civil Service Retirement Act, refund of retirement deductions is prohibited unless your separation occurred and your application is received in the Civil			3. Refund of retirement deductions is also prohibited if you are currently employed in a position subject to Civil Service retirement deductions or will be so employed within 31 days from the date of the separation on which your claim for refund is based.		
<b>WHERE TO FILE YOUR APPLICATION</b>			I hereby certify that all statements in this application are true to the best of my knowledge and belief. I have read and understand the statements in the above Notice to Applicant.		
1. If you have been separated 30 days or less, this application should be forwarded to the office in which you were last employed.			NOTE: SIGN YOUR OWN GIVEN NAME, MIDDLE INITIAL, AND LAST NAME.		
2. If you have been separated more than 30 days, forward this application to the Bureau of Retirement and Insurance, U.S. Civil Service Commission, Washington, D.C., 20415.			_____ (SIGNATURE OF APPLICANT)		
WARNING.—Any intentional false statement in this application or willful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001)			_____ (NUMBER AND STREET)		
			_____ (CITY, STATE, AND ZIP CODE)		
			_____ (DATE)		





# INFORMATION REGARDING DEPOSIT AND REDEPOSIT

## CIVIL SERVICE RETIREMENT SYSTEM

Read this information carefully before filling out the attached application

### WHAT YOU SHOULD KNOW ABOUT DEPOSIT

**DEPOSIT** is a payment to the retirement fund to cover a period of service during which no retirement deductions were withheld from salary.

**DEPOSIT IS NOT REQUIRED** nor can it be made for service before August 1, 1920, military service, periods of separation or leave-without-pay, time covered by a lump sum leave payment, or service for the Panama Railroad Company prior to January 1, 1924.

**DEPOSIT IS OPTIONAL.** You do not have to make it if you do not wish to do so.

**AMOUNT OF DEPOSIT** will be the percentage of your basic salary shown below, plus interest from the midpoint of each period involved to the date of the deposit (or commencing date of annuity, if earlier). Interest is computed at 4% to December 31, 1947, and at 3% thereafter, compounded annually. No interest is charged for any period of separation from the service which began before October 1, 1956.

IF DEPOSIT COVERS SERVICE BETWEEN	PERCENTAGE OF BASIC SALARY IS
August 1, 1920 and June 30, 1926 . . .	2½%
July 1, 1926 and June 30, 1942 . . .	3½%
July 1, 1942 and June 30, 1948 . . .	5%
July 1, 1948 and October 31, 1956 . . .	6%
Nov. 1, 1956 and Dec. 31, 1969 . . .	6½%
After December 31, 1969 . . .	7%

**DEPOSIT CANNOT BE WITHDRAWN** unless you become eligible for and obtain a refund of all your

retirement deductions. If you make deposit, become eligible for a refund, and have more than one and less than 5 years of civilian service, interest will be payable on the deposit. However, no interest is payable if you have 5 or more years' civilian service.

**POSTPONING PAYMENT OF DEPOSIT** will cause the amount to increase because of additional interest. However, so long as the deposit is not made you have the use of your money for other purposes. You may postpone making the deposit until you retire, or in the event of death before retirement, your widow (or widower) may make it.

**IF DEPOSIT IS NOT MADE** you will receive credit toward your retirement annuity for the service not covered by deductions. However, your annuity will be reduced by 10% of the amount due as deposit. For example, if a deposit of \$500 is required and it is not paid, the annuity is reduced by \$50 a year. In other words, a deposit of \$500 made at retirement will increase the annuity by \$50 a year so that in 10 years the amount of the deposit will have been recovered. After the 10 years, the annuity will continue at the increased rate.

**AFTER RETIREMENT** your individual account (which includes your deductions, deposits, and earned interest, if any, and against which all your annuity payments are charged) will be used up by annuity payments in 1 to 3 years. Should your annuity terminate for death or other reason after your individual account has been used up, no part of your deposit would be refundable. Your annuity would, of course, continue after your individual account had been used up.

(CONTINUED ON NEXT PAGE)

## WHAT YOU SHOULD KNOW ABOUT REDEPOSIT

**REDEPOSIT** is a payment to the retirement fund to cover a period of service for which retirement deductions were withheld from salary and later refunded.

**REDEPOSIT IS OPTIONAL.** You do not have to make it if you do not wish to do so. However, it is generally advantageous to make it as no credit will be allowed in the computation of annuity for the period of service covered by the refund unless redeposit is made.

**AMOUNT OF REDEPOSIT** will be the sum of the refund plus interest from the date the refund was paid to the date of redeposit (or commencing date of annuity, if earlier). Interest is computed at 4% to December 31, 1947, and 3% thereafter, compounded annually. No interest is charged for any period of separation from the service which began before October 1, 1956.

**REDEPOSIT CANNOT BE WITHDRAWN** unless you become eligible for and obtain a refund of all your retirement deductions. If you make redeposit, become eligible for a refund, and have more than one and less than 5 years of civilian service, interest will be payable on the redeposit. However, no interest is payable if you have 5 or more years' civilian service.

**POSTPONING PAYMENT OF REDEPOSIT** will cause the amount to increase because of additional interest. However, so long as the redeposit is not made you have the use of your money for other purposes. You may postpone making the redeposit until you retire, or in the event of death before retirement, your widow (or widower) may make it.

**IF REDEPOSIT IS NOT MADE** you will receive no credit in the computation of annuity for the period of service covered by the refund. This usually results in a sharp reduction in the amount of your annuity or, in the event of death, your eligible widow's (or widower's) annuity.

**AFTER RETIREMENT** your individual account (which includes your deductions, redeposits, and earned interest, if any, and against which all your annuity payments are charged) will be used up by annuity payments in 1 to 3 years. Should your annuity terminate for death or other reason after your individual account has been used up, no part of your redeposit would be refundable. Your annuity would, of course, continue after your individual account had been used up.

## PROCEDURES GOVERNING DEPOSIT AND REDEPOSIT

**DEPOSIT OR REDEPOSIT** can be made by employees now serving under the Civil Service Retirement Law, by separated employees who are entitled to an annuity, or by widows (or widowers) of deceased employees.

**INSTRUCTIONS** for making payment together with a bill for the amount due will be sent to you as soon as the adjudication of your application is completed.

**INSTALLMENT PAYMENTS** of not less than \$25 are acceptable. However, interest is chargeable on the unpaid balance, so that additional interest may have to be paid.

**IF YOU ARE EMPLOYED** by the Federal or District of Columbia Government, send your completed application to your department or agency which must certify it.

**IF YOU ARE SEPARATED** from the Government, send your completed application direct to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

**ADDITIONAL INFORMATION** and assistance in completing this application may be obtained from the personnel office of the Government department or agency in which you are employed. If this source of information is not available to you, contact the nearest regional office of the United States Civil Service Commission or the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

STANDARD FORM NO. 2803  
MARCH 1970  
FPM SUPPLEMENT #31-1  
2803-106

## APPLICATION TO MAKE DEPOSIT OR REDEPOSIT

### CIVIL SERVICE RETIREMENT SYSTEM

TO AVOID DELAY IN PROCESSING: 1. Read carefully the information attached; 2. Typewrite or print in ink; 3. Complete Part A in full and have your employing agency complete Part B. If not Federally employed Part B need not be completed.

#### A. TO BE COMPLETED BY THE APPLICANT

1. NAME MR. MRS. MISS  (Last) (First) (Middle)	2. LIST ALL OTHER NAMES YOU HAVE USED	3. BIRTHDATE (Month, day, year)
4. ADDRESS  (Number and street)  (City, State, and ZIP Code)	5. DEPARTMENT OR AGENCY IN WHICH PRESENTLY OR LAST EMPLOYED, INCLUDING BUREAU, BRANCH, OR DIVISION	6. SOCIAL SECURITY ACCOUNT NO.
	7. LOCATION OF EMPLOYMENT (City and State)	8. TITLE OF LAST POSITION

LIST BELOW IN CHRONOLOGICAL ORDER: (A) ALL "DEPOSIT" PERIODS OF SERVICE FROM AUGUST 1, 1920, DURING WHICH NO CIVIL SERVICE RETIREMENT DEDUCTIONS WERE WITHHELD FROM YOUR SALARY; AND (B) ALL "REDEPOSIT" SERVICE DURING WHICH RETIREMENT DEDUCTIONS WERE WITHHELD AND LATER REFUNDED TO YOU.

DEPARTMENT OR AGENCY, INCLUDING BUREAU, BRANCH, OR DIVISION WHERE EMPLOYED	LOCATION OF EMPLOYMENT (City and State)	TITLE OF POSITION	PERIODS OF SERVICE		CHECK WHETHER DEDUCTIONS WERE NOT WITHHELD OR WERE WITHHELD AND REFUNDED	
			BEGINNING DATE	ENDING DATE	NOT WITHHELD	WITHHELD AND REFUNDED

10. IF BOTH DEPOSIT AND REDEPOSIT PERIODS ARE LISTED ABOVE, CHECK ONE OF THE BOXES BELOW:

- I WISH TO PAY THE TOTAL AMOUNT OF THE DEPOSIT AND REDEPOSIT.  
 I WISH TO PAY THE REDEPOSIT ONLY

11. ARE DEDUCTIONS FOR CIVIL SERVICE RETIREMENT NOW BEING WITHHELD FROM YOUR SALARY?

- YES  NO

12. IF YOUR ANSWER IS "NO" GIVE THE DATE OF SEPARATION FROM YOUR LAST POSITION UNDER THE CIVIL SERVICE RETIREMENT ACT.

DATE OF SEPARATION

I hereby certify that all statements in this application are true to the best of my knowledge and belief and that I intend to make full payment or begin installment payments of the amount due.

(DATE)

(SIGNATURE OF APPLICANT)





STANDARD FORM NO. 2804 6 GAO 5000 2804-105		<b>APPLICATION TO MAKE VOLUNTARY CONTRIBUTIONS CIVIL SERVICE RETIREMENT SYSTEM</b>	
TO AVOID DELAY: 1. Read carefully the instructions below and the information on the attached page; 2. Typewrite or print in ink; 3. Complete application in full.			
1. (A) NAME MR. MRS. MISS  (Last) (First) (Middle)		2. LIST ALL OTHER NAMES YOU HAVE USED	3. DATE OF BIRTH (Month, Day, Year)
1. (B) ADDRESS  (Number and Street)  (City, State, ZIP Code)		4. (A) DEPARTMENT OR AGENCY IN WHICH PRESENTLY EMPLOYED, INCLUDING BUREAU, BRANCH, OR DIVISION	4. (B) LOCATION OF EMPLOYMENT (City and State)
4. (C) TITLE OF PRESENT POSITION	5. (A) DO YOU HAVE ANY CIVILIAN GOVERNMENT SERVICE SINCE AUGUST 1, 1920, DURING WHICH NO CIVIL SERVICE RETIREMENT DEDUCTIONS WERE TAKEN FROM YOUR SALARY?  <input type="checkbox"/> YES <input type="checkbox"/> NO	6. (A) DO YOU HAVE ANY SERVICE DURING WHICH CIVIL SERVICE RETIREMENT DEDUCTIONS WERE TAKEN FROM YOUR SALARY AND LATER REFUNDED TO YOU?  <input type="checkbox"/> YES <input type="checkbox"/> NO	7. (A) HAVE YOU EVER MADE VOLUNTARY CONTRIBUTIONS BEFORE AND LATER RECEIVED A REFUND OF THEM?  <input type="checkbox"/> YES <input type="checkbox"/> NO
5. (B) IF "YES" HAVE YOU MADE A DEPOSIT TO THE CIVIL SERVICE RETIREMENT FUND TO COVER THIS NON-DEDUCTION SERVICE?  <input type="checkbox"/> YES <input type="checkbox"/> NO	6. (B) IF "YES" HAVE YOU MADE A REDEPOSIT TO THE CIVIL SERVICE RETIREMENT FUND OF THE AMOUNT REFUNDED TO YOU?  <input type="checkbox"/> YES <input type="checkbox"/> NO	7. (B) IF "YES" HAVE YOU SINCE BEEN SEPARATED FROM THE GOVERNMENT SERVICE FOR A PERIOD OF MORE THAN 3 CALENDAR DAYS?  <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>IF YOUR ANSWER TO QUESTION 5(B), 6(B), OR 7(B) IS "NO" DO NOT FILE THIS APPLICATION. SEE ELIGIBILITY INSTRUCTIONS BELOW.</b>			
I hereby apply to make voluntary contributions to the Civil Service Retirement Fund for the purpose of purchasing additional annuity at retirement and certify that I am presently employed in a position subject to the Civil Service Retirement Act or I am an applicant for Civil Service retirement.			
(DATE)		(SIGNATURE OF APPLICANT)	
<b>INSTRUCTIONS</b>			
<p><b>ELIGIBILITY.</b>—1. Voluntary contributions may be made only if you are an employee who is serving under the Civil Service Retirement Act or a former employee who is an applicant for retirement.</p> <p>2. You must not owe a deposit for non-deduction service or a redeposit for refunded retirement deductions. Application to Make Deposit or Redeposit (Standard Form 2803) may be obtained from your employing agency or the Civil Service Commission.</p> <p>3. If you have previously been paid a refund of voluntary contributions, you must have since been separated from Government employment for more than 3 calendar days.</p> <p><b>FILING OF APPLICATION.</b> Send this completed application direct to</p>		<p>the Bureau of Retirement and Insurance, U. S. Civil Service Commission, Washington, D. C. 20415. Do not send any payment with this application. After it is received and accepted, you will be sent full instructions on how to make your payments.</p> <p><b>ADDITIONAL INFORMATION.</b>—Information concerning voluntary contributions is on the attached sheet. Additional information, if needed, may be obtained from the personnel office of the Government department or agency in which you are employed. If this source of information is not available to you, contact the nearest regional office of the U. S. Civil Service Commission or the Bureau of Retirement and Insurance, U. S. Civil Service Commission, Washington, D. C. 20415.</p>	

SEE ATTACHED SHEET FOR IMPORTANT INFORMATION REGARDING VOLUNTARY CONTRIBUTIONS



# INFORMATION REGARDING VOLUNTARY CONTRIBUTIONS

## CIVIL SERVICE RETIREMENT SYSTEM

**WHAT THEY ARE.**—Voluntary contributions are optional payments to the Retirement Fund made in addition to the regular deductions taken from your salary.

