

REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is DTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

SECTION I - APPOINTMENT

Appointed by Colonel [REDACTED] Chief of Staff, Combined Arms Center and Fort Leavenworth, Kansas 66027,
(Appointing authority)

For the Commander, Combined Arms Center

on 23 September 2010 (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6)
(Date)

SECTION II - SESSIONS

The (Investigation) (board) commenced at Fort Leavenworth, Kansas at _____
(Place) (Time)

on 23 September 2010 (If a formal board met for more than one session, check here . Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

NA

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

NA

The (investigating officer) (board) finished gathering/hearing evidence at _____ on 1 April 2011
(Time) (Date)

and completed findings and recommendations at _____ on 5 April 2011
(Time) (Date)

SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES

	YES	NO	NA
1. Inclosures (para 3-15, AR 15-6)			
Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
a. The letter of appointment or a summary of oral appointment data?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Copy of notice to respondent, if any? (See item 9, below)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Other correspondence with respondent or counsel, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. All other written communications to or from the appointing authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Privacy Act Statements (Certificate, if statement provided orally)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Information as to sessions of a formal board not included on page 1 of this report?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.
2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

Tob F

		YES	NO ¹	NA ²
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was the date of delivery at least five working days prior to the first session of the board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Does each letter of notification indicate —	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(1) the date, hour, and place of the first session of the board concerning that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(3) the respondent's rights with regard to counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(4) the name and address of each witness expected to be called by the recorder?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	(5) the respondent's rights to be present, present evidence, and call witnesses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Was the respondent provided a copy of all unclassified documents in the case file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/>)			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Did each member successfully challenged cease to participate in the proceedings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	d. Call witnesses and otherwise introduce evidence?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	e. Testify as a witness?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (~~beard~~), having carefully considered the evidence, finds:

See attached.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (~~beard~~) recommends:

See attached.

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

_____	_____
(Recorder)	(Investigating Officer) (President)
_____	_____
(Member)	(Member)
_____	_____
(Member)	(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)


To the extent indicated in inclosure _____, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

_____	_____
(Member)	(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) (board) are (approved) (disapproved) (approved with following exceptions/substitutions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

See Attached Action Memo Dated 18 APR 2011


ROBERT L. CASLEN, JR.
Lieutenant General, USA
Commanding 18 APR 2011

MEMORANDUM FOR COL, Chief of Staff, Combined Arms Center and Fort Leavenworth, KS
66027

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

1. References.

a. Secretary of the Army memorandum, September 7, 2010, subject: Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098).

b. U.S. Office of Special Counsel Letter, August 17, 2010, subject: OSC File No. DI-10-3098.

c. Combined Arms Center (CAC) memorandum, September 23, 2010, subject: Appointment as Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

Background and Procedure.

2. On 17 September 2010, CAC and Fort Leavenworth received the documents listed as Reference (a) and (b). Those documents provided the initial complaint and background information. Specifically, it was alleged that Fort Leavenworth DOL/DPW employees engaged in conduct that may constitute a violation of law, rule, or regulation. The Office of Special Counsel (OSC) referred allegations made by a whistleblower, Mr. Phillip Nelson that DOL/DPW employees engaged in gambling activities on Fort Leavenworth property during duty hours and that DOL/DPW management was aware of, and permitted, these activities. Mr. Nelson alleged that during the 2008 and 2009 professional football seasons, numerous employees participated in a football pool on a weekly basis. Further, Mr. Nelson alleged that Maintenance Mechanic #1, a DOL/DPW employee, coordinated the pools and used his government-owned vehicle to distribute the betting sheets and to collect money from participating employees. Further, Mr. Nelson alleged that the names of the weekly winners were displayed on a piece of paper placed on a desk in the DPW Electrical Shop. Also, Mr. Nelson alleged that DOL/DPW managers, including his supervisor, Supervisor Operations and Maintenance, permitted these football pools. Thus, Mr. Nelson contended that these activities violated Title 5 CFR Part 735.201 that prohibits federal employees, while on Government-owned or leased property or on duty for the Government, from conducting or participating in any gambling activity, including conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket.

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

3. On 23 September 2010, I was appointed an Investigating Officer (IO) pursuant to AR 15-6. The purpose of my investigation was to determine the validity of the whistleblower's allegations and make findings concerning whether any wrongdoing occurred, and if so, by whom, and whether adequate policies and procedures are in place to preclude any recurrence of any improprieties, irregularities, or misconduct disclosed during my inquiry. At a minimum, I was to make detailed findings and recommendations regarding the following:

a. Whether DOL/DPW employees engaged in gambling activities on Fort Leavenworth property during duty hours in violation of Title 5 C.F.R. Part 735.201. Specifically, whether DOL/DPW employees participated in a football pool where cash was collected and cash prizes were distributed during the 2008 and 2009 professional football seasons.

b. If said conduct did occur, I was to determine:

1) Who was involved, either actively or passively, in the alleged misconduct.

2) Whether this conduct was condoned, consented to, or otherwise supported by the leadership or supervisors of the DOL/DPW employees or from other organizations. If so, then provide the names and circumstances surrounding their involvement.

3) Whether there was a misuse or abuse of a government vehicle and/or a misuse of other government resources.

4. I contacted my assigned legal advisor, CPT Andrew Bochat, received my legal briefing, and coordinated my investigation with the Fort Leavenworth Office of the Staff Judge Advocate, including the following steps:

a. I thoroughly reviewed all of the information provided in the initial whistleblower complaint, to include the copy of the betting sheet. More than one dozen of the names on the betting sheet appeared to match names of Government employees, to include one military officer. (Enclosure 1 to Reference A).

b. I coordinated a meeting with the Garrison Command Team and the Employee Union to ensure availability of union representation if requested by the employee.

c. I interviewed Mr. Phillip Nelson, the DOL/DPW employee who made the original complaint, and he verified that he picked up the betting sheet in the documentation from one of

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

the tables in the break area of the Electric Shop where he is assigned. He also verified several of the names on the sheet as current employees of DOL/DPW. (Enclosure 1).

d. I interviewed a total of 30 other individuals in management or whose names either appeared on the betting sheets or were indicated in the statements of other witnesses.

e. I reviewed the various briefs contained in the CAC/Installation New Employee Orientation, and the Garrison Newcomer's Brief which are part of new employee in-processing at Fort Leavenworth. Specifically, I reviewed the Ethics Briefing provided by the SJA. (Encl 9) This briefing is part of the new employee orientation, as well as the annual refresher training requirements for government employees.

f. I asked for a copy of the Fort Leavenworth Employee Handbook, but was initially informed via email by Ms. Jo Osbourn, the Human Resources Officer in the Civilian Personnel Advisory Center, that the handbook was seriously outdated and in the revision process. (Encl 5) After several weeks of searching, a hard copy of the handbook was located. I thoroughly reviewed the entire handbook (published 1 September 1997) and found no mention of gambling anywhere in the handbook. (Encl 7)

Findings.

5. The first allegation is whether DOL/DPW employees engaged in gambling activities on Fort Leavenworth property during duty hours in violation of Title 5 C.F.R. Part 735.201. Specifically, whether DOL/DPW employees participated in a football pool where cash was collected and cash prizes were distributed during the 2008 and 2009 professional football seasons.

a. Conclusion. This allegation is answered in the affirmative. There were 25 active participants and one (1) passive participant. 19 DOL/DPW employees, four (4) FMWR employees, one (1) garrison employee and one (1) active duty Soldier actively participated in the activities. One (1) DOL/DPW employee knew of the activity, but stated he knew nothing of the specific details, to include who was participating, when it was occurring, and how and where the logistics were taking place.

b. The football pool involved the regular season games of the National Football League (NFL). The entry fee to play in the pool was \$5.00 weekly per person. The participants could play any or all weeks and each week was a separate event. The participants were to pick the

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

victor of the games and also determine the victor and the score of the Monday night football game. The winner of the weekly pool was determined by the highest number of correct picks. A correct pick was the winning team of the game and there were no point spreads involved in the weekly games or decisions. If there was a tie between participants, then the person who predicted most closely to the score of the Monday night game between those individuals tied for most correct choices was the weekly winner. The money collected for that week's pool was then distributed to the winner. (Encl 4)

c. The football pool was run by Maintenance Mechanic #1, a WG-9 DOL/DPW Maintenance Mechanic. Maintenance Mechanic #1 collected the money and the entry forms both at the work place and at his home. Many DOL/DPW employees placed their forms and money in his office mailbox or in a box in the HVAC Shop that was specifically designated for this purpose. Individuals not associated with the installation, i.e. non-Department of the Army Civilian employees, either left their forms and money at Maintenance Mechanic #1's home or Maintenance Mechanic #1 would meet them/pick up their forms and money at local bars. The winnings would be distributed directly to the winner at work if the winner was a DPW/DOL employee, or the winner would meet Maintenance Mechanic #1 at his home or at a local bar. (Enclosures 1 and 4)

d. Title 5 CFR Part 735.201 defines Gambling. It states, "while on Government-owned or leased property or while on duty for the Government, an employee shall not conduct, or participate in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a numbers slip or ticket." Here, the football pool was a game for money, the entry forms were "sold" for \$5.00 and the winning entrant received the total earnings of all entry tickets "sold." Furthermore, the activity occurred in the work place. Thus, I conclude that the football pool was gambling in violation of Title 5 CFR Part 735.201. (Provision cited in Reference 1.b. above.)

6. The second allegation was contingent upon the first. Since the first allegation is answered in the affirmative, the second is addressed. The second allegation is separated into three (3) subparts and I will address them as such.

a. The first subpart is who was involved, either actively or passively, in the alleged misconduct.

(1) The original evidence provided a sample sheet for one of the weeks gaming activities (Reference 1.b. above). There are approximately 70 listed names. Not all the names

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

on the sheet are proper names. There are many that are nicknames or have some type of alias. During the course of the investigation it was determined that only 25 of those names were associated with a government employee. The rest were off-post civilians who do not fall under the jurisdiction of this investigation and hence were not interviewed. (See Enclosure 3)

(2) There are basically three categories of individuals involved in the gambling activity. The first category is the individual who ran the pool. This is Maintenance Mechanic #1. Maintenance Mechanic #1 admitted to the involvement in his sworn statement and further stated that he has conducted the pool for the past three years. The second category is the individuals who actively participated in the pool at some time during the course of the two seasons indicated in the allegations. This category includes a total of 24 government employees, including a member of management. The third category is the management personnel who allowed it to continue. Two (2) DOL/DPW supervisors were aware of, permitted, and as previously mentioned, actually participated in the illegal gambling activities, specifically the operation of a football pool. In this third category and within the entire investigation there is only one (1) person who I consider to be a passive participant to the pool, Mr. Glen Weishaar, Supervisor of Facility Operations Management. The detailed breakdown of findings follows:

(a.) That Maintenance Mechanic #1, DOL/DPW employee did engage in gambling activities on Fort Leavenworth property during duty hours. Specifically, Maintenance Mechanic #1 participated in the football pool for the last six years and ran the football pool for the last three (3) years. (Enclosure 1)

(b.) That 17 other DOL/DPW employees did participate in the football pool. Statements made by these employees indicate that they participated in a football pool for as many as ten years. The following 16 current DOL/DPW employees admitted in the course of their interviews that they participated in the football pool on post.

i Boiler Plant Operator Supervisor participated in the pool for the last six (6) years.

ii High Voltage Electrician participated in the pool for the last two (2) years.

iii Construction Control Representative #1 participated in the pool for the last ten years.

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

iv Utility Systems Repair-worker participated in the pool for the last four (4) years.

v Heating and Air Conditioning Equipment Mechanic #1 participated in the pool for the last two (2) years.

vi Construction Control Representative #2 participated in the pool for the last three (3) years.

vii Maintenance Mechanic #2 participated in the pool for the last two (2) years.

viii Heating and Air Conditioning Equipment Mechanic #2 participated in the pool for the last two (2) years.

ix Maintenance Mechanic #3 participated in the pool last year.

x Heating and Air Conditioning Equipment Mechanic #3 participated in the pool for the last year.

xi Boiler Plant Operator participated in the pool for the last six (6) years.

xii Carpenter participated in the pool for the last five (5) years.

xiii Plumber participated in the pool last year.

xiv Heating and Air Conditioning Equipment Mechanic#5 participated in the pool for the last three (3) years.

xv Heating and Air Conditioning Equipment Mechanic #6 participated in the pool for the last six (6) years.

xvi Heating and Air Conditioning Equipment Mechanic #7 participated in the pool last year.

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

(c.) That Heating and Air Conditioning Equipment Mechanic #4, a DOL/DPW employee, did participate in the football pool (see (2)b. above), but not on government property or during duty hours.

(d.) That Electronic Industrial Controls Mechanic, a DOL/DPW employee, did not participate in any way in the football pool or any other gambling activity on Fort Leavenworth.

(e.) That three (3) other current government employees on Fort Leavenworth also engaged in gambling activities on government property, specifically:

i. Mr. Laborer, an FMWR employee, participated in the pool last year.

ii. Mr. Custodial Worker, an FMWR employee, participated in the pool last year.

iii. Human Resources Assistant, a Garrison employee, participated in the pool last year.

(f.) That Recreation Assistant (LEAD) and Recreation Assistant, both government employees at Family Morale Welfare and Recreation (FMWR), did participate in the football pool, but not on government property or during duty hours.

(g.) That one (1) military officer assigned to the installation, MAJ, a staff officer assigned to Headquarters and Headquarters Company, Combined Arms Center working in the Command and General Staff College Directorate of Education Technology, also engaged in gambling activities on Fort Leavenworth property.

(h.) That OMA Maintenance Supervisor was aware of, and actively participated, in the illegal football pool. His actions created a work environment that permitted the misconduct by not enforcing the requirements of 5C.F.R.735.201. (Reference 1.b. above)

(i.) That Facility Operations Management Supervisor, was aware of, and passively participated in the football pool through his inaction. Further, Facility Operations Management Supervisor failed to provide effective leadership in addressing these issues when they came to his attention. This created the perception that management tolerated the

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

inappropriate activity and would not effectively deal with complaints concerning that conduct. (Encl 1)

(j.) I cannot determine from the evidence collected and reasonably available whether anyone else in management was aware of, or permitted, either actively or passively, the conduct of these activities. During the conduct of the investigation, I spoke with management personnel from the DOL/DPW shop level up to the senior civilian in the Office of the Garrison Commander. (Encl 4) These conversations included speaking with the supervisor of both OMA Maintenance Supervisor and Mr. Weishaar, Supervisor Operations and Maintenance (GS-13), Director, DOL/DPW, who is Supervisor Operations and Maintenance senior supervisor, and the senior civilian in the Office of the Garrison Commander, the Deputy to the Garrison Commander, who is Director, DOL/DPW's supervisor. In all of these interviews I found no evidence that anyone in the chain of command was in any way involved in these activities.

b. The second subpart is the whether this conduct was condoned, consented to, or otherwise supported by the leadership or supervisors of the DOL/DPW employees or from other organizations. If so, then provide the names and circumstances surrounding their involvement.

(1) OMA Maintenance Supervisor, was aware of, and actively participated, in the illegal football pool. His actions created a work environment that permitted the misconduct by not enforcing the requirements of Title 5 C.F.R. Part 735.201.

(2) Mr. Glen Weishaar, Supervisor for Facility Operations Management, was aware of, and allowed the football pool to operate through his inaction. Further, Facility Operations Management Supervisor failed to provide effective leadership in addressing these issues when they came to his attention. This created the perception that management tolerated the inappropriate activity and would not effectively deal with complaints concerning that conduct. (Encl 1)

c. The third subpart is whether there was a misuse or abuse of a government vehicle and/or a misuse of other government resources.

(1) Conclusion. I find no evidence to indicate Maintenance Mechanic #1 misused a government vehicle. Mr. Nelson himself admitted he never actually saw Maintenance Mechanic #1 get into or out of his government vehicle with the betting sheets. Also, no

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

evidence exists that any other government resources were abused or misused as part of this investigation. (Encl 1) I believe Mr Nelson assumed the government owned vehicle was utilized given the number of individuals involved in the pool. Once again, there is no evidence to support this allegation.

7. Recommendations. As a result of the above findings, I make the following recommendations concerning individual accountability. My recommendations are based on my review of the Personnel Management Information and Support System (PERMISS) Table of Penalties extracted from AR 690-700, Chapter 751, Discipline, under Offense 8 Gambling and my experience as a senior leader and supervisor of civilian employees at various times in my military career. (Encl 6)

a. That Maintenance Mechanic #1, a DOL/DPW employee, receive a 14 day suspension for his operation and promotion of the football pool.

b. That Carpenter, a DOL/DPW employee, receive a one (1) day suspension for his participation in the football pool. By Carpenter's own testimony, he knew that gambling was illegal from his similar experience in the U.S. Navy.

c. That the following 15 DOL/DPW employees receive a written reprimand for their participation in the football pool:

- (1.) Boiler Plant Operator Supervisor
- (2.) High Voltage Electrician
- (3.) Construction Control Representative #1
- (4.) Utility Systems Repair-worker
- (5.) Heating and Air Conditioning Equipment Mechanic #1
- (6.) Construction Control Representative #2
- (7.) Maintenance Mechanic #2
- (8.) Heating and Air Conditioning Equipment Mechanic #2
- (9.) Maintenance Mechanic #3
- (10.) Heating and Air Conditioning Equipment Mechanic #3
- (11.) Boiler Plant Operator
- (12.) Plumber
- (13.) Heating and Air Conditioning Equipment Mechanic #5
- (14.) Heating and Air Conditioning Equipment Mechanic #6
- (15.) Heating and Air Conditioning Equipment Mechanic #7

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

d. That the following two (2) FMWR employees receive a written reprimand for their participation in the football pool: Laborer and Custodial Worker.

e. That Human Resources Assistant, a garrison employee assigned in the Adjutant General's Office, receive a written reprimand for her participation in the football pool.

f. That Major, a permanent party staff officer assigned to Headquarters and Headquarters Company, Combined Arms Center and working in the Command and General Staff College Directorate of Education Technology, receive a written reprimand for his participation in the football pool.

g. That OMA Maintenance Supervisor receive a one (1) or two (2) day suspension for his participation in the football pool and for violating administrative rules by not following the instructions of Supervisor Operations and Maintenance, that gambling on government time was illegal.

h. That Facility Operations Management Supervisor receive a one (1) or two (2) day suspension for his acquiescence in allowing the activity to continue despite knowing it was improper and his misrepresentation of fact because he was, in fact, fully aware the football pool was going on within his shop and he did nothing to investigate the activity or stop it.

8. In my appointment memorandum I was also tasked to generally determine whether adequate policies and procedures are in place to preclude any recurrence of any improprieties, irregularities, or misconduct disclosed during the investigation. I make the following specific findings of fact:

a. The policy pertaining to the conduct of gambling activities (Title 5 C.F.R. Part 735.201) is clear and sufficient. The policy provides specific examples of prohibited activities to include the conduct of a football pool and leaves no room for misinterpretation.

b. That there is no mention of the policy in either the CAC/Installation New Employee Orientation Brief or the Garrison Newcomer's Brief.

c. That the Fort Leavenworth Employee Handbook is seriously outdated. The handbook was last published in September 1997. It is currently undergoing revision, and is expected to be published within the next 60 days.

ATZL-DDE

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

d. That there is no mention of the policy as part of any of the employee annual refresher training requirements.

e. That the procedures currently in place on Fort Leavenworth are not sufficient to preclude a reoccurrence of the illegal activity due to the lack of emphasis or publicity of the established policy within the installation.

f. As a result, I recommend:

(1) That the Fort Leavenworth installation leadership immediately provide notification and/or training as necessary to all government employees and military personnel on the installation regarding the policy prohibiting such conduct through the publication of a policy statement.

(2) That the installation either publish a separate briefing or update appropriate briefings to include a complete and comprehensive review of the policy regarding gambling, and that all personnel be required to attend the briefing or read the policy statement, and sign a document indicating that they have read and understand the SOPs.

(3) That those charged with revising the Fort Leavenworth Employee Handbook ensure it restates the prohibition found in Title 5 CFR Part 735.201, that gambling, pools or other games of chance involving exchange of money or items of value are not permitted in the workplace. Further, that the publication and distribution of the revised handbook to the workforce receive top priority within the Garrison leadership.

