

Hanscom Civilian Personnel Flight 2025 Annual Requirements Newsletter

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CPO Message

Greetings Team Hanscom Civilian Leaders,
We are pleased to provide you with an updated annual CPO Newsletter containing lots of valuable information related to key personnel topics including the Weingarten Rule, FMLA, Accommodation process, Merit System Principles and a handful of other key useful information nuggets. Don't hesitate to stop by the CPO office if you have any questions or need assistance! We are open from 0800-1600 Monday-Friday!

Your Acting Civilian Personnel Officer
Nicole Craver

Did you know that union notification is required for all calls/commander's calls? Failure to notify the union is a violation of 5 U.S.C. 7116(a)(1) and (8).

Family Medical Leave Act (FMLA)

Per Title 5 of the Code of Federal Regulations, Part 630, Section 1203 (5 CFR 630.1203), an employee* shall be entitled to a total of 12 administrative workweeks of unpaid leave any 12-month period for one or more of the following reasons:

- (1) The birth of a son or daughter of the employee and the care of such son or daughter.
- (2) The placement of a son or daughter with the employee for adoption or foster care and the care of such son or daughter.
- (3) The care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or
- (4) *A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position.
- (5) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

(6) The 12-month period specified above begins on the date an employee first takes leave for a family or medical need and continues for 12 months. An employee is not entitled to 12 additional workweeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of family or medical leave (This may include a continuation of a previous situation or circumstance). An employee may elect to substitute paid leave for any or all the leave without pay (LWOP) to be taken under FMLA, consistent with applicable law and regulations.

Family Medical Leave Act (FMLA) Continued

Leave under FMLA is available to full-time and part-time employees.

An employee must invoke his or her entitlement to family and medical leave and an agency may not put an employee on family and medical leave and may not subtract leave from an employee's entitlement to such leave unless the agency has obtained confirmation from the employee of his or her intent to invoke the aforementioned entitlement. As a supervisor, if you approve an employee's request to use leave under FMLA, you will need to contact 66 CPTS Civilian Pay to inform them of such and for guidance with properly accounting for the hours used by the employee for this purpose. You will also need to ensure the employee's timecards reflect any FMLA use. *Please do not release any medical information, or provide medical specifics, unless providing to a person who is authorized to receive such.



The Department of Labor forms to be submitted by an employee in support of an application to use FMLA can be found by way of the webpage for the Office of Personnel Management's (OPM) fact sheet on FMLA (link to webpage is included below in the "Helpful Links" section).

*As defined by 5 CFR 630.1201, an "employee" is an individual who has completed 12 months of service (not required to be 12 recent or consecutive months).

Prohibited Personnel Practices (5 USC § 2302(b))

Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority -

- (1) Discriminate for or against any employee or applicant for employment
- (2) Solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of either an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or an evaluation of the character, loyalty, or suitability of such individual
- (3) Coerce the political activity of any person (including the providing of any political contribution or service), or take any action against any employee or applicant for employment as a reprisal for the refusal of any person to engage in such political activity
- (4) Deceive or willfully obstruct any person with respect to such person's right to compete for employment
- (5) Influence any person to withdraw from competition for any position for the purpose of improving or injuring the prospects of any other person for employment
- (6) Grant any preference or advantage not authorized by law, rule, or regulation to any employee or applicant for employment (including defining the scope or manner of competition or the requirements for any position) for the purpose of improving or injuring the prospects of any particular person for employment
- (7) Appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position any individual who is a relative (as defined in section 3110 (a)(3) of this title) of such employee if such position is in the agency in which such employee is serving as a public official (as defined in section 3110 (a)(2) of this title) or over which such employee exercises jurisdiction or control as such an official.

Prohibited Personnel Practices (5 USC § 2302(b)) – Continued

- (8) Take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation, or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety
- (9) Discriminate for or against any employee or applicant for employment on the basis of conduct which does not adversely affect the performance of the employee or applicant or the performance of others; except that nothing in this paragraph shall prohibit an agency from taking into account in determining suitability or fitness any conviction of the employee or applicant for any crime under the laws of any State, of the District of Columbia, or of the United States
- (10) Knowingly take, recommend, or approve any personnel action if the taking of such action would violate a veterans' preference requirement; or knowingly fail to take, recommend, or approve any personnel action if the failure to take such action would violate a veterans' preference requirement;
- (11) Take or fail to take any other personnel action if the taking of or failure to take such action violates any law, rule, or regulation implementing, or directly concerning, the merit system principles contained in section 2301 of this title; or
- (12) Implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: "These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling."
- (13) Access the medical record of another employee or an applicant for employment as a part of, or otherwise in furtherance of, any conduct described in paragraphs (1) through (13).