**HOW THEY ARE USED.**—They are used only to purchase additional annuity at retirement. This additional annuity is added to the regular annuity you would normally receive upon retirement.

**HOW THEY ARE MADE.**—As long as you are eligible, you may make voluntary contributions at regular intervals or whenever you wish. They cannot be deducted from your salary. Each payment must be made directly to the Civil Service Commission and it must be in a multiple of \$25 (i.e., \$50, \$75, \$100, etc.).

**LIMIT ON CONTRIBUTIONS.**—Your total contributions cannot be more than 10 percent of your basic civilian salary received since August 1, 1920. The Civil Service Commission cannot compute your limitation until you retire. Any contributions made will be accepted and, when you retire, any amount found to be in excess of your limit will be refunded.

**INTEREST.**—Voluntary contributions earn interest at 3 percent, compounded annually. However, if you should become separated and later withdraw your voluntary contributions, they will not earn interest over the time you were separated.

**IF DEATH OCCURS.**—In the event of your death at any time before retirement, your voluntary contributions and interest are payable immediately in a lump sum. The money cannot be used to buy additional survivor annuity for your widow(er) or children.

**AT RETIREMENT.**—The amount of additional annuity purchased with your voluntary contributions and interest depends upon your age at the time you retire and once fixed, it does not change as you grow older. If you retire at age 55 or younger, each \$100 to your credit will purchase \$7 a year of addi-

tional annuity. This additional annuity increases by 20 cents for each full year you are over 55 when you retire. Thus if you retire at 60, each \$100 will purchase \$8 a year of additional annuity; at age 62, \$8.40 a year; and at age 70, \$10 a year. The additional annuity is payable for as long as you stay retired.

**ADDITIONAL SURVIVOR ANNUITY.**—When you retire, you may elect to share your additional annuity with your wife or any other person. If you do, your own additional annuity will be reduced and at your death, the person you named when you retired will be paid half of your additional annuity for the rest of his or her life. The reduction in your additional annuity will depend on the difference in ages between you and the person you name, as shown in the following table:

AGE OF PERSON NAMED IN RELATION TO THAT OF RETIRING EMPLOYEE	REDUCTION IN ANNUITY OF RETIRING EMPLOYEE
	Percent
Older, same age, or less than 5 years younger .....	10
5 but less than 10 years younger .....	15
10 but less than 15 years younger .....	20
15 but less than 20 years younger .....	25
20 but less than 25 years younger .....	30
25 but less than 30 years younger .....	35
30 or more years younger .....	40

**DEATH AFTER RETIREMENT.**—Any voluntary contributions or interest not paid back in the form of additional annuity to you or to your named survivor will be refunded in a lump sum.

**REFUND OF CONTRIBUTIONS.**—You may apply for and be paid a refund of all (not just a part) of your voluntary contributions plus earned interest at any time before you retire and receive additional annuity. If you are paid such a refund, you cannot again make voluntary contributions unless you are separated for more than 3 calendar days and are then reemployed in a position subject to the Civil Service Retirement Act.

*Detach this information sheet and keep it for future reference.  
You can use the other side to keep a record of voluntary contribution payments.*

**VOLUNTARY CONTRIBUTION PAYMENTS—ACCOUNT NO. CSV-\_\_\_\_\_**

PAYMENTS		AMOUNT OF DEPOSIT	TOTAL DEPOSITS
NO.	DATE		
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PAYMENTS		AMOUNT OF DEPOSIT	TOTAL DEPOSITS
NO.	DATE		
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1984 USAM (superseded)



<b>WARNING—Do not fill out this form until you have read all instructions.</b>		<b>DESIGNATION OF BENEFICIARY</b> <b>CIVIL SERVICE RETIREMENT SYSTEM</b>		STANDARD FORM NO. 2808 JUNE 1966 U.S. Civil Service Commission FPM Supplement B31-1 2808-104	
<b>A. INFORMATION CONCERNING THE DESIGNATOR</b>					
1. NAME (Last) (First) (Middle)			2. DATE OF BIRTH (Month) (Day) (Year)		3. SOCIAL SECURITY NUMBER
4. DEPARTMENT OR AGENCY IN WHICH PRESENTLY OR LAST EMPLOYED, INCLUDING BUREAU OR DIVISION					5. CLAIM NUMBER IF RETIRED CSA—
I, the employee or former employee identified above, canceling any and all previous designations of beneficiary heretofore made by me, do now designate the beneficiary or beneficiaries named below to receive any lump-sum benefit which may become payable under the Civil Service Retirement Act after my death. I understand that this designation of beneficiary will not affect the rights of any survivors who may qualify for annuity benefits after my death, and that this designation will remain in full force and effect unless or until canceled by me in writing.					
<b>B. INFORMATION CONCERNING THE BENEFICIARY OR BENEFICIARIES</b>					
TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY		TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY		RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY (See Example)
I hereby direct, unless otherwise indicated above, that, if more than one beneficiary is named, the share of any deceased beneficiary or beneficiaries who may die before a lump-sum benefit becomes payable shall be distributed equally among the surviving beneficiaries, or entirely to the survivor. If none of the beneficiaries are alive when the lump-sum benefit becomes payable, this designation shall be void.					
DATE OF THIS DESIGNATION (MONTH) (DAY) (YEAR)			(SIGNATURE OF DESIGNATOR—DO NOT PRINT)		
<b>C. WITNESSES (A witness is ineligible to receive payment as a beneficiary)</b>					
WE, THE UNDERSIGNED, CERTIFY THAT THIS INSTRUMENT WAS SIGNED IN OUR PRESENCE					
(SIGNATURE OF WITNESS—DO NOT PRINT)		(NUMBER AND STREET)		(CITY, STATE, AND ZIP CODE)	
(SIGNATURE OF WITNESS—DO NOT PRINT)		(NUMBER AND STREET)		(CITY, STATE, AND ZIP CODE)	
PRINT OR TYPE YOUR NAME AND ADDRESS (Including ZIP Code) TO INSURE RETURN OF COPY				(Reserved for Receiving Stamp of U. S. Civil Service Commission)	
<div style="border: 1px solid black; height: 100px; width: 100%;"></div>				<div style="border: 1px solid black; height: 100px; width: 100%;"></div>	

MAIL BOTH COPIES TO THE UNITED STATES CIVIL SERVICE COMMISSION,  
 BUREAU OF RETIREMENT AND INSURANCE, WASHINGTON, D.C. 20415

**IMPORTANT.—The Filing of This Form Completely Cancels Any Designation You May Have Previously Filed. Be Sure To Name In This Form All Persons You Wish To Designate As Beneficiaries.**

**EXAMPLES OF DESIGNATIONS**

**HOW TO DESIGNATE ONE BENEFICIARY**

TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY	TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY	RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY
SARAH M. JONES	22 Elm Street Lima, Ohio 45801	Sister	All

Do not write name as S. M. Jones or as Mrs. George L. Jones.

**HOW TO DESIGNATE MORE THAN ONE BENEFICIARY**

TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY	TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY	RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY
MARY A. SMITH	4902 Oak Street Judson, North Dakota 58548	Aunt	One-half
ANNA D. BROWN	50 Duke Street Judson, North Dakota 58548	Cousin	One-fourth
HENRY G. BROWN	50 Duke Street Judson, North Dakota 58548	Cousin	One-fourth

Be sure the shares to be paid to the beneficiaries add up to 100%.

**HOW TO DESIGNATE A CONTINGENT BENEFICIARY**

TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY	TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY	RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY
CATHERINE J. ANDERSON, if living	91 Adams Avenue Syracuse, New York 13206	Niece	All
Otherwise to: JOHN L. JONES	69 Harris Avenue Cleveland, Ohio 44104	Nephew	All

**HOW TO CANCEL A DESIGNATION OF BENEFICIARY**

TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY	TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY	RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY
Cancel Prior Designation			

You may want to cancel a beneficiary you have named if your circumstances change and you want the benefit payable to your wife or husband, children, or parents in that order.

<b>WARNING—Do not fill out this form until you have read all instructions.</b>	<b>DESIGNATION OF BENEFICIARY</b> <b>CIVIL SERVICE RETIREMENT SYSTEM</b>	STANDARD FORM NO. 2808 JUNE 1966 U.S. Civil Service Commission FPM Supplement 831-1 2808-104	
<b>A. INFORMATION CONCERNING THE DESIGNATOR</b>			
1. NAME (Last) (First) (Middle)	2. DATE OF BIRTH (Month) (Day) (Year)	3. SOCIAL SECURITY NUMBER	
4. DEPARTMENT OR AGENCY IN WHICH PRESENTLY OR LAST EMPLOYED, INCLUDING BUREAU OR DIVISION		5. CLAIM NUMBER IF RETIRED CSA—	
I, the employee or former employee identified above, canceling any and all previous designations of beneficiary heretofore made by me, do now designate the beneficiary or beneficiaries named below to receive any lump-sum benefit which may become payable under the Civil Service Retirement Act after my death. I understand that this designation of beneficiary will not affect the rights of any survivors who may qualify for annuity benefits after my death, and that this designation will remain in full force and effect unless or until canceled by me in writing.			
<b>B. INFORMATION CONCERNING THE BENEFICIARY OR BENEFICIARIES</b>			
TYPE OR PRINT FIRST NAME, MIDDLE INITIAL, AND LAST NAME OF EACH BENEFICIARY	TYPE OR PRINT ADDRESS (Including ZIP Code) OF EACH BENEFICIARY	RELATIONSHIP	SHARE TO BE PAID TO EACH BENEFICIARY (See Example)
I hereby direct, unless otherwise indicated above, that, if more than one beneficiary is named, the share of any deceased beneficiary or beneficiaries who may die before a lump-sum benefit becomes payable shall be distributed equally among the surviving beneficiaries, or entirely to the survivor. If none of the beneficiaries are alive when the lump-sum benefit becomes payable, this designation shall be void.			
DATE OF THIS DESIGNATION (MONTH) (DAY) (YEAR)		(SIGNATURE OF DESIGNATOR—DO NOT PRINT)	
<b>C. WITNESSES (A witness is ineligible to receive payment as a beneficiary)</b>			
We, the undersigned, certify that this instrument was signed in our presence.			
(SIGNATURE OF WITNESS—DO NOT PRINT)	(NUMBER AND STREET)	(CITY, STATE, AND ZIP CODE)	
(SIGNATURE OF WITNESS—DO NOT PRINT)	(NUMBER AND STREET)	(CITY, STATE, AND ZIP CODE)	
PRINT OR TYPE YOUR NAME AND ADDRESS (Including ZIP Code) TO INSURE RETURN OF COPY		(Reserved for Receiving Stamp of U. S. Civil Service Commission)	
<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <span style="font-size: 2em;">[</span> </div>			

THIS DUPLICATE WILL BE RETURNED TO YOU

**WARNING**—Do not fill out this form if you are satisfied to have any lump-sum benefit which may become payable after your death paid according to the order of precedence which follows.

