



Supervising Non US Citizen Employees in Germany

Civilian Personnel Management Course for New Supervisors of Non US Citizen Employees (CPMC-NUS)

Presented by
86 FSS/FSCA-R
Ramstein AB Germany



Supervising Non US Citizen Employees in Germany

Agenda

DAY 1

- Introduction/[Cultural Perspective](#)
- [Overview of Applicable Laws, CTA II and Instructions](#)
- [Work Hours](#)
- [Annual Leave](#)
- [Works Council](#)
- [Classification](#) (one-on-one meetings... always possible)
- [Filling Non-US Positions](#)

DAY 2

- [Conduct & Discipline](#)
- [Employee Training & Development](#)
- [Performance Management and Awards Program](#)
- [Addictions - Info and Guidance](#)
- [Environmental, Safety & Occupational Health \(ESOH\)](#)

DAY 3 – entire presentation will be mailed

- [Absenteeism due to Sickness](#)
- [Advanced Training on Sick Absence &](#)
- [Organizational Integration Management \(OIM\)](#)
- CPMC-NUS Review/Closing Remarks



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CPMC-NUS Administration

Course Administration:

- Online Class hours / Breaks
- Handouts / Course Critiques
- Lunch Breaks
- Coffee breaks
- Smoking breaks
- End of Day
- Certificates



HOUSE RULES FOR ONLINE SESSIONS

- Camera on – if possible
- Audio off during sessions – (noise reduction)
- Audio on - for input/questions/statements, etc.
- Chat function – to ask questions – I may answer after session
- Mental breaks
- Physical breaks
- Feedback is important – Communication & Exchange of information during and after sessions



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CPMC-NUS Introductions

- Please introduce yourself to the class:.
- Share the following info:
 - Name, Job Title and Work Center/Job
 - Professional Background (length of service, previous jobs, how long as supervisor of Non-US, how many Non-US currently under supervision)
 - Personal Info as desired, i.e. marital status, children, hobbies
 - Specific items they want to hear about in this course



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Cultural Perspective of Supervising Non-US Employees

Purpose of this Lesson is to enhance awareness of cultural differences and provide food for thought about the following:

- What baggage do we carry and how does it influence our thinking and reactions?
- How do cultural differences play a role in supervising?
- Why is it important to understand and respect the host culture?
- How understanding of culture prevents conflict/misunderstandings
- How understanding of culture helps improve working conditions and understanding

REMEMBER: Non US employees are not generally better or worse than US – but they may be different because of cultural factors that influence their behavior and thinking -- as they do yours



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Supervisory Responsibilities

Civilian Personnel Office	Supervisor
Appointing Authority Personnel Administration Direction to Supervisors Guidance Advice Control	Selecting Official Personnel Management Placement Motivation Supervision Counseling and Rewarding



Overview of Applicable Laws and Regulations



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Overview of Applicable Laws and Regulations

Working Conditions for Non US employees are regulated by:

- **NATO Status of Forces Agreement (SOFA)**
Forms the basis of US/German relationship and establishes that German Law will apply
- **German Labor Law**
Provides a myriad of rules and regulations applicable to any part of an employment contract
- **Collective Tariff Agreement II (CTA II)**
Describes the specific terms of employment for all Non US employees of the foreign forces in Germany.
Negotiated between the German Ministry of Finance (input from reps of the Sending States Forces) and the German Union



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Overview of Applicable Laws and Regulations

German Federal Laws:

- Work Hours Act
- Part Time and Temporary Appointment Act
- Federal Leave Act
- Federal Law on Protection from Termination of Employment
- Federal Law on Protection of Severely Handicapped Employees
- Federal Law on Protection of Expecting Mothers
- Federal Law on Child Care Allowance and Parents' Leave
- Federal Personnel Representation Law (FPRL)



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Overview of Collective Tariff Agreement II (CTAII)

- Part I - General Provisions
 - Section 1: Scope of Application and Special Provisions
 - Section 2: Employment Contract
 - Section 3: Period of Employment
 - Section 4: Hours of Work
 - Section 5: Principles of Pay
 - Section 6: Loss of Work Hours
 - Section 7: Illness
 - Section 8: Leave
 - Section 9: Compensation
 - Section 10: Social Provisions
 - Section 11: Termination of Employment
 - Section 12: Other Provisions
- Part II - General Provisions on Grading and Pay Steps
 - Section 13: Classification into Wage and Salary Groups
 - Section 14: Assignment of Salary Steps
 - Section 15: Wage Group Classification “A” for Wage Earners
 - Section 16: Salary Group Classification “C” for Salaried Employees



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Overview of Collective Tariff Agreement II (CTAII) – cont'd

- Part III - Wage and Salary Tariff
 - Section 17: Wage Tariff A for Wage Earners
 - Section 18: Salary Tariff C for Salaried Employees
- Part IV - Final Provisions
 - Section 19: Arbitration Procedures
 - Section 20: Entry into Effect and Termination
- Appendices A-Z - Special Provisions for
 - A - **Wage Earners**
 - C - **Salaried Employees**
 - F - Drivers
 - H - Employees in Catering Establishment and Billeting
 - K - Employees in Hospitals/Medical Facilities
 - P - Fire Fighting Personnel
 - R - Employment Outside the Permanent Duty Station
 - S - Severety Allowance
 - T - Employees in Retail Activities
 - V - Vacation Bonus
 - W - Christmas Bonus
 - Z- Employees in Civilian Support Groups



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Overview of USAFE Instructions