9. POC for this action is the undersigned at (913) 758-3401.

COL, FA
Investigating Officer

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION RA 273 W EISENHOWER HALL FORT MONMOUTH
2. DATE (YYYYMMDD) 20100828
3. TIME 0800
4. FILE NUMBER DSI-DI-10-3098
5. LAST NAME, FIRST NAME, MIDDLE NAME NELSON PHILLIP EUGENE
6. SSN (b)(6), (b)(7)(C)
7. GRADE/STATUS WGT-D step 3
8. ORGANIZATION OR ADDRESS

9. I, PHILLIP EUGENE NELSON, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- (1) WHEN DID YOU START AT DENVAOL? I STARTED IN JANUARY 6, 2008
(2) WHEN DID YOU FIRST SUSPECT THAT DENVAOL EMPLOYEES WERE GAMBLING? ALMOST IMMEDIATELY. I NOTICED THE BETTING SHEETS OUT ON THE CARD TABLE AND PICKUP TABLE IN THE FORMER ELECTRIC SHOP (NOW THE OUTDOOR UTILITIES SHOP).
(3) YOU SAID IN THE INITIAL ALLEGATIONS THAT [REDACTED] RAN THE POOL. WHAT MAKES YOU THINK THAT? ON MORE THAN ONE OCCASION I SAW [REDACTED] PICKING UP THE BETTING SHEETS AND CARRYING THEM OUT. HE ALSO CAME INTO THE AREA MORE THAN ONCE WITH A STACK OF THE SHEETS IN HIS HANDS.
(4) YOU ALSO ALLEGED THAT [REDACTED] USED HIS GOVERNMENT-OWNED VEHICLE TO DISTRIBUTE AND PICKUP THE BETTING SHEETS. DID YOU EVER SEE THIS FOR YOURSELF? NO, I DIDN'T, BUT HE DROVE HIS GOVERNMENT VEHICLE ALL DAY. ITS THE ONLY WAY HE COULD HAVE PICKED THEM UP AND PASSED OUT THE SHEETS.

10. EXHIBIT Enclosure 1
11. INITIALS OF PERSON MAKING STATEMENT [Signature]
PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING 'STATEMENT OF ___ TAKEN AT ___ DATED ___
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

End 1 Encl 1

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF PHILLIP EUGENE NELSON TAKEN AT ROOM 2736, EISENHOWER HALL
PT LEAVENWORTH, KS DATED 25 SEP 10

9. STATEMENT (Continued)

⑤ DO YOU HAVE ANY OTHER INFORMATION ABOUT GAMBLING? YES. THE GUYS WOULD GET TOGETHER OVER LUNCH OR ON BREAKS AND PLAY CARDS AND CRIBBAGE, SOMETIMES THEY WOULD PLAY FOR MONEY. I'M NOT PERFECT, I ADMIT THAT I PLAYED IN THE CARD GAMES AT FIRST. IT WAS PENNY ANTE POKER AND IT WASN'T A LOT OF MONEY, AFTER A WHILE I REALIZED I WAS JUST HURTING MYSELF BECAUSE I HAD A GAMBLING PROBLEM. I TOLD MY BOSS [REDACTED] AND [REDACTED] ABOUT IT AND [REDACTED] TOLD EVERYONE "NO CARD PLAYING" AT LUNCH. THEN IN DECEMBER OF 2009 IT WAS PUT OUT THAT YOU COULD PLAY, BUT NOT FOR MONEY.

⑥ YOU STATED IN YOUR COMPLAINT THAT [REDACTED] KNEW ABOUT THE FOOTBALL POOL AND PERMITTED IT. WHAT MAKES YOU SAY THAT? [REDACTED] OFFICE WAS IN THE BUILDING NEXT DOOR. HE WAS ALWAYS ALOT AND KNEW ALL OF THE GUYS FROM THE SHOPS. THERE WAS EVEN A BOX IN THE HVAC AREA THAT PEOPLE COULD PUT THEIR PICKS IN. THERE'S NO WAY HE WOULDN'T KNOW.

⑦ DO YOU HAVE ANYTHING ELSE TO ADD? ONE OF THE GUYS WHO WERE ON THE SHEETS, [REDACTED], HIS NICKNAME IS "[REDACTED]"; I SAW HIM MORE THAN ONCE PRINTING UP THE SHEETS ON HIS COMPUTER, THIS WAS EARLY WHEN I CAME BEFORE WORK. AND STRAIGHTENED UP THE AREA.

I DON'T HAVE ANYTHING ELSE TO SAY. THIS IS JUST THE LAST THING IN A WHOLE LIST OF ISSUES I HAVE BEEN DEALING WITH SINCE I STARTED. I GAVE YOU ALL OF THE OTHER PAPERWORK AND I HOPE SOMETHING FINALLY GETS DONE ABOUT IT.

INITIALS OF PERSON MAKING STATEMENT

PE/N

Enclosure 1

PAGE 2 OF 3 PAGES

STATEMENT OF PHILLIP EUGENE NELSON TAKEN AT ROOM 2732, EISENHOWER HALL, FT LEAVENWORTH, KS DATED 28 SEP 16

9. STATEMENT (Continued)

NOT USED

AFFIDAVIT

I, PHILLIP EUGENE NELSON, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

Phillip Eugene Nelson
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 30th day of SEPTEMBER, 2016 at ROOM 2732, EISENHOWER HALL, FT LEAVENWORTH, KS

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

CODE, FA
(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

Article 156 UCMJ Para. B-4
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PEN Enclosure 1

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is PMG.

PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).
PRINCIPAL PURPOSE: To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.
ROUTINE USES: Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management.
DISCLOSURE: Disclosure of your SSN and other information is voluntary.

1. LOCATION: BLDG 136 Ft. Leavenworth, KS
2. DATE (YYYYMMDD): 2010/10/05
3. TIME: 0848
4. FILE NUMBER: OSC LE-10-3098
5. LAST NAME, FIRST NAME, MIDDLE NAME: [REDACTED]
6. SSN: [REDACTED]
7. GRADE/STATUS: WG-9

8. ORGANIZATION OR ADDRESS: DPW/DOL

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1) WHEN DID YOU START AT DPW/DOL
6 YEARS - MAINTAINANCE MECHANIC
2) WERE YOU AWARE OF ANY GAMBLING. YES, FOOTBALL.
THERE WAS A WEEKLY POOL FOR THE NFL SEASON, THE COST WAS FIVE BUCKS A WEEK. PAYOUTS ON TUESDAY, AFTER THE MONDAY NIGHT GAMES. I RAN IT FOR THE PAST THREE YEARS, I DESTROYED THE PAPER AFTER EACH SEASON. THE POOL WAS A BIG MORALE BOOSTER, AND WAS GROWING EVERY YEAR. IT INCLUDED A LOT OF LOCAL FOLKS WHO HEARD ABOUT IT AND WANTED IN. THERE WAS A BOX IN HVAC (FOR THE LAST THREE YEARS) THAT PEOPLE DROPPED OFF THIER SHEETS. ABOUT HALF WOULD DROP THE SHEET IN MY MAILBOX. AS FOR AS THE PAYMENT GOES, I WOULD PAY THE ON POST PEOPLE DIRECTLY AND DROP THE WINNING AT A COUPLE BARS THAT THE PEOPLE KNOW!

10. EXHIBIT: Enclosure 7
11. INITIALS OF PERSON MAKING STATEMENT: [REDACTED]
PAGE 1 OF 2 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

End 2 Encl 2

STATEMENT OF [REDACTED] TAKEN AT Bldg 136 Ft. Leavenworth DATED 5 OCT 2010

9. STATEMENT (Continued)

3.) DID MANAGEMENT KNOW ABOUT THE POOL?
[REDACTED] AND [REDACTED] KNEW AND PARTICIPATED. AS WELL-KNOWN AS THE POOL WAS, I WOULD BE SUPPRISED IF THEY DIDNT, AND

4.) DID YOU EVER USE YOUR GOVERNMENT VEHICLE TO DIS TRIBUTE OR PICK-UP BETTING SHEETS OR MONEY? NO, ABSOLUTELY NOT. I NEVER USED MY ASSIGNED VEHICLE FOR ANYTHING OTHER THEN WORK.

5.) ARE THE POLICES AND PROCEDURES THAT EXIST ENOUGH TO PREVENT THIS FROM HAPPENING AGAIN? I THINK THE POLICIES ARE OKAY; THEY ARE JUST NOT ENFORCED.

6.) IS THERE ANYTHING ELSE YOU WANT TO SAY. MARVE IS WAY DOWN AS A RESULT OF THIS.

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[REDACTED]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 5th day of October, 2010 at Bldg 136 Ft Leavenworth, KS

ORGANIZATION OR ADDRESS

Thomas J. Kalman COL, FA
(Signature of Person Administering Oath)

ORGANIZATION OR ADDRESS

[REDACTED]
(Typed Name of Person Administering Oath)
Article 136 UCMJ, Para. E-4
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

BZH Enclosure 7

PAGE 2 OF 2 PAGES

List of Government Employees Identified on Betting Sheet

	Betting Sheet Name	Employee Name	Position Title	Rank/Grade	Yrs in Pool
1			Supervisory Facility Management Specialist	GS-12	2
2			Boiler Plant Operator Supervisor	WS-10	6
3			Maintenance Mechanic	WG-9	6
4			Recreation Assistant (LEAD)	NF-3	3
5			High Voltage Electrician	WG-10	2
6			Construction Control Representative	GS-9	10
7			Utility Systems Repair-Worker	WG-10	4
8			Heating and Air Conditioning Equipment Mechanic	WG-10	2
9			Construction Control Representative	GS-9	3
10			Maintenance Mechanic	WG-9	2
11			Heating and Air Conditioning Equipment Mechanic	WG-10	2
12			Maintenance Mechanic	WG-9	1
13			Heating and Air Conditioning Equipment Mechanic	WG-10	1
14			Heating and Air Conditioning Equipment Mechanic	WG-10	2
15			Boiler Plant Operator	WG-10	6
16			Carpenter	WG-9	5
17			Plumber	WG-9	1
18			Heating and Air Conditioning Equipment Mechanic	WG-10	3
19			Heating and Air Conditioning Equipment Mechanic	WG-10	6

Encl 3

List of Government Employees Identified on Betting Sheet

20			Heating and Air Conditioning Equipment Mechanic	WG- 10	1
21			Human Resources Assistant (Military/OA)	GS-5	1
22			Laborer	NF-4	1
23			Custodial Worker	NA-2	1
24			Recreation Assistant	N9	3
25				O-4	1

MEMORANDUM FOR RECORD

23 MAR 2011

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

1. References.

a. Secretary of the Army memorandum, September 7, 2010, subject: Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098).

b. U.S. Office of Special Counsel Letter, August 17, 2010, subject: OSC File No. DI-10-3098.

c. Combined Arms Center memorandum, September 23, 2010, subject: Appointment as Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

2. Pursuant to 1.c. above, I interviewed thirty-one (31) persons associated with the allegations, including key witnesses and the chain of command. In consultation with my assigned legal advisor, CPT [REDACTED], I conducted the interviews in the following manner:

a. I coordinated the interviews with the garrison leadership, employee relations office, and the local union representatives to ensure eligible individuals would be able to invoke their Weingarten rights.

b. I allocated a period of two (2) hours per interview to allow each individual the time to discuss any and all questions and information that they wanted to share pertaining to the investigation, taking notes throughout the course of the discussion.

c. I provided each individual a copy of the notes I took and a DA Form 2823 (Sworn Statement). I had them fill out the statement and swear the affidavit before they left the room.

3. Through the course of the interviews and sworn statements, some of the facts and/or assertions made by the individuals in our discussion were not contained in their sworn statement. The purpose of this Memorandum for Record is to document those key facts

End 4 Encl 4

and/or assertions made by the below listed individuals not otherwise contained in their sworn statement. These consist of the following:

a. During my interview with [REDACTED] (Encl 7), he provided the details of how he ran the football pool. Specifically, that the participants could play any or all weeks and each week was a separate event. The participants were to pick the victor of the games and also determine the victor and the score of the Monday night football game. The winner of the weekly pool was determined by the highest number of correct picks. A correct pick was the winning team of the game and there were no point spreads involved in the weekly games or decisions. If there was a tie between participants, then the person who predicted most closely to the score of the Monday night game between those individuals tied for most correct choices was the weekly winner. The money collected for that week's pool was then distributed to the winner.

b. [REDACTED] also reviewed the betting sheet contained in Reference 1.b. and indicated those individuals who were government employees and those who were not. From that discussion, I created a list of the government employees by the name they used on the betting sheet (Encl 4).

c. During my interview with [REDACTED] indicated that he did not at any time use his computer or any other resources at work to assist in the printing, publication, or any other aspect of the football pool. He stated that his involvement was limited to participating in the pool for a couple years.

d. In my interview with [REDACTED] stated that there have been college basketball brackets, World Series pools and all kinds of other stuff for years within the organization, as well as the NFL football pool. He also stated that he never knew it was illegal, and that he and other long-time employees mentioned it to the newly hired employees because of the morale it generated. He did not, however, mention the names of any other employee among those who recommended the pool.

e. During my interview with [REDACTED] indicated that a former manager, [REDACTED] was aware of the pool.

f. I contacted [REDACTED] at his home (retired from DOL/DPW ten years ago and living in Weston, MO), and [REDACTED] stated that he does not recall ever seeing or hearing of anyone in his department engaging in a football pool or any other form of gambling for money.

g. In my interview with [REDACTED] stated that he would find it hard to believe that his management didn't know because of the

location of the box in the HVAC Shop, and that the winner would usually bring in doughnuts on Wednesday after he got his winnings.

4. In addition to the interviews I referenced in determining that there was insufficient evidence to determine whether anyone else in management (besides [REDACTED] and [REDACTED] was aware of, or permitted, either actively or passively, the conduct of these activities, [REDACTED] I want to provide the following amplifying remarks:

a. [REDACTED], Supervisory Facility Management Specialist (GS-12), admitted in his own statement that he heard talk in the shop about the football pool, but did nothing to determine the extent of it. He also knew of the box in his shop where the betting slips were dropped off, but again, did nothing about it.

b. During my interview with [REDACTED] he stated that he would either give his sheet to [REDACTED] or drop it off in the box in the HVAC Shop. He further stated that the box was located on a shelf there and that "everyone knew what it was, even though it wasn't labeled."

c. [REDACTED] stated that he would be surprised if management didn't know about the pool because of the talk in the shop, the location of the box, and the proximity of [REDACTED] office. He also indicated that [REDACTED] [REDACTED] supervisor, might have known about the pool because he would come in "fairly often" to discuss shop matters with [REDACTED]. He did not, however, offer any proof for this. Nor did anyone else I interviewed mention [REDACTED] as someone they believed know about the football pool.

d. During my interview with [REDACTED] he indicated that he assumed management knew about the football pool because of all the talk in the shop during breaks and lunch. He also stated that he believed management was aware of the pool because of the location of the betting box in the HVAC Shop and the amount of people who used it to drop off their betting sheets.

5. POC for this action is the undersigned at [REDACTED]

[REDACTED]
COL, FA
Investigating Officer

██████████ COL MIL USA TRADOC

From: ██████████ E CIV USA
Sent: Tuesday, November 23, 2010 4:43 PM
To: ██████████ J COL MIL USA TRADOC
Subject: FW: ***HOT*** Investigation Update (UNCLASSIFIED)
Signed By: ██████████@us.army.mil

Classification: UNCLASSIFIED
Caveats: FOUO

Sir,

SJA may have already responded regarding the gambling regulation. 5 CFR 735.201 addresses gambling on government property.

Subpart B-Standards of Conduct

§ 735.201 What are the restrictions on gambling?

(a) While on Government-owned or leased property or on duty for the Government, an employee shall not conduct or participate in any gambling activity, including operating a gambling device, conducting a lottery or pool, participating in a game for money or property, or selling or purchasing a numbers slip or ticket.

(b) This section does not preclude activities:

(1) Necessitated by an employee's official duties; or

(2) Occurring under section 7 of Executive Order 12353 and similar agency-approved activities.

The Fort Leavenworth Employee Handbook is seriously outdated. We are in the process of revising. Let me know if you have additional questions.

Thanks,

██████████
██████████
Human Resources Officer
Civilian Personnel Advisory Center
Fort Leavenworth KS 66027
██████████

-----Original Message-----

From: ██████████ COL MIL USA IMCOM
Sent: Tuesday, November 23, 2010 8:51 AM
To: ██████████ J COL MIL USA TRADOC; ██████████ Miss CIV USA;
██████████ CIV USA; ██████████ CIV USA IMCOM; ██████████ CIV
USA IMCOM

Ends

Encl 5

Cc: [REDACTED] CPT MIL USA TRADOC; [REDACTED] CPT MIL USA TRADOC
Subject: ***HOT*** Investigation Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

[REDACTED]
POC for the new employee orientation for the CAC/installation is [REDACTED]
[REDACTED] or ms [REDACTED] at CPAC. The POC for the Garrison newcomer's brief
is Mr. [REDACTED] or Ms. [REDACTED]

CPT [REDACTED] Mr [REDACTED]

Any idea who may have the policy on gambling on duty hours...etc or confirm
there is such a policy?

Team, This is a high priority investigation - please assist Col Kallman as
soon as practical.

VR,

COL [REDACTED]

-----Original Message-----

From: [REDACTED] COL MIL USA TRADOC
Sent: Tuesday, November 23, 2010 8:42 AM
To: [REDACTED] COL MIL USA IMCOM
Cc: [REDACTED] T CPT MIL USA TRADOC
Subject: ***HOT*** Investigation Update (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: FOUO

[REDACTED]
I have finished the interviews, but need a couple things to help finish the
writeup. Can you tell me who to contact to get a copy of the new employee
orientation briefings, employee handbook (is there one?) and the post
policies that pertain to gambling?

Thanks,

[REDACTED]
COL [REDACTED]
Investigating Officer
Classification: UNCLASSIFIED
Caveats: FOUO

Classification: UNCLASSIFIED
Caveats: FOUO

EXTRACT FROM PERMISS Table 1-1: Table of Penalties for Various Offenses

The following Table of Penalties is found in Army Regulations Online: AR 690-700, Chapter 751. A Table of Penalties is a list of the infractions committed most frequently by agency employees, along with a suggested range of penalties for each. The penalties are graduated in severity based on whether an employee has no previous record of misconduct, has a single previous incident of documented misconduct, has two previous incidents of documented misconduct, etc. More serious types of misconduct have a more serious suggested penalty or range of penalties for a first offense than less serious types.

A. BEHAVIORAL OFFENSES FOR WHICH PROGRESSIVE DISCIPLINE IS APPROPRIATE					
OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
8. Gambling	a. Participating in an unauthorized gambling activity while on Government premises or in a duty status.	Written reprimand to 1 day suspension	1-5 day suspension	5-30 day suspension	See AR 600-50.
	b. Operating, assisting or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	14 day suspension to removal	Removal		
14. Failure to observe written regulations, orders, rules, or procedures	a. Violation of administrative rules or regulations where safety to persons or property is not endangered. a. Violation of administrative rules or regulations where safety to persons or property is not endangered.	Written reprimand to 1 day suspension	1-14 day suspension	5 day suspension to removal	
	b. Violation of administrative rules or regulations where safety to persons or property is endangered. b. Violation of administrative rules or regulations where safety to persons or property is endangered	Written reprimand to removal	30 day suspension to removal	Removal	

End 6

Enclosure 6

To Be Filed with Basic FPM Chapter 751

AR 690-700

Chapter 751

Discipline

Contents

SUBCHAPTER 1. General Provisions

- 1-1. Agency Responsibility for Discipline
- 1-2. Applicability
- 1-3. Choosing Among Disciplinary Actions
- 1-4. Determining Appropriate Penalties

SUBCHAPTER 2. Specific Disciplinary Situations

- 2-1. Fraud, Theft, and Intentionally Dishonest Conduct
- 2-2. Unauthorized Absence

SUBCHAPTER 3. Written Reprimands

- 3-1. General
- 3-2. Formal Written Reprimand
- 3-3. Withdrawal of Reprimand

APPENDIX A. Memorandum for Director of the Army Staff dated 22 March 1985, subject: Need for Strong Disciplinary Measures to Help Combat Fraud, Waste and Abuse

*This is a self-contained chapter. It does not follow the paragraphing of FPM chapter 751.

APPENDIX A

Memorandum for Director of the Army Staff

DEPARTMENT OF THE ARMY

WASHINGTON, D.C.