#### RETIREMENT ACT ORDER OF PRECEDENCE

If there is no designated beneficiary living, any lump-sum benefit which becomes payable after the death of an employee or former employee will be payable to the first person or persons listed below who are alive on the date title to the payment arises.

1. To the widow or widower.
2. If neither of the above, to the child or children in equal shares, with the share of any deceased child distributed among the descendants of that child.
3. If none of the above, to the parents in equal shares or the entire amount to the surviving parent.
4. If none of the above, to the executor or administrator of the estate of the decedent.
5. If none of the above, to the next of kin under the laws of the State in which the decedent was domiciled.

It is not necessary for any employee or former employee to designate a beneficiary unless he wishes to name some person or persons not included above, or in a different order.

#### PURPOSE OF DESIGNATING A BENEFICIARY

A designation of beneficiary is for lump-sum benefit purposes only, and does not affect the right of any person who qualifies to receive *survivor annuity* benefits. Such benefits are payable either by operation of law or as a result of an election made by a retiring employee. Survivor annuity benefits are never based on this form.

#### INSTRUCTIONS

1. The examples printed on the back of the first page may be helpful to you.
2. Type or print all entries except signatures.
3. Fill out and mail both copies to the United States Civil Service Commission, Bureau of Retirement and Insurance, Washington, D.C., 20415.

The designation of beneficiary must be received by the Civil Service Commission prior to the death of the employee or former employee to be valid.

4. Cancellation of a prior designation may be effected without the naming of a new beneficiary by making out a new Standard Form 2808 and inserting in the space provided for name of beneficiary, the words, "Cancel Prior Designation." All designations of beneficiary filed before September 1, 1950, have been canceled by law. It is not necessary to file a new form to cancel a designation made before that date.
5. This form is not intended as a will, and miscellaneous provisions, such as payment of just debts, payment on the monthly installment plan, etc., will not be recognized.
6. A designation free of erasures or alterations should be filed in order to avoid a possible contest after death.
7. The duplicate will be returned to you as evidence that the original has been received and filed. When you receive the duplicate, file it with your important papers. After your death the beneficiary, or someone acting for the beneficiary, should request the Civil Service Commission to furnish a blank on which to make application for any lump-sum benefit which may be payable.

#### LAW AND REGULATIONS

1. By law, the designation of beneficiary shall be in writing, signed and witnessed, and received in the Civil Service Commission prior to the death of the designator.
2. By law, no change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by these regulations shall have any force or effect.
3. A witness to a designation of beneficiary is ineligible to receive payment as a beneficiary.
4. Any person, firm, corporation, or legal entity may be named as beneficiary.
5. A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.



TIME LIMIT FOR ENROLLMENT—  
31 days or time limit shown  
on back of page 2.

# HEALTH BENEFITS REGISTRATION FORM

## FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(Read Instructions on Back of Page 4)

To employing office: Show Old Carrier's Control Number only if election is to  
cancel enrollment or to change options or type of enrollment in the same plan. →

New Carrier's Control No.

35374030

Old Carrier's Control No.

<b>PART A</b> All who register must fill in this part.	1. Name (Last) (First) (Middle Initial)	2. Date of Birth (Use numbers)	3. Are You Now Married?	
	4. Your Mailing Address (Number and Street)	Month Day Year	Yes <input type="checkbox"/>	1 <input type="checkbox"/>
	(City) (State) (Zip Code)	5. Social Security Number	No <input type="checkbox"/>	2 <input type="checkbox"/>
			6. Sex	
			Male <input type="checkbox"/>	1 <input type="checkbox"/>
			Female <input type="checkbox"/>	2 <input type="checkbox"/>

**IMPORTANT**— It is illegal for an employee or a family member to be covered under more than one FEHB enrollment. If you are already covered through the family enrollment of another Federal or District of Columbia employee or annuitant you must register not to enroll or the other enrollment must be cancelled or change to Self Only. Similarly, if a family member listed by you in Part B is covered through his (or her) own enrollment, you cannot elect a family enrollment unless the family member cancels his (or her) enrollment. Also see back of pages 2 and 4.

<b>PART B</b> Fill in this part if you wish to enroll or change your enrollment in a Health Benefits Plan.  If enrollment is for Self Only, answer item 1. If enrollment is for Self and Family, also answer item 2.  If you are changing your enrollment, also fill in Part D.	1. I elect to enroll in a health benefits plan as shown below. I authorize deductions from my salary, compensation, or annuity to cover my share of the cost of the enrollment. (Copy the information requested below from back of page of brochure of the plan you select.)			
	Name of Plan	Option (High or Low)	Enrollment Code	
	2. In space below list all eligible family members without exception: List your spouse first, then your unmarried dependent children under age 22, including (a) legally adopted children and recognized natural children and (b) stepchildren, and foster children who live with you in a regular parent-child relationship. Include also any unmarried child over 22 who became disabled before age 22 and who, because of the disability, is incapable of self-support. (Attach a doctor's certificate for a disabled child age 22 or over, if one is not already on file.) <b>DO NOT LIST PARENTS OR OTHERS WHO ARE NOT ELIGIBLE FAMILY MEMBERS. THEY WILL NOT RECEIVE BENEFITS, EVEN IF THEY ARE DEPENDENT ON YOU AND ARE LISTED.</b>			
	Names of Family Members	Date of Birth (Month, Day, Year)	Names of Family Members	Date of Birth (Month, Day, Year)
	Spouse	1		5
	2		6	
	3		7	
	4		8	

<b>PART C</b> Fill in this part if you wish NOT to enroll or if you wish to cancel your enrollment.	Place an "X" in item 1 or 2, whichever applies:			
	1. I elect not to enroll in a plan under the Federal Employees Health Benefits Program.		2. I elect to cancel my present enrollment under the code shown below:	
			Present Enrollment Code	If you elect to cancel, be sure to read "Cancellation of Enrollment" on back of page 4.

<b>PART D</b> Fill in this part as well as Part B, to change your registration.	Answer items 1, 2, and 3 to show Enrollment Code being changed and eligibility for change:			
	1. Enrollment Code of Present Plan.	2. Number of event which permits change. (See table on back of page 2 for proper number.)	3. Date of event which permits change:	
			Month Day Year	

<b>PART E</b> All who register must fill in this part.	Your Signature (Do not print)	Date	<b>WARNING</b> —Any intentional false statement in this application or willful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than \$10,000 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001.)

<b>PART F</b> To be completed by agency.	1. Name and Address (Including ZIP Code) of Employing Office		2. Date Received in Employing Office	3. Effective Date of Election
	Signature of Authorized Agency Official		4. Payroll Office No.	5. SF 2811 Report No.

<b>REMARKS</b> For use only by agency.	
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U.S. Civil Service Commission	FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM	2810-112
<b>NOTICE OF CHANGE IN HEALTH BENEFITS ENROLLMENT</b>		

**Part A.—IDENTIFYING DATA**

1. NAME (LAST) (FIRST) (MIDDLE INITIAL)	2. DATE OF BIRTH	3. CARRIER CONTROL NO.
4. ADDRESS (INCLUDING ZIP CODE)	5. PAYROLL OFFICE NO.	6. ENROLLMENT CODE NO.
	7. SOCIAL SECURITY ACCOUNT NUMBER	8. DATE THIS ACTION BECOMES EFFECTIVE

ONLY THE ITEM WHICH IS CHECKED SELOW AFFECTS YOUR ENROLLMENT. READ THAT ITEM CAREFULLY AND FOLLOW ANY PERTINENT INSTRUCTIONS. KEEP THIS FORM UNLESS YOUR ENROLLMENT IS TERMINATED AND YOU APPLY FOR CONVERSION.

**Part B.—TERMINATION**

YOUR ENROLLMENT TERMINATES ON THE DATE IN PART A, ITEM 8, ABOVE.  
**IMPORTANT NOTICE.** You have the right to convert to an individual contract with the carrier of your plan. See Part B.—Termination on the back of this form for information about your extension of coverage and conversion. If you want to convert, fill in the box on the back of this form and send it to your plan within the time limit specified.

**Part C.—CHANGE IN PLAN**

YOUR ENROLLMENT SHOWN IN PART A, ITEM 6, ABOVE HAS BEEN TERMINATED BECAUSE OF YOUR ENROLLMENT IN ANOTHER PLAN.

**Part D.—TRANSFER OUT**

YOUR ENROLLMENT CONTINUES BUT IS TRANSFERRED TO YOUR NEW PAYROLL OFFICE (OR RETIREMENT SYSTEM):

(SEE PART D ON THE BACK OF THIS FORM FOR MORE INFORMATION)

**Part E.—TRANSFER IN**

YOUR NEW PAYROLL OFFICE (OR RETIREMENT SYSTEM) SHOWN IN PART J BELOW HAS ACCEPTED TRANSFER OF YOUR ENROLLMENT AND WILL CONTINUE IT.

**Part F.—REINSTATEMENT**

YOUR ENROLLMENT HAS BEEN REINSTATED, EFFECTIVE ON THE DATE IN PART A, ITEM 8, ABOVE.

**Part G.—CHANGE IN NAME OF ENROLLEE**

THE NAME IN WHICH THIS ENROLLMENT IS CARRIED HAS BEEN CHANGED TO:

NAME	DATE OF BIRTH	SEX <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
ADDRESS (INCLUDING ZIP CODE) IF DIFFERENT FROM PART A, ITEM 4, ABOVE		

**Part H.—CHANGE IN ENROLLMENT — SURVIVOR ANNUITANT**

YOUR ENROLLMENT HAS BEEN CHANGED FROM FAMILY COVERAGE TO SELF ONLY. YOUR PLAN WILL SEND YOU A NEW IDENTIFICATION CARD.

YOUR NEW ENROLLMENT CODE NUMBER

(NOTE: THIS ITEM TO BE COMPLETED BY RETIREMENT SYSTEMS ONLY)

**Part I.—REMARKS**

**Part J.—DATE OF NOTICE**

NAME OF AGENCY AND ADDRESS, INCLUDING ZIP CODE		
SIGNATURE OF AUTHORIZED AGENCY OFFICIAL	DATE	

## PART B.—TERMINATION

If Part B on the other side of this form is checked, read the following instructions carefully.

### TEMPORARY EXTENSION OF COVERAGE

Your enrollment terminates on the date shown in Part A, Item 8, on the front of this form. Coverage under your enrollment continues temporarily for 31 days from the date shown. If you or any covered member of your family is a patient in a hospital on the 31st day of this temporary extension, benefits of the Plan may continue for that person for the rest of that confinement, but not beyond 60 more days.

### CONVERSION TO NONGROUP CONTRACT

You may convert your enrollment to a nongroup contract, without evidence of good health. The nongroup contract to which you may convert is one regularly offered by your Plan. It may differ from your group plan in benefits, or cost, or both, and you will have to pay the entire cost of the nongroup contract direct to the Plan. The nongroup contract is effective on the day after your 31-day temporary extension of coverage ends.

If you are interested in converting to a nongroup contract, fill in the box to the right and take or mail this form to the nearest office of the Plan in which you have been enrolled (see your Plan's brochure or ask your employing office for the address of the Plan's nearest office). The Plan will promptly send you an application form and details concerning benefits and rates of the nongroup contract to which you may convert.

### TIME LIMIT ON CONVERSION

To be eligible for the conversion, this form, with the box to the right completed, must be received by your Plan not later than 31 days after the date shown in Part A, Item 8, or 15 days after the date in Part J on the other side, whichever gives you more time.

For conversion, fill out this box and take or mail this form immediately to your Plan. DO NOT SEND IT TO THE CIVIL SERVICE COMMISSION.

YOUR SIGNATURE (DO NOT PRINT)

DATE

Print your address (including ZIP Code) below if it is different from that shown in Part A, Item 4, on the other side.

NUMBER AND STREET

CITY, STATE, AND ZIP CODE

### ENTRY ON ACTIVE MILITARY DUTY

If your enrollment is being terminated because you are entering military service, you may convert to a nongroup contract even though your family members are entitled to care under the military dependents Medicare program. If you return to civilian duty in the exercise of reemployment rights, your enrollment will be reinstated effective on the day you return to active civilian duty. If you return to civilian duty not in the exercise of reemployment rights, you must register again the same as a new employee.

## PARTS D AND E.—TRANSFER OF ENROLLMENT

If either Part D or E on the other side of this form is checked, read carefully whichever of the following instructions applies.

### TRANSFER OF EMPLOYMENT

If you transfer to another agency or payroll office, your enrollment continues. Show this form to your new employing office as evidence of your enrollment. Shortly after you enter on duty, your new employing office should give you another form like this one to show that your health benefits coverage has been officially continued. (However, if you are in a group or individual-practice plan, and leave the area served by the plan, you may be able to register in another plan. For details on your right to change plans, check with your employing office.)