- USAFEI 36-109 – [Time and Attendance Reporting](#)
- USAFEI 36-701 – [Employment at other than Regular Place of Work](#)
- **USAFEI 36-702 – [Conduct And Discipline](#)**
- USAFEI 36-703 – [Qualification Standards](#)
- USAFEI 36-706 – [Cooperation between the FFPO and the USAF](#)
- USAFEI 36-713 – [Merit Promotion and In-service Placement Program](#)
- USAFEI 36-716 – [Probationary Period Appraisal and Performance Evaluation](#)
- USAFEI 36-722 – [Labor Litigation](#)
- **USAFEI 36-723 – [Implementation of CTA II and Overtariff Conditions](#)**
(under review – call CPS before use)
- USAFEI 36-728 – [Non US Citizen Personnel and Position Actions](#)
- USAFEI 36-729 – [Uniform Work Clothing](#)
- USAFEI 36-731 – [Non US Citizen Honorary and Incentive Awards](#)
- USAFEI 36-732 – [English Language Proficiency Testing](#)
- **USAFEI 36-751 – [Works Council Participation in Management Actions](#)**
- USAFEI 36-801 – [Overtime, Compensatory Time and Comp Time for Travel](#)
- USAFEI 36-1401 – [Position Management and Classification](#)



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Supervisor's Employee Folder

Each supervisor should have a file on each subordinate. Commonly referred to as the **971 Folder**

The actual AF Form 971 no longer exists, but there is still a sheet with some open lines for supervisors to enter comments or document incidents/performance discussions. Also may use attachments (memos) and refer.

May be a six part folder or binder or a set of electronic files maintained securely (PII!!!)

Contains historical and current information on the employee in multiple categories

Supervisor should maintain and make sure the information is available for the successor to review upon assumption of duties.

Employees may review at their request



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Supervisor's Employee Folder

Contains historical and current information on the employee in the following categories:

- **Position Descriptions** – current and old
- **Employee Brief**
 - Computer generated form with current personal information on the employee, emergency notification data, experience, education, awards and any notes from supervisors on performance, admonishments etc.
- **Absence Data**
 - Sick Slips, OIM Documentation and anything on sick absence
- **Favorable records**
 - SF182s, training completion certificates
 - Awards received, letters of appreciation etc.
- **Unfavorable Records**
 - complaints, admonishments, minutes of counselling sessions, Letters of Warning
- **USAFE Forms 825**
 - filed in sequence of occurrence
- **AF Form 55** – Employee Safety and Health Record



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Hours of Work

- **Federal Work Hours Act**

- Establishes rules for scheduling of employee work hours and breaks/rest periods.
 - Maximum daily work hours = 10 hrs
 - Imposes restrictions for Sunday and Holiday work
 - Mandatory Un-Paid Break of 30 min after 6 hours of work
 - Mandatory Rest Periods between Work Periods = 11 hrs

- **USAFE specifics regulated in CTA II:**

- Regular work hours = 7.7 hrs/day = 38.5 hrs/week
- Variations possible, i.e. shift work, extended work week
- Voluntary Paid Breaks (less than 15 minutes) – at management’s discretion - in some cases these breaks have been instituted “traditionally” and cannot be eliminated



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CTA II – Article 10 – Overtime ROEs

- Overtime defined as any work hours required by the organization (i.e. supervisor) to be worked in excess of regularly required work hours.
- Should be limited to urgent cases
- Overtime requires payment of overtime supplement
 - Different supplements apply depending on day (weekday, holiday, Sunday) and time OT is worked.
- Basic workhour compensation is to take place by granting an equivalent amount of time-off (comp time) within the following 52 weeks rather than financially. (Careful! Comp Time turns into paid OT if not used within 52 weeks)
- IMPORTANT:
- Supervisor determines need for OT – not a matter of employee convenience
- OT approval authority (AF Form 428) in 86AW is the Vice Wing Commander
- Ordering OT is a matter of Works Council codetermination!! Need 30 days lead time to make that happen (exception: immediate emergencies must be coordinated after the fact ASAP)



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Annual Leave (AL)

- Employees **request** - Supervisors **approve** AL
- 30 work days annual leave per calendar year (5 day work week)
- Employees must use leave for rest and recuperation
- Employee must use half of leave entitlement in one period once per year
- Employees must be employed for six months before receiving leave entitlements
- Partial Leave – employees earn 1/12 of total leave entitlement for each month employed if not employed all year
- Transfer of Leave – Leave must be used in the year it is earned. The final leave period to use any left over leave must be started by 31 Dec of the leave year. Transfer up to 31 Mar possible if significant reasons prevented leave from being taken earlier



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Annual Leave cnt'd

- Supervisors must establish and approve an Annual Leave Plan
- **Recommend completion NLT 31 Jan**
- Establish Rules, e.g.:
 - minimum/maximum duration
 - leave restrictions
 - minimum manning/coverage of functions
 - Suspense(s) for leave projections etc.
 - Employees may consider the Leave Plan approved if no other information is given by the supervisor in a timely manner

Note: Irreconcilable disagreements between employees about leave schedules may become matters of WC co-determination



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CTA II – Article 28 – Administrative Leave Provisions

Upon request and provision of documentation, Article 28 allows Admin Leave for a number of special circumstance, i.e.

3 days - for death of a spouse

2 days - for employee's own wedding

- for spouses' child delivery

- for death of immediate family member (children, parents siblings, grand parents or in-laws)

- for employee relocation for job related reasons

1 day - for employee relocation for personal reasons

- for employee's 25th wedding anniversary

Up to 3 days - for severe illness of the employee's spouse in difficult situations
(recommend to contact CPO for validation before such a request is approved)



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CTA II – Article 28 – Administrative Leave Provisions

Up to 2 days - for severe illness of family members (see above for definition)

IF they live in the same household

AND provide medical documentation that care is required

AND justify that care must be provided by the employee personally

AND there is no entitlement per the next paragraph

(recommend to contact CPO for validation before approving such a request)

Up to 2 days - for severe illness of a child if there is no longer an entitlement to unpaid time-off covered by the health insurance.