22 March 1985

MEMORANDUM FOR DIRECTOR OF THE ARMY STAFF

SUBJECT: Need for Strong Disciplinary Measures to Help Combat Fraud, Waste and Abuse

It is essential that strong and effective measures be applied, consistent with applicable law and regulation, to those individuals who are found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army.

Service members who engage in this type of misconduct are already subject to punishment under applicable provisions of the Uniform Code of Military Justice and to adverse personnel actions.

Effective with the promulgation of Army Regulation 690-700, Chapter 751, it is the policy of the Army that any civilian employee found to have engaged in theft, fraud, or other intentionally dishonest conduct against the Army will be considered for removal from the federal service. Any lesser penalty will require justifiable mitigating circumstances. It is the duty of all supervisors to ensure that this policy is implemented.

This strong disciplinary posture is a necessary element in the Army's campaign against fraud, waste, and abuse. The vast majority of our civilian employees are honest, hard working, and fully aware of their fiduciary responsibilities to the public. We must assure that they are not required to tolerate or work with those who will not live up to this public trust.

This policy should be given the widest possible dissemination throughout the Army.

JOHN A. WICKHAM, JR. John. Marsh, Jr.

General, United States Army Secretary of the Army

Chief of Staff

Contents

To be filed with basic FPM chapter 751

AR 690-700

Chapter 751

Subchapter 1. General Provisions

1-1. AGENCY RESPONSIBILITY FOR DISCIPLINE

The broad objective of discipline is to motivate employees to conform to acceptable standards of conduct and to prevent prohibited activities. Discipline is a part of the daily responsibility of supervisors and not merely the action taken at times when an employee deviates from acceptable forms of conduct. The supervisor's most effective means of maintaining discipline is through the promotion of cooperation, of sustained good working relationships, and of the self-discipline and responsible performance expected of mature employees.

1-2. APPLICABILITY

Probationary employees and those serving trial periods are excluded from the provisions of this chapter. See FPM chapter 315, subchapter 8, for guidance on offenses committed by these types of employees.

1-3. CHOOSING AMONG DISCIPLINARY ACTIONS

Disciplinary actions fall into two categories: informal disciplinary actions (oral admonishments and written warnings) and formal disciplinary actions (letters of reprimand, suspensions, involuntary reductions in grade or pay, and removal). Similarly, employee conduct requiring discipline falls into two categories: behavioral offenses for which progressive discipline aimed at correcting the behavior is appropriate and offenses relating to violation of regulations or laws for which punitive sanctions are required. Disciplinary action should be taken for the purpose of either correcting offending employee behavior and problem situations or for the purpose of imposing punishment necessary to maintain discipline and morale among other employees.

a. Informal disciplinary actions. Informal disciplinary actions are taken by the supervisor on his/her own initiative in situations of a minor nature involving unacceptable behavior. Oral admonitions and written warnings are normally the first steps in progressive discipline for behavioral offenses and they should be documented (e.g., on the SF 7-B (Employee Record)). * * In taking an informal disciplinary action, the supervisor will advise the employee

of the specific infraction or breach of conduct and exactly when and where it occurred. The employee should be allowed to explain his or her side of the incident. The supervisor will then advise the employee that continued violations will result in formal disciplinary action.

b. Formal disciplinary actions.

(1) Formal disciplinary actions consist of writ-ten reprimands, suspensions, involuntary reductions in grade or pay and removals. Formal disciplinary actions are initiated by supervisors, with advice and assistance on appropriate penalties and other pertinent concerns from the servicing civilian personnel office (CPO). The CPO staff will assure appropriate oral or written coordination with the Labor Counselor on all formal disciplinary actions.

(2) At the time a notice of proposed formal disciplinary action is issued, the CPO staff will notify the deciding official of his or her role. (There is no proposal issued for a letter of reprimand). The deciding official will be advised (either by a personal briefing or through an information paper) of procedural and legal requirements in formal disciplinary actions including the requirement to remain impartial and objective. The advice to the deciding official will be the joint responsibility of the Employee Relations Specialist and the Labor Counselor. The advice should be tailored to the discipline proposed and should advise the decider of applicable case law so that he or she can make an informed and judicious decision. At this stage, the advice, if in writing, should not include "privileged" information such as an assessment of the evidence or any recommendation as to penalty.

(3) Decision notices should contain information demonstrating that the deciding official has considered all of the information available, both aggravating and mitigating. Such notices should also explain what weight was given to the aggravating factors in reaching the final decision, and reflect the deliberation of such official concerning the reasons for arriving at the judgment that the employee did or did not commit the offenses charged. * * Decision notices must be reviewed by the CPO staff and the Labor Counselor prior to delivery to the employee to ensure that the decision is procedurally sound and legally supportable. In the event that the decision notice cannot be delivered to the employee in person because of absence, notice may be delivered by mail. In such cases, proof of mailing should be established.

1-4. DETERMINING APPROPRIATE PEN-ALTIES

a. Disciplinary actions under 5 USC 7503 and 7513 must not be arbitrary or capricious; the penalty selected must not be clearly excessive in relation to the offense and to prior practice, and must not otherwise be unreasonable.

b. Table 1-1 sets forth a range of discretionary penalties which the Department of the Army views as a *general guide* to supervisors in administering discipline to employees for particular offenses. In taking such disciplinary actions, supervisors should ensure that comparable disciplinary actions are taken for comparable offenses. The table of penalties is not meant to be an exhaustive listing of all offenses. Appropriate penalties for unlisted offenses may be derived by comparing the nature and seriousness of the offense to those listed in the table. * * While the table is provided only as a guide, experience indicates that the reasons for any deviation from the suggested penalties should be fully explained in the notice of proposed disciplinary action. The employee relations staff and the Labor Counselor will be consulted regarding the reasonableness of a penalty.

c. The use of a particular penalty is not mandatory simply because it is listed in the table. Selection of an appropriate penalty involves a responsible balancing of the relevant factors in the individual case. For example, >since supervisors have a special responsibility for the success of the Army's mission, and their conduct/performance should be an example to other employees, infractions committed by supervisors may call for a more serious penalty than for similar infractions committed by nonsupervisors. Also, . even for offenses where removal is not listed for a first offense, removal for a first infraction may be assessed for an aggravated offense or multiple offenses. Similarly, removal is not required unless the penalty is mandatory by law (see references to the U.S. Code in the remarks column). Oral admonish-meats and written warnings are not considered formal disciplinary actions for the purpose of determining a first, second, or third offense. However, informal discipline may be considered when determining an appropriate penalty. A prior offense of *any type* may form the basis for proposing an enhanced penalty. Thus, a documented first offense of insubordination followed by a charge of fighting could trigger the "SECOND OFFENSE" identified in the table of penalties. In assessing penalties, consideration should be given to the "freshness" of the previous offense in relation to the current infraction. Aggravating factors on which the agency intends to rely for imposition of an enhanced penalty, such as a prior disciplinary record, .offense by a supervisor,< or the egregiousness of the offense, should be included in the notice of proposed discipline so that the employee will have an opportunity to respond to those factors.

d. In selecting an appropriate penalty, the deciding official should distinguish between misconduct for which progressive discipline aimed at correcting behavior is warranted and misconduct warranting punitive discipline. In general, for progressive discipline the deciding official should select the least stringent penalty thought necessary to get the employee's attention and motivate him/her to improve behavior. For punitive discipline, the deciding official should select the strongest penalty warranted to preclude repeated acts of misconduct by the employee concerned and to deter such misconduct by others. The table of penalties is divided into two sections. Offenses in section A are normally considered behavioral offenses whereas offenses in section B are offenses warranting punitive discipline.

Penalty - Table 1-1 Contents

Subchapter 3. Written Reprimands

3-1. GENERAL

Written reprimands are made by management officials for the purpose of correcting an employee's conduct, attitude, or work habits, in order to maintain efficiency, discipline, and morale in the civilian work force. All references to written reprimands pertain to formal written reprimands within the meaning of this chapter.

3-2. FORMAL WRITTEN REPRIMAND

a. **Consideration of formal written reprimand.** A formal written reprimand is appropriate when more stringent disciplinary action other than an oral admonishment is warranted and the circumstances justify the inclusion of a record of the action in the employee's official personnel

folder.

b. Supervisory procedures before initiation of reprimand. When a supervisor considers that a written reprimand is required to correct misconduct on the part of a subordinate employee, the supervisor will obtain all available information concerning the alleged misconduct. The supervisor may, at his or her election, discuss the incident with the employee to ensure that all relevant facts are known and to afford the employee an opportunity to explain the basis for his or her actions. Since disciplinary action could result from this interview, supervisors are cautioned that employees may be entitled to union representation during the interview according to 5 USC 7114(a)(2)(B). Supervisors should contact the civilian personnel office (labor relations specialist) to determine appropriate procedures. When a supervisor has elected to interview the employee, the supervisor has the option of discontinuing his or her examination at any time and obtaining the information through other resources. If, during the interview, the employee presents an acceptable explanation for his or her conduct and the supervisor decides discipline is not warranted, the matter will be closed and the employee so advised. If discipline is to be initiated, the supervisor should prepare a memorandum for record of the meeting. When all necessary information is otherwise available and discussion of the misconduct with the employee would be unproductive in the supervisor's opinion, discipline may be initiated without an interview.

c. Preparation of formal written reprimands. The civilian personnel office should be consulted to assure that the letter of reprimand is consistent with governing regulations and local disciplinary policy and practices before delivery to the employee. As a minimum, the letter of reprimand should contain-

(1) A sufficiently detailed description of the violation, infraction, conduct, or offense for which the employee is being reprimanded to enable the employee to fully understand the charges against him or her. Such specifics as the time, place, date, and a description of the incident giving rise to the disciplinary action should be included.

(2) A statement that the reprimand will be made a matter of record and incorporated in the employee's official personnel folder. The statement will > give the specific period of time (which may not exceed 3 years) < that the disciplinary action will remain a matter of record. (See FPM Suppl 293-31, para S4-5g (2)(b).)

(3) > A summary of previous offenses if the reprimand follows prior offenses and is considered progressive discipline. < Additionally, if the employee has failed to take any remedial action previously directed, that fact should be included. At this point, it may be appropriate to assess whether or not a reprimand is the best form of action to be taken.

(4) A warning that future misconduct may result in more severe disciplinary action. This warning will be included in all letters of reprimand.

(5) Advice, if appropriate, regarding services or assistance (such as the Employee Assistance Program) available to the employee to help overcome the deficiency and avoid future recurrences. The employee will be informed regarding any specific action required on his or her part.

(6) Information on the appropriate grievance channel the employee may use to contest the reprimand.

3-3. WITHDRAWAL OF REPRIMAND

a. A formal written reprimand is not permanent in nature and will be withdrawn from the official personnel folder-

- (1) Upon expiration of the period specified in the letter of reprimand, or
- (2) Upon departure of the employee from the > Department of the Army, < or
- (3) Upon determination through an appropriate adjudicatory procedure or by an appropriate management official of the involved activity that *the* reprimand is unwarranted and must be withdrawn, or
- (4) Upon a determination by the initiating supervisor that the employee has sufficiently corrected his or her behavior and the letter of reprimand has served its purpose.

b. At the time a reprimand is withdrawn from the official personnel folder, a review should be made of personnel and supervisory records and files, and all *references* to the reprimand removed unless c below applies.

c. When a reprimand has been cited or relied upon in another disciplinary action, all evidence of the reprimand will not be expunged. A copy of the reprimand will be retained in the adverse action file for the purpose of documenting the employee's disciplinary record.

Table of Penalties
Contents

AR 690-700; Chapter 751**Table 1-1: Table of Penalties for Various Offenses**

The following Table of Penalties is found in AR 690-700, Chapter 751. A Table of Penalties is a list of the infractions committed most frequently by agency employees, along with a suggested range of penalties for each. The penalties are graduated in severity based on whether an employee has no previous record of misconduct, has a single previous incident of documented misconduct, has two previous incidents of documented misconduct, etc. More serious types of misconduct have a more serious suggested penalty or range of penalties for a first offense than less serious types.

A Table of Penalties, as stated previously, contains a suggested range of penalties. It is a guide to discipline, not a rigid standard. Deviations are allowable for a variety of reasons. For example, when an employee is being charged with multiple offenses at the same time, it may be appropriate to exceed the maximum suggested penalty for all of the individual offenses. Again, when an employee has repeatedly committed the same offense, even though the employee is being charged with the offense for the first time, it may be appropriate to exceed the maximum suggested penalty. When the offense the employee committed is especially serious, compared to normal degree of the stated offense, there may be a basis for exceeding the maximum suggested penalty. On the other hand, there may be occasions when it may be appropriate to assess a penalty below the minimum suggested for the particular offense. In either event, when assessing a penalty outside the suggested range, there should be a reasonable explanation to distinguish why the penalty is outside the norm, a reason that can be explained to third parties in the event of a review.

- A. Behavioral Offenses for Which Progressive Discipline is Appropriate
B. Offenses Warranting Punitive Discipline
C. Penalties Applying to Civilian Marine Personnel (Excluding Harbor Craft Employees)

A. BEHAVIORAL OFFENSES FOR WHICH PROGRESSIVE DISCIPLINE IS APPROPRIATE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
1. Insubordination	Refusal to obey orders, defiance of authority.	Written reprimand to removal	5 day suspension to removal	Removal	
2. Fighting/ Creating a Disturbance*	a. Creating a disturbance resulting in an adverse effect on morale, production, or maintenance of proper discipline.	Written reprimand to 5 day suspension	5 to 10 day suspension	10 day suspension to removal	*Penalty may be exceeded if work is severely disrupted.
	b. Threatening or attempting to inflict bodily harm without bodily contact.	Written reprimand to 14 day suspension	14 day suspension to removal	30 day suspension to removal	*Penalty may be exceeded based on such factors as type of threat, provocation, extent of injuries, whether actions were defensive or aggressive in nature, or whether actions were directed at a supervisor.
	c. Hitting, pushing or other acts against another without causing injury.	Written reprimand to 30 day suspension	30 day suspension to removal	Removal	
	d. Hitting, pushing or other acts against another causing injury.	Written reprimand to removal	Removal		
3. Sleeping on duty	a. Where safety of personnel or property is not endangered.	Written reprimand to 1 day suspension	1 to 5 day suspension	5 day suspension to removal	
	b. Where safety of personnel or property is endangered.	1 day suspension to removal	Removal		
4. Loafing; delay in carrying out	a. Idleness or failure to work on assigned duties.	Written reprimand to 3 day suspension	1-5 day suspension	5 day suspension to removal	

instructions	b. Delay in carrying out or failure to carry out instructions within the time required.	Written reprimand to 3 day suspension	1-5 day suspension	5 day suspension to removal	
5. Attendance related offenses	a. Any absence from the regularly scheduled tour of duty which has not been authorized and/or for which pay must be denied (AWOL) or any absence from management directed additional hours of duty (Unauthorized Absence). Includes leaving the work site without permission	Written reprimand to 5 day suspension	1-14 day suspension	5 day suspension to removal	Penalty depends on length of absences. Removal may be appropriate for 1st or 2nd offenses if the absence is prolonged
	b. Failure to follow established leave procedures	Written reprimand to 5 day suspension	1-5 day suspension	5 day suspension to removal	
	c. Unexcused tardiness	Written reprimand to 1 day suspension	1 to 3 day suspension	1 to 5 day suspension. Habitual tardiness warrants removal	Includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving work station on official business. Penalty depends on length and frequency of tardiness.
6. Unauthorized use of alcohol, drugs or controlled substances	a. Unauthorized possession or transfer of alcoholic beverages while on government premises or in a duty status.	Written reprimand to 5 day suspension	5-14 day suspension	14 day suspension to removal	Penalty may be exceeded when aggravating circumstance are present. See AR 600-85.
	b. Unauthorized use of alcoholic beverages while on government premises or in a duty status.	Written reprimand to 14 day suspension	14-30 day suspension	30 day suspension to removal	
	c. Reporting to work or being on duty while under the influence of alcohol, a drug or a controlled substance to a degree which would interfere with proper performance of duty, would be a menace to safety, or would be prejudicial to the maintenance of discipline. See para. 13 for other drug related offenses.	Written reprimand to 30 day suspension. Removal may be warranted if the safety of personnel or property is endangered.	14 day suspension to removal	Removal	
7. Discourtesy	a. Discourtesy, e.g., rude, unmannerly, impolite acts or remarks (non-	Written reprimand to 1 day suspension	1 to 5 day suspension	3-10 day suspension	Penalty for fourth offense within 1 year

	discriminatory).				may be 14 day suspension to removal. Penalty may be exceeded if discourtesy or similar conduct was directed to a supervisor.
	b. Use of abusive or offensive language, gestures, or similar conduct (non-discriminatory)	Written reprimand to 10 day suspension	5 day suspension to removal	30 day suspension to removal	
8. Gambling	a. Participating in an unauthorized gambling activity while on Government premises or in a duty status.	Written reprimand to 1 day suspension	1-5 day suspension	5-30 day suspension	See AR 600-50
	b. Operating, assisting or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status.	14 day suspension to removal	Removal		
9. Indebtedness	Failure to honor valid debts where agency mission or employee performance are affected.	Written reprimand	Written reprimand to 1 day suspension	Written reprimand to 5 day suspension	See AR 690-700, chap. 735, app E. There must be a clear nexus between efficiency of the service and the debt complaint.

B. OFFENSES WARRANTING PUNITIVE DISCIPLINE

OFFENSE	NATURE OF OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
10. False Statements	a. False statements, misrepresentation, or fraud in entitlements, includes falsifying information on a time card, leave form, travel voucher, or other document pertaining to entitlements.	Written reprimand to removal	30 day suspension to removal	Removal	See para. 2-1. Removal is warranted for a first offense.
	b. False statements or misrepresentations on an SF 171, or other documents pertaining to qualifications, or on any official record not otherwise enumerated.	Written reprimand to removal	14 day suspension to removal	30 day suspension to removal	See para. 2-1. Removal is warranted when selection was based on falsified SF 171 where falsification was intentional (i.e., not an omission or where intent can be

					proven), or where the employee occupies a fiduciary position.
	c. Knowingly making false or malicious statements against co-workers, supervisors, subordinates, or government officials with the effect of harming or destroying the reputation, authority, or official standing of that individual or an organization.	Written reprimand to removal	Removal		
	d. Deliberate misrepresentation, exaggeration, concealment, withholding of a material fact. Includes perjury, making false sworn statements, and lying to a supervisor.	Written reprimand to removal	5 day suspension to removal	10 day suspension to removal	
11. Stealing	Stealing, actual or attempted, unauthorized possession of government property or property of others, or collusion with others to commit such acts.	14 day suspension to removal	Removal		See para. 2-1. Penalty depends on such factors as the value or the property or amounts of employee time involved, and the nature of the position held by the offending employee which may dictate a higher standard of conduct.
12. Misuse or abuse of Government Property	a. Using Government property or Federal employees in a duty status for other than official purposes.	Written reprimand to removal	1 day suspension to removal	14 day suspension to removal	See AR 600-50. Penalty depends on such factors as the value of the property or amounts of employee time involved, and the nature of the position held by the offending employee which may dictate a higher standard of conduct.
	b. Loss of or damage to government property, records or information when	Written reprimand to 14 day suspension	Written reprimand to removal	14 day suspension to removal	

	an employee is entrusted in safeguarding Government property as an absolute requirement of the job (e.g., cashier, warehouse worker, property book officer)				
	c. Willfully using or authorizing the use of a government passenger motor vehicle or aircraft for other than official purposes.	30 day suspension to removal	Removal		See 31 USC 1349. Penalty cannot be mitigated to less than 30 days.
	d. Misuse of Government credentials	Written reprimand to removal	5 day suspension to removal	14 day suspension to removal	
	e. Intentionally mutilating or destroying a public record.	Removal			18 USC 2071
13. Unauthorized use or possession of a controlled substance	a. Introduction of a controlled substance to a work area or government installation for personal use	3 day suspension to removal	Removal		
	b. Introduction of a controlled substance to a work area or government installation in amounts sufficient for distribution or distribution of a controlled substance on a government installation	Removal			
14. Failure to observe written regulations, orders, rules, or procedures	a. Violation of administrative rules or regulations where safety to persons or property is not endangered.	Written reprimand to 1 day suspension	1-14 day suspension	5 day suspension to removal	
	b. Violation of administrative rules or regulations where safety to persons or property is endangered	Written reprimand to removal	30 day suspension to removal	Removal	
	c. Violations of official security regulations. Action against National Security				
	(1) Where restricted information is not compromised and breach is unintentional	Written reprimand to 5 day suspension	1-14 day suspension	5 day suspension to removal	See AR 604-5 and 5 USC 7532
	(2) Where restricted information is compromised and breach is unintentional	Written reprimand to removal	30 day suspension to removal	Removal	
	(3) Deliberate violation	30 day suspension to removal	Removal		
15. Discrimination because of race, color, religion, age, sex, national origin, political affiliation or handicap, or marital status	Prohibited discriminatory practice in any aspect of employment (e.g., employment, appraisal, development, advancement or treatment of employees). Includes failure to prevent or curtail discrimination of a subordinate when the supervisor knew or should have known of the	Written reprimand to Removal			Appropriate penalty depends on the facts in a given case weighed against DA policy that discrimination is prohibited.