### RETIREMENT

Your enrollment continues automatically during retirement if you retire on an immediate annuity with at least 12 years of creditable service or for disability, and you have been enrolled under the Health Benefits Program (1) during all your service since your first opportunity to enroll, or (2) during the 5 years of service immediately preceding retirement, or (3) continuously for the full period or periods of service beginning with the enrollment which became effective no later than December 31, 1964. Your share of the cost of your enrollment will be deducted from your annuity. If you have not already filed an Application for Retirement, you should do so promptly in order to avoid any question about your health benefits coverage. At the time your retirement is approved, or shortly after, you should receive another form like this one to show that your retirement system has officially continued your health benefits coverage.

### DEATH

If the deceased employee or annuitant was enrolled for self and family and had at least 5 years of civilian service, and if at least one member of

the family is entitled to survivor annuity, enrollment of each eligible family member who was covered by the enrollment of the deceased continues automatically.

If there is only one eligible survivor, the enrollment will be changed from family to individual. The survivor's share of the cost of the enrollment will be deducted from the annuity. Application for death benefits should be filed promptly to avoid any question about health benefits coverage. Shortly after the survivor annuity is approved, another form like this one will be issued to show that the retirement system which pays the survivor annuity has officially continued the health benefits enrollment in the survivor's name.

### EMPLOYEES' COMPENSATION

Your enrollment continues automatically while you receive monthly compensation from the Office of Workers' Compensation Programs if the Secretary of Labor has held that you are unable to return to duty and if you have been enrolled under the Health Benefits Program (1) during all your service since your first opportunity to enroll, or (2) during the 5 years of service immediately preceding the start of your compensation, or (3) continuously for the full period or periods of service beginning with the enrollment which became effective no later than December 31, 1964. Enrollment of covered family members of a deceased employee or compensationee also continues automatically while they receive monthly compensation, if (1) the deceased employee or compensationee had at least 5 years of service, and (2) the former employee had been determined by the Secretary of Labor to be unable to return to duty. The compensationee's or survivor's share of the cost of the enrollment will be deducted from the monthly compensation checks.

KEEP THIS FORM FOR YOUR RECORDS UNLESS YOUR ENROLLMENT IS TERMINATED AND YOU CONVERT TO A NONGROUP CONTRACT





# LIFE INSURANCE ELECTION

Federal Employees Group Life Insurance Program

See Privacy Act Information on Back of Part 3

## 1 General Instructions

By law, a person who is not excluded from coverage automatically has Basic Life insurance, unless he or she waives all coverage. You have the choice of (1) electing Basic Life and any or all of the options, (2) electing Basic Life, but declining all of the options, or (3) waiving all life insurance coverage.

To complete this form:

- Read page—carefully
- Type or print in ink
- Do not separate the parts. Your employing office must certify the completed form and will return your copy to you. This form should be kept with your SF 2817A (SF 2817B for Postal Employees).

## 2 Fill in identifying information

Name (Last)	(First)	(Middle)	Date of Birth (Month, Day, Year)	Social Security Number
Employing Department or Agency			Agency Location (City, State, Zip Code)	

## 3 To elect Basic Life, sign and date below. If you do not elect Basic Life, you may not elect any form of optional insurance. If you do not want any insurance at all, skip to section 5.

Basic Life	I want the Basic Life insurance. I authorize deductions to pay my share of the cost.	
	Signature (Do not print)	Date (Month, Day, Year)

## 4 If you have elected Basic Life, you may elect any or all of the following options. Sign the box below for any option(s) you want.

Option A - Standard	Option B - Additional	Option C - Family
want the Standard \$10,000 optional insurance. I authorize deductions to pay the full cost.	I want the Additional optional insurance in the multiple of my annual basic pay I indicate below. I authorize deductions to pay the full cost. (Indicate multiple by marking "X" in the appropriate box. Do not mark more than one box.)	I want the Family optional insurance. I understand that in the event of the death of my spouse I would receive \$5,000 and upon the death of a child I would receive \$2,500. I authorize deductions to pay the full cost.
	<input type="checkbox"/> 1 times my pay <input type="checkbox"/> 2 times my pay <input type="checkbox"/> 3 times my pay	<input type="checkbox"/> 4 times my pay <input type="checkbox"/> 5 times my pay
Signature (Do not print)	Date	Signature (Do not print)
		Date

## 5 If you want NO life insurance coverage at all, sign and date below.

Waiver of all Life Insurance Coverage	I want no insurance coverage at all. I understand that any insurance I have will stop at the end of the pay period in which my employing office receives this waiver and that I cannot get Basic Life insurance unless I (1) wait at least one year after I sign this form, (2) am under age 50 when I apply, AND (3) give satisfactory medical evidence of insurability. I understand that I cannot get any optional insurance unless I first have Basic Life.	
	Signature (Do not print)	Date

### FOR EMPLOYING OFFICE USE ONLY

Certification I certify that the above named employee is eligible for the insurance coverage he or she has elected above.	Date of receipt in employing office (Month, day, year)	See Table of Effective Dates in SF 2817A (SF 2817B for Postal Employees) to determine effective dates of coverage.
	Signature of Authorized Agency Official	

The employee's copy of this form, when certified by the employing office, together with SF 2817A, "The Federal Employees Group Life Insurance Program" (SF 2817B for Postal Employees), constitute the employee's Certificate of Insurance.



## INSTRUCTIONS FOR EMPLOYEES

### General Information

The major provisions of this program are described in the booklet, "Federal Employees' Group Life Insurance" (Standard Form 2817A or B). If you need a copy, contact your employing office. Please read the entire booklet carefully. Your copy of the election form, when certified by your employing office, together with the booklet, will constitute your certification of coverage.

### Open Enrollment Period, March 1-31, 1981

All eligible employees must complete this form during the open enrollment period. Previous waivers, declinations, and elections are canceled, generally on March 31, 1981.

See SF 2817A or B for information about how the open enrollment period affects your previous life insurance coverage or waiver of coverage, what the effective dates of coverage are, and when deductions will begin.

### New Employees

New employees not excluded by law or regulation from insurance coverage, and other employees who are newly eligible must complete this form. You have 31 days from the date you are appointed, or first become eligible to participate, to return this form to your employing office. You automatically have the Basic Life insurance from your first day in a duty (at work) and pay status unless you sign in item 5 and give this form to your employing office before the end of your first pay period. You do not have any optional insurance unless you sign item 3 and one or more of the blocks in item 4 of this form, and return it to your employing office within 31 days.

### Employees with prior government service

A Standard Form 2817, filed during an earlier period of Federal employment, stays in effect unless you change coverage. If you were eligible in your last period of Federal employment and that period ended after March 15, 1981, you should have a form on file. Your insurance in your new employment will be the same as you previously had. If you want to change, follow the instructions in "Changing Your Insurance Coverage." If your last period of Federal employment ended on or before March 15, 1981, you probably do not have a SF 2817 on file and you must now file one.

### Reemployed Annuitants

If you waive your insurance as an employee (reemployed annuitant), you also automatically waive your free insurance as an annuitant and cannot reacquire it later.

### How to Complete and Review your Election Form

1. Follow the instructions given for each item carefully.
2. When you have completed the form, review it to be sure you have completed it correctly. The following checklist should help you review it.
  - If you signed any block in item 4, you should also have signed item 3. (You cannot elect an option unless you elect Basic Life.)
  - If you signed item 3, you should not have signed item 5. (You cannot elect life insurance and waive it at the same time.)
  - If you signed item 5, you should not have signed item 3 or any block in item 4. (You cannot waive life insurance and elect it at the same time.)
  - If you signed item 4 for Option B—Additional, you should also have marked one of the 5 boxes to show how many multiples of basic pay you want to be insured for. You should not have marked more than one box.

### Changing Your Insurance Coverage

If you waive Basic Life or decline one or more of the options, your opportunities to cancel your waiver or enroll in an option you previously declined are strictly limited. See "Conditions for Changing Enrollment" in your SF 2817A or B.

### How to Verify That Your Employing Office Took Correct Action on Your Election.

When your employing office has finished processing your election form, you will receive a copy of Standard Form 50, Notice of Personnel Action, showing your life insurance status. An explanation of your life insurance code will appear in the Remarks Section of the SF-50.

### PRIVACY ACT STATEMENT

Chapter 87, Title 5, U.S. Code, Federal Employees' Group Life Insurance, authorizes solicitation of this information. The data you furnish will be used to determine the type of life insurance coverage you shall receive. This information may be shared with national, state, local or other charitable or social security administrative agencies to determine and issue benefits under their programs or law enforcement agencies, when they are investigating a violation or potential violation of the civil or criminal law. Executive Order 9397 (November 22, 1943) authorizes use of the Social Security Number to distinguish you and people with similar names. Furnishing your Social Security Number, as well as the other data, is voluntary, but failure to do so may result in the Office of Personnel Management's inability to determine your eligibility for life insurance coverage.



ELECTION OF POST-RETIREMENT BASIC LIFE INSURANCE COVERAGE

A GENERAL INSTRUCTIONS:

- Read the accompanying information carefully
• Type or print in ink
• Return completed form to your employing office

B Fill in identifying information requested below

Form with fields for Name (Last, First, Middle), Date of Birth (Month, day, year), Social Security Number, Employing Department or Agency, and Agency Location (City, State, Zip Code).

C By completing this form, you are choosing the amount of basic life insurance coverage you will have after you reach age 65. If you are already age 65 or older, and you choose the 75% Reduction or the 50% Reduction, that reduction will begin at retirement.

SIGN AND DATE ONE OF THE BOXES BELOW. (DO NOT SIGN MORE THAN ONE.) THEN CROSS OUT THE OTHER TWO BOXES. Failure to cross out the two boxes will not invalidate the form.

Three columns for election options: 1 I WANT THE 75% REDUCTION, 2 I WANT THE 50% REDUCTION, 3 I WANT NO REDUCTION. Each column contains a detailed explanation of the reduction and a signature/date line.

PRIVACY ACT STATEMENT

Public law 96-427, Federal Employees' Group Life Insurance Act of 1980, authorizes the solicitation of this information. The data you furnish will be used to determine the amount of life insurance coverage you have after retirement.

This information may be shared with national, state, local, or other charitable or social security administrative agencies to determine and issue benefits under their programs, or when

they are investigating a violation or potential violation of civil or criminal law. Executive Order 9397 (November 22, 1943) authorizes the use of the Social Security Number to distinguish between you and people with similar names. Furnishing your Social Security Number, as well as other data, is voluntary, but failure to do so may result in the inability of your retirement system to provide you the level of insurance protection you want.

**CONTINUATION OF COVERAGE**

**Basic Life**

Your Basic Life coverage may be continued when you retire if: (1) you retire on an immediate annuity, (2) you had been insured for Basic Life or "Regular insurance" coverage for the last five years preceding your retirement (or from your earliest opportunity, if covered less than 5 years), and (3) you do not convert it to an individual direct-pay policy. The amount of your Basic Life coverage depends upon your age and the level of protection you want to retain after you reach age 65 (or retire, if later). Generally, your **Basic Insurance Amount (BIA)**, which is your final annual basic pay, rounded to the next exact thousand, plus \$2,000, continues until you reach age 65, subject to the Age Multiplication Factor shown on the right. At the time you retire, you may elect the level of protection you want to have after reaching age 65 (see the Basic Life Election table, below). The cost of your Basic Life also depends upon the level of protection you elect. (NOTE: The amount of coverage does not begin to reduce until the end of the month following the month in which you reach age 65.) Accidental Death and Dismemberment coverage terminates at retirement.

If you choose the 50% Reduction (election 2, below) or No Reduction (election 3, below) the full cost of the additional protection will be deducted from your annuity. The withholdings begin at retirement and continue for life or until the election is cancelled or coverage is otherwise discontinued.

The election of the 50% Reduction or No Reduction must be made at the time you retire. You may cancel either election later. If you cancel, the amount of your life insurance will be computed as if you had originally elected the 75% Reduction. Withholdings will stop, but you will not be entitled to a refund of the withholdings already paid.