More detailed information can be obtained from the U.S. Merit Systems Protection Board website at:

<https://www.mspb.gov/ppp/13ppp.htm>

Merit Systems Principles (5 U.S.C. § 2301)

- (1) Recruitment should be from qualified individuals from appropriate sources in an endeavor to achieve a workforce from all segments of society, and selection and advancement should be determined solely on the basis of relative ability, knowledge and skills, after fair and open competition which assures that all receive equal opportunity.
- (2) All employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights.
- (3) Equal pay should be provided for work of equal value, with appropriate consideration of both national and local rates paid by employers in the private sector, and appropriate incentives and recognition should be provided for excellence in performance.
- (4) All employees should maintain high standards of integrity, conduct, and concern for the public interest.
- (5) The Federal work force should be used efficiently and effectively.
- (6) Employees should be retained on the basis of adequacy of their performance, inadequate performance should be corrected, and employees should be separated who cannot or will not improve their performance to meet required standards.
- (7) Employees should be provided effective education and training in cases in which such education and training would result in better organizational and individual performance.
- (8) Employees should be--
 - A. protected against arbitrary action, personal favoritism, or coercion for partisan political purposes, and
 - B. prohibited from using their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for election.
- (9) Employees should be protected against reprisal for the lawful disclosure of information which the employees reasonably believe evidences--
 - A. a violation of any law, rule, or regulation, or
 - B. mismanagement, a gross waste of funds, and abuse of authority, or substantial and specific danger to public health or safety.

Supervisors and employees are to always maintain and uphold the Merit Systems Principles. The Prohibited Personnel Practices are specific ways in which the Merit Systems Principles are violated as they concern personnel actions (e.g., appointments, promotions, reassignments, disciplinary actions and other personnel matters).

More detailed information can be obtained from the U.S. Merit Systems Protection Board website at:

<https://www.mspb.gov/msp/meritsystemsprinciples.htm>

Probationary Period

Duration of probationary period on initial appointment

- In the competitive service, the probationary period is set by law to one year. [5 CFR 315.802\(a\)](#).
- Term employees serve a trial period of one year. [5 CFR 316.304](#).
- The probationary period usually begins as of the effective date reflected on the Standard Form 50.

The probationary period is the last step in the hiring process. It provides the Department of Defense an opportunity to assess, on the job, an employee's overall fitness and qualifications for continued employment.

Supervisors should promptly address all conduct and/or performance-related concerns with the servicing EMR specialist at their location.

Weingarten Rule

Are you aware of your bargaining unit employee's right to have union representation if a supervisor questions them about an allegation of misconduct and they feel they might be disciplined as a result?

In accordance with [5 USC §7114\(a\)\(2\)](#), the Weingarten Rule gives employees who are represented by an exclusive bargaining unit the right to request union representation. Weingarten is a short-handed term used to refer to a union's right to have a union representative present, at a bargaining unit employee's request, during "investigative interviews" that could lead to disciplinary action against the employee. The term Weingarten is drawn from a private sector decision, [NLRB v. J. Weingarten, Inc., 420 U.S. 251 \(1975\)](#).

This decision upheld a National Labor Relations Board determination that, under the National Labor Relations Act, an employee, upon request, had the right to union representation at an investigatory interview which the employee reasonably believed might result in disciplinary action. An employee may invoke the right to a union representative at any point during an investigative interview.

The Court pointed out that having a representative present will help employee who may be too "fearful or inarticulate" to accurately participate in the investigation as well as the employer by eliciting facts and helping find other sources for the investigation. The Court stated that a knowledgeable union representative could assist the employee eliciting favorable facts and save the employer production time by getting to the bottom of the incident efficiently and effectively. The Court stated that union representation should not await the employer's determination of misconduct, the imposition of discipline, the filing of a grievance.



Should you have any questions on this provision of labor law, contact your local labor representative. The Union representatives at Hanscom AFB are:

Mr. Dale Smith, President, IAFF Local F-78, Ph. 781-225-3330

Mr. Steven Channell, Vice President, NFFE Local 1384, Ph. 781-225-0407

Mr. Tom Siracusa, President, NAGE Local R1-8, Ph. 781-225-6645

For employees at the AFRL Rome Research Site, your local labor representative is Ms. Amanda Neff, Ph. 315-330-4786.

Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) clarifies and strengthens the Veterans' Reemployment Rights (VRR) Statute. The Act itself can be found in the [United States Code at Title 38, Chapter 43, Section 4301-4335, Public Law 103-353](#)).

USERRA protects civilian job rights and benefits for veterans and members of Reserve components. USERRA also makes major improvements in protecting service member rights and benefits by clarifying the law, improving enforcement mechanisms, and adding Federal Government employees to those employees already eligible to receive Department of Labor assistance in processing claims.

USERRA establishes the cumulative length of time that an individual may be absent from their civilian job to perform service in the uniformed service and retain reemployment rights to five years. There are important exceptions to the five-year limit, including initial enlistments lasting more than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls, especially during a



time of national emergency. USERRA clearly establishes that reemployment protection does not depend on the timing, frequency, duration, or nature of an individual's service as long as the basic eligibility criteria are met. USERRA provides protection for disabled veterans, requiring employers to make reasonable efforts to accommodate the disability. Service members convalescing from injuries received during service or training may have up to two years from the date of completion of service to return to their jobs or apply for reemployment. If you are eligible

to be reemployed, you must be restored to the job and benefits you would have obtained if you had not been absent due to military service or, in some cases, a comparable job.

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

More detailed information can be obtained from the U.S. Department of Labor website at:

<https://www.dol.gov/agencies/vets/programs/userra/USERRA-Pocket-Guide>

Whistleblowing (5 U.S.C. § 2302 (b)(8))

A "whistleblower" is someone who makes a good faith report to an authorized recipient of information regarding:

- Violation of law, rule, or regulation;
- Waste, fraud, and abuse;
- Mismanagement
- Serious security incidents: or
- Other criminal or administrative misconduct.



U.S. Office of Special Counsel

The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency that provides a secure channel through which current and former federal employees and applicants for federal employment may make confidential disclosures. OSC evaluates the disclosures to determine whether there is a substantial likelihood that one of the categories listed above has been disclosed. If such a determination is made, OSC has the authority to require the head of the agency to investigate the matter.

More detailed information can be obtained from the Department of Defense Inspector General at:

<https://www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/>

Reasonable Accommodation Process

The Americans with Disabilities Act (ADA) defines reasonable accommodation as “any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments in employment equal to those of employees without disabilities.”

The reasonable accommodation process is a case-specific and fact-specific process. A request for reasonable accommodation is the first step in an informal, interactive process between the individual and the employer. Under the ADA, the first level supervisor is required to remain actively involved in the interactive process by diligently working the employee’s request(s) in a timely and expeditious manner.

- Job Accommodation Network: <http://askjan.org/>
- Computer/Electronic Accommodations Program: <http://www.cap.mil/>

- Step 1: Initiating a Request: An employee who wishes to initiate the interactive process to obtain reasonable accommodation may make an oral or written request to the immediate supervisor/manager.
- Step 2: Interactive Process: To enable the Air Force to maintain accurate records regarding reasonable accommodation requests, employees seeking reasonable accommodation should follow up an oral request by confirming their request in writing (including email or facsimile) to the manager or supervisor.
 - When the supervisor receives the reasonable accommodation request, he or she shall acknowledge receipt of the request and enter into an interactive dialogue process within 10 business days of the request.
- Step 3: Determining Reasonable Accommodation: In consultation with the individual to be accommodated, the supervisor/manager will identify potential accommodations and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position.
 - If it is determined that an employee is a qualified individual with a disability, after participating in the interactive process and fully examining and researching the reasonable accommodation request, the supervisor will provide a written decision on the request for accommodation in the shortest time practicable, but no later than 30 business days from the date of the original request when the employee’s supervisor is the deciding official and there are no extenuating circumstances.

Supervisory Reasonable Accommodation Training video, found by selecting the “Role specific” training tab on the following link: <https://hanscomnet.hanscom.af.mil/Training/Train2000/code/defaultf.asp>

Any questions concerning reasonable accommodations can be directed to the Chief of Diversity, Equity, Inclusion & Accessibility, Mr. Ray Anderson, Ph. 781-225-1342.

2025 Holiday Schedule

Date	Holiday
Wednesday, January 01	New Year's Day
Monday, January 20	Birthday of Martin Luther King, Jr.
Monday, January 20 *	Inauguration Day
Monday, February 17 **	Washington's Birthday
Monday, May 26	Memorial Day
Thursday, June 19	Juneteenth National Independence Day
Friday, July 04	Independence Day
Monday, September 01	Labor Day
Monday, October 13	Columbus Day
Tuesday, November 11	Veterans Day
Thursday, November 27	Thanksgiving Day
Thursday, December 25	Christmas Day

Helpful Links

General Information

Electronic Official Personnel File (eOPF): <https://eopf.opm.gov/USAF/>

MyBiz: <https://compo.dcpds.cpms.osd.mil/>

MyPay: <https://mypay.dfas.mil/mypay.aspx>

MyPers: <https://myfss.us.af.mil/>

Office of Personnel Management: www.opm.gov

Benefits Information

OPM Benefits: <https://www.opm.gov/healthcare-insurance/healthcare/plan-information/summary-of-benefits/>

BENEFEDS (Dental & Vision Insurance): <https://www.benefeds.com/>

Flexible Spending Account: <https://www.fsafeds.com/>

Long Term Care Insurance: <http://www.ltcfeds.com/>

Thrift Savings Plan: <https://www.tsp.gov/>

To retrieve a copy of each Union Agreement, go to: <https://hanscomnet.hanscom.af.mil/>

Click on "Quick Links", then the applicable letter "N" for NFFE or NAGE and "I" for IAFF