	discrimination.				
16. Sexual Harassment. Influencing, offering to influence, or threatening the career, pay, job, or work assignments of another person in exchange for sexual favors OR deliberate or repeated offensive comments, gestures or physical contact of a sexual nature.	a. Involving a subordinate	1 day suspension to removal	10 day suspension to removal	30 day suspension to removal	Appropriate penalty depends on the fact situation in a given case weighed against DA policy that sexual harassment will not be tolerated. Where conduct created a hostile or offensive work environment, removal is warranted for a first offense.
	b. Not involving a subordinate	Written reprimand to 30 day suspension	5 day suspension to removal	10 day suspension to removal	
17. Constitutional Violation	Violation of employee's constitutional rights (i.e., freedom of speech/association/religion.)	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal	
18. Conduct Unbecoming a Federal Employee	a. Immoral, indecent, or disgraceful conduct	1 day suspension to removal	Removal		Includes off-duty conduct if nexus is established.
	b. Solicitation of or accepting anything of monetary value from person who is seeking contracts or other business or financial gain	10 day suspension to removal	Removal		
19. Refusal to testify; interference or obstruction	a. Refusal to testify or cooperate in a properly authorized inquiry or investigation	1 day suspension to removal	5 day suspension to removal	Removal	Witness shall be assured freedom from restraint interference, coercion, discrimination, or reprisal in their testimony.
	b. Interference with attempting to influence, or attempting to alter testimony of witnesses or participants.	5 day suspension to removal	10 day suspension to removal	Removal	
	c. Attempting to impede investigation or to influence investigating officials.	10 day suspension to removal	30 day suspension to removal	Removal	
20. Political Activity	a. Violation of prohibition against soliciting political contributions.	Removal			5 USC 7323, 7324 and 7325
	b. Violation of prohibition against campaigning or influencing elections.	30 day suspension to removal	Removal		
21. Misappropriation	a. Directing, expecting or rendering services not covered by appropriations	Removal			5 USC 3103
	b. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations from	Removal			5 USC 5501

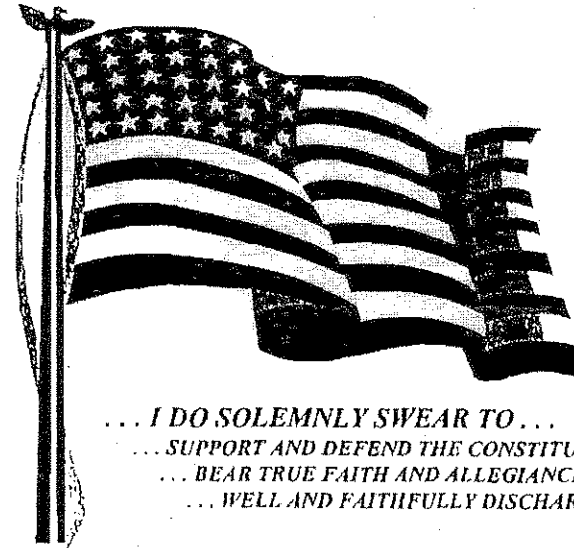
	salaries.				
22. Job Actions	Participating in or promoting a strike, work stoppage, slow down, sick out or other job actions.	Removal			
23. Reprisal	a. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right to grieve, appeal or file a complaint through established procedures.	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal	
	b. Reprisal against an employee for providing information to an Inspector General, MSPB Office of Special Counsel, EEOC or USACARA investigator, or for testifying in an official proceeding.	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal	
	c. Intentional interference with an employee's exercise of, or reprisal against an employee for exercising a right provided under 5 USC 7101 <i>et seq</i> (governing Federal Labor-Management Relations).	Written reprimand to removal	5 day suspension to removal	30 day suspension to removal	
	d. Finding by MSPB of refusal to comply with MSPB order or finding of intentional violation of statute causing issuance of a special counsel complaint.	Written reprimand to removal	Removal		5 USC 1206 (g)(1) and 1207(b)

C. PENALTIES APPLYING TO CIVILIAN MARINE PERSONNEL (EXCLUDING HARBOR CRAFT EMPLOYEES) In addition to the penalties listed above that apply to Army employees in general, there are certain offenses for which, under express provisions of law or regulation, civilian marine employees may be punished by removal or even by fine or imprisonment.

OFFENSE	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	REMARKS
24. Desertion	Removal (mandatory)			Employee forfeits all pay and allowances due from the voyage.
25. Missing sailing of the ship.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal	
26. Willful disobedience to lawful command at sea.	Written reprimand to removal	10 day suspension to removal	30 day suspension to removal	The offender may be confined until such disobedience shall cease. Pay does not accrue during period of confinement.
27. Assaulting any Master, Mate, Pilot, Engineer or other officer.	Written reprimand to removal	Removal		Upon conviction, offender may be imprisoned not more that 2 years (46 USC 11501).
28. Willfully damaging the ship or her equipment, or willfully embezzling or damaging any of her stores or cargo.	Loss of pay equal to the loss sustained and reprimand to removal.	Loss of pay equal to the loss sustained and 30 day suspension to removal.	Loss of pay equal to the loss sustained and removal.	See 46 USC 11501
29. Smuggling	Removal (mandatory)			For any act of smuggling for which the offender is convicted and whereby loss or damage

is occasioned to the Master or the Army such a sum as sufficient to reimburse the Master of the Army may be retained from offender's wages in satisfaction or on account of such liability.

30. Introducing, selling, possessing, or using intoxicants aboard ship.	5 day suspension to removal.	10 day suspension to removal.	30 day suspension to removal.
31. Unauthorized use or possession of a controlled substance			
a. Introduction of a controlled substance aboard ship for personal use.	5 day suspension to removal.	Removal.	
b. Introduction of a controlled substance aboard ship in amounts sufficient for distribution, or distribution of a controlled substance aboard ship.	Removal.		



*... I DO SOLEMNLY SWEAR TO ...
... SUPPORT AND DEFEND THE CONSTITUTION ...
... BEAR TRUE FAITH AND ALLEGIANCE ...
... WELL AND FAITHFULLY DISCHARGE DUTIES ...*

CIVILIAN EMPLOYMENT HANDBOOK

An Everyday Guide

U.S. ARMY COMBINED ARMS CENTER
Fort Leavenworth, Kansas

1 Sep 97

Encl 17

Encl 17

TABLE OF CONTENTS

	PAGE
I. INTRODUCTION TO FORT LEAVENWORTH	
Gateway to the Frontier	1-1
Twentieth Century Army	1-1
Mission Statement	1-2
Your Role in the CAC Mission	1-3
II. POLICIES AND GUIDES FOR SUCCESSFUL EMPLOYMENT	
Civilian Personnel Advisory Center (CPAC)	2-1
Standards of Conduct and Code of Ethics	2-2
Public Relations	2-3
Supervision	2-3
Recognition for Superior Performance	2-3
Suggestion Program	2-3
Equal Employment Opportunity (EEO)	2-3
Special Emphasis Program (SEP) Committees	2-3
Occupational Health Service (OHS)	2-4
Alcohol and Drug Abuse Prevention and Control Program (ADAPCP)	2-4
Smoking Policy	2-4
Use of Official Government Property	2-4
Interaction with Innates	2-4
Outside Interests	2-5
Political Activities	2-5
Labor Organizations	2-5
Discipline and Separation Actions	2-5
Grievances	2-5
III. YOUR EMPLOYMENT RECORDS AND PROCESSES	
Appointment to Civil Service	3-1
Performance/Probationary Appraisals	3-1
Career Growth and Advancement	3-2
Details	3-2
Temporary Promotions	3-2
Job Assignments	3-2
Job Training	3-3
Name and Address Changes	3-3
Resignation and Separation	3-3
Official Personnel Folder (OPF)	3-3
IV. HOURS OF DUTY AND REQUESTING LEAVE	
Tours of Duty	4-1
Annual Leave	4-1
Sick Leave	4-2
Leave for Childbirth	4-2
Parental and Family Leave	4-2
Family Friendly Leave Act (FFLA)	4-2

Family Medical Leave Act (FMLA)	4-2
Leave Transfer Program	4-3
Military Leave	4-3
Court Leave	4-3
Bone Marrow/Organ Donation	4-3
Leave Without Pay (LWOP)	4-3
Other Paid Absence	4-3
Absent Without Leave (AWOL)	4-4
Holidays	4-4
V. COMPENSATION FOR YOUR WORK	
Federal Pay System	5-1
Paydays	5-1
Direct Deposit	5-1
Payroll Deductions	5-1
Leave and Earnings Statement	5-2
Overtime	5-2
VI. EMPLOYEE BENEFITS AND SERVICES	
Health Insurance	6-1
Life Insurance	6-1
Retirement	6-1
Thrift Savings Plan (TSP)	6-1
Death Benefits	6-2
Worker's Compensation	6-2
Counseling Services	6-2
Savings Bonds	6-3
Combined Federal Campaign (CFC)	6-3
Credit Union	6-3
Thrift Shop	6-3
Dining Facilities	6-3
United States Disciplinary Barracks (USDB) Shops	6-3
Recreational and Leisure Activities	6-3
Educational Opportunities	6-4
VII. GENERAL INFORMATION YOU SHOULD KNOW	
Traffic Regulations	7-1
Appropriate Work Clothes	7-1
Official Travel	7-1
Severe Weather Dismissal	7-1
Respect to the Flag	7-1
Information Sources	7-1
Retaining Information	7-2
Military Insignia	7-2
Final Note	7-2
Recognizing Military Rank	7-3

**GATEWAY
TO THE
FRONTIER**

I. INTRODUCTION TO FORT LEAVENWORTH

Founded in the spring of 1827, Fort Leavenworth is the oldest continuous United States (US) military establishment west of the Mississippi River and the oldest continuous settlement of United States citizens west of the Missouri River. The Army established the fort to monitor fur trade in upper Missouri and to protect trade caravans along the Santa Fe Trail from Indian attacks.

Colonel Henry Leavenworth chose the site of the present Fort Leavenworth on 8 May 1827, and was later joined by Captain W.G. Belknap and a detachment of 188 men from the 3rd Infantry Regiment, Jefferson Barracks (near St. Louis, Missouri) on 18 May 1827.

Soldiers at the new post inspected cargoes, examined licenses to trade, and caught those illegally transporting liquor into the Indian country. They kept peace between the Indian tribes and the traders. Fort Leavenworth guarded and guided the migration of the great removal of eastern Indian nations to the area west of Missouri in the 1830's. Troops trained and equipped at Fort Leavenworth launched many peacemaking expeditions. Regional tribes and government agents met in council at the fort. Many times during those critical years hundreds of Indians from the various tribes converged on Fort Leavenworth where their leaders met with the military and Indian agents to make treaties which might ensure an interval of peace to the stormy frontier.

The war between the US and Mexico in 1846 gave birth to the Army of the West, commanded by Colonel Stephen Watts Kearny and formed at Fort Leavenworth. During the war, the fort became a major quartermaster installation, supplying the military outposts of the west. This mission lasted into the 1880's. With the opening of Kansas Territory in 1854, Fort Leavenworth became the temporary territorial seat of government. Andrew J. Reeder, first Territorial Governor, administered the affairs of the new territory from his office on post.

In 1855, the famous freighting firm of Russell, Majors, and Waddell came into being in Leavenworth and portions of the military reservation were used as corral grounds for some of the 45,000 oxen used in its far-flung operations. William F. (Buffalo Bill) Cody, a youthful employee of this firm, was born on a farm adjacent to the spot. During the Civil War, Fort Leavenworth was the command and supply post for the troops assigned to protect the Missouri-Kansas border. Camp Lincoln was established on the reservation to muster in, train, and equip volunteers.

**TWENTIETH
CENTURY
ARMY**

The early military cemeteries at Fort Leavenworth were in the vicinity of the present home of the commanding general. In 1860, the known graves were moved to the present site, which became a national cemetery in 1867. Among the monuments now in the national cemetery are markers of five officers of the 7th Cavalry (including Captain Tom Custer, brother of General George A. Custer) who were killed in the Battle of Little Big Horn. In 1902, the remains of General Henry Leavenworth were brought to the Fort Leavenworth Cemetery from Delhi, New York. A handsome granite monument marks the site of internment.

Congress established the United States Disciplinary Barracks at Fort Leavenworth in 1874. From a modest beginning in converted Quartermaster buildings in 1875, it has become today the largest military establishment of its kind.

As a result of President Grant's order for reorganization of the Army under General Sherman, in 1881 the School of Application for Infantry and Cavalry was established at Fort Leavenworth. The Army suspended operations of the school for four years, during and after the Spanish-American war, and again for a brief period following the outbreak of World War I. Except for these two interruptions, the school has continued to develop. Today the Command and General Staff College is the US Army's senior tactical school of combined arms.

From the turn of the century, the Fort Leavenworth garrison's mission has been that of a supporting role for the college. In addition to its prescribed mission, the garrison has performed many other special missions in times of national emergency. From October 1930 to June 1951, the Army War College was located at Fort Leavenworth.

The reorganization of the Continental US Army transformed the post into the United States Army Combined Arms Center and Fort Leavenworth to determine present and future answers to the questions of how the Army will fight, how it will be equipped, how it will be structured, and to perform important and far-reaching missions in the areas of training and operations research analysis.

MISSION STATEMENT

The mission of the Combined Arms Center and Fort Leavenworth (CAC & FT LYN) is to develop and train confident, competent, adaptive leaders who will train and fight their units to win decisively in battle now and in the future and to integrate verified doctrine, new organizations, and new equipment into the total Army.

The functions of CAC & FT LYN are to:

- Provide instruction to officers of the active Army and Reserve Components, worldwide, to prepare them for duty as field grade commanders and principal staff officers at brigade and higher levels.
- Determine system requirements for managing effectiveness of the Army through development of concepts, doctrine, and organizational materiel requirements within the combined arms functional areas, primarily by means of integrating the products from associated schools and other Training and Doctrine Command centers.
- Determine combined arms training requirements associated with the systems acquisition cycle and coordinate and integrate the development and dissemination of improved doctrine, techniques, devices, and management practices for training of combined arms units, commanders, and staffs.
- Provide the specialized correctional treatment, care, training, and custodial supervision necessary to prepare military prisoners for return to military duty with improved attitudes or return to civilian life as better citizens.

- Ensure administrative and logistical support to active Army units and activities, reserve components, and tenant and satellite activities.

The CAC is comprised of several elements and units to discharge the above responsibilities. It is essential that you understand how your position impacts on the activity's mission, and ultimately those of the Center.

Shortly after you report for duty, your supervisor will discuss with you the duties you will be expected to perform. You will also be given a job description, which describes the major duties and responsibilities of your job, and performance standards, which tell you more about the quality of job performance expected. While your input is desired and considered in assigning duties and determining performance standards, it is your supervisor's right and responsibility to assign your work and determine the quality of performance required of you. Speak with your supervisor if you need further guidance or clarification.

YOUR ROLE IN THE CAC MISSION

**CIVILIAN
PERSONNEL
ADVISORY
CENTER
(CPAC)**

II. POLICIES AND GUIDES FOR SUCCESSFUL EMPLOYMENT

As an employee at Fort Leavenworth, you will have considerable contact, either directly or indirectly, with the CPAC. Although your supervisor should always be your first source for help with employment policies and concerns, you are welcome to call for an appointment to visit the CPAC to obtain information which your supervisor may be unable to provide. You should inform your supervisor and secure approval prior to visiting the CPAC during duty time.

The CPAC offers many services to Fort Leavenworth employees, and is organized into the functions listed below. Telephone numbers are provided for your quick reference.

Civilian Personnel Officer	42151
Management-Employee Relations (MER) Guidance on leave, standards of conduct, discipline, grievances, appeals, interpretation of personnel regulations, performance appraisals, and incentive awards.	44827
Employee Benefits Guidance on employee benefits (e.g., insurance, retirement, thrift savings plan, disability and death, workers' compensation, unemployment, travel, and transportation).	44444
Classification and Staffing (CSD) Guidance on job descriptions and assigned grades, classification complaints and appeals, opportunities for job advancement and improving qualifications for competing for merit promotion job vacancies.	42412
Recorded Job Information Listing (24-Hour) Positions for which applications are currently being accepted (AF and NAF).	45533
Training and Development (T&D) Guidance on training needs and opportunities and career development programs.	44996
Support and Information Services (SISD) Guidance on automated civilian personnel systems, employment verification, and carpooling registration.	45337
Nonappropriated Fund (NAF) Guidance on NAF employment policies and practices.	42747
Civilian Pay Customer Service Representative Guidance on civilian pay matters and liaison with Defense Civilian Payroll Offices.	45711

**STANDARDS
OF CONDUCT
AND CODE OF
ETHICS**

As you began your Federal career, you stood before the American flag and took the oath of Federal office. Doing so, you became an important member of the Army team. A team made special by your pledge to support and defend the Constitution of the United States.

The citizens of the United States have confidence that Army personnel will do their part to preserve the security and well-being of our nation. The public also expects that we conduct our mission honestly and with integrity. To ensure we do not betray or violate this public trust, the Standards of Conduct and the Code of Ethics must be strictly adhered to. You should become completely familiar with the provisions of the Joint Ethics Regulation. Once again, your supervisor is your primary source for information concerning appropriate standards of conduct.

- Report for work promptly and in a condition which will permit you to perform your assigned duties (in appropriate clothing, with required tools or equipment, and in a sober condition).
- Render full, efficient, and industrious service. If insufficient work is assigned to occupy you fully at any given time, you are expected to notify your supervisor so that additional work may be assigned.
- Give ready response to your supervisor's instructions and directions.
- Comply with all safety regulations and practices prescribed for your worksite, including the use of protective clothing and equipment.
- Exercise courtesy and tact in all dealings with co-workers and the public.
- Maintain a clean and neat personal appearance to the maximum practical extent during working hours.
- Safeguard public information.
- Conserve and protect Federal funds, property, equipment, and materials.
- Observe the various laws, rules, regulations, and other authoritative instructions, and consistently conduct yourself in a manner which is above reproach.
- Recognize your personal responsibility for taking an active part in your organization's mission. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
- Maintain a high standard of integrity and responsibility with regard to your private financial obligations.
- Uphold with integrity the public trust involved in the position to which you are assigned.

**PUBLIC
RELATIONS**

The primary goal of the Federal government is to provide efficient, effective service to the public. The manner in which you perform your job will directly impact on the accomplishment of this goal. As Federal employees, we all have contact, in varying degrees, with the public, both on and off the job. We should, therefore, continually strive to provide the public with the highest quality products, advice, and assistance in a professional and courteous manner.

Any contact with the media concerning your official duties must be coordinated with your supervisor and the Public Affairs Office.

SUPERVISION

As an employee at Fort Leavenworth, your successful job performance and working experience are under the direct concern and control of your supervisor. Teamwork and understanding between supervisors and employees are essential since most actions taken concerning your employment begin with your supervisor's recommendation. Any difficulties you may experience should first be discussed with your supervisor.

**RECOGNITION
FOR SUPERIOR
PERFORMANCE**

As an employee at Fort Leavenworth, you are eligible to receive awards for superior performance of duties. You could receive an award as an individual or as part of a group that contributes significantly to the efficiency of work at Fort Leavenworth or the Federal government as a whole.

**SUGGESTION
PROGRAM**

You are encouraged to submit constructive ideas for accomplishing your job better, simplifying operations, increasing productivity, improving morale, conserving energy, or promoting safety.

Suggestions may be submitted to the Deputy Chief of Staff for Resource Management on DA Form 1045 (Army Ideas for Excellence Program (AIED) Proposal). Adopted suggestions may be recognized by a letter of appreciation or a cash award, depending on the tangible/intangible benefits identified in the suggestion evaluation.