**Extra Benefit effective October 1, 1981 for annuitants under age 45:** On October 1, 1981 the amount of Basic Life insurance payable (but not the cost) increases for annuitants and compensationers under age 45. The amount of coverage will be determined by multiplying the Basic Insurance Amount by a factor based on the age of the annuitant or compensationers, as follows:

Age	Factor
35 or under	2.0
36	1.9
37	1.8
38	1.7
39	1.6
40	1.5
41	1.4
42	1.3
43	1.2
44	1.1
45 or over	1.0

BASIC LIFE ELECTION	COST PER \$1,000 OF BIA*	
	MONTHLY	BIWEEKLY
1. 75% REDUCTION—reduces 2% per month after reaching age 65, to a minimum of 25% of the amount at retirement	Nothing	Nothing
2. 50% REDUCTION—reduces 1% per month after reaching age 65, to a minimum of 50% of amount at retirement	\$.65 per \$1,000	\$.30 per \$1,000
3. NO REDUCTION—100% of the amount of life insurance coverage at retirement is retained after reaching age 65	\$1.75 per \$1,000	\$.81 per \$1,000

\*BIA - Your final annual basic pay, rounded to the next exact \$1,000, plus \$2,000.

How to complete Standard Form 2818, "Election of Post-Retirement Basic Life Insurance Coverage".—After reading the instructions in section A and filling in section B, carefully follow the instructions in section C:

- If you want the 75% REDUCTION, sign and date in BOX 1
- If you want the 50% REDUCTION, sign and date in BOX 2
- If you want NO REDUCTION, sign and date in BOX 3

Cross out the two boxes you did not sign, then give the completed form to your employing office to forward to your retirement system with your other retirement papers.

If you do not make an election before your retirement claim is finalized (or your request to continue insurance during receipt of compensation is finalized), the 75% Reduction will be applied to your basic life insurance. You will have no later opportunity to choose a lesser reduction.

**SEE BACK FOR INFORMATION ABOUT CONTINUATION OF OPTIONAL COVERAGE.**

### Option A—Standard

Your Option A—Standard Life Insurance (normally \$10,000 coverage) may be continued after you retire, if (1) you were insured for the last 5 years immediately before your retirement, or for all of your service during which this option was available to you if less than 5 years, (2) you do not convert it to an individual policy, and (3) you continue your Basic Life coverage. Accidental Death and Dismemberment benefits terminate at retirement.

Withholdings will continue to be made for your Option A—Standard, until you reach age 65, if you retire before that age. No further withholdings are made after you are age 65 and retired.

When you retire at age 65 or over, or when you reach age 65 if you retire before that age. Your Option A—Standard will reduce by 2% each month until it reaches 25% of its face value. The first reduction is effective at the end of the month in which you reach age 65, or your retirement, whichever is later.

### Option B—Additional

Your Option B—Additional life insurance may also be continued into retirement if (1) you had been insured for all of your service during which this coverage was available to you, or for the 5 years of service immediately before your retirement, (2) you do not convert to an individual policy, and (3) you continue your Basic Life. The amount of your Option B—Additional coverage will be the amount of your annual basic pay at retirement, rounded to the next exact \$1,000 times the lowest multiple in effect for:

- a. the full period of service during which the Option B—Additional coverage was available to you, if covered less than 5 years, or
- b. the 5 years of service immediately preceding the date of retirement.

This amount will then reduce each month, effective at the end of the month in which you became age 65, by 2% per month for 50 months, at which time coverage will end.

Withholdings from your annuity will continue until age 65. No further withholdings are required after you are age 65 and retired.

### Option C—Family

You may also continue Option C—Family into retirement if (1) you had been insured for all of your service during which this coverage was available to you, or for the 5 years of service immediately before your retirement, (2) you do not convert to an individual policy, and (3) you continue your Basic Life.

Effective at the end of the month following the month in which you became age 65, your Option C—Family insurance will be reduced by 2% per month for 50 months, at which time coverage will end. Withholdings from your annuity will continue until age 65. No further withholdings are required after you are age 65 and retired.

### **CHANGING AMOUNT OF INSURANCE AFTER RETIREMENT**

You may reduce or cancel coverage at any time, but you may not increase it as a retiree. The reduction or cancellation will be effective at the end of the month in which your retirement system receives your election. No premiums you have paid through that month can be refunded to you. For more information contact your retirement system.

### **IF YOU ARE RECEIVING WORKERS' COMPENSATION**

At the end of 12 months continuous leave-without-pay, your FEGLI insurance will either terminate or be continued for you as a compensation. If you are receiving benefits from the Office of Workers' Compensation Programs (OWCP), your Basic Life insurance may be continued if you have had it for the 5 years of service immediately preceding the entitlement to compensation (or the full periods of service during which you were eligible for FEGLI, if you had it less than five years). The requirements for continuing any optional insurance you may have are the same as those for retiring employees.

You have the opportunity to convert all or a portion of the insurance coverage(s) you were carrying to an individual direct-pay conversion policy. If you do not convert and you are otherwise eligible to continue your coverage as a compensation, your FEGLI coverage will be subject to the same reductions and withholdings as if you were retired.

**See SF 2817A (SF 2817B for Postal Employees) for complete information about the Federal Employees' Group Life Insurance Program.**





**NOTICE OF CONVERSION PRIVILEGE**  
Federal Employees' Group Life Insurance Program

**INSTRUCTIONS TO EMPLOYING AGENCY**

Give this notice, as required, to every employee on the date insurance terminates (except by waiver) and to the family of a deceased employee who was covered under the Option C—Family coverage. Also, upon request, give this notice to the family of a separated employee who does not want to convert his or her Option C—Family coverage.

1. Fill in the date this notice is issued, and note this date in your records for possible future reference.
2. Fill in the name and address of the office which issues this notice (overprint or stamp if desired).

3. Also complete the agency certification in Part B if this notice is being issued to the family of a deceased Federal employee or to the family of a separated employee who does not want to convert his or her Option C—Family coverage.

Date of this notice

Name and mailing address of agency, including ZIP Code

**PART A — Conversion Privilege for Separated Employees**

You are entitled to convert to an individual direct-pay policy unless, within 3 calendar days after the date your insurance terminates, you return to Government service in the same or another position in which you are eligible to reacquire Federal Employees' Group Life Insurance. You may purchase an individual policy in an amount equal to or less than your Basic Life insurance plus any optional coverage you may have. See the back of this form for general information about your conversion privilege.

**NOTE:** If you have Option C—Family insurance and you do not convert it, your eligible family members may do so. In that case, have your former employing office complete the Agency Certification in Part B, below, and give the form to your family members.

The time in which you may convert is limited—the completed SF 2821, Agency Certification of Insurance Status, (not this form)

must be mailed to the Office of Federal Employees' Group Life Insurance within 31 days after your group life insurance terminates, or within 15 days after the date of this notice, whichever gives you more time.

**How to Convert—**If you wish to convert to an individual direct-pay policy, you must:

1. Ask the agency identified above to give you a completed SF 2821, Agency Certification of Insurance Status, and
2. Follow the instructions printed on the Agency Certification of Insurance Status and mail it to the Office of Federal Employees' Group Life Insurance, 4 East 24th St., New York, NY 10010. That office will promptly mail you detailed information on how to apply for conversion, together with a list of insurance companies eligible to convert your insurance.

**PART B — Conversion Privilege for Family Members of a Deceased or Separated Employee**

The Federal employee named below had Option C—Family insurance in the amount of \$5,000 for a spouse and \$2,500 for each eligible child. Eligible family members of a Federal employee covered by Option C—Family insurance may convert to an individual direct-pay policy upon the death of the covered employee or upon separation of a covered employee who does not want to convert the Option C—Family insurance. Eligible family members are the employee's spouse and unmarried dependent children under age 22 (including adopted children, step children who lived with the employee in a regular parent-child relationship, and recognized natural children) and unmarried dependent children over age 22 who are incapable of self-support because of a mental or physical disability which existed before reaching age 22. See the back of this form for general information about your conversion privilege.

The time in which you may convert is limited—You must complete this form and mail it to the Office of Federal Employees' Group Life

Insurance (OFEGLI) within 31 days after the death or separation of the employee, or within 15 days after the date of this notice, whichever gives you more time.

**How to convert—**If, after reading the information above and on the back of this form, you wish to convert to an individual direct-pay policy, you must:

1. In the space provided on the back of this form, list the eligible family members who wish to convert and provide the name and address where OFEGLI should mail additional information about conversion.
2. Mail the completed form to the Office of Federal Employees' Group Life Insurance, 4 East 24th St., New York, NY 10010. That office will promptly mail you detailed information on how to apply for conversion, together with a list of insurance companies eligible to convert your insurance.

**Agency Certification**

Name of employee (Last, First, Middle)	Date of Birth (Month, Day, Year)	Date of death or separation (Mo., dy., yr.)
----------------------------------------	----------------------------------	---------------------------------------------

I certify that the above named employee had Option C-Family life insurance coverage at the time of death or separation.

Signature of Authorized Agency Official	Title
Typed name of Authorized Agency Official	Commercial Telephone number (including area code)

**31 DAY EXTENSION OF COVERAGE—**Under certain circumstances, life insurance is payable if death occurs within 31 days after the group life insurance terminates, regardless of whether conversion had been requested. If death occurs within this period, further information concerning possible benefits may be obtained from the agency named above.

**INFORMATION ABOUT YOUR CONVERSION PRIVILEGE**

Any individual policy purchased under a conversion privilege is a private business transaction between you and the eligible insurance company you select. Here are the important things you should know about your conversion privilege:

- No medical examination is required.
- You must pay the life insurance premium applicable to the type of policy you select and your age and class of risk.
- The Government will not pay any part of the premium cost of your individual policy.
- Your individual policy may be issued by any insurance company you select from the list of eligible companies which you will receive if you apply for conversion.
- Your individual policy may be in any form customarily issued by the insurance company, except term insurance, but without disability or accidental death and dismemberment benefits.
- The time you have to convert is limited. If you do not act promptly, you will lose your conversion right.

**TYPES OF POLICIES**

The type of individual policy you select should be determined by the purpose which the policy is to serve, taking into account your other financial plans and resources. There are three basic forms of permanent policies, however, and other life insurance policies are primarily combinations or modifications of these three. The three basic policies are:

- An Ordinary Life policy, also known as a Whole Life policy or a Straight Life policy, provides lifetime protection in return for premium payments throughout your entire life. The policy builds a CASH VALUE after one,

two, or three years. You may withdraw this cash if you decide to stop paying premiums. Also, you may borrow upon it at any time for any purpose.

- A Limited Payment Life policy differs from Ordinary Life in three ways. First, while it also provides lifetime protection, premiums are paid over a specific number of years—usually 10, 20, or 30, or until a certain age, such as 65. Secondly, the company must charge a higher annual premium during these years. Finally, because premiums are higher, the policy's CASH VALUE increases faster.
- Endowment policies emphasize savings. They pay you a sum of money at a future date named in the policy—such as at the end of 20 years or at age 65. If you do not live until that date, this sum of money is paid upon your death to a beneficiary named by you. Both premiums and CASH VALUE are higher than for the other types of policies.

**COST OF INDIVIDUAL POLICY**

Life insurance policies are issued on a participating or non-participating basis.

Premiums for participating policies are higher than those charged for non-participating policies. The part of a participating policy's premium which is found not to be needed to furnish protection is refunded in the form of an annual dividend to the policyholder. The first dividend is usually available after premiums have been paid for one, two, or three years. To obtain the net cost of a participating policy, you should deduct these yearly dividends from the premiums.

For non-participating policies, premiums are set as close as possible to the actual cost of insurance protection. The premium is the guaranteed cost to the policyholder. No dividends are paid under these policies.

The following are approximate premium rates on the participating basis for Ordinary Life, the Twenty-payment Life and Twenty-year Endowment policies. The rates are shown for ages 20 to 65 at five year age intervals. Premium rates for non-participating policies are somewhat lower and no dividend will be paid under those policies. The rates shown below are examples only and are not rates for any one company.

**ANNUAL PREMIUM RATES PER \$1,000 OF INSURANCE**

AGE OF INSURED AT ISSUANCE OF POLICY	ORDINARY LIFE	20 PAYMENT LIFE	20-YEAR ENDOWMENT	AGE OF INSURED AT ISSUANCE OF POLICY	ORDINARY LIFE	20 PAYMENT LIFE	20-YEAR ENDOWMENT
<b>PARTICIPATING INSURANCE (ANY DIVIDENDS PAID WILL REDUCE THESE COSTS)</b>							
20	\$18.00	\$30.00	\$49.00	45	\$39.00	\$50.00	\$57.00
25	\$21.00	\$33.00	\$50.00	50	\$47.00	\$56.00	\$62.00
30	\$24.00	\$36.00	\$51.00	55	\$58.00	\$65.00	\$69.00
35	\$28.00	\$40.00	\$52.00	60	\$73.00	\$78.00	\$79.00
40	\$33.00	\$44.00	\$54.00	65	\$94.00	\$95.00	\$96.00

**FAMILY MEMBER'S APPLICATION FOR CONVERSION**

To: Office of Federal Employees' Group Life Insurance 4 East 24th Street New York, NY 10010		ELIGIBLE FAMILY MEMBERS: Under "Relationship to Employee" show "spouse" or "child." If a child is adopted or is an eligible stepchild, recognized natural child, or disabled child, so indicate.		
I have read the information above and on the other side. The family members listed on the right are eligible for conversion to a direct-pay policy. Please send me additional information.		Name of eligible family member	Date of birth	Relationship to Employee
Signature (Do not print)	Date			
Typed or print name				
Mailing address (including Zip Code)				

Privacy Act Statement—Title 5, United States Code, Chapter 87, Life Insurance, authorize solicitation of this information. The data you furnish will be used by the Office of Federal Employees' Group Life Insurance to determine eligibility for conversion of Option C—Family life insurance coverage. This

information may be shared with national, state, local or other charitable or social security administrative agency to determine and issue benefits under their programs or law enforcement agencies, when they are investigating a violation or potential violation of the civil or criminal law.