(recommend to contact CPO for validation before approving such a request)

Up to 1 day - for summons to court through no fault of the employee and only if the court does not provide reimbursement of lost wages

- for fulfillment of duties in the interest of the German public or official volunteer duties if loss of pay is not reimbursed (e.g. judge duties, election committees, fire department)

- for the first visit to a physician



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CTA II – Article 28 – Administrative Leave Provisions

The necessary amount of time - for medical examinations and treatments ordered by a physician **if they cannot be performed outside of duty hours**

Up to 6 days per year - to participate in certain Union activities at the request of the union if operational considerations permit
(recommend to contact CPO for validation before approving such a request)

The entire day on 24 and 31 December each year. If this is not possible for operational reasons, time-off will be granted on another work day. Should this not be possible, hours worked on 24 Dec will be treated a/o 14 hours as holiday overtime (100% supplement).



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Part Time Employment

- Permanent Full-Time (FT) employees may request reduction of work hours after six months of employment
- Request must be submitted 3 months prior to start
- Supervisor must approve unless significant operational requirements prevail – may hire an additional Part-timer to compensate.
- No supervisory obligation to approve PT to FT conversions (legislation being considered to overturn this rule)



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Temporary Employment

Two options for management to make temporary appointments:

- **Without a specific reason:**

- Maximum 2 years
- Possibility for 3 extensions during that time

- **With a specific reason or purpose:**

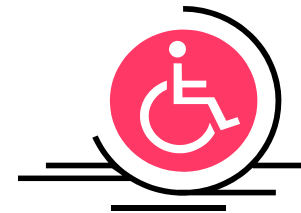
- Requires a specific time limited reason
- No length limit – but requires a specific end date
- Extensions beyond that specific end date must be well justified by facts which caused the end date to be moved otherwise employee becomes permanent
- Typically used to replace employees in unpaid status (LWOP, SL, Parent's Leave) or time limited/seasonal workload



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Protection of Severely Handicapped Employees

- Handicapped Status defined as >50% disabled
- Severely Handicapped Employee Representative (SHER)
- Employees have protection from loss of employment due to handicapped status
 - Termination Action requires concurrence from Integration Office and hearing of SHER
- Additional leave entitlement (6 workdays)
- Assimilated Status (30 - 50%)
 - employment protection only – no added leave





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Protection of Expecting Mothers

- Employee required to notify supervisor of expected delivery date ASAP
- Special restrictions on work environment and physical strain apply during pregnancy
- Expecting mothers are not to be employed six weeks before delivery (may be waived by employee)
- Prohibition on employment eight weeks after delivery (mandatory) – 12 weeks for premature and multiple births
- Expecting mothers may not be terminated during pregnancy and four months after delivery
- Medical Group Public Health Office requires supervisors to fill out a questionnaire on working conditions and hazards in the work place.





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Child Care Allowance/Parents' Leave (PL)

- Entitlement to 36 months of unpaid time off for each parent up to the baby's 4th B-Day
- Employee must request initial PL at least seven week prior to start date
 - Fixed time period(s) must be indicated
 - Actual start date based on the baby's actual DOB
 - Initial request represents a firm commitment
 - Subsequent deviation requires negotiation
- Employees on PL are protected from termination
- Unused AL is preserved until return from PL
- Upon request and approval, employee may be employed up to 30hrs/wk during PL
- At the employee's request, up to 24 months may be diverted to the time between the baby's 4th B-Day and completion of the 8th year of life
- PL may also be used to reduce the employee's regular daily work schedule



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Federal Personnel Representation Law (FPRL)

Regulates relationship between Employers & Works Councils (WCs)

- Size of WCs, election procedures, composition, structure
- Status of elected members and the council
- Election procedures and frequencies
- Rights and Obligations of both sides
- Catalog of Matters subject to WC participation

“PRIME DIRECTIVE”

Both sides are to work together in the spirit of mutual trust and cooperation



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SUMMARY

- Significant amount of Laws/Regulations must be followed to properly manage the employment relationship between the US Air Force and its Local National Workforce
- Always the potential for misunderstandings and errors
- When in doubt or unsure – please call the Non US Employee Management Relations (EMR) Section at the CPO and discuss matters with your servicing EMR Specialist!!



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WORKS COUNCILS – Nothing to be afraid of

German Federal Personnel Representation Law (FPRL)

Collective Tariff Agreement (CTA) II, 16 Dec 1966



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WORKS COUNCILS – Nothing to be afraid of

- What are they?
- What is the status of WC members?
- What are their functions?
- When do we have to involve them?
- What's the process?

Always remember the PRIME DIRECTIVE

“Both sides are to work together in the spirit of mutual trust and cooperation”



Supervising Non US Citizen Employees in Germany

WORKS COUNCILS – Nothing to be afraid of

- What are they?

The works council is a committee elected from the Non US workforce of an agency, to represent the interests of that workforce.

- What is the status of WC members?

- Elected for a four year term (primary and alternates)
- Council can only make decisions as a group
- Members must be released from work for weekly council meetings and to conduct council business
- Depending on size – full time release of members for WC duties
- WC chairperson has direct and regular contact with the Agency Chief at any time
- Formal monthly meeting of the Agency Chief with the entire WC
- Personnel Assemblies bi-annually



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WORKS COUNCILS – Nothing to be afraid of

- What are their functions?

Represent the interests of the employees toward the Agency Chief – prevent unfair treatment & health/safety hazards, initiate improvements, participate in management decisions/actions

May call on Labor Court to enforce participation rights

Several levels of participation rights:

1. Right to comprehensive information in a timely fashion
2. Right to be heard – i.e. take initiative to recommend changes/improvements
3. Formal Cooperation – WC objections to a management action **can** be overruled by management
4. Formal Co-determination – WC objections **cannot** be overruled by management



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WORKS COUNCILS – Nothing to be afraid of

- When do we have to involve them?

Catalogue of Matters requiring WC Cooperation

- *Appointment of employees*
- *Allocation of duties rating higher or lower than the previous ones, up-grading or downgrading, initial grading*
- Development of social plans
- Measures to increase work output and to facilitate the progress of work
- Implementation of basically new working methods
- Administrative directives for internal, social and personal matters
- Disintegration, limitation, transfers and assembly of agencies
- *Ordinary notice termination*
- *Ordinary notice of change in employment condition*



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WORKS COUNCILS – Nothing to be afraid of

- When do we have to involve them?