**EQUAL
EMPLOYMENT
OPPORTUNITY
(EEO)**

The Federal Civil Rights Act of 1964, as amended by the Federal Equal Opportunity Act of 1972, establishes the right of equal opportunity in employment for all qualified persons and prohibits discrimination in employment or harassment of any kind because of race, color, religion, national origin, sex, physical or mental handicap, age, or reprisal. CAC & FT LYN fully adheres to and actively supports this program in all respects. For information or concerns, contact the Equal Employment Opportunity Office (EEOO), 43697.

**SPECIAL
EMPHASIS
PROGRAM (SEPP)
COMMITTEES**

As part of the overall EEO program, the Black Employment Program, Hispanic Employment Program, Asian American/Pacific Islander/American Indian/Alaskan Native Employment Program, Federal Women's Program, and Persons with

Disabilities Program were implemented to monitor special concerns and to ensure equal opportunity in training, merit promotion, and employment. Each committee has a separate program manager who can be contacted through the EEOC.

OCCUPATIONAL HEALTH SERVICE (OHS)

The OHS promotes good health and reduction of illness/injury within the work environment. Special preventive measures are taken for civilian employees who are potentially exposed to toxic materials, infectious agents, or other hazardous influences. The Occupational Health Nurse can be contacted at telephone extension 46544.

ALCOHOL AND DRUG ABUSE PREVENTION AND CONTROL PROGRAM (ADAPCP)

Alcoholic beverages may not be served or consumed at any time while in a duty status. The ADAPCP is designed to educate employees about the effects of alcohol and drug use and abuse, and to provide rehabilitative assistance to individuals who request it or whose job performance or attendance is adversely affected by alcohol or drug abuse. The ADAPCP may be reached at 42800.

SMOKING POLICY

The rights of both smokers and non-smokers are recognized. However, Department of the Army policy prohibits smoking in work places at Fort Leavenworth. Your supervisor can provide information about the location of designated smoking areas.

USE OF OFFICIAL GOVERNMENT PROPERTY

Government property and facilities are supplied for the sole purpose of accomplishing official duties. You are responsible for proper use, maintenance, and protection of the materials, equipment, and facilities used in performing your work. The cost of these items represents an investment of taxpayers' money. Therefore, efficient use and proper care will result in considerable savings. If you are required to remove any type of supplies or equipment from your work location, be sure that you have the written approval of your supervisory chain to do so.

INTERACTION WITH INMATES

From time to time you may encounter trustees and inmates (prisoners) from the United States Disciplinary Barracks (USDB) or the United States Penitentiary on work details at Fort Leavenworth. Relatively few employees will have daily contact with inmates. Inmates should be treated politely and fairly. However, conversations with inmates are to be limited to that which is necessary to accomplish your assigned duties. Additionally, you may not

- correspond with an inmate
- assist an inmate to communicate in any manner with other persons or inmates
- buy, trade, exchange, receive, or deliver any article for or with an inmate
- accept any gift or compensation from an inmate
- give refuge, safety, shelter, or comfort to an inmate

2-4

- permit an inmate, through carelessness or design, to obtain articles or materials which they are not permitted to have.

Additional information and instructions will be provided if you are assigned to work at the USDB or to work with or in supervision over inmates.

OUTSIDE INTERESTS

As a Federal employee, you are permitted to engage in outside employment and interests provided there is no conflict of interest with your government position or adverse effect on your performance as a government employee.

POLITICAL ACTIVITIES

As a Federal employee, you have the right to express privately your opinions on all political subjects and candidates and, as a citizen, you have the right and duty to vote as you choose. However, you are prohibited from using official authority or influence for the purpose of interfering with an election or affecting its results and from engaging in any political activity while on duty. Additionally, you may not be a candidate for public office in partisan elections.

LABOR ORGANIZATIONS

Employees are free to join or to refrain from joining a recognized labor organization (union). Supervisors, management officials, employees engaged in intelligence and security work, and employees engaged in personnel work in other than a purely clerical capacity are among those not eligible to be represented by labor organizations. Eligible employees are provided with a copy of the negotiated agreement upon entrance on duty.

DISCIPLINE AND SEPARATION ACTIONS

As a Federal employee you are expected to conduct yourself, both on and off the job, in a manner which reflects high moral character, high ethical standards, and a sense of responsibility. If you fail to meet these standards, informal or formal corrective action may be taken depending upon the nature and severity of the offense.

Informal disciplinary actions are the first steps in constructive discipline and consist of oral warnings and counseling. Generally such actions are warranted in situations involving first offenses of a minor nature. Formal disciplinary actions consist of written reprimands, suspensions, and separations.

GRIEVANCES

If you have a complaint, you should first attempt to resolve the problem informally by talking with your supervisor. However, as a Federal employee you are entitled to submit a grievance if you are dissatisfied with any aspect of your working conditions or employment status.

If you are a bargaining unit employee represented by the union, you must use the grievance procedures outlined in the negotiated agreement. Employees not covered by a negotiated agreement must follow Department of Defense Administrative Grievance System (AGS) procedures.

For clarification of either grievance process, you may contact MER, 44827.

2-5

III. YOUR EMPLOYMENT RECORDS AND PROCESSES

APPOINTMENT TO CIVIL SERVICE

When you were hired for your position at Fort Leavenworth, you received either a temporary, term, or permanent appointment, in the competitive or excepted service.

Under a temporary appointment your employment rights and benefits are limited. Most temporary employees are not eligible to compete with permanent employees for promotional consideration and the period of employment is specified. In addition, employment may be terminated due to poor performance, lack of work, or lack of funds.

Under a term appointment your employment rights and benefits are more extensive than those of temporary employees. However, you are still appointed for a time-limited period. When the need for an employee's services is not permanent, a term appointment may be made for a period of more than 1 year but not more than 4 years. Term employees serve a 1-year trial period. You may be terminated at any time during your trial period if you fail to demonstrate the qualifications and standards required for continued employment. After successful completion of the trial period, employment cannot be terminated without first offering you the full protection and rights associated with term employment entitlements.

A permanent appointment entitles you to all benefits and rights of the civil service system. The first year of a new appointment, however, is a probationary or trial period. During the probationary or trial period your job performance and the manner in which you meet the general standards of conduct and public service will be observed. These standards include high integrity, mature personality, good work habits, respect for higher authority and co-workers, and a willingness to learn and improve. If at any time during the probationary period you fail to fulfill the qualifications and standards required, your employment can be terminated. After successful completion of the probationary or trial period, your employment cannot be terminated without first offering you the full protection and rights of the civil service system.

Your initial permanent appointment is in a "career-conditional" tenure which, after 3 years of substantially continuous service, converts to "career" tenure. Career status provides additional protection during any reductions which may occur in the work force. In addition, if you leave Federal employment after obtaining career status, you have a lifetime eligibility to be reinstated to a vacant position for which you qualify, and for which you are selected competitively. Reinstatement of former "career-conditional" employees is limited to a 3-year period following the date of separation, except for those eligible for veterans preference. Individuals who qualify for veterans preference have the same reinstatement eligibility afforded to "career" employees.

PERFORMANCE/ PROBATIONARY APPRAISALS

By establishing a mutual understanding of job requirements and work standards, the formal evaluation process encourages top quality work which enhances the organization's overall mission. The Total Army Performance Evaluation System

3-1

(TAPES) is used to evaluate how well you are performing your assigned duties. Your immediate supervisor will inform you of the performance standards for your job, discuss your performance with you at periodic intervals, and complete an annual performance rating.

Probationary or trial period evaluations are required for all employees in the competitive and excepted services. This period is a continuation of the original selection process, and ends one year from the date of your appointment. During this period you have both the opportunity and responsibility to demonstrate acceptable job performance. You will be evaluated against specific job requirements, as well as general standards of conduct and suitability for public service. Your supervisor will make the decision whether to retain or remove you from Federal service prior to the end of the probationary/trial period.

CAREER GROWTH AND ADVANCEMENT

The Fort Leavenworth Merit Promotion and Placement Plan (CAC & FT L.V.N Regulation 690-300) is normally posted on the official bulletin board and will be made available to you by your supervisor upon request. While this plan is intended to provide fair and proper consideration based on merit, it does not guarantee promotion. If you are a permanent employee, or a temporary employee with personal competitive status, you will have the opportunity under this plan to be considered for promotion, reassignment, or change to lower grade to jobs for which you are qualified and interested. Internal recruitment notices are issued for promotion opportunities. These announcements include specific details on application procedures. All application materials must be submitted to and received by the Civilian Personnel Operating Center (CPOC), Fort Riley, Kansas, prior to the closing date shown on the announcement. You are reminded that employment applications are considered to be personal in nature and, therefore, may not be submitted at government expense. Any questions you may have about promotional opportunities should be directed to your supervisor or CSD, 42412.

DETAILS

You may be detailed (assigned temporarily) to different duties or positions for a specified period of time. Although your rate of pay remains the same while you are on a detail, the experience you gain becomes a matter of record and adds to your total work experience and qualifications. You may even be detailed for a short time to work which requires qualifications you do not have. In such cases, you will be given assistance and instruction necessary to perform the work.

TEMPORARY PROMOTIONS

You may be promoted temporarily to a different position for a specified period. Because you receive the higher rate of pay, you must meet all qualification and eligibility requirements to be temporarily promoted.

JOB ASSIGNMENTS

You may be reassigned, either temporarily or permanently, to new job assignments without promotion or demotion. Some reassignments are management directed. You may also request consideration for a noncompetitive assignment to another position by submitting a written request citing specific reasons, through your

3-2

IV. HOURS OF DUTY AND REQUESTING LEAVE

The normal work week for full-time employees is 40 hours. Most full-time employees work 8 hours per day, 5 days per week, Monday through Friday, although certain jobs require alternative schedules. Normal business hours at Fort Leavenworth are 0730 to 1630, Monday through Friday. However, some organizations participate in the flexitime program, which allows participating employees to vary their tours of duty, with supervisory approval. Break periods are allowed for most employees and are considered paid duty time. It is your responsibility, as well as your supervisor's, to prevent abuse of work hours, break periods, and lunch periods. Check with your supervisor to clarify specific practices and expectations in your work area.

Unless you are an intermittent (on-call) employee, you will have a definite assigned tour of duty, either part-time or full-time. You are expected to report ready for work at your work station at the beginning of your tour of duty unless you have received advanced approval for leave. When emergencies arise that cause you to be late for work or absent without having received advanced approval, you should notify your supervisor of the emergency as soon as possible, generally within 2 hours after your scheduled tour of duty begins, or in the case of shift workers, 1 hour prior to the start of the scheduled tour of duty.

Annual leave is approved absence with pay, and may be requested for vacation periods and for personal and emergency purposes. You will earn annual leave hours of credit as shown below:

Length of Service	Accrual Per Pay Period	Total Leave Days Per Year
Less than 3 years	4 hours per biweekly pay period	13
3 years but less than 15	6 hours per biweekly pay period, except 10 in last pay period	20
15 years or more	8 hours per biweekly pay period	26

Part-time employees earn annual leave in proportion to the number of hours worked compared to full-time. Intermittent employees are not eligible to earn or use leave.

Although the annual leave you earn is yours to use, your supervisor has the responsibility and authority to decide when the leave may be taken. You and your supervisor should work together to schedule leave for the most advantageous time for your organization and yourself, and requests should be made as far in advance as possible. Your biweekly leave and earnings statement reflects how much leave you have accrued and used.

TOURS OF DUTY

supervisor to the CPAC. Your request will be given careful consideration by management officials, but approval cannot be guaranteed. An example of a request which may warrant approval is one based on documented physical limitations.

You may receive training to ensure maximum efficiency in the performance of your official duties. Equal opportunity for training is given to every employee who needs training and one is established standards. In addition, you are encouraged to engage in personal development efforts (i.e., college courses, correspondence courses, Army service schools, government or nongovernment training, etc.).

You should notify the CPAC immediately regarding a change of home address, telephone number, or name (by marriage or court action). Also, it is a good idea to let your firm with your supervisor periodically the accuracy of information regarding persons to be contacted in case of an emergency.

If you elect to resign your position, you should provide your supervisor with at least 2 weeks advance notice. Resignations are submitted in writing giving reasons, your last workday, and your forwarding address. A Standard Form 52 (Request for Personnel Action), which can be obtained from your supervisor or the CPAC, is the preferred notification method.

When you end employment at Fort Leavenworth for any reason, you must contact the CPAC, 45337, at least 3 days prior to separation, to schedule an appointment to clear post. As part of the clearance process, you will be informed of benefits to which you may be entitled.

If you must leave your employment to accompany a family member who is making a permanent change of station move, you may be entitled to enter a leave without pay status while you seek Federal employment at your new location. This protects your status as a Federal employee. If you are a family member of a Department of Army employee who makes a permanent change of station move, you may also be entitled to priority consideration for vacant positions at your new location for which you are qualified and eligible. Contact CSD, 42412, for specific information.

The OPF is the official depository of records and personnel actions effected through your Federal career, and is the major source of information used to determine your qualifications for new positions. The OPF is maintained at the Southwest Civilian Personnel Operations Center (CPOC), Fort Riley, Kansas, but remains the property of the Office of Personnel Management (OPM). When you resign or retire, the OPF is sent to the National Archives and Records Administration, St. Louis, Missouri. If you return to work for the Federal government, the original OPF will be obtained from the National Records Center by your employer. For ready reference, you should establish and maintain a personal file containing copies of employment documents and personnel actions which affect you.

JOB TRAINING

NAME AND ADDRESS CHANGES

RESIGNATION AND SEPARATION

OFFICIAL PERSONNEL FOLDER (OPF)

SICK LEAVE

Sick leave is provided to help you avoid loss of pay when you are absent from work because of illness, disabling injury, or physical, dental, or optical examinations or treatment. All full-time employees, regardless of length of service, earn sick leave at the rate of 4 hours for each full biweekly pay period, or 104 hours per year. Other employees who are eligible for sick leave earn it at the proportional rate of 1 hour for each 20 hours in a pay status. There is no maximum limit to the amount of sick leave you may accrue. As with annual leave, sick leave accrues automatically and is yours to use. However, your supervisor has the responsibility and authority to approve or disapprove leave requests. To ensure adequate staffing to meet mission needs, requests for sick leave for routine medical, dental, or optical treatment should be made in advance.

If you are absent because of unexpected illness or injury, you should notify your supervisor as soon as possible, generally within 2 hours after the start of your normal tour of duty, or in the case of shift workers, 1 hour prior to the start of the scheduled tour of duty. You may be required to provide your supervisor with a doctor's statement certifying work days on sick leave.

**LEAVE FOR
CHILDBIRTH**

Absence for childbirth can be charged to sick leave, annual leave, and/or approved LWOP. You should notify your supervisor as early as possible of your intent to request leave for childbirth, and include the type of leave and anticipated duration. The length of leave requested for childbirth and recuperation must be supported by a doctor's certificate.

**PARENTAL
AND FAMILY
LEAVE**

You may request to use annual leave, LWOP, or sick leave under the Family Friendly Leave Act (FFLA) for parental and family responsibilities. This includes any absence to remain at home after the birth of a child that is not certified by a physician as medically necessary.

**FAMILY
FRIENDLY
LEAVE ACT
(FFLA)**

You may request to use a portion of your sick leave if you are required to be absent to give care or otherwise attend to a family member having an illness, injury, or other condition which, if you had such condition, would justify the use of sick leave. Also you may request to use sick leave for purposes related to the death of a family member. There is an annual limitation on the amount of sick leave that may be used under the FFLA. The basic limit for full-time employees is 40 hours. An additional 64 hours may be used if the use does not cause your sick leave credit to fall below 80 hours. The basic limit for part-time employees or employees with an uncommon tour of duty is equal to the average number of hours in the weekly scheduled tour of duty.

**FAMILY
MEDICAL
LEAVE ACT
(FMLA)**

Employees who have completed at least 12 months of service may be eligible for absence under the Family Medical Leave Act (FMLA). The FMLA provides eligible Federal employees with a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain medical or family needs. FMLA is in addition to other paid time off that may be available to you. While on FMLA, you may continue your health benefits, provided you pay the employee's share of the

**LEAVE
TRANSFER
PROGRAM**

premiums. You are entitled to return to the same, or equivalent, position with equivalent benefits, pay, status, and other terms and conditions of employment. Under certain conditions, FMLA leave may be taken intermittently. You must provide your supervisor with as much advance notice as possible of your intent to take FMLA, and provide supporting medical documentation as requested.

If you experience a personal or family medical emergency that is likely to require you to be absent from work for a prolonged period without sick leave or annual leave income, you may apply to receive donated annual leave from other employees who voluntarily offer to be donors. Ask your supervisor or contact MER, 44827, for information on the process to become a leave recipient or to donate leave to another employee.

**MILITARY
LEAVE**

If you are a reservist of the Armed Forces or a member of the National Guard and are a permanent civil service employee, or are on a temporary appointment in excess of 1 year, you earn 15 calendar days of paid leave per fiscal year to be used for active duty or military training purposes. You may carry over as much as 15 calendar days from year to year. Your military orders must be submitted to your supervisor prior to departure. Upon your return to work, you must submit to your supervisor official evidence of your performance of military duty. Longer periods of absence for active duty may be granted in a LWOP status or charged to annual leave.

COURT LEAVE

Court leave is authorized absence, without charge to leave or loss of pay, for jury or witness service. You will be required to furnish your supervisor with a copy of the order, subpoena, or other summons to appear in court as far ahead of the effective date as possible. Upon return to work, you will be asked to furnish written evidence of the dates (and hours if possible) of the service. Generally, you may not keep any fees paid by the court, but may be entitled to payment of certain expenses by the court.

**BONE MARROW/
ORGAN
DONATION**

You are authorized up to 7 days of paid leave each calendar year for purposes related to bone-marrow or organ donation.

**LEAVE
WITHOUT PAY
(LWOP)**

LWOP (absence in a nonpay status) can be approved for an employee who submits a request in writing to the supervisor, normally when the employee has exhausted available annual leave or sick leave credits. If you request LWOP for 30 calendar days or less your supervisor will carefully consider your reasons and approve or disapprove your request. LWOP requests for more than 30 days must be submitted through your supervisor to the CPAC for approval consideration.

**OTHER PAID
ABSENCE**

An excused absence is an absence from duty without loss of pay and without charge to leave which is approved by someone in your supervisory chain-of-command. Some examples of activities for which excused absence would be appropriate

ABSENT WITHOUT LEAVE (AWOL)

include, but are not limited to, voting, permanent change of duty station (PCS), counseling, and blood donation. Your supervisor will provide specific guidance on these matters.

If you are tardy or absent from duty without adequate excuse or without prior approval of your supervisor, you may be charged AWOL on official time and attendance records. Such a charge could become the basis for disciplinary action.

HOLIDAYS

The following Federal holidays are observed at Fort Leavenworth:

- New Year's Day - January 1
- Martin Luther King Jr.'s Birthday - 3rd Monday in January
- President's Day - 3rd Monday in February
- Memorial Day - 1st Monday in May
- Independence Day - July 4
- Labor Day - 1st Monday in September
- Columbus Day - 2nd Monday in October
- Veteran's Day - November 11
- Thanksgiving Day - 4th Thursday in November
- Christmas Day - December 25

If you are a full-time employee and your position is not limited to 90 days or less, or if you have worked continuously on a full-time limited appointment for 90 days or more, you are entitled to be excused from work with full pay on Federal holidays. Part-time employees will also receive holiday pay if the holiday falls on a day they are scheduled to work. Holidays other than those listed which are important to you may be observed, but they will be charged to annual leave or LWOP, and are subject to approval by your supervisor.

FEDERAL PAY SYSTEM

Normally, if you are a new employee, you will be paid at the first step of the grade assigned to your position. As you advance from one step to another in the salary schedule, you will receive an increase in your annual salary. Eligibility requirements for step increases include specified waiting periods between steps and a review of your work performance.

Your pay will normally be determined under one of two Federal pay systems, either general schedule or wage grade.

- ◆ General Schedule (GS) - GS positions are in professional, administrative, technical, and clerical occupations. The rates of pay for employees under the GS are determined by the US Congress and are the same nationwide. However, in some high cost living areas, special rates of pay may be approved. There are 10 salary steps within each grade, and specific waiting periods for advancing to higher steps. If you are being paid at steps 1, 2, or 3, you must wait 1 year before advancing; at steps 4, 5, or 6, you must wait 2 years before advancing; at steps 7, 8, or 9, you must wait 3 years before advancing.
- ◆ Federal Wage System (FWS) - The FWS includes positions in the skilled trades and crafts and unskilled labor occupations, commonly designated by one of the following: WG, WL, WS, WD, WN, XP, XL, XS, XD, and XN. The rates of pay under this system are based on surveys of private industries in the local area and, therefore, differ throughout the nation. Your supervisor can provide information on your pay rates, salary steps, and the waiting periods between steps.