AGENCY CERTIFICATION OF INSURANCE STATUS

Federal Employees' Group Life Insurance Program

1. Name (Last) (First) (Middle) 2. Date of birth (mo., dy., yr.) 3. Social Security Number

4. Check the reason for termination of insurance (4a, below) and disposition of current SF 54 or SF 2823, Designation of Beneficiary (4b, below). All SF 54's and SF 2823's, if any, should be attached to this SF 2821 if the employee (a) died, (b) is retiring, or (c) is receiving Federal Employees' Compensation and is entitled to continue life insurance. In all other cases show, whether or not, a current SF 54 or SF 2823 is on file in the employee's Official Personnel Folder (or equivalent).

4a. Reason for terminating insurance a. Separated (includes resignation) b. Retired c. Died as an employee d. Died as a reemployed annuitant e. End of 12 months non-pay status f. Other (specify) 4b. Disposition of SF 54's or SF 2823's Attached Not on file with this agency On file in employee's Official Personnel Folder

5. Date of Termination (month, day, year) 6. Date of Notice of Conversion Privilege (SF 2819) to Employee (month, day, year). 7. Annual basic pay (not basic insurance amount) on date in Item 5. Convert daily, hourly, piecework, etc. rate to annual rate. 8. Effective date of continuous coverage under FEGLI program

9. Did employee have Option A—Standard insurance on date in item 5? No Yes-If "yes" give Effective date of election 10. Did employee have Option C—Family insurance on date in item 5? No Yes-If "yes" give Effective date of election

11. Did employee have Option B—Additional insurance on date in item 5? No Yes-If "yes" give Effective date of election Number of multiples of pay on date in item 5. Lowest number of multiples of pay during last 5 years

12. I CERTIFY THAT THE ABOVE INFORMATION HAS BEEN OBTAINED FROM, AND CORRECTLY REFLECTS, OFFICIAL RECORDS AND THAT THE EMPLOYEE NAMED WAS COVERED BY FEDERAL EMPLOYEES' GROUP LIFE INSURANCE ON THE DATE SHOWN IN ITEM 5.

Personal signature of authorized agency official Name and address of agency, including zip code Typed name of authorized agency official Title Commercial phone no. with area code Date

IMPORTANT INFORMATION

Death within 31 days.—Under certain conditions, life insurance is payable if death occurs within 31 days after an employee's group insurance terminates even though the employee has not applied for conversion. If death occurs within this period, further information concerning possible benefits should be obtained from the agency named in item 12, above. Continuation of insurance while receiving Federal Employees' Compensation.—See back of this page. Conversion to an individual policy.—See back of this page. If you are retiring, your Basic Life insurance (but not accidental death and dismemberment coverage) may be continued if: (a) you

retire on an immediate annuity, (b) you do not convert to an individual policy, and (c) you have had it for the 5 years immediately preceding retirement (or, if less than 5 years, since your first opportunity). Generally, any optional insurance you have may be continued if you continue your Basic Life insurance and you have had the option for the 5 years immediately preceding retirement (or, if less than 5 years, since your first opportunity). If you want to continue your Basic Life insurance, complete SF 2818 to elect the type of reduction in coverage that will occur when you reach age 65 (or when you retire if you are already 65). See Standard Form 2818, "Election of Post-Retirement Basic Life Insurance Coverage," for details about continuing life insurance coverage into retirement..

**IMPORTANT INFORMATION**

(continued from other side)

**CONVERSION TO AN INDIVIDUAL POLICY**

You are eligible to convert your insurance to an individual policy **unless**, within 3 calendar days after the date shown in item 5 on the other side of this form, you return to Government service in the same or another position in which you are eligible to reacquire Federal Employees' Group Life Insurance. You have no right to convert and you cannot properly use this Certification if you are eligible to reacquire life insurance within the 3-day period specified. **Before you make a decision on the matter, read the important information about conversion on the back of the duplicate copy of this certifica-**

tion. Then, if you are eligible and want to convert to an individual policy, complete the eligibility statement below. Send the original this form to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. The envelope containing this form must be postmarked within 31 days of the date your group insurance terminated (see item 5 on the other side of this form) or within 15 days of the date of conversion notice (see item 6), whichever basis gives you the most time. Information on how to apply for conversion will be mailed to you promptly.

**ELIGIBILITY STATEMENT**

I have read all the above information and am eligible to convert my insurance to an individual policy. Please send additional information.

Signature	Date	Address (Type or Print) (Number, Street)		
		(City)	(State)	(Zip Code)

Note: If you have Option C—Family Coverage and you do not want to convert it, your eligible family members may do so. In that case, you or your family members should contact your former employing agency for instructions.

**COVERAGE WHILE RECEIVING FEDERAL EMPLOYEES' COMPENSATION**

Your Basic Life insurance (but not accidental death and dismemberment coverage) may continue while you are receiving benefits under the Federal Employees' Compensation law and are held by the Department of Labor to be unable to return to duty, provided:

- you do not convert it to an individual policy, and
- you have had it for the 5 years of service immediately preceding entitlement to compensation (or from the time it first became available to you if less than 5 years).

If you continue your Basic Life insurance, you must complete Standard Form 2818, "Election of Post-Retirement Basic Life Insurance Coverage." The cost of Basic Life insurance coverage depends upon the level of protection you want after you reach age 65.

Generally, any optional life insurance you have (but not accidental death and dismemberment coverage) may continue also (see SF 2818 for details), provided:

- you do not convert it; and
- you continue your Basic Life insurance; and
- you have had the option from the time it first became available to you or for the 5 years of service immediately preceding entitlement to compensation (the amount of your Option B—Additional

insurance will be limited to the lowest multiple of your salary in effect during this period); and

- your monthly compensation benefit is sufficient, after all other deductions, to pay the full cost; and
- you continue to pay the full cost until you reach age 65 (the cost will be withheld from your compensation checks).

You may continue your Basic Life insurance or both your Basic Life and optional coverage(s) by completing the application below, and mailing this form to the Office of Personnel Management, Retirement and Insurance Programs, Washington, D.C. 20415. When your compensation benefits cease or you are held to be able to return to duty, your insurance will be terminated without the right to convert to an individual policy. If you then return to employment in which you are not excluded from insurance coverage, you will have the opportunity to be insured as an employee or, if you are then eligible for continued life insurance as a retired employee, you may retain insurance coverage on that basis, but subject to the reduction explained in SF 2818, "Election of Post-Retirement Basic Life Insurance Coverage."

Upon receipt of this form, the Office of Personnel Management will verify your compensation status and notify you of your insurance rights.

**APPLICATION TO CONTINUE INSURANCE**

I want to continue:

- Basic Life (See SF 2818 for my elected reduction)
- My Option A—Standard for which I understand the full cost will be withheld from my compensation checks until I reach age 65.
- My Option B—Additional for which I understand the full cost will be withheld from my compensation checks until I reach age 65.
- My Option C—Family for which I understand the full cost will be withheld from my compensation checks until I reach age 65.

Signature	Address (Type or Print) (Number, Street)		
Compensation Claim Number	Date	(City)	(State) (Zip Code)



**IMPORTANT INFORMATION ON CONVERSION  
TO AN INDIVIDUAL POLICY**

Any individual policy purchased under a conversion privilege is a private business transaction between you and the eligible insurance company you select. Here are some important things you should know:

- You may purchase an individual policy in an amount equal to or less than the total of your Basic Life and optional insurance.
- You may continue your Basic Life insurance free (unless you elect the 50% reduction or no reduction options on SF 2818) after retirement (if eligible) and convert only your optional coverage(s).
- You must pay the premium applicable to the type of policy you select and your age and class of risk.
- The Government will not pay any part of the premium of your individual policy.
- Your individual policy may be issued by any eligible insurance company that has agreed to issue such policies.
- Your individual policy may be in any form customarily issued by the insurance company, except term insurance, but without disability or accidental death and dismemberment benefits.
- No medical examination is required.

**TYPES OF POLICIES.** — The type of individual policy you select should be determined by the purpose which the policy is to serve, taking into account your other financial plans and resources. There are three basic forms of permanent policies, and other life insurance policies are primarily combinations or modifications of these three. The three basic policies are described below:

- An **Ordinary Life** policy, also known as a **Whole Life** policy or a **Straight Life** policy, provides life-time protection in return for premium payments throughout your entire life. The policy builds a cash value after one, two, or three years. You may withdraw this cash if you decide to stop paying premiums. Also, you may borrow upon it at any time for any purpose.

- A **Limited Payment Life** policy differs from Ordinary Life in three ways. First, while it also provides life-time protection, premiums are paid over a specific number of years—usually 10, 20, or 30, or until a certain age, such as 65. Secondly, the company must charge a higher annual premium during these years. Finally, because premiums are higher, the policy's cash value increases faster.
- **Endowment** policies emphasize savings. They pay you a sum of money at a future date named in the policy—such as at the end of 20 years or at age 65. If you do not live until that date, this sum of money is paid upon your death to a beneficiary named by you. Both premiums and cash value are higher than for the other types of policies.

**COST OF INDIVIDUAL POLICY.** — Life insurance policies are issued on a participating or non-participating basis.

Premiums for participating policies are higher than those charged for non-participating policies. The part of a participating policy's premium which is found not to be needed to furnish protection is refunded in the form of an annual dividend to the policyholder. The first dividend is usually available after premiums have been paid for one, two, or three years. To obtain the net cost of a participating policy, you should deduct these yearly dividends from the premiums.

For non-participating policies, premiums are set as close as possible to the actual cost of insurance protection. The premium is the guaranteed cost to the policy holder. No dividends are paid under these policies.

The following are approximate premium rates on the participating basis for Ordinary Life, the Twenty-payment Life and Twenty-year Endowment policies. The rates are shown for ages 20 to 65 at five year age intervals. Premium rates for non-participating policies are somewhat lower and no dividends will be paid under those policies. The rates shown below are examples only and are not the rates for any one company.

**ANNUAL PREMIUM RATES PER \$1,000 OF INSURANCE**

AGE OF INSURED AT ISSUANCE OF POLICY	ORDINARY LIFE	20-PAYMENT LIFE	20-YEAR ENDOWMENT	AGE OF INSURED AT ISSUANCE OF POLICY	ORDINARY LIFE	20-PAYMENT LIFE	20-YEAR ENDOWMENT
<b>PARTICIPATING INSURANCE (ANY DIVIDENDS PAID WILL REDUCE THESE COSTS)</b>							
20	\$18.00	\$30.00	\$49.00	45	\$39.00	\$50.00	\$57.00
25	21.00	33.00	50.00	50	47.00	56.00	62.00
30	24.00	36.00	51.00	55	58.00	65.00	69.00
35	28.00	40.00	52.00	60	73.00	78.00	79.00
40	33.00	44.00	54.00	65	94.00	95.00	96.00

**HOW TO CONVERT**—To convert to an individual policy, follow the instruction on the back of Part 1—The Original copy of this Certification.