Catalogue of Matters requiring WC Co-Determination

- *Transfer to another agency*
- Detail for a period of more than 3 months
- Continued employment beyond the age of retirement
- Instructions restricting freedom of choice of the home
- Refusal to grant or revocation of the permission for a secondary occupation
- Granting of support allowances, advance payments and loans
- Assignment and termination of quarters
- Allocation of agency owned/leased land establishment of conditions for its use
- *Start and end of daily tour of duty & breaks*
- Determination of time, place & method of payment
- *Annual leave plan; settle employee differences about timing of annual leave*
- Wage policies, development of new payment methods, piece rate and premium tables
- Management of welfare facilities maintained exclusively for civilian labor
- Implementation of vocational training
- *Choice of participants in events furthering the education*
- Contents of personnel questionnaires



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WORKS COUNCILS – Nothing to be afraid of

- When do we have to involve them?

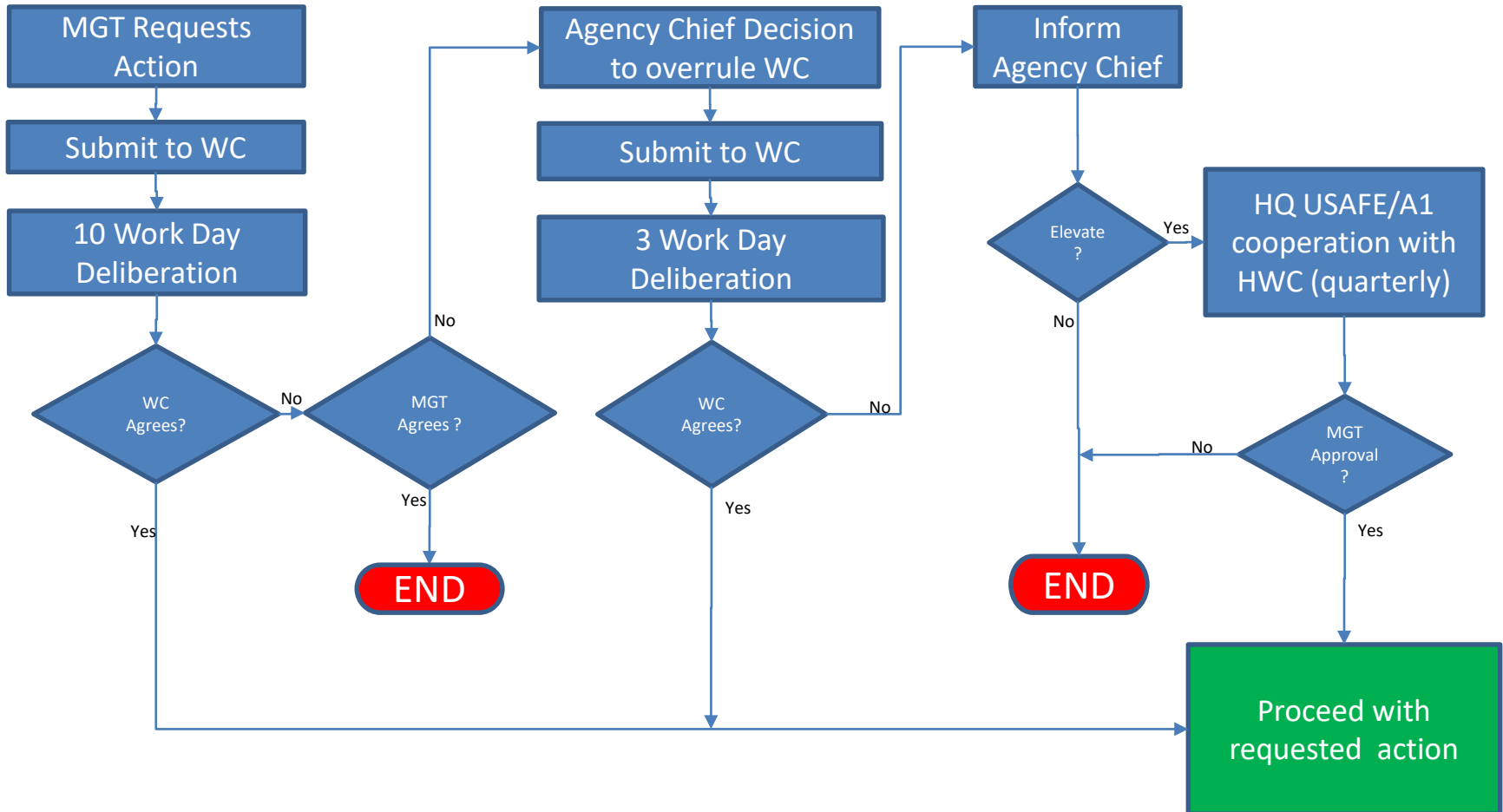
Catalogue of Matters requiring WC Co-Determination cnt'd

- *Guidelines for the assessment of employee work performance*
- Appointment of public health commissioners or agency medical advisors as civil servants
- Rules for mishap prevention and health hazard prevention at the work place
- Principles of evaluating IDEAs within the agency's program framework
- *Waivers to the requirement to announce vacancies*
- *Principles of order and conduct at the work place*
- *Layout of the workplace*
- Introduction and application of technical facilities designed to control the conduct or performance of the employee
- Principles of employee educational development
- Guidelines on employee selections for placement, classification and termination
- Making financial claims against an employee