PAYDAYS

You will be paid by Thursday of every other week. There is normally a 12-day processing time between the end of the pay period and payday.

DIRECT DEPOSIT

All new employees are required to have their paychecks sent directly to their personal accounts in a financial institution of their choice through Direct Deposit/Electronic Funds Transfer (DD/EFT). Current employees who have not elected to use DD/EFT will be required to enroll in DD/EFT within 60 days after being selected for a position under a Merit Promotion announcement.

PAYROLL DEDUCTIONS

Your gross pay is subject to various deductions in determining the net amount you receive each payday. Normal deductions include Federal and state income taxes, social security, and retirement fund contributions. In addition, other deductions may include thrift savings plan, union dues, life insurance, health insurance, savings bonds, and allotments.

LEAVE AND EARNINGS STATEMENT

Each payday you will be furnished with a copy of your leave and earnings statement which will show your gross and net pay and your payroll deductions (for both the current pay period and year). It will also show how much annual and sick leave you have accrued and used, and whether you have used any LWOP. You should carefully check each statement for accuracy and inform your supervisor of any discrepancy.

OVERTIME

When considered necessary by your supervisor, you may be required to work extra hours during peak work loads, special jobs, or emergencies. When required to work overtime, you will be compensated either with premium pay or, if appropriate, compensatory time off. Premium pay generally will be one and one-half times your basic rate of pay for each overtime hour worked. Compensatory time off, if authorized, will be 1 hour off for 1 hour overtime worked. Remember, overtime work and pay is subject to the control of your supervisor. The best practice is to work only your normal tour of duty unless you are approved or directed to work overtime in advance by your supervisor.

VI. EMPLOYEE BENEFITS AND SERVICES

HEALTH INSURANCE

You may choose to enroll in the Federal Employees Health Benefits Program (FEHBP) which provides health insurance protection to you and your family. Both fee-for-service plans and prepaid plans are offered, some with high and low options, and some with dental plans. Premiums are paid automatically through payroll deductions. Temporary employees who have been employed continuously for 1 year may participate, but they pay the entire premium. Permanent employees have a portion of the premium paid by the government, the amount depending on whether the employee is full-time or part-time. You have 31 days from the time you begin your employment to select coverage. If you do not enroll at that time, or if you later want to change your coverage, you may do so during the annual open season which will be announced post-wide, or when certain changes occur in your life, such as a change in marital status. Information on FEHBP is available from Employee Benefits, 44444.

LIFE INSURANCE

You may choose to enroll in group life insurance which is available to all eligible Federal employees through the Federal Employees Group Life Insurance (FEGLI). You may elect basic coverage as well as optional coverage. The government pays one-third of the cost of basic coverage. You are automatically given basic coverage unless you sign a waiver declining coverage. You may elect optional coverage within 31 days after you begin employment. If you do not select coverage at that time, you may enroll when certain changes occur in your life, such as a change in marital or family status. At other times, employees may apply for coverage but may be required to show physical insurability.

RETIREMENT

Retirement benefits vary according to the system of coverage. Permanent employees may be covered by one of three retirement systems: The Civil Service Retirement System (CSRS), the CSRS-partial and full social security coverage, or the Federal Employees Retirement System (FERS) and full social security coverage. Certain firefighters and law enforcement officers are covered by an additional retirement benefit program. Most new employees are covered by FERS. However, if you have had prior Federal service and are covered by CSRS or CSRS-partial, you may choose FERS coverage within 6 months of employment.

Under certain circumstances, prior military service may be credited for retirement purposes. A deposit may be required to cover that period of service, and interest may be chargeable. It is advisable to clarify such matters at an early stage of your Federal employment. Questions about your retirement coverage should be directed to Employee Benefits, 44444.

THRIFT SAVINGS PLAN (TSP)

The TSP is a retirement savings and investment plan available to permanent Federal employees, regardless of the retirement system under which they are covered. TSP provides a tax-deferment on investment and interest earnings. CSRS covered employees may contribute up to 5 percent of gross salary to TSP. FERS covered employees may contribute up to 10 percent of gross salary to TSP. The government

automatically contributes an amount equal to 1 percent of the FERS covered employee's salary, regardless of whether the employee contributes. The government will also contribute an amount which equals FERS covered employees' contributions for the first 3 percent of gross salary and an amount equal to one-half of the next 2 percent of gross salary contributed. The maximum contribution made by the government to a FERS employee's TSP will be 5 percent of gross salary. Employees may invest in three different TSP funds: G-fund (government securities), F-fund (fixed income investments), and C-fund (common stock investments). Generally, you are eligible to invest in TSP during the second open season after your beginning date of employment. Open seasons occur twice per year during which you may start, increase, decrease, or stop contributions, and make changes to your designation of investment funds. Questions about your TSP should be directed to Employee Benefits, 44444.

DEATH BENEFITS

The benefits available to survivors of Federal employees depend on varying factors, such as length of service, length of marriage, and whether the death was work-related. Survivors should initially contact the supervisor of the employee, who will then contact Employee Benefits. Employee Benefits is available to counsel survivors and to assist in completion of necessary claims forms. To ensure that benefits are distributed in accordance with employees' wishes, it is recommended that employees complete forms to designate beneficiaries to receive benefits from life insurance, retirement fund, unpaid compensation, and thrift savings plan.

WORKER'S COMPENSATION

As an employee of Fort Leavenworth, you are covered by the Federal Employees Compensation Act (FECA) which provides compensation for work-related injuries, to include payment of medical expenses and compensation for time lost from work.

The Employee Benefits office can provide detailed information about FECA. Generally, if you are injured on the job, contact your supervisor immediately. You are encouraged to utilize the occupational health nurse. However, you have the right to choose to be treated by your own private physician or hospital, provided your place of treatment is within 25 miles of your home or work site. It is your responsibility, unless you are incapacitated, to ensure that your injury is documented on the proper forms within the required time frames.

- Form CA-1: Complete within 2 workdays of injury to document specific bodily injury which occurred at an identifiable time and place.
- Form CA-2: Complete within 30 calendar days after becoming aware of a disease or illness you believe is caused by your work environment.

COUNSELING SERVICES

Employee Benefits provides counseling on health and life insurance, retirement, and injury and death claims. Call 44444 to establish an appointment.

The Employee Assistance Program (EAP) provides counseling and referral services for employees who request help with personal problems that adversely effect job

SAVINGS BONDS

performance. Your supervisor can assist you in seeking such help at your request. The Occupational Health Program provides some examination, treatment, and counseling relating to the health and well-being of employees, including flu immunizations, testing for hypertension, and job-related illness or injury. Additionally, clinics and seminars are offered on issues such as smoking, stress management, and nutrition.

As a Federal employee you may participate in the payroll deduction plan for the purchase of savings bonds. Additional information may be obtained from the Civilian Pay Representative, 45711.

COMBINED FEDERAL CAMPAIGN (CFC)

The CFC serves as a one time per year, joint effort to raise funds for charitable health and welfare agencies. The CFC brings together the appeal of the United Way, National Health Agencies, and International Services Agencies. Donations are voluntary and may be made through either a payroll allotment or a single cash donation.

CREDIT UNION

The Fort Leavenworth credit union was established for the purpose of assisting employees in obtaining loans at reasonable interest rates, and providing a means of financial savings. You can contact a credit union official at 651-6575.

THRIFT SHOP

Second hand merchandise may be purchased through the Thrift Shop, building 275. Hours of operation are announced periodically in the Lamp and are posted at the main door of the Thrift Shop.

DINING FACILITIES

Several facilities are available for all employees: these include Bell Hall cafeteria, in the basement of Bell Hall; Soldier's Snack Bar, building 79; Food Court, Main Post Exchange; and Burger King. In addition, the golf course snack bar and the bowling center snack bar are available for employees during normal lunch times.

USDB SHOPS

The United States Disciplinary Barracks (USDB) provides services and products that are available for purchase by civilian employees, such as greenhouse products, bakery goods, shoe repair, upholstery, woodworking, textile repair, embroidery, screen printing, engraving, sheet metal work, car wash, and barbering.

RECREATIONAL AND LEISURE ACTIVITIES

As a Department of Defense employee you and your family members are eligible to participate in recreational and leisure activities offered at Fort Leavenworth, including the golf course, bowling centers, tennis courts, picnic grounds, fitness centers, libraries, arts and craft centers, swimming pools, fishing ponds, Rod and Gun Club, Stables/Riding Activity, and Flying Club. Civilian use may be limited to "space available" and fees are required for participation in some activities. Contact specific facilities and activities for more information. To obtain a privilege card for family member use of Moral Welfare Recreation facilities, contact 41673.

VII. GENERAL INFORMATION YOU SHOULD KNOW

The Information, Ticket and Registration (ITR) Office sells tickets to major league sports events, theater productions, and amusement parks in the surrounding area. Discounts are often available. The ITR also provides brochures and information about tourist attractions. Federal Express and UPS services are also provided.

The Frontier Army Museum contains more than 5,000 artifacts from the frontier Army period, 1817 to 1917. A gift shop offers limited edition books, prints, and historical items.

The Army Education Center (AEC) provides the opportunity to pursue a high school equivalency, associate degree, bachelor's degree, or master's degree, often without leaving Fort Leavenworth. Several major colleges are involved with this program. The AEC also offers self-study courses and classroom training on many subjects for employees' self-development and improvement of job skills.

TRAFFIC REGULATIONS

The speed limit on Fort Leavenworth is 20 miles per hour, unless otherwise posted. Parking spaces are designated by white lines. Parking on grassy areas is prohibited. Driving while intoxicated is a serious violation and penalties are severe. Wearing of seat belts is mandatory on Fort Leavenworth and on Kansas roads. Motorcyclists are required to wear helmets, eye protection, gloves, long pants, long sleeves, and reflector vest or clothing. Joggers and walkers along the roadways have the right-of-way. Bicycling is prohibited on Grant Avenue, but is permitted on the adjacent sidewalk and on other streets.

APPROPRIATE WORK CLOTHES

Generally, it is expected that clothing worn by Fort Leavenworth civilian employees will be in keeping with good taste and decorum. Appropriate dress information for your work area is available from your supervisor.

OFFICIAL TRAVEL

If you are directed to travel for mission-related assignments or for training purposes, you may be reimbursed for travel expenses and receive a per diem allowance.

SEVERE WEATHER DISMISSAL

Occasionally severe weather conditions, such as icy roads, may warrant delaying the opening of Fort Leavenworth for normal business. If severe weather occurs overnight, notification is made to each activity's severe weather point of contact (POC). The POC then initiates notification of non mission essential employees. To ensure prompt notification, you should promptly report any change in your telephone number to your supervisor. Information provided by local radio and television media is used to supplement notification procedures. However, if you have not been otherwise advised by your activity, you are expected to report for work at your normal time, or to request appropriate leave.

RESPECT TO THE FLAG

During the hoisting and lowering of the flag, or when the flag is passing in a parade or in a review, you should stand and face the flag with your right hand over your heart. Respect will also be rendered whenever the "National Anthem" or "To The Colors" is played. Men wearing a hat will remove the hat with the right hand and hold the hat at the left shoulder with the right hand over the heart. Women need not remove hats, but salute by placing the right hand over the heart.

INFORMATION SOURCES

Pertinent publications will be posted or circulated as issued and should be read regularly. These will provide information on job vacancies, regulations, new or revised policies and procedures, general information, and scheduled activities. Although your supervisor is your primary source of information, other sources include

- Department of Army and CAC and Fort Leavenworth regulations
- the Fort Leavenworth Bulletin

RECOGNIZING MILITARY RANK

- the Civilian Employee Bulletin
- Activity official bulletin boards
- the Lamp

RETAINING INFORMATION

You should review all pamphlets and brochures you received when you completed the in-processing on your first duty day. These documents are important to you and your family, and should be kept in a secure place with other important personal records.

MILITARY INSIGNIA

It is important for you to know the rank of Army personnel. A guide of officer and enlisted insignia of rank is provided on the following page.

FINAL NOTE

Keep this manual with your permanent records. As situations occur and you make job decisions, this handbook will be a continuing source of information. If after careful reading, you still have questions or need more information, ask your supervisor or inquire at the CPAC.

ENLISTED		WARRANT					OFFICERS																		
E-1 PRIVATE (NO MARCH)	E-2 PRIVATE	E-3 PRIVATE FIRST CLASS	E-4 CORPORAL	E-5 SERGEANT	E-6 STAFF SERGEANT	E-7 SERGEANT FIRST CLASS	E-8 FIRST SERGEANT	E-9 COMMAND SERGEANT MAJOR	E-9 SERGEANT MAJOR OF THE ARMY	W-1 WARRANT OFFICER	W-2 CHIEF WARRANT OFFICER	W-3 CHIEF WARRANT OFFICER	W-4 CHIEF WARRANT OFFICER	W-5 MASTER WARRANT OFFICER	O-1 SECOND LIEUTENANT (COLT)	O-2 FIRST LIEUTENANT	O-3 CAPTAIN	O-4 MAJOR (COLT)	O-5 LIEUTENANT COLONEL	O-6 COLONEL	O-7 BRIGADIER GENERAL	O-8 MAJOR GENERAL	O-9 LIEUTENANT GENERAL	O-10 GENERAL	SPECIAL GENERAL OF THE ARMY

DEPARTMENT OF THE ARMY
HEADQUARTERS
U.S. ARMY COMBINED ARMS CENTER AND FORT LEAVENWORTH
Fort Leavenworth, Kansas 66027-5000

CAC & FFLVN Pamphlet
No. 690.4

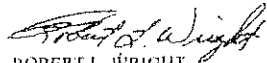
1 September 1997

Civilian Personnel
EMPLOYMENT HANDBOOK

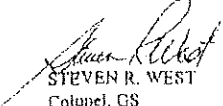
The proponent agency of this pamphlet is the Civilian Personnel Advisory Center. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Commander, U.S. Army Combined Arms Center and Fort Leavenworth, ATTN: ATZL-GCP, Fort Leavenworth, KS 66027-1361.

FOR THE COMMANDER:

OFFICIAL:



ROBERT L. WRIGHT
Director, Directorate of
Information Management



STEVEN R. WEST
Colonel, GS
Chief of Staff

DISTRIBUTION:

E
600 - ATZL-GCP
400 - ATZL-IMM-AP
5 - ATZL-SWS-L

MEMORANDUM FOR RECORD

SUBJECT: Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

1. References.

a. Secretary of the Army memorandum, September 7, 2010, subject: Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas –(Office of Special Counsel File Number DI-10-3098).

b. U.S. Office of Special Counsel Letter, August 17, 2010, subject: OSC File No. DI-10-3098.

c. Combined Arms Center memorandum, September 23, 2010, subject: Appointment as Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation – Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas – (Office of Special Counsel File Number DI-10-3098)

2. This Memorandum for Record is to clarify questions that arose during the legal review process concerning my investigation pursuant to 1.c. above. Specifically, the question about the manner in which [REDACTED] Supervisory Operations and Maintenance Manager (GS-13) notified his employees that gambling on government time was illegal.

a. In my interview with [REDACTED] stated that he put out a memorandum concerning playing cards for money. He further reminded his employees that "gambling on government time was illegal." In a follow up conversation with [REDACTED] he indicated that the memo/flyer mentioned in original statements was actually an email that he sent to his two subordinate supervisors, [REDACTED] and [REDACTED]. [REDACTED] went on to say that he directed both supervisors to inform the employees immediately. [REDACTED] could not locate the email in his records, believing that he deleted it months ago before the present investigation began.

b. I spoke to [REDACTED] Supervisory Facility Management Specialist (GS-12). He confirmed that, in fact, the notification from [REDACTED] was in the form of an email. He could not recall if he and [REDACTED] were the only recipients, but confirmed the nature of the email. He also indicated that he had printed the email and placed in on

End
End 8

the employee bulletin board. He no longer had the email in his records, but had deleted it several months after the incident (Summer of 2010).

c. I contacted [REDACTED], Supervisory Facility Management Specialist (GS-12), and he also remembered that the memo from [REDACTED] was actually an email. He reiterated his previous statement [REDACTED] that he had a meeting with his employees and told them that card playing for money was illegal. [REDACTED] also indicated that he had deleted the email months ago.

3. Through the course of these follow up interviews, I found no evidence that would contradict the information contained in the original Report of Investigation.

4. POC for this action is the undersigned at [REDACTED]

[REDACTED]
COL, FA
Investigating Officer

ETHICS BRIEFING

OFFICE OF THE STAFF JUDGE ADVOCATE
FORT LEAVENWORTH, KANSAS



CPT [REDACTED]
Administrative Law Attorney

First, a Lawyer Joke

As the lawyer woke up after surgery, he asked, "Why are all the blinds drawn?"

The nurse answered, "There's a big fire across the street, and we didn't want you to think the operation was a failure."



ROADMAP

1. **Government Resources**
 - Equipment, time, communications, and the Internet
2. **Government Travel**
 - Routine TDY, Government and Rental Vehicles, Commercial Air
3. **Political Activities**
4. **Gifts**

KEY POINTS

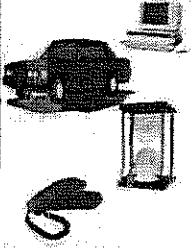
1. **CHECK WITH YOUR SUPERVISOR.**
2. **USE YOUR ETHICS COUNSELORS.**
3. **WHAT WOULD THE TAXPAYER THINK?**

Encl 9

Encl 9

USE OF GOVERNMENT RESOURCES

1. Equipment
2. Time
3. Communications
4. Internet Access
5. Transportation




CONCEPTS

- Official v. Authorized Use
 - Official: What is necessary to get your job done.
 - Authorized: Personal use but still within the scope of permissible use.

EQUIPMENT


(Computers, Copiers, Printers)

- Reasonable use – cost, frequency, duration.
- Bring your own paper, use on weekends?
- But in the end, your supervisor must make this determination.



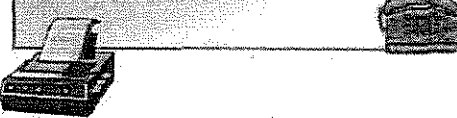
GOVERNMENT TIME

- Official time is dedicated to the performance of duties.
- Union and professional development activities may be authorized.
- Official personnel matters may be handled on Government time.
- Subordinates can never be ordered to work on personal or unofficial matters.



COMMUNICATIONS (at Government expense)


- **Genuine personal emergency**
- **When approved, during extended deployment or TDY**
- **Notifying family of changes in travel**



COMMUNICATIONS (no cost to Government)

Limited personal communications may be authorized at your office when—

- **No adverse impact on official duties;**
- **Reasonable duration and frequency;**
- **Does not adversely reflect on the Government;**
- **Does not overburden communications; and**
- **No significant cost to DoD (no long distance charges).**





INTERNET Individual User

PROHIBITED:

- Commercial or personal business;
- Chain letters, dirty jokes, ethnic slurs
- Downloading porn; and
- Security violations.

MAY BE AUTHORIZED:

- Brief personal messages;
- Net search for official/professional use; or
- Web browsing on personal time.

GOVERNMENT TRAVEL (Do's & Don'ts)

Government Vehicles

Rental Vehicles

Airlines

A quick little story...

A truck owned by United States military often turned up in a residential neighborhood during business hours. An investigation ensued, which involved surveillance of the neighborhood.

Ultimately, a government mechanic admitted to having problems with substance abuse and depression and to using the truck at times to return home allegedly to retrieve tools and to "chill out" sometimes for two hours.

The mechanic was given the mandatory minimum penalty: a 30-day suspension.

Government Vehicles

Use restricted to official purposes

- Use must further the Army mission.
- Is vehicle being used for its intended purpose?
- Command determination.
- Cannot be based on rank, position, or prestige.

GOVERNMENT VEHICLES

Impermissible Uses:

- Transport to private social events.
- Personal errands.
- Transport Dependents/Visitors without escort.
- Transport to after-hours official functions without prior approval (when approved, must begin and end at duty station).
- Attendance at official ceremonies in personal as opposed to official capacity.



GOVERNMENT VEHICLES

Home to Work

- Transporting individuals between residence and the workplace is prohibited.