## INSTRUCTIONS TO EMPLOYING AGENCY

### COMPLETION OF CERTIFICATION

1. This Certification must be completed in triplicate whenever an employee's insurance terminates for:
  - a. Death
  - b. Retirement on an immediate annuity if the employee had been insured under the FEGLI Program for the 5 years of service immediately preceding retirement or the full period(s) of service during which the Basic Life (formerly "regular") insurance was available to him or her if less than 5 years, or on account of disability. (An immediate annuity is one which begins to accrue not later than 1 month after the date the insurance would normally cease.) In a disability case, do not complete SF 2821 until a finding of disability has been made and the employee's separation is in order.
  - c. Completion of 12 months in a non-pay status or separation, and the employee is receiving benefits under the Federal Employees' Compensation law, and held unable to return to duty.
  - d. Any other reason, if the employee desires to convert life insurance, except under the following circumstances:
    - (1) Employee waived or declined on SF 2817;
    - (2) If it is known that, within 30 calendar days after the date the insurance terminated, the employee will return to Government service in the same or another position in which he or she will be eligible to reacquire Federal Employees' Group Life Insurance;
    - (3) More than 75 days have elapsed from the date insurance terminated unless specific request is made thereof by the Office of Personnel Management or the Office of Federal Employees' Group Life Insurance.
2. If insurance terminated on account of death, indicate in item 4(a) whether the employee had filed an Application for Retirement (SF 2801) with the Office of Personnel Management.
3. In item 6, give date of Notice of Conversion Privilege (SF 2819), except that if this form (SF 2821) is issued in lieu of SF 2819, give current date. In case of death, leave this item blank.
4. **IMPORTANT:** When a duplicate SF 2821 is issued to replace one which is lost, it must be clearly marked "DUPLICATE".

### DISPOSITION OF CERTIFICATION

1. Death of employee—
  - a. Send duplicate of SF 2821 to the Office of Federal Employees' Group Life Insurance.
  - b. Keep the original (preferably in the Official Personnel Folder or its equivalent) for attachment to a claim for death benefits (Form FE-6) when received.
  - c. If no claim is received, send original SF 2821, upon request, to the Office of Federal Employees' Group Life Insurance.
  - d. If the deceased employee has any Designations of Beneficiary (SF 54 or SF 2823) on file, they must be attached to the original SF 2821 when it is sent to the Office of Federal Employees' Group Life Insurance.
2. Retirement of employee—
  - a. If the employee is applying for an immediate annuity and is eligible to continue life insurance into retirement, attach the original SF 2821 and all Designations of Beneficiary (SF 54 or SF 2823), if any, to the Application for Retirement and give duplicate to the employee. [NOTE: In a disability retirement

case where the retirement application has already been sent to the Office of Personnel Management, attach the original SF 2821 and other insurance forms to the "final" Individual Retirement Record (SF 2806).]

- b. An employee who wants to continue Basic Life insurance, but not one or more of the options he or she would otherwise be eligible to continue, must complete a SF 2817 declining those options. If the employee wants to convert rather than decline one or more of the options, prepare a statement (see below) in duplicate. When the employee has signed it, attach both copies of the statement to the original SF 2821 and submit with the Application for Retirement, as indicated in item 2a, above. The statement should be as follows:

"I want to continue my Basic Life insurance after retirement, but would like additional information on converting my (Option A—Standard, Option B—Additional, and/or Option C—Family) insurance."

(Employee's signature)

(Employee's address—print or type)

(Date)

- c. If the employee prefers to convert both Basic Life and all optional insurance to an individual policy, give him or her the original and duplicate copy of the SF 2821. Retain SF 54 or SF 2823, if any.
  - d. If the employee is continuing Basic Life, have him or her complete SF 2818, "Election of Post-Retirement Basic Life Insurance Coverage." Attach the completed form to the original SF 2821.
3. Employee is receiving compensation benefits—
    - a. Before completing items 9 through 11, contact the local Office of Workers' Compensation, if necessary, to confirm whether the employee still has optional insurance.
    - b. Have the employee complete the appropriate box on the back of the original SF 2821. Send original SF 2821, and all Designations of Beneficiary (SF 54 or SF 2823), if any, to the Office of Personnel Management, Retirement and Insurance Programs, Washington, D.C. 20415, and give duplicate copy employee.
    - c. If the employee is continuing Basic Life, have him or her complete SF 2818, "Election of Post-Retirement Basic Life Insurance Coverage." Attach the completed form to the original SF 2821.
    - d. If the employee prefers to convert the group insurance to an individual policy, give him or her the original and duplicate copy of the SF 2821. Retain SF 54 or SF 2823, if any.
  4. All other cases—  
Upon request, give the employee the original and duplicate copy of the SF 2821 or mail them to him or her.
  5. In all cases—  
Retain file copy of the SF 2821 in the employee's Official Personnel Folder or its equivalent.

### PROMPT CERTIFICATION REQUIRED

The time in which an employee may convert group life insurance to an individual policy is limited. This SF 2821 must be completed and delivered or mailed promptly. See FPM Supplement 870-1.



FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

CAREFULLY READ INSTRUCTIONS ON OTHER SIDE BEFORE COMPLETING THIS FORM.

OFFICE OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE

I hereby apply for cancellation of any waiver or declination of life insurance coverage which I previously filed and request insurance under the Federal Employees' Group Life Insurance Program.

Signature of employee (must be signed in the presence of an authorized official of your employing agency or authenticated from official records)	Address (Number, Street, City, State, ZIP Code)
Date	

PART A - TO BE COMPLETED BY EMPLOYING AGENCY

1. Full name of employee (Last, first, middle)	2. Date of birth (month, day, year)	3. Title of position
4. Agency in which employed, including bureau or division	5. Location of employment (City and State)	

I certify that the signature appearing above is that of the employee named and that the information in Part A, items 1 through 5, has been obtained from and correctly reflects official records.

Name and mailing address of agency (type or print)

• TO:

6. Effective date of employee's last waiver or declination of life insurance coverage (SF 2817)	Month	Day	Year
7. Will employee be eligible to become insured if this "Request for Insurance" is approved?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
8. Has employee had any continuous absence of at least 3 weeks on account of sickness or injury during the past year?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Signature of certifying agency official	Title	Date
-----------------------------------------	-------	------

RT B - TO BE COMPLETED BY EMPLOYEE

Have you had any change in health in the past 5 years? Do you need medical advice, study or treatment? <input type="checkbox"/> Yes <input type="checkbox"/> No	1B. If "Yes", briefly note details.
2A. Have you sought medical advice or been treated by a clinic, hospital, physician, or healer within the past 5 years? <input type="checkbox"/> Yes <input type="checkbox"/> No	2B. If "Yes", briefly note dates, reasons, and treatments.
3A. Have you ever been denied life or health insurance, or offered it at additional rates? <input type="checkbox"/> Yes <input type="checkbox"/> No	3B. If "Yes", briefly note details.
4A. Have you ever had or were you ever told you had the following:	4B. If your answer to any part of question 4.(A) is "Yes", briefly state condition, dates, duration, and kind of treatment. Also state names and location of doctors and hospitals.
Chest pain, swollen ankles, or disease of heart or blood vessels?	Unconsciousness, paralysis, epilepsy, or other nervous muscular, or mental disorder?
High blood pressure? How high?	Cancer, tumor, polyp, or disease of the blood, spleen, or lymph glands?
Asthma, emphysema, chronic bronchitis or other lung diseases?	Diabetes, tuberculosis, drug habit, or other defect or disease not mentioned herein?
Liver conditions, ulcers, or gastrointestinal (G.I.) conditions?	Biopsy, surgical operation, radiation treatment or medical study of a condition not mentioned herein?
Disease of kidney, bladder, male female organs, or albumin sugar in the urine?	

The answers I have given in Part B are for the purpose of securing approval of this "Request for Insurance" and I certify that they are true and complete to the best of my knowledge and belief.

Signature of employee (must be signed in presence of examining physician)	Date
---------------------------------------------------------------------------	------



**PART C - TO BE COMPLETED BY EXAMINING PHYSICIAN**

To the Examining Physician

1. This examination is for Federal Employees' Group Life Insurance purposes. A PRIOR EXAMINATION REPORT IS NOT ACCEPTABLE.
2. THE EMPLOYEE IS TO PAY YOU THE FEE FOR THIS EXAMINATION. DO NOT PERFORM ANY SPECIAL EXAMINATIONS OR INCUR ANY UNUSUAL EXPENSE.
3. Have the employee sign Part B in your presence.
4. Fully complete, sign and date Part C. Unless specific findings are called for, indicate by checkmark whether findings are normal or abnormal and describe any abnormalities in the space provided.
5. Do not return the form to the employee, but mail it to:

Office of Federal Employees' Group Life Insurance  
4 East 24th Street  
New York, N.Y. 10010

Print employee's full name		M	Date of birth (mo., day, year)	Fully describe abnormalities noted or any history of abnormality elicited. (If more space is needed, please attach additional sheet.)
		F		
Does examination reveal abnormality of:		Yes	No	
General (movements, strength, stamina, responsiveness, coordination, etc.)?				
Eyes, ears, nose, throat?				
Respiratory system?				
Heart, arteries, or veins? Any murmurs present?				
G.I. system?				
G.U. system?				
Nervous system and reflexes?				
Extremities and skeletal or muscular system?				I certify that Part B was signed in my presence, that I have carefully examined the individual named above and that my complete findings on examination are correctly recorded.
Skin and glands?				
Height (in feet and inches)	Weight (in pounds)	Signature of examining physician		Date of examination
Blood Pressure			Pulse (at rest)	Address of examining physician, including ZIP Code
Two readings, sitting		Systolic	Diastolic	
diastolic at 5th phase	First reading		If over 90, pulse after 5 minutes	
	Second reading			

**PART D - TO BE COMPLETED BY OFEGLI**

TO THE EMPLOYING AGENCY: The employee named on the reverse side may:

- Be insured for Basic Life insurance on the first day he or she is in a pay and duty status after the date shown below, or for Option A-Standard and/or Option B-Additional coverage(s) on the first day in a pay and duty status after the date shown below and receipt of "Life Insurance Election" (SF 2817) by employing office. If employee is not in a pay and duty status within 31 days after the date shown below, the authorization of insurance is void; the authorization of optional insurance is void unless he or she is in a pay and duty status and has also returned a SF 2817 showing an election of optional insurance within the 31 day grace period.
- Not cancel a waiver of insurance coverage or elect optional insurance.

Approving officer

Date of approval

**INSTRUCTIONS**

PLEASE READ CAREFULLY BEFORE FILLING OUT THIS FORM. FAILURE TO OBSERVE INSTRUCTIONS MAY RESULT IN DELAY.

**TO THE EMPLOYING AGENCY**

1. The employee is eligible to request insurance only if he or she is under age 50 and one year has elapsed since (a) the effective date of his or her last waiver or declination or (b) employee's last opportunity to elect 5 multiples of pay under Option B-Additional insurance, and employee is not otherwise excluded from insurance coverage.
2. Have employee sign top part on reverse side of this form, then complete Part A and give the form to the employee.
3. Have employee execute an SF 2817 only after Part D has been approved by OFEGLI and returned to you.
4. Notify the employee of OFEGLI's decision and file the returned form in the employee's OFFICIAL PERSONNEL FOLDER or its equivalent.

**TO THE EMPLOYEE**

1. Sign the top part on reverse side of this form and have your agency complete Part A.
2. Take the form to any medical doctor of your choice. Complete Part B and sign it in the presence of the doctor.
3. Have the doctor complete Part C.
4. The fee for the medical examination must be paid by you directly to the doctor.
5. The Office of Federal Employees' Group Life Insurance will notify your agency whether you may be insured and your agency will inform you of the decision.
6. If your request is approved, Basic Life insurance coverage is automatically effective on the first day you are in pay and duty status after the date of approval; Option A-Standard and/or Option B-Additional, if elected within 31 days of the approval date, are effective the first day you are in pay and duty status after the approval date and have file "Life Insurance Election" (SF 2817), electing optional insurance to your employing office.

PRIVACY ACT STATEMENT—Title 5, U.S. Code, Chapter 87, Life Insurance, authorizes solicitation of this information. The data you furnish will be used by your agency and the Office of Federal Employees' Group Life Insurance to determine your eligibility to receive benefits under the OFEGLI Program. This information may be shared with law enforcement agencies

when they are investigating a violation or potential violation of the civil or criminal law. Provision of this information is voluntary, however, failure to supply all of the requested information may result in the inability to determine your eligibility under the FEGLI Program.





DESIGNATION OF BENEFICIARY

Federal Employees' Group Life Insurance Program

IMPORTANT
Read instructions on back of duplicate before filling in this form

INFORMATION CONCERNING THE INSURED:

Name (Last, First, Middle) Date of birth (Month, Day, year)

Place an "X" in the appropriate box below:

Form with three boxes: An employee, Retired or an applicant for retirement, Receiving OWCP benefits or an applicant for OWCP benefits

Department or agency in which presently employed (If retired, former department or agency):

Form with four fields: Department or agency, Bureau, Division, Location (City, State and ZIP Code)

I, the individual identified above, canceling any and all previous Designations of Beneficiary under the Federal Employees' Group Life Insurance Program heretofore made by me, do now designate the beneficiary or beneficiaries named below to receive any amount of LIFE INSURANCE and ACCIDENTAL DEATH INSURANCE due and payable at my death.