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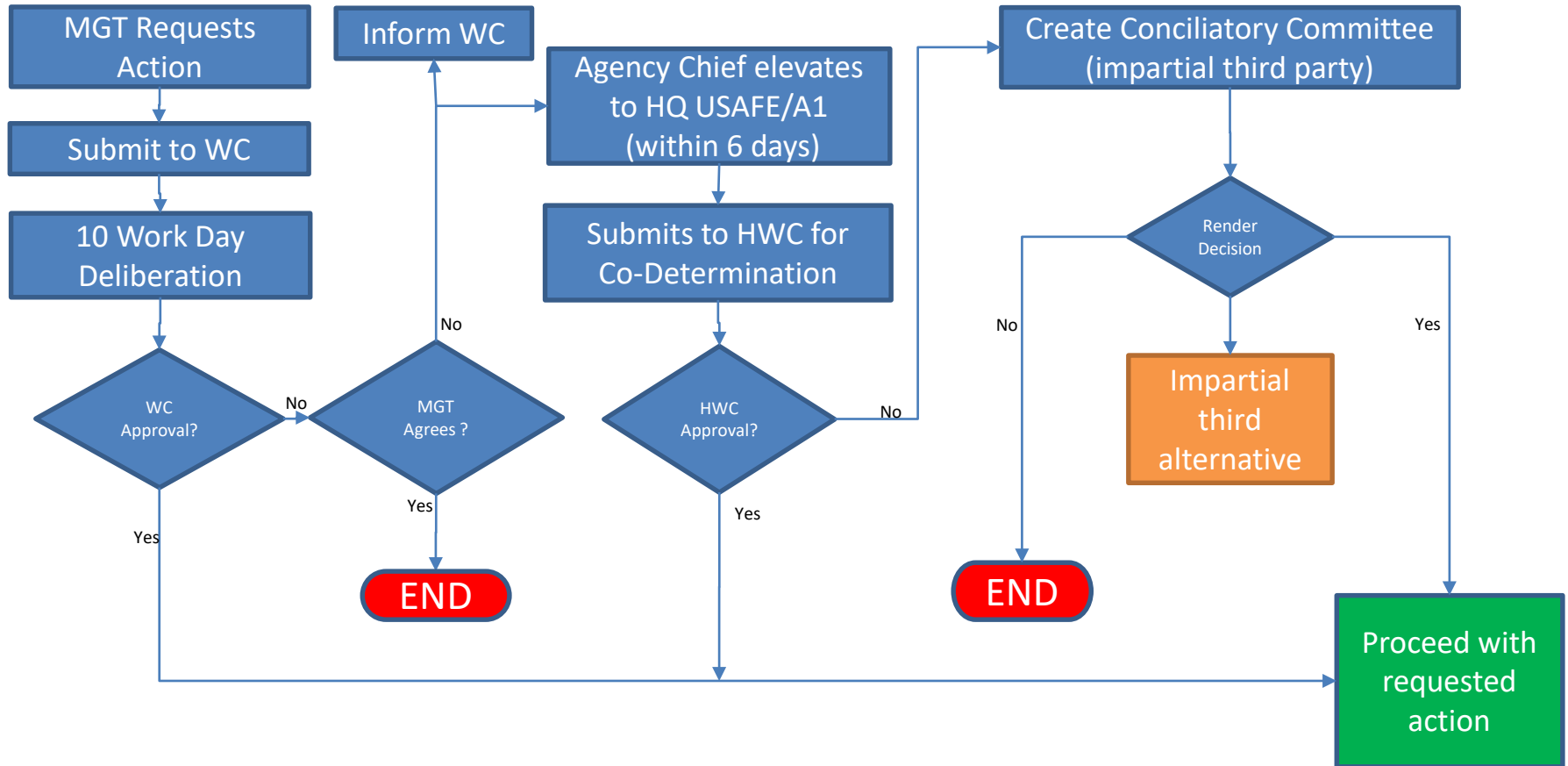
WC Cooperation Process





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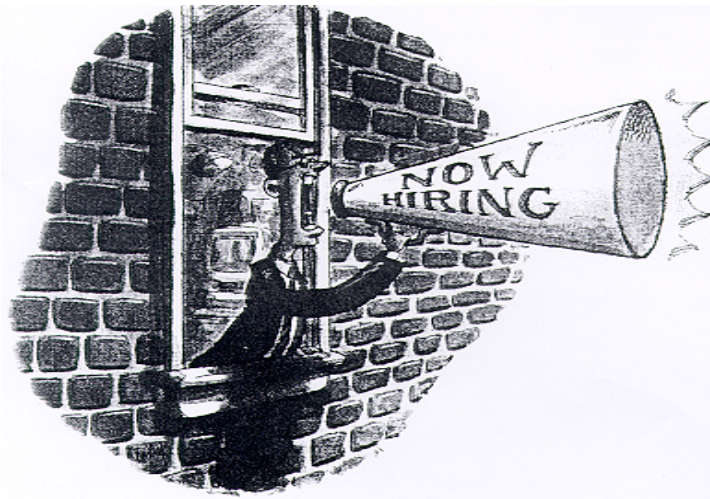
WC Co-Determination Process





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Filling Non US Positions



"Virtus Perdurat – Enduring Courage"



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Filling Non US Positions

To fill vacant Non US positions, supervisor must:

- Review PD of the vacancy and adjust as needed
- Determine qualifications required
- Identify any special skills required (licenses, language capability, education, physical capabilities)
- Determine type of employee needed (Full time, Part time, work schedule, permanent or temporary)
- Coordinate with Authorizing Official and obtain approval
- Prepare and submit a Request for Personnel Action (RPA) to the CPS electronically



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Filling Non US Positions

BEST PRACTISES to speed up the process:

- Plan ahead for upcoming vacancies as much as possible (look at age structure, upcoming retirements, upcoming parenthood etc.)
- Keep your PDs accurate and up to date at all times
- Make contact with the Non US staffing office when a vacancy is about to occur (six months out if possible)
- Review Qualification Standard



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Filling Non US Positions

CPS Recruitment Sources:

1. Mandatory Clearing of In-service Placement Priorities, i.e.
 - RIF Candidates
 - Personnel medically incapacitated for current job
 - Personnel on Pay Protection

2. Placement of internal Merit Promotion Candidates

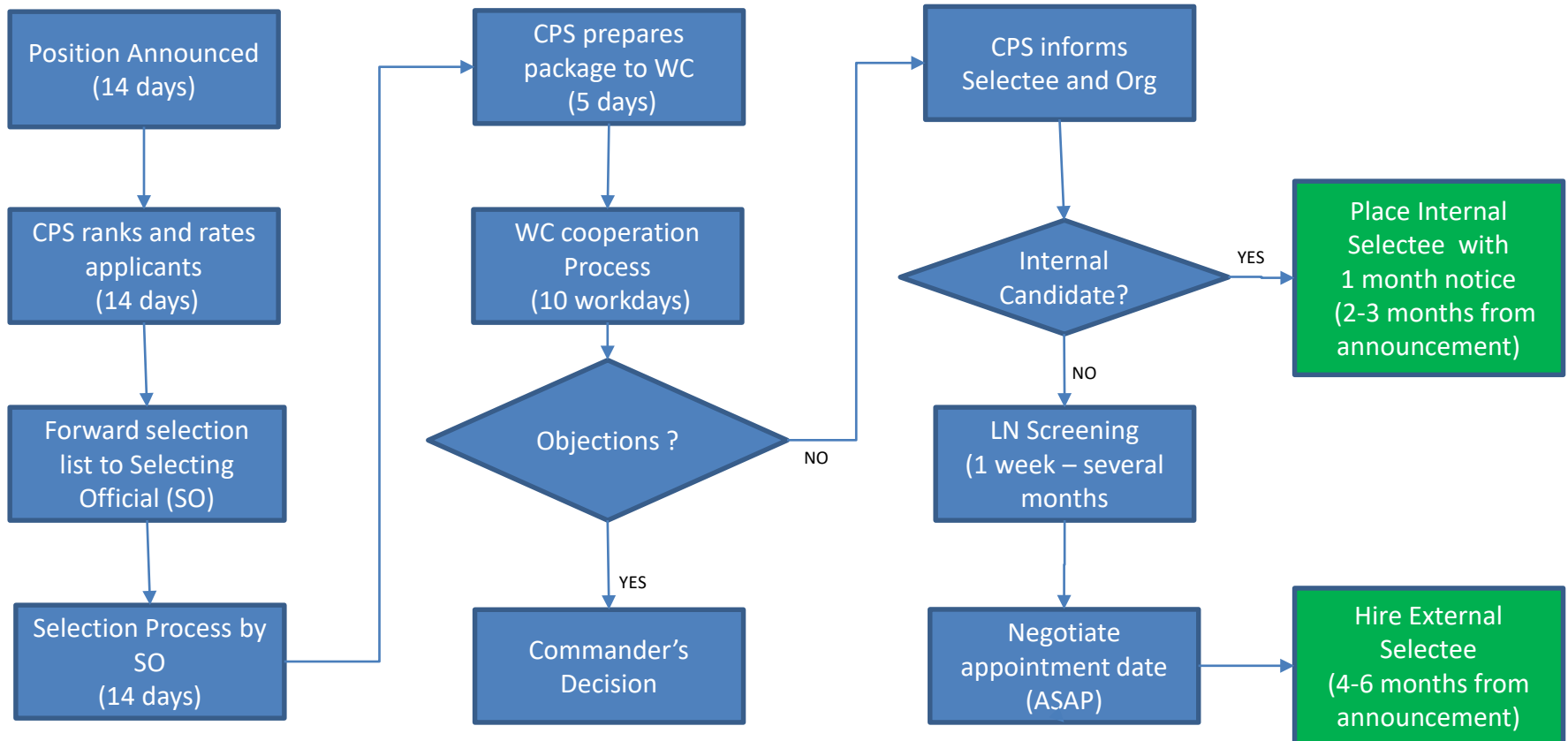
3. Outside Hire, i.e. publicize vacancy by any means to obtain qualified candidates, i.e.
 - Local CPS Vacancy List (internet and bulletin board)
 - German Labor Office
 - Info to other US military CPSs and works councils
 - Community Media as necessary



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Filling Non US Positions

What happens when applications are in??





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Filling Non US Positions

Post Selection Processes

CPS - Collect necessary paperwork from new employee

CPS - Initiate Security Check – (NOTE: could take several months to complete)

In-processing on first work day

- Orientation about working conditions/tariff provisions (CPS)
- Orientation in the work center, introductions, safety briefing, work place assignment (supervisor)



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Performance Management and Awards Program

[AFI 36-1004](#)

[USAFEI 36-731](#)

[Performance Management](#)

[Recognition for Employees](#)



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Performance Management and Awards Program

Annual Performance Evaluations

Four Parts of Performance Management:

1. Establish the Standard
2. Observe Performance and provide feedback regularly
3. Provide Performance Evaluation
4. Recognize Exceptional Performance

Difficulties in Non US Program:

- No formal system for establishment of performance standards
- No systematic approach to observing performance
- No formal requirement for written feedback - use of forms not allowed

Performance Management of NUS work force is totally in the hands of first line supervisors – active involvement and creativity enhances effectiveness of the program



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Performance Management and Awards Program

Annual Performance Evaluations

1. Establish the Standard

- Supervisor ensures employees understand their duties and responsibilities
- Use the Position Description as a guide
- Let employees know what is expected – timeliness, quantity, quality, conduct.....in writing if you like (AF Memo format in 971 folder)

2. Observe Performance and Provide Feedback

- With standard in mind, collect data during the performance period
(1 April one year – 31 March of the next year)
- Provide frequent and constructive feedback to employees on where they stand – GOOD or BAD



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Performance Management and Awards Program

Annual Performance Evaluations

3. Provide Annual Performance Evaluation

- Mandatory annual verbal evaluation session held on or about **31 Mar** – CPF recommends at least semi-annually
- Document in the 971 file (could be as little as a hand written note) – we recommend written feedback memo in all cases

4. Recognize Exceptional Performance

- Submit exceptional performers for a Sustained Superior Performance Award (SSPA)
- Money or Time-Off or Combined
 - Various approval levels apply depending on award size
 - **Due to CPF on 7 May ...each year**



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Performance Management and Awards Program

Other Types of Performance Evaluations

Probationary Performance Evaluation

Required toward the end of a probationary period to validate continuation of or release from employment at the end of probationary period

Exit Evaluation

Prepared when employee resigns or leaves for other reasons. Used to compose a legally proper testimonial – be open and honest.

Use USAFE Form 199 for both of these Evaluations.



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Performance Management and Awards Program

Awards for Non US Employees

Honorary Awards:

- Length of Service Recognition
- USAFE Medal of Distinction
- USAFE Medal of Merit
- Meritorious Civilian Service Award
- Exceptional Civilian Service Award
- Retirement Recognition
(Presidential Letter)

Monetary Awards:

- Time-Off Award
- SSPA S:May
- Notable Achievement Award
- Special Act or Service Award

Refer to fact sheets on the CPO homepage for the details on these awards and the approval processes, i.e

<http://www.ramstein.af.mil/Contact/Civilian-Personnel-Flight/>



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Conduct and Discipline

Regulation	Title
USAFEI 36-723	<u>Implementation of the Collective Tariff Agreement</u>
USAFEI 36-702	<u>Conduct and Discipline</u>
USAFEI 36-1201	<u>Grievances and Appeals</u>
USAFEI 36-716	<u>Probationary Period Appraisal and Performance Evaluation</u>



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Conduct and Discipline

Purpose

- Provide some basic skill to
 - Understand conduct & performance issues
 - Increase awareness of procedures and documentation requirements
 - Improve chances of solving conduct & performance problems
 - Facilitate fairness and consistency, i.e.

Like sanctions for like infractions

Continuous and consistent processes





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Conduct and Discipline

Possible Sources of Poor Discipline and Faulty conduct:

Work Environment:

- Atmosphere
- Duties
- Rules
- Requirements
- Instructions
- Standards

Supervisor's Credibility Deteriorated

- Accepts inappropriate behavior
- No Consequences
- Exceptions vs Rules
- Reluctance to say "No"
- Failure to set standards
- Failure to give critical feedback
- "Taking care of people" misunderstood



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Conduct and Discipline

Possible Solution – Seek Constructive Discipline

- Establish Standards of Conduct & Performance Expectations
- Maintain constructive & effective Labor Management Relations
- Issue proper and clear Guidance, Instructions, Rules and Regulations and make everyone stick to them
- Clear Communication – Constructive Criticism/Feedback
- Fair & Equal Treatment
- Sincere recognition with sound reasoning
- Watch for attendance and punctuality of all
- No tolerance for sexual harassment
- Advertise complaint procedures and take complaints seriously
- Find motivators (food, Christmas party, organizational days)
- Set a good example





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Conduct and Discipline

Three tier process to correct faulty conduct or discipline or ultimately remove the employee:

1. Informal Corrective Action
2. Formal Corrective Action
3. Disciplinary Action

Important – this is a hierarchical process, i.e. in most cases you must go through all the steps before an employee can actually be released (few exception in extreme cases of misconduct)!

Good documentation is a critical success factor.



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Conduct and Discipline

Informal Corrective Actions are:

- Discussion/Counselling Session
- Written Letter of Counselling

Formal Corrective Actions are:

- Oral Admonishment
- Formal Letter of Warning (with appeal rights)



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Conduct and Discipline

Appropriate Use of Formal Corrective Actions are:

- Oral Admonishment
 - Used to correct minor misconduct or offenses
 - Document in the Employee Brief and remove after 2 years
- Formal Letter of Warning (with appeal rights) –
 - Used to correct significant misconduct or repeated lesser offenses after an Oral Admonishment
 - Document in the Employee Brief and remove after 2 years
 - Official part of employee's personnel file maintained by CPS



Supervising Non US Citizen Employees in Germany

Conduct and Discipline

If Corrective Actions fail  Move on to Disciplinary Actions

Disciplinary Actions are:

- Notice of Change in Employment Conditions (with notice period)
 - Offer the problem employee a different job with the option to take it or be removed involuntarily
- Termination by Ordinary Notice (with notice period)
 - Infractions are so severe that the problem employee must be removed after the applicable Notice Period



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Conduct and Discipline

Special Cases:

- Termination during Probationary Period, i.e. within the first three months of employment
 - Does not require a specific reason to be given to the employee
 - Two weeks notice required
- Termination by Extraordinary Notice (without notice period)
 - Offense is of such a serious nature that retention of the employee would adversely affect the discipline, efficiency and morale of the entire staff and/or
 - Corrective actions have failed and/or
 - Keeping the employee around would create significant morale problems



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Conduct and Discipline

Ordinary Notice Periods are as follows:

Minimum Length of Employment	Notice Period
6 months	2 months
4 years	3 months
6 years	4 months
9 years	5 months
12 years	6 months
20 years	7 months

Notice Periods always end at the end of a month.
Clock starts when the Notice is issued

*Example:
Notice issued on 15 Jan –
Employee has 1 year of service –
Employment ends 31 Mar....*

NOTE:
Notice Period for employee initiated resignations is always 4 weeks to the end of a month



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Conduct and Discipline

Employee Rights

- Fair Assessment of the case
- Representation (anyone – works council, friend, lawyer, colleague)
- Appeal Rights, i.e. Letter of Warning = internal
- Labor Court (Letter of Warning & Termination) = external



Supervising Non US Citizen Employees in Germany

Conduct and Discipline

7-Steps of a Fair Assessment

- Investigate facts – collect evidence
- Conduct Interviews with witnesses or victims of the misconduct in private
- Listen to employee's explanation in private
- Consider the severity of the circumstances/offense
- Determine/Consider personal circumstances (i.e. social aspects, length of service, previous offenses, stress, workload, training etc.)
- Maintain consistency – what was done in similar previous cases involving the same or different employees (call your CPO for assistance)
- Determine Appropriate Action





Supervising Non US Citizen Employees in Germany

Conduct and Discipline

Possible Reasons for Failure to resolve conduct and discipline issues:

- Reluctance
 - Unpleasant task
 - Discrimination charges
 - Criticism
 - Lack of Experience
 - Expectations/Impact
 - Insubordination
 - Unpleasant past experience
- No Documentation due to:
- Lack of Time or Evidence
 - Cutting slack rather than following through
 - Avoiding stressful encounters
 - Fear of being overruled/losing face
 - Fear of WC or Labor Court
 - Lack of Writing Skill



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Regulation	Title
AFI 36-2640	<u>Total Force Development</u>



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Reasons for T&D:

- Mission or program change
- New technology
- New work assignment
- Improve present performance
- Develop unavailable skills
- Trade/craft apprenticeship



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Supervisory Responsibilities:

- Plan Training Requirements
- Discuss Needs with Employees
 - Develop Individual Development Plans as needed
- Establish Training Objectives
- Determine Priority
- Identify Needs to the CPO
 - Annual Survey (CATNIP – every Mar/Apr) or
 - Out-Of-Cycle Requirements
- Evaluate Effect of Training on Employees and Mission Accomplishment.



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Employee Development Specialist....

...is your organizational advisor with regard to training and development.
Please turn to them for the following:

- Analyzing problems
- Finding the proper training and provider
- Securing resources
- Establishing objectives
- Evaluation techniques



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Sources of Training and Development:

- The Supervisor and Immediate Organization
- Base-level Resources and Facilities
- Other Air Force Sources
- DoD Sources & Facilities
- Other Government Training
- Non-Government Training

NOTE:

No catalog to pick from – your mission needs and federal laws and instructions (German or US) dictate what we do.



Supervising Non US Citizen Employees in Germany

TDY and Travel Info

Important TDY Information

- CTA II, Appendix R –Employment Outside the Regular Duty Station
- Implementation Instructions to CTA II (USAFEI 36-723)
- USAFEI 36-701 & 36-701G- Atch 4... regulates payment for duty travel outside Germany
- Forms used: USAFE Form 832 (Travel Expense Voucher) and DD Form 1610 (Travel Order)



Supervising Non US Citizen Employees in Germany

TDY and Travel Info

Must-Have for CONUS Travel:

- Passport - minimum 6 month valid
- ESTA – Visa– reimbursable
- Health insurance - all insurances plus “ADAC” count
- Credit Card ...is a must
- A1 certification from health insurance- POC: Michael Christmann, 480-2470- Payroll Liaison:

Org-Email - LNTAP/LN Payroll related emails: 86fss.cpf.Intap@us.af.mil

Employee may ask for advance travel pay (USAFE Form 832)

Requested by employee, signed by supervisor and returned to CPF with a copy of the orders....to be forwarded to FFPO for payment.

Employee must submit USAFE Form 832 within 3 workdays after return



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Educational Leave – a unique benefit for Non US employees:

German Law since 1993 – originally intended to improve political and social competence of the German people – grown to include many other subject matters e.g. languages, cultural subjects like art, music, and job related things.

Employee may ask for paid absence from work of up to 10 workdays in 2 years to attend training provided:

- Course is recognized by the German Ministry of Education for the use of Educational Leave (control number assigned)
- Employee applies for the leave to the immediate supervisor at least six weeks before course starts

Attendance at recognized courses **MUST** be approved unless significant operational obstacles exist. **Denial once** – attendance at the next iteration of the same class must be approved.



Supervising Non US Citizen Employees in Germany

Employee Training and Development

Educational Leave – a unique benefit for Non US employees:

Process:

- Employee identifies event which he/she would like to attend
- Fills out SF-182 and obtains first and second level supervisor's signature at least six weeks out from the class
- Employee signs up for the class upon approval and sends SF-182 and the provider's confirmation to the CPO
- CPO validates availability of Educational Leave Benefit and control number of class
- Sends approval letter to employee and first line supervisor informing both of remaining educational leave balance
- Within 10 days of course completion, employee provides proof or attendance to CPO
- CPO updates Educational Leave Balance accordingly



Supervising Non US Citizen Employees in Germany

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Employee Training and Development

APPRENTICESHIP Program:

The purpose of the Apprenticeship Program is help alleviate effects of

- an aging Non-US workforce with increasing number of mandatory retirements over the next 5 years. Apprenticeship is a tool to perform succession planning (i.e. train apprentices now to fill behind upcoming vacancies in that timeframe)
- Recruitment difficulties associated with the state of the local labor market

Apprenticeships are part of Germany's Dual Education System , i.e.:

- after school graduation at age 15 -19, youths may begin an apprenticeship in a profession of choice which takes **36 - 42 months** to complete
- students are hired into organizations and taught on the job.
- In addition, they are required to attend vocational school (normally 1-2 days a week) and receive theoretical instruction in a school setting.

Since 2016 RAB has hired 53 students in 17 different profession e.g. IT specialists, sheet metal workers, electricians, automotive mechanics, carpenters, etc.



Supervising Non US Citizen Employees in Germany

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Employee Training and Development

APPRENTICESHIP Program cont'd

Process:

CPO annually obtains the authority to hire a certain number of apprentices as overhires from the CRCB and requests orgs to identify possible training opportunities/requirements based on succession plans

- Upon identification of possible needs, CPO validates appropriate qualifications of proposed facilitators (admin professions) or “Meister(s)” (trade profession). Trainers must be certified by the German Chamber of Commerce and Trade
- Trainers provide full range of knowledge required for the chosen profession – practical and theoretical in order to ensure apprentice passes required exams
- Employer pays for registration fees and any required additional classroom training
- The apprenticeship ends with the final exam – employment continues at journeyman level for another year temporarily or until permanently placed – whichever occurs first