Exceptions

- Law enforcement personnel (e.g., CID).
- Field work.
- Certain emergencies or compelling operational need considerations.

GOVERNMENT VEHICLES

Penalties For Unauthorized Use:

Civilian:

- *Shall be suspended without pay for at least one month (mandatory penalty).*
- *May be removed from the Federal Government when circumstances warrant.*

Military:

- *Subject to UCMJ or administrative procedures.*

GOVERNMENT TRAVEL

Rental Vehicles

SAME RULES AS GOVERNMENT VEHICLES



GOVERNMENT TRAVEL

Airlines

Accommodations:

- Official travel will be coach class.
- First Class travel exceptions:
 - No other accommodations available;
 - Disabled employee requires; and
 - Exceptional security circumstances.
- You may upgrade your seat using your own resources.

GOVERNMENT TRAVEL

FREQUENT FLIER MILES

Effective 31 December 2001, DoD personnel may retain frequent flier miles obtained from official business travel for their personal use.

This rule is retroactive, which means that it applies to promotional items received before, on, or after 31 December 2001.

GOVERNMENT TRAVEL Upgrades

May accept on-the-spot upgrades not offered because of your official position

Coupons from "Airline Clubs" are yours to keep

Bumps

Voluntary Bump - You can keep

Involuntary Bump - Uncle Sam Keeps

The Hatch Act

Participating in Partisan Politics



Violate the Hatch Act?

An election was coming up and one enterprising young Federal employee called his ethics officer to inquire whether it was permitted, under the Hatch Act Amendments, to stuff ballot boxes!

What Is a Partisan Activity?



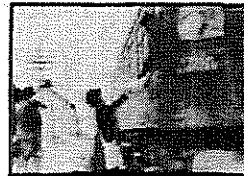
The 2008 and 2012 Republican National Conventions in Tampa, Florida and in Phoenix, Arizona, respectively. (AP/Wide World)

An activity is "partisan" if it's related to an elected public office or an election in which:

- Any candidate running is a representative of a political party, and
- That political party had a candidate for President who made it on the ballot in at least one state and whose electors received at least one vote in the last presidential election.

What Is a Non-partisan Activity?

Any activity not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance, etc., would be considered non-partisan.



You May NOT:



- Wear a uniform or official insignia identifying your office or position while participating in political activities.
- Wear a political badge or button on government premises.

You May Not:



- Use government facilities, equipment or supplies for political activities.
- Attend political events during duty hours.
- Use a government office to hold any meetings with campaign staff.
- Solicit, accept, or receive uncompensated volunteer services from a subordinate.
- Solicit or discourage political activity of anyone with business pending before you.
- Write or assist others in writing political speeches on official time.

**You May Not Place
partisan bumper stickers
on government vehicles.**

You may have 1 partisan bumper sticker
on your personal vehicle parked in a
government parking lot.



GIFTS

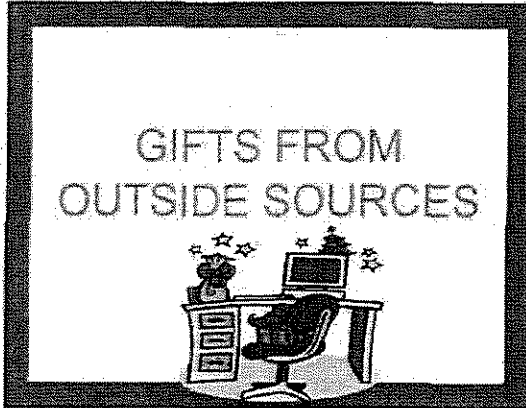
A Thing of Value...

A Government inspector referred business to his
brother-in-law's repair shop. The rig operators
smelled a rat and called the FBI. They discovered that,
in return for each referral, the brother-in-law was
treating the inspector to an evening with a lady of
dubious morals.

In his defense, the inspector claimed that he had not
received a "*thing of value*" in return for the referral.
The judge didn't buy it - and neither did his wife.

BEDROCK STANDARDS


- Employees shall not solicit or accept a gift
from a person seeking official action from,
doing business with, or conducting
activities regulated by the employee's
agency
- Employees shall not use public office for
private gain



Gifts from Outside Sources


"Prohibited Source" includes any person or entity that:

- is seeking official action
- does or seeks to do business
- is regulated by
- has interests substantially affected by employee's official duties
- organization whose majority is made up of one or more of the above



Gifts from Outside Sources

Indirect gifts given to:



- parent, spouse, sibling, child, dependent relative because of that person's relationship to the employee
- any other person, including charity, on the basis of designation, direction or recommendation of the employee

Gifts from Outside Sources

"Official Position" Test


- Gift would not have been solicited, offered or given had the employee not held the status, authority or duties associated with his position

☆☆☆☆

Gifts from Outside Sources

A Practical Approach (3 part analysis)


- Is it a gift (exemption)?
- Is there an exception?
- Would acceptance undermine Government integrity?



GIFTS FROM OUTSIDE SOURCES

Question #1 - Is it a Gift?


- Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or any other item having **monetary value**
- It includes services
- It includes gifts of training, transportation, travel, lodging and meals



Gift Exemptions


FOOD AND REFRESHMENTS
(the coffee and donut rule)

- modest amounts
- not part of a meal



Gift Exemptions

GREETING CARDS and items with little intrinsic value such as plaques, certificates and trophies which are intended solely for presentation



Gift Exemptions

REWARDS AND PRIZES given to competitors in contests or events

- open to the public
- entry not part of official duties



Gift Exemptions

DISCOUNTS AND BENEFITS

- available to general public
- available to all Government employees
- available to all military personnel



Gift Exemptions

- Paid for by U.S. Government or secured under contract
- Paid for by employee
 - Fair Market Value
- Accepted by government under statute



GIFT EXCEPTIONS

Question # 2 – Exception?

GIFTS OF \$20 OR LESS

- \$20 per source, per occasion
- \$50 max per source, per year
- FMV is retail value of the gift
- No cash or investment instruments
- Can decline items to keep it at \$20 or under but may not pay differential over \$20



Gift Exceptions

GIFTS BASED ON PERSONAL RELATIONSHIP

- family relationship
- personal friendship



INTEGRITY



Question # 3 – Does acceptance undermine Government Integrity?

Even if an exception applies, an employee may not:

- solicit or coerce the offering of a gift
- accept a gift in violation of statute
- accept gifts from the same or different sources so frequently that a reasonable person would question integrity
- accept Vendor Promotional Training

DISPOSITION OF IMPROPER GIFTS

- Tangible items - return gift or pay FMV
- Intangible items - pay FMV
- Perishable items - after consulting with supervisor or ethics counselor:
 - donate to charity
 - share within office
 - destroy



GIFTS BETWEEN EMPLOYEES



Gifts Between Employees

- SOLICITATION
- Authorized for special infrequent occasions and for food and refreshments to be shared in the office
 - voluntary contributions
 - nominal amounts (\$10), although employees are free to donate more
 - JER 2-203.b



Gifts Between Employees

- APPROPRIATE TO THE OCCASION
- \$300 per donating group
 - aggregate gifts if employee is in more than one donating groups
 - gifts to spouses
 - exclude food and entertainment at event marking departure
 - pieces of a larger gift



Gifts Between Employees

- Gift from donating group may exceed \$300 when:
 - appropriate to the occasion
 - termination of superior-subordinate relationship
 - "it is uniquely linked to the departing employee's position or tour of duty and commemorates the same"



415 Custer Avenue

Building 244 Fort Leavenworth, KS 66027

CPT Flanagan.....(913) 684-4954

One Last One...

Q: What's wrong with Lawyer jokes?

A: Lawyers don't think they're funny,
and nobody else thinks they're jokes.

1 8 APR 2011

MEMORANDUM FOR RECORD

SUBJECT: Appointing Authority Direction on Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation - Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas - (Office of Special Counsel File Number DI-10-3098)

1. I have been briefed on the results of the subject AR 15-6 Investigation. The Findings of the Investigating Officer are APPROVED.

2. Action on Recommendations:

a. INDIVIDUAL ACCOUNTABILITY OF CIVILIAN EMPLOYEES: The Report of Investigation (ROI) is referred to the Garrison Commander for such action as he deems appropriate, to include referral of portions of the ROI to a individual employee's immediate supervisor. Supervisors are directed to confer with the Fort Leavenworth Civilian Personnel Office and the Labor Counselor in the Office of the Staff Judge Advocate as necessary. Copies of all adverse actions will be appended to the ROI once complete.

b. INDIVIDUAL ACCOUNTABILITY OF THE ACTIVE DUTY OFFICER: MAJ [REDACTED] assigned to Headquarter and Headquarters Company, Combined Arms Center, with duty in the Command and General Staff College Directorate of Education Technology, will receive a written admonition from me for his participation in the football pool. A copy of the admonition with the filing decision will be appended to the ROI once complete.

c. NEW EMPLOYEE HANDBOOK: The Report of Investigation is referred to the Garrison Commander to develop and publish a new and updated New Employees Handbook. The handbook will discuss the prohibition found in Title 5 CFR Part 735.201, that gambling, pools or other games of chance involving exchange of money or items of value are not permitted in the federal workplace. A copy of the updated handbook will be appended to the ROI once complete and published.

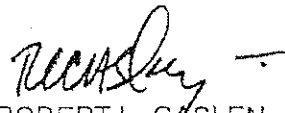
d. TRAINING DEFICIENCY: The Report of Investigation is referred to the Garrison Commander to develop training materials to educated both new employees and current employees on the prohibition found in Title 5 CFR Part 735.201, that gambling, pools or other games of chance involving exchange of money or items of value are not permitted in the federal workplace. A copy of the briefing slides used to fulfill this requirement will the appended to the ROI with a cover memorandum generally describing the type of training and frequency of training.

Tal G Tal G

ATZL - SJA

SUBJECT: Appointing Authority Direction on Findings and Recommendations of Investigating Officer under Army Regulation (AR) 15-6 for Whistleblower Investigation - Department of the Army, Directorate of Logistics/Directorate of Public Works (DOL/DPW), Fort Leavenworth, Kansas - (Office of Special Counsel File Number DI-10-3098)

3. The Office of the Staff Judge Advocate will maintain a copy of the investigative file and collect the written reports directed above. The Combined Arms Center's G-3 Tasking authority will be utilized to ensure and document compliance.


ROBERT L. CASLEN, JR.
Lieutenant General, USA
Commanding



UNCLASSIFIED//FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY COMBINED ARMS CENTER AND FORT LEAVENWORTH
415 SHERMAN AVENUE UNIT 1
FORT LEAVENWORTH, KANSAS 66027-2300

REPLY TO:
ATTENTION DF:

ATZL-CG

02 MAY 2011

MEMORANDUM MAJ [REDACTED] Directorate of Education Technology,
Command and General Staff College, Fort Leavenworth, KS 66027

SUBJECT: Letter of Admonition

1. You are hereby admonished for gambling in a federal workplace in violation of 5 C.F.R. Part 735.201. Specifically, during the 2009 NFL season, you participated in a football pool where cash was collected and cash prizes were awarded. The football pool involved yourself and 24 other federal civilian employees. The pool was run out of civilian employee's offices while the employees were working.
2. Your failure in judgment is unacceptable. As an officer and leader, you are expected to adhere to and enforce appropriate standards and policies at all times. Gambling of any kind in a federal workplace with fellow employees, regardless of whether they are your subordinates, peers or superiors, violates federal law and negatively impacts the professionalism of the workplace. In the future, I expect your conduct to conform to all relevant and applicable rules and regulations.
3. This Admonition is imposed as an administrative measure and not as punishment under Article 15 of the Uniform Code of Military Justice. I am not considering filing this Admonition in your Official Military Personnel File. However, I will consider any matter that you wish to submit in rebuttal. You will acknowledge receipt of this communication and return the memorandum with your comments within 7 calendar days of receipt.


ROBERT L. CASLEN, JR.
LTG, USA
Commanding

UNCLASSIFIED//FOR OFFICIAL USE ONLY

ITEM 25

MEMORANDUM FOR Commander, Combined Arms Center, Fort Leavenworth, KS

SUBJECT: Acknowledgement of Receipt of Admonishment

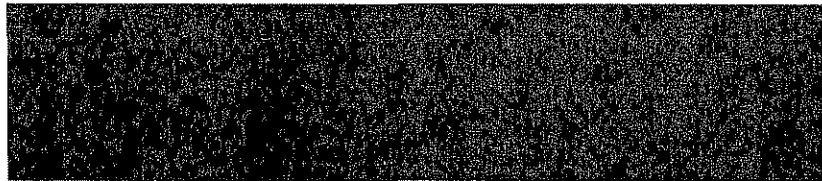
1. I have read and understand the admonition, which I received on 31 MAY 11.

2. I acknowledge that I have the opportunity to respond by submitting matters in defense, extenuation or mitigation. If I choose to submit written matters, I understand that I must submit them to my immediate commander within seven calendar days.

3. I select (initial):

Not to submit any matters.

To submit written matters within seven calendar days. I understand that if I select this option, but do not submit written matters within seven calendar days, I waive my right to respond.



MAJ,
Respondent



Standards of Conduct:

All Army civilian employees are expected to:

- a. Report promptly to work in a condition that will permit them to perform assigned duties (i.e., in appropriate clothing, ready for work).
- b. Provide efficient and industrious service in the performance of assigned duties.
- c. Notify their supervisor if insufficient work is assigned at any given time.
- d. Give ready response to directions and instructions received from their immediate supervisor, or higher-level supervisors in their supervisory channel.
- e. Exercise courtesy and tact in dealings with fellow workers and the public.
- f. Maintain a clean and neat personal appearance, appropriate to the climate and nature of work, to the maximum extent practicable during working hours.
- g. Conserve and protect Federal funds, property, equipment and materials.
- h. Consistently conduct themselves in a manner that is above reproach.
- i. Uphold with integrity the public trust involved in the position to which assigned.
- j. Be responsible for performing their work to the best of their ability in accordance with instructions furnished by the supervisor.
- k. Refrain from participation in gambling activities, including lotteries, pools, games for money or property, or the sale or purchase of number slips or tickets.
- l. Safeguard public information.
- m. Maintain a high standard of personal responsibility with regard to private financial obligations.



SECTION 6

Military Rank and Insignia

In understanding the Army, it is helpful to recognize military rank structure. The chart below will help you to learn the military insignia and rank structure for Enlisted, Warrant Officers, and Officers:

ITEM 2c

Gambling Note:

- While on Government-owned or leased property or while on duty for the Government, an employee shall not conduct, or participate in, any gambling activity including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or selling or purchasing a number slip or ticket.

USAG Fort Leavenworth, KS


Installation Management Command (IMCOM)



Combined Arms Center (CAC)

LTG Rick Lynch (*Commanding General*)
 MG Al Aycock (*Deputy Commanding General*)

LTG Robert L. Caslen, Jr. (*Commanding General*)
 SES Dale A. Ormond (*Deputy to the Commanding General*)

IMCOM West

CPAC


US Army Garrison
 COL Wayne A. Green
 (*Commander*)

Mr Jack E. Walker
 (*Deputy to the Garrison Commander*)
 (*Garrison CSM*)

DRM
PAIO
Admin

**GARRISON
 MGMT &
 CONTROL
 OFFICES**

INSTALLATION SUPPORT DIRECTORATES

DFMWR DHR DOL / DPW DES DPTM NEC - Ft Lvn (DOIM)

ACES AG
 ACAP ASAP

OPCON to AMC (1 Oct)

PMO
 Fire Protection

INSTALLATION SUPPORT OFFICES

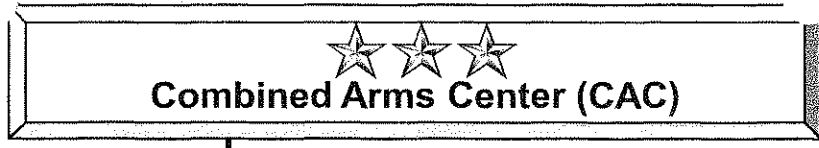
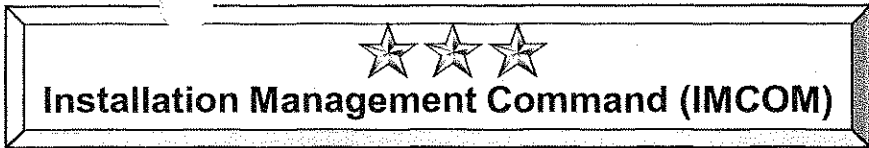
MICC (DOC) SJA PAO CHAPLAIN EEO SAFETY IRACO

COALITION OF PARTNERSHIPS

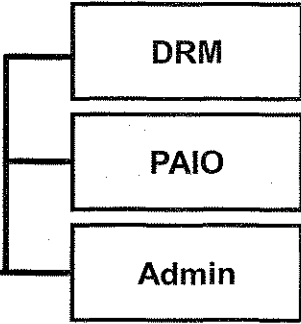
AAFES DeCA MEDCOM VETCOM CGSC BCTP STB 15TH MP Bde

TalH

H1

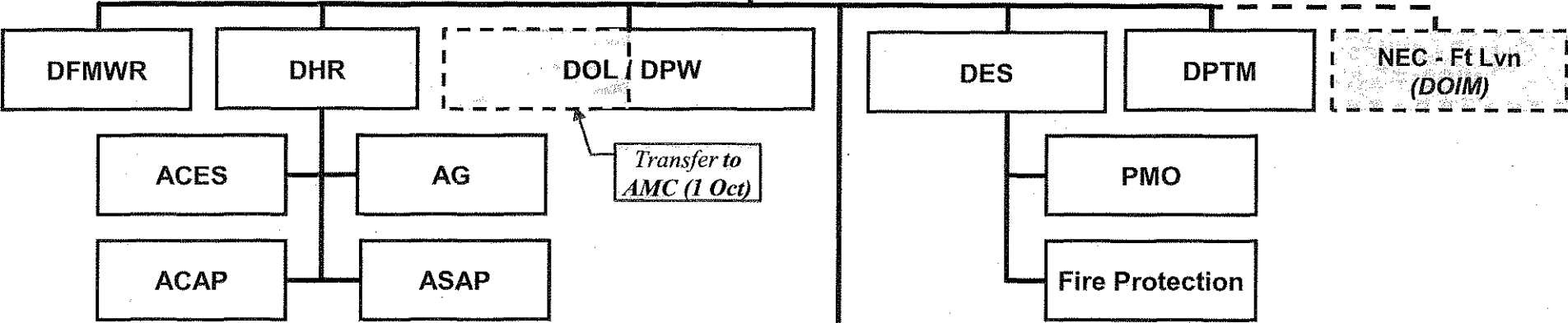


Personnel Assigned:
472 (OMA)
318 (NAF)
As of: 1 Apr 2011



GARRISON
MGMT &
CONTROL
OFFICES

INSTALLATION SUPPORT DIRECTORATES



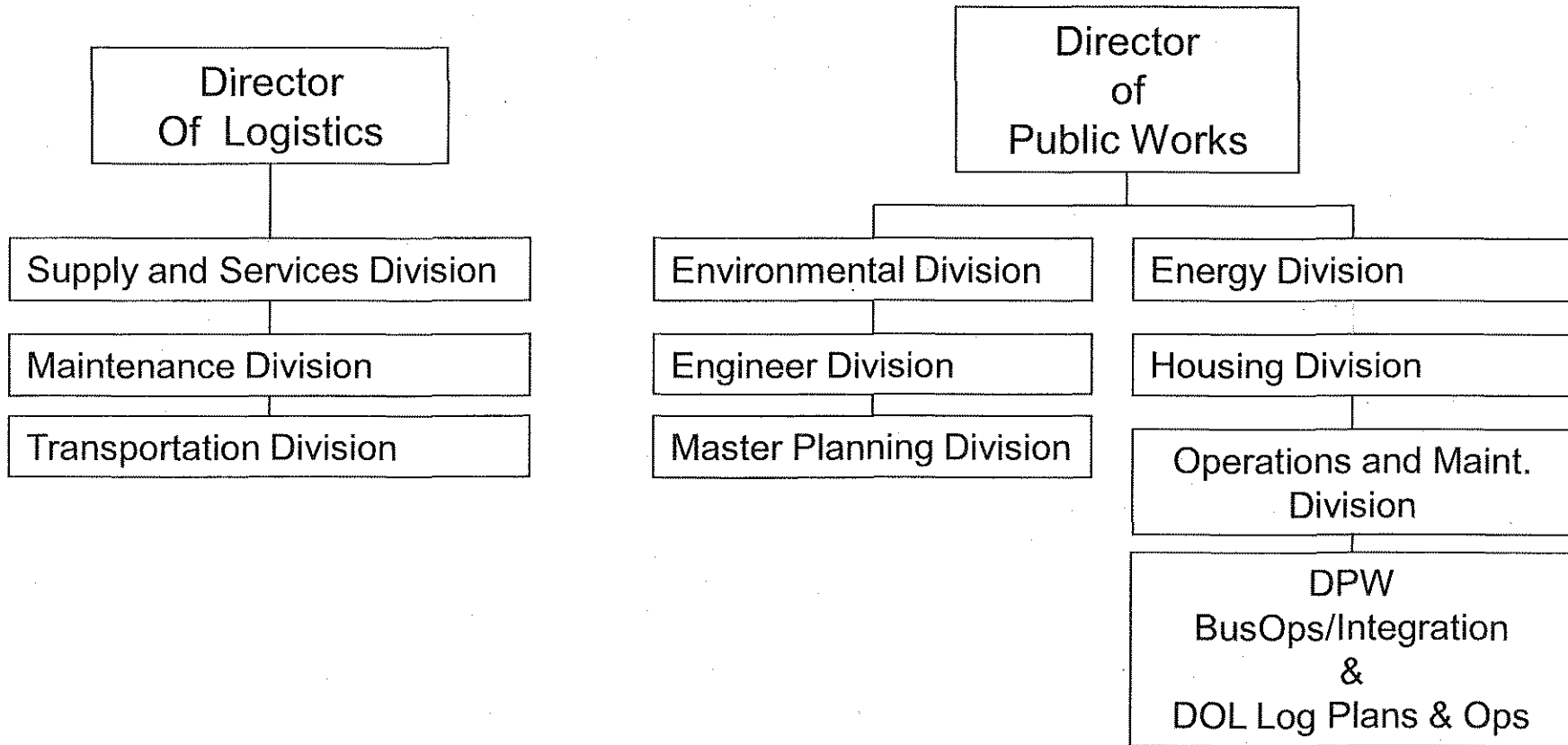
INSTALLATION SUPPORT OFFICES



COALITION OF PARTNERSHIPS

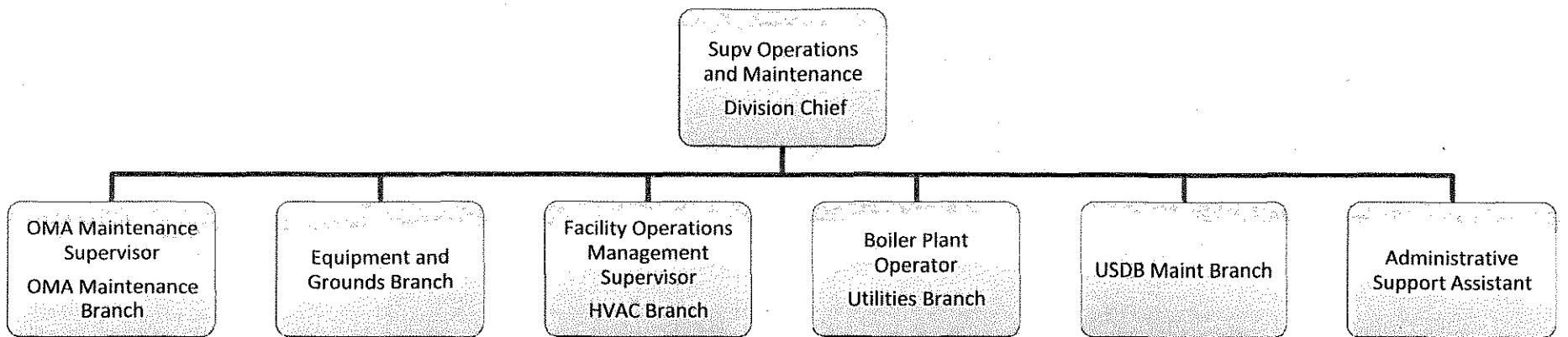


Directorate of Logistics/ Directorate of Public Works (DOL/DPW)

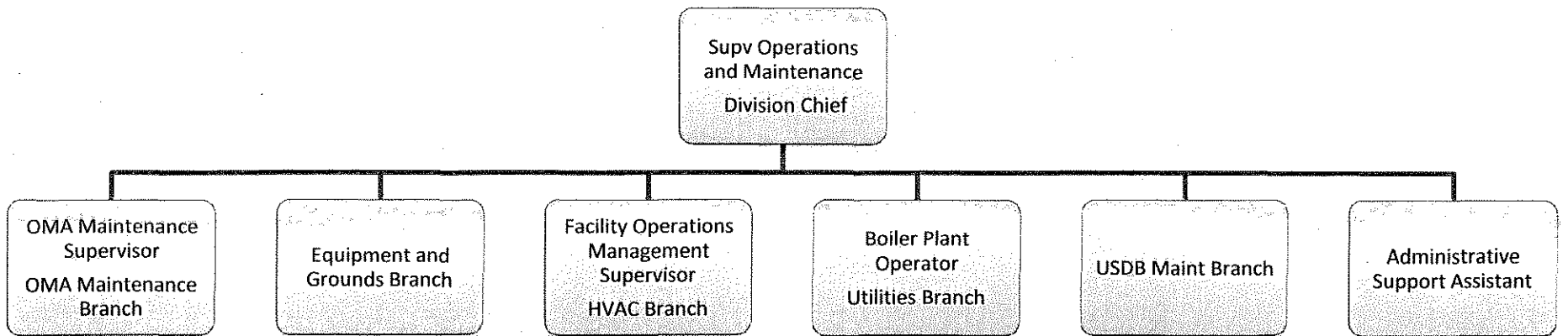


Updated: Jan 2011

H-2

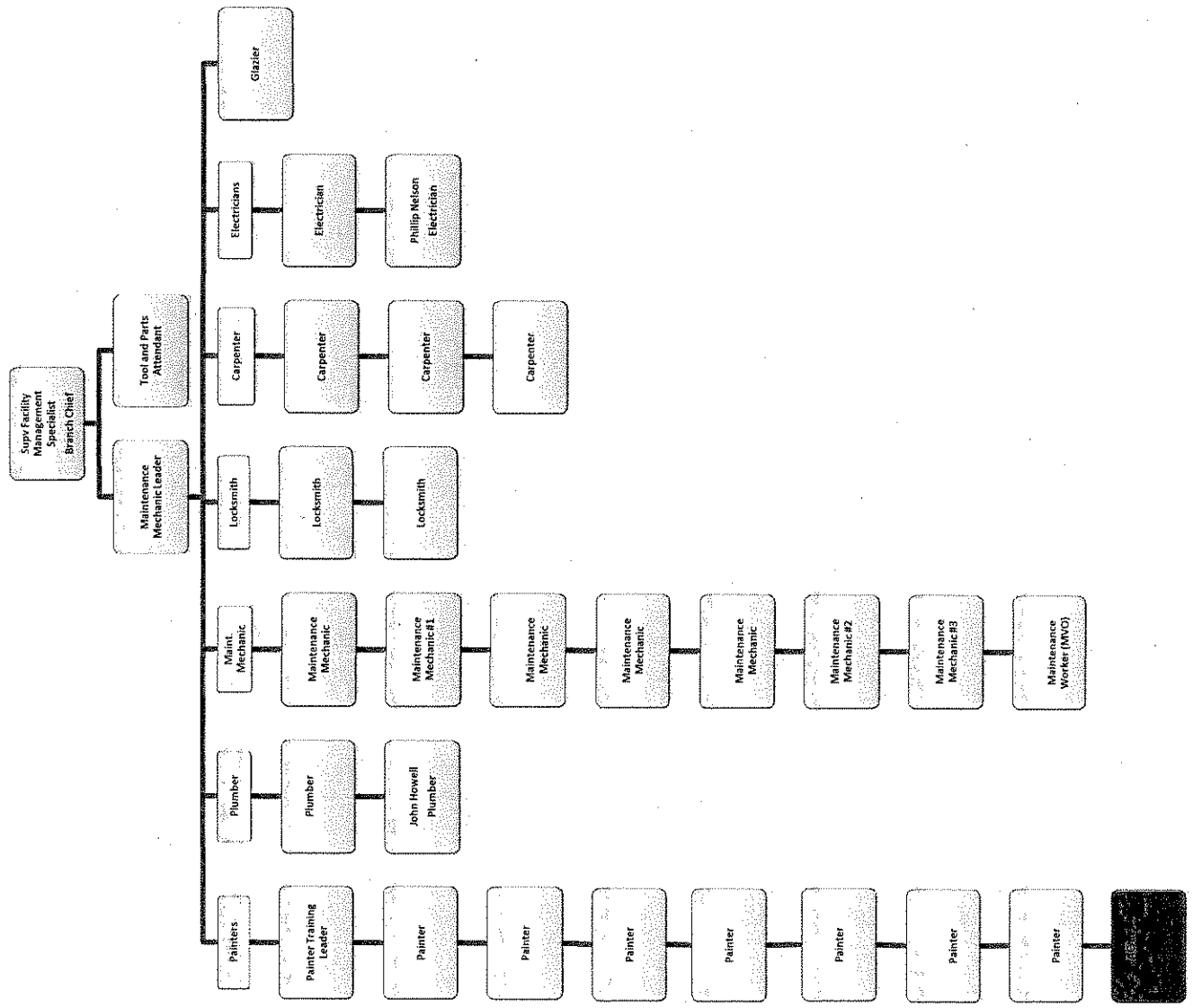


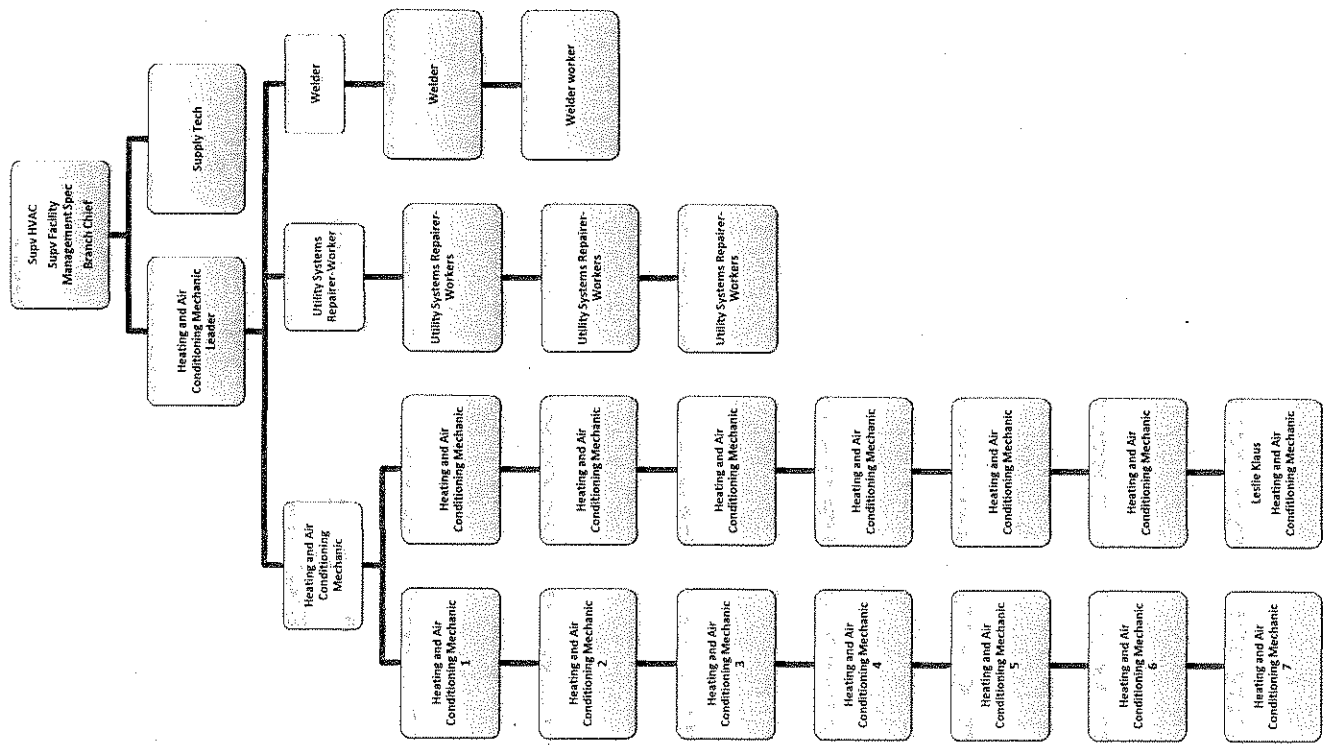
H-3



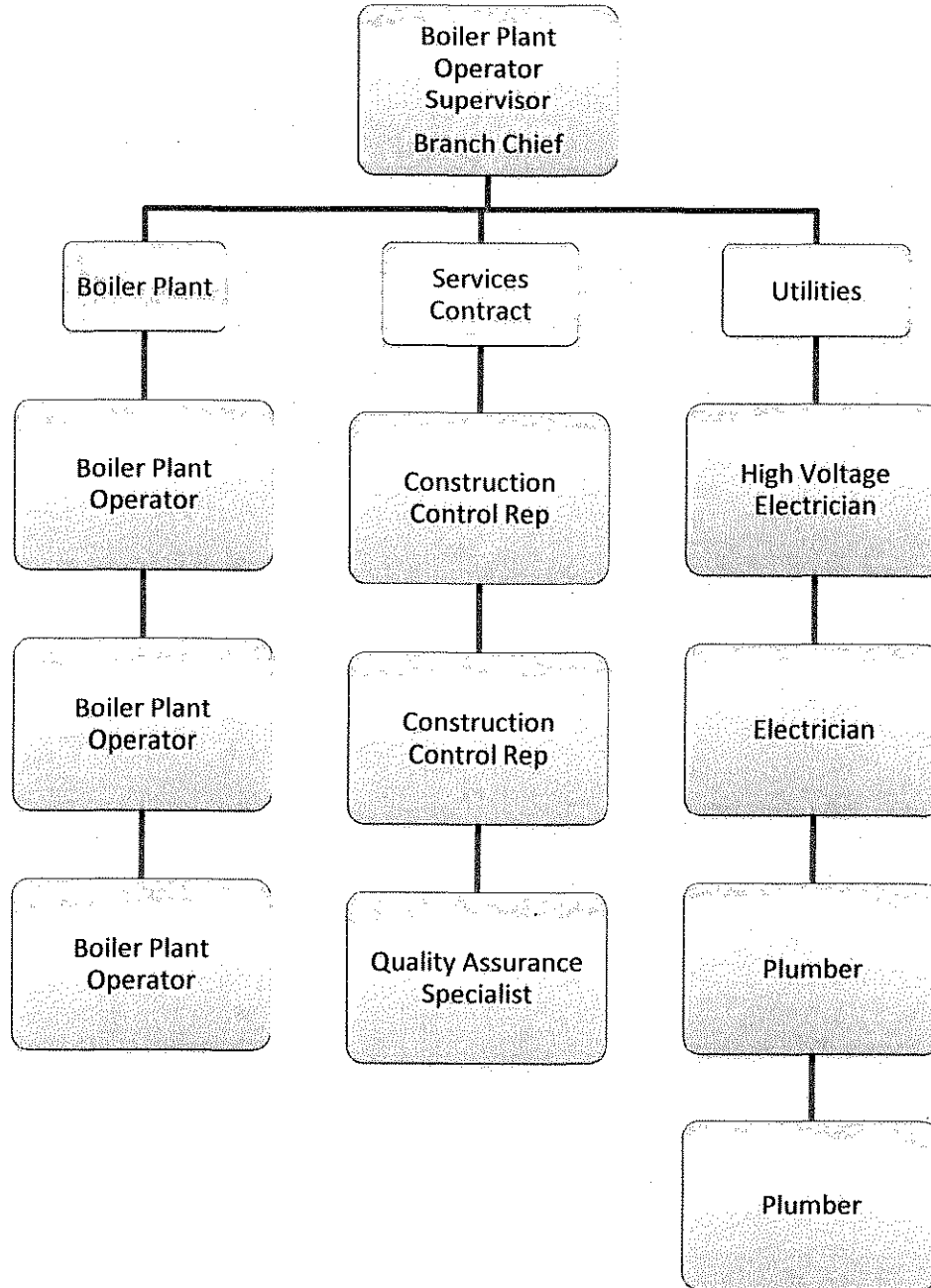
A3

Hand

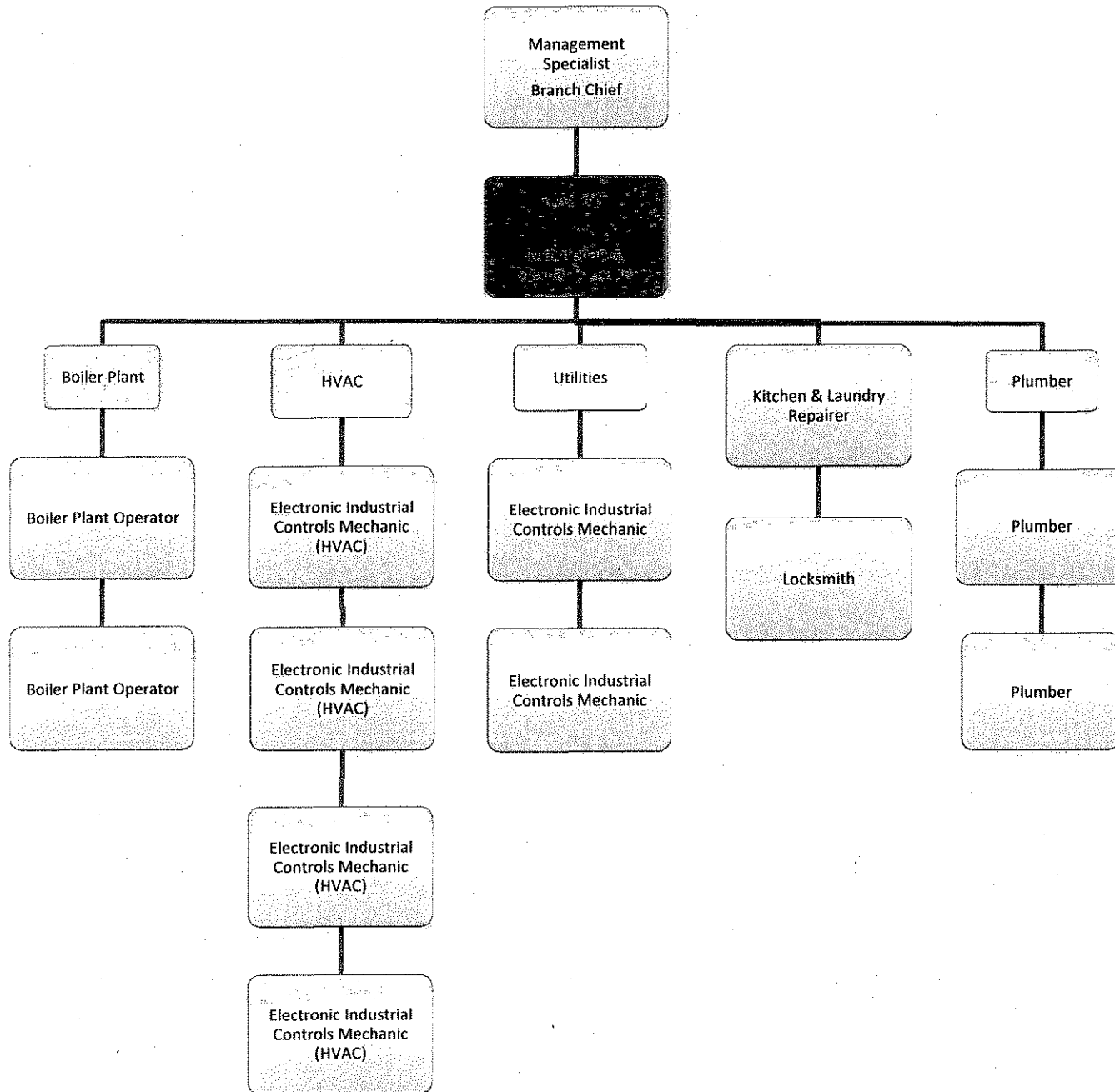




H-6



H-7



H-8



Tab I

Witness Listing for Army Report --DI-10-3098—*copy only in unredacted Army Report version*