INFORMATION CONCERNING THE BENEFICIARY OR BENEFICIARIES (SEE EXAMPLES OF DESIGNATIONS):

Table with 4 columns: Type or print first name, middle initial, and last name of each beneficiary; Type or print address (including ZIP Code) of each beneficiary; Relationship; Share to be paid to each beneficiary

For each type of insurance (Basic Life, Option A-Standard and Option B-Additional): (1) I hereby direct, unless otherwise indicated above, that if more than one beneficiary is named, the share of any beneficiary who may predecease me shall be distributed equally among the surviving beneficiaries, or entirely to the survivor. (2) I understand that this Designation of Beneficiary shall be void if none of the designated beneficiaries is living at the time of my death.

I hereby specifically reserve the right to cancel or change this Designation of Beneficiary at any time without knowledge or consent of the beneficiary.

Date of execution (month, day, year) Signature of insured

WITNESSES TO SIGNATURE (A witness is ineligible to receive payment as a beneficiary):

Form with two rows for witness information: Signature of witness, Number and street, City, State and Zip Code

PRINT OR TYPE NAME AND ADDRESS (including ZIP Code) OF INSURED THIS SPACE RESERVED FOR RECEIVING AGENCY (Indicate date and by whom received)

SEE REVERSE SIDE OF DUPLICATE COPY FOR INSTRUCTIONS ON WHERE TO FILE THESE FORMS. DO NOT FILE WITH THE OFFICE OF FEDERAL EMPLOYEES' GROUP LIFE INSURANCE.

**IMPORTANT.**—The filing of this form will completely cancel any Designation of Beneficiary under the Federal Employees' Group Life Insurance Program you may have previously filed. Be sure to name in this form all persons you wish to designate as beneficiaries of any insurance payable under that program at your death.

**EXAMPLES OF DESIGNATIONS**

**1. How to designate one beneficiary**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Mary E. Brown*	214 Central Avenue Muncie, IN 47303	Niece	All

**2. How to designate more than one beneficiary**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Alice M. Long	509 Canal Street Red Bank, NJ 07701	Aunt	25%**
Joseph P. Brady	360 Williams Street Red Bank, NJ 07701	Nephew	25%
Catherine L. Rowe	792 Broadway Whiting, IN 46394	Mother	50%

**3. How to designate a contingent beneficiary**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
John M. Parrish, if living	810 West 180th Street New York, NY 10033	Father	All
Otherwise to: Susan A. Parrish	810 West 180th Street New York, NY 10033	Sister	All

**4. How to designate different beneficiaries for Basic Life and optional coverages\*\*\***

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
John D. Jones	124 Elm Street Dayton, OH 45420	Son	All Basic Life
Jane M. Smith	421 Spring Avenue Portland, ME 04101	Niece	All Opt. A—Standard
Elizabeth J. Allen	234 Fifth Avenue New York, NY 10029	Daughter	50% Opt. B—Additional
Ann J. Borden	678 Ninth Street Philadelphia, PA 19123	Daughter	50% Opt. B—Additional

**5. How to cancel a Designation of Beneficiary and effect payment under order of precedences (see back of duplicate)**

Type or print first name, middle initial, and last name of each beneficiary	Type or print address (including ZIP Code) of each beneficiary	Relationship	Share to be paid to each beneficiary
Cancel prior designations			

\* Do not write name as M. E. Brown or as Mrs. John M. Brown. If you want to designate your estate as beneficiary, enter "My estate" in the beneficiary column.

\*\* Be sure that the shares to be paid to the several beneficiaries add up to 100 percent.

\*\*\* If a beneficiary for Basic Life, Option A—Standard or Option B—Additional predeceases designator, and there is no surviving beneficiary or contingent beneficiary for that type of insurance, payment for that type of insurance will be made in order of precedence (see back of duplicate).

This Designation of Beneficiary Form is to be used solely for this disposition of proceeds of insurance under the Federal Employees' Group Life Insurance Program and is not to be confused with Standard Form 2808, Designation of Beneficiary, Civil Service Retirement System, or Standard Form 1152, Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee.

## ORDER OF PRECEDENCE

If, at the death of the insured, there is no designated beneficiary entitled to all or any part of the insurance, the amount of insurance for which there is no designated beneficiary shall be payable to the person or persons listed below surviving at the date of the insured's death, in the following order of precedence:

1. To the widow or widower.
2. If neither of the above, to the child or children, with the share of any deceased child distributed among the descendants of that child.
3. If none of the above, to the parents in equal shares or the entire amount to the surviving parent.
4. If none of the above, to the executor or administrator of the estate.
5. If none of the above, to the other next of kin who are entitled under the laws of the domicile of the insured at the date of death.

**IT IS NOT NECESSARY FOR THE INSURED TO DESIGNATE A BENEFICIARY UNLESS HE OR SHE WISHES PAYMENT TO BE MADE IN A WAY OTHER THAN THE ORDER OF PRECEDENCE SHOWN ABOVE.**

## REGULATIONS

(a) The Designation of Beneficiary shall be in writing, signed and witnessed, and received in the employing office for (1) a retired employee and (2) an employee whose insurance is continued while receiving benefits under the Federal Employees' Compensation Law because of disease or injury and who is held by the Department of Labor to be unable to return to duty, in the Office of Personnel Management prior to the death of the designator.

(b) No change or cancellation of beneficiary in a last will or testament, or in any other document not witnessed and filed as required by these regulations, shall have any force or effect.

(c) A witness to a Designation of Beneficiary is ineligible to receive payment as a beneficiary.

(d) Any person, firm, corporation, or legal entity (except an agency of the Federal or District of Columbia Governments) may be named as beneficiary.

(e) A change of beneficiary may be made at any time and without the knowledge or consent of the previous beneficiary, and this right cannot be waived or restricted.

(f) A Designation of Beneficiary is automatically canceled (1) on the day the employee transfers (except by mass transfer) to another agency, or (2) 31 days after the employee ceases to be insured.

## INSTRUCTIONS

1. The examples printed on the back of the first page of this form may be helpful to you in filling out this form to name a beneficiary or to cancel a prior Designation of Beneficiary. More than one beneficiary can be designated. Unless you direct otherwise in the Designation, the person(s) named will be considered as beneficiary (or beneficiaries) for both Basic Life and optional coverages. The total insurance can be divided by showing what share is to be paid to each beneficiary (example 2), or different beneficiaries may be designated for Basic Life and optional coverages (example 4).

2. Complete this form in duplicate. All entries on the form except signatures should be typed or printed in ink (typewriting preferred).

3. It is not necessary to file a new Designation of Beneficiary when the name or address of the insured or the beneficiary is changed.

4. This form must be free of erasures or alterations.

**Important: If you wish to designate a trust as beneficiary, ask your employing office for instructions.**

## WHERE TO FILE COMPLETED FORM

If insured as an employee, file the form with the agency in which employed. If insured as a retired employee or while receiving Federal employees' compensation, file the form with the Office of Personnel Management, Retirement and Insurance Programs, Washington, D.C. 20415. If an application for retirement or compensation is pending, file the form with the agency in which employed if still an insured employee, or with the Office of Personnel Management if no longer an insured employee. The duplicate will be noted and returned as evidence that the original has been received and filed. It is suggested that the duplicate be kept with the SF 2817A (SF 2817B for Postal Employees), the Federal Employees' Group Life Insurance Program.

## PRIVACY ACT STATEMENT

Title 5, U.S. Code, Chapter 87, Life Insurance, authorizes solicitation of this information. The data you furnish will be used to determine your beneficiary(ies) for your life insurance and accidental death insurance. This information will be shared with the Office of Federal Employees' Group Life Insurance in the event of your death. It will also be shared with the Office of Personnel Management and be placed in your Official Personnel Folder. This information may be shared with other Federal agencies or Congressional offices which have a need to know it in connection with your application for a job, license, grant or other benefit. It may also be shared with national, state, local or other charitable or social security administrative agencies to determine and issue

benefits under their programs. In addition, to the extent this information indicates a possible violation of civil or criminal law, it may be shared with appropriate Federal, state or local law enforcement agencies. While the law does not require you to supply all the information requested on this form, it may not be possible to process your Designation of Beneficiary if you fail to do so. Agencies other than the Office of Personnel Management may have further routine uses for the disclosure of information from the records systems in which they file copies of this form and they should provide you with any such uses which are applicable at the time they ask you to complete this form.

*Designations should be kept current. Changes in family status (marriage, divorce, death, births, etc.) may require corresponding changes in the designation.*

**REIMBURSABLE WORK AUTHORIZATION**

**SECTION I - ORDERING AGENCY REQUEST**

1. SEND BILL TO (Complete address, including ZIP Code)		2. REQUEST WORK a. START DATE      b. COMPLETION DATE Month Day Year      Month Day Year	
3. AGENCY CONTACT (Name and complete address, including ZIP code)		4. AGENCY IDENTIFICATION NUMBER	
10. AGENCY CONTACT'S TELEPHONE NO		11. AGENCY/BUREAU NAME	
13. WORK LOCATION		12. DATE OF THIS REQUEST	
14. WORK DESCRIPTION (If additional space is required, use plain sheet(s) of paper)			
Check if plans attached <input type="checkbox"/>			

**SECTION II - ESTIMATE**

**PRICE QUOTATION**

FUNCTION CODE (a)	ESTIMATED FORCE ACCOUNT WORK-HOURS (b)	ESTIMATED COSTS						TOTAL ESTIMATED COST (i)	AMOUNT TO BE BILLED (j)	ACTION TYPE IN PUT CODE (k)
		LABOR		MATERIALS		OTHER				
		O/C (c)	AMOUNT (d)	O/C (e)	AMOUNT (f)	O/C (g)	AMOUNT (h)			
		10		26						
		10		26						
		10		26						
		10		26						
		10		26						
		10		26						
		10		26						
		10		26						
		10		26						
<b>TOTAL</b>										

16. ACTION TYPE <input type="checkbox"/> ADD <input type="checkbox"/> CHANGE <input type="checkbox"/> DELETE <input type="checkbox"/> MULTIPLE FUNCTION <input type="checkbox"/> COMPLETION <input type="checkbox"/> TERMINATION <input type="checkbox"/> CHARGEBACK ACCEPTED <input type="checkbox"/> CHARGEBACK REBILL									
17. ORGANIZATION CODE		18. WORK AUTHORIZATION NO.		19. BUDGET ACTIVITY CODE		20. BUILDING NUMBER		21. PROJECT NUMBER	
22. LEASE CONTRACT NUMBER			23. AGENCY BUREAU CODE		24. REQUESTED WORK/SERVICE DATES			25. BOAC CODE	
					Start Date: Month Day Year			Completion Due Date: Month Day Year	
26. DESCRIBE PROJECT NATURE (Not more than 25 characters)						27. TWENTY-FIVE PERCENT (25%) LIMITATION			
						\$			
28. WORK PERFORMANCE AUTHORIZATION		a. TYPE NAME AND TITLE OF AUTHORIZING OFFICIAL			b. SIGNATURE			c. DATE	
29. CONCURRENCE		a. TYPED NAME AND TITLE OF CONCURRENCE OFFICIAL			b. SIGNATURE			c. DATE	

**SECTION III - ORDERING AGENCY CERTIFICATION**

30. I certify that this constitutes a valid obligation and an order for GSA to perform the work described above.		a. SIGNATURE OF ORDERING AGENCY OFFICIAL	b. DATE
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**SECTION IV - WORK COMPLETION CERTIFICATION**

31. NAME AND TITLE OF PBS OFFICIAL	SIGNATURE	DATE
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REQUEST FOR ADDITIONAL EQUIPMENT  
Lanier Contract 3C00016

Requested by: \_\_\_\_\_ Date: \_\_\_\_\_  
                  System Manager

District \_\_\_\_\_ City: \_\_\_\_\_

The following additional equipment is hereby requested for the district and location named above:

<u>Line Item #</u>	<u>Quantity</u>	<u>Description</u>
--------------------	-----------------	--------------------

Approved                       Disapproved                       Additional information required

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_  
Contracting Officer's  
Technical Representative

1984 USAM (superseded)

WORD PROCESSING WORKLOAD REPORT  
(SAMPLE 2)

For the Period: \_\_\_\_\_ Through: \_\_\_\_\_ Total # Days \_\_\_\_\_

# Pages one time only \_\_\_\_\_ = \_\_\_\_\_ lines

# Pages first draft \_\_\_\_\_ = \_\_\_\_\_ lines

# Pages revised \_\_\_\_\_ = \_\_\_\_\_ lines

# Standard documents \_\_\_\_\_ = \_\_\_\_\_ lines

TOTALS \_\_\_\_\_ = \_\_\_\_\_ lines

# Special applications \_\_\_\_\_

Comments:

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1984 USAM (superseded